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# 1AC

Part 1: Interpretations:

1. Merriam-Webster[[1]](#footnote-1) defines prioritize as “to list or rate (as projects or goals) in order of priority” so prioritizing environmental protection over resource extraction means regarding environmental protection as a more important goal than resource extraction. Prioritizing environmental protection over resource extraction describes a state in which an agent—the developing country—regards environmental protection as more important than resource extraction. Nebel[[2]](#footnote-2)

I hear that many affirmatives on this topic defend the implementation of a particular policy or set of policies in developing countries. The classic framing of this issue has been in terms of an Aims vs. Implementation dichotomy, which has carried over from the Jan/Feb 2013 topic about valuing rehabilitation above retribution. In this article, I’ll explain why I think that is a false dichotomy, and how you can strategically get past this framing of the issue.  The most important word in the resolution, for the purposes of this disagreement, is ‘prioritize.’ This is because a topical affirmative advocacy has to do the thing that the resolution says ought to be done. In this case, that’s prioritization. Now, if you just stop there, you might have the following thought: if a topical advocacy just needs to prioritize environmental protection (EP) over resource extraction (RE), then implementing some particular policy that prioritizes EP over RE is, ceteris paribus, topical. But that’s not a good inference. The reason is that **what has to do the prioritizing** in order **to be topical is the** agent**.** Your advocacy must be that the agentprioritize EP over RE, whatever that means. In this case, that agent is ‘developing countries.**Just because an agent implements some policy** or set of policies **that prioritize[s] EP over RE does not mean** that **the agent itself prioritizes EP over RE**. This may seem like a picky distinction, but consider some examples. **Suppose I chose to spend time with my friends** tonight, **rather than work on a paper**. This choice might prioritize friendship over work. But **this** choice **does not make it the case that**I**prioritize friendship over work**. **I might** actually be the kind of person who **prioritize**s **work over friendship, so that I** almost **always choose to write a paper** when I could instead hang out with friends, **but this night** is the rare opportunity when **I hang out with my friends**. So, just because some choice or action prioritizes one thing over another does not entail that the agent prioritizes one thing over another. If we assume that an advocacy is topical only if it makes it the case that the agent does what the resolution says it ought to do, then this means that **implementing a particular policy that prioritizes EP over RE is not enough to be topical**. (That is, absent evidence about this policy having the effect of changing developing countries’ priorities as a whole. But then this advocacy might only be effects-topical.)

Prefer this interpretation:

A. Common Usage- the first result on 9 dictionaries[[3]](#footnote-3) defines prioritize as to rank in priority, not take an action. My interpretation is the most predictable because dictionary entries reflect how words are used in the real world. The Nebel evidence also indicates prioritize in the English language is evaluate in context of the agent- belief changes reflect prioritization, not individual actions. Predictability is key to fairness because it forms the basis of mutual pre round prep.

B. Predictable Limits- there are over 150 developing countries each with multiple extractive industries, ranging from natural gas to rare earth metals, and under a policy implementation only view the aff can defend any one of them. That massively underlimits, the topic, generating an infinite case list. My interp constrains the aff to defending the most significant policies in the lit that require changes in belief. Nebel 2

**People might respond with a definition of EP or RE in terms of policies**. This definition might show that the objects to be prioritized are sets of policies, or some common feature of policies, rather than an abstract aim. But the relevant question is not Aims vs. Implementation: that framing of the topic only persists because of Jan/Feb 2013, on which people defined 'rehabilitation' and 'retribution' as either an aim or a kind of policy. But Aims vs. Implementation is not the correct contrast. The correct contrasts are Aims vs. Policies, and Prioritization vs. Implementation. The point is that prioritizing some kind of policy is not the same as implementing some policy from that set. Aims vs. Policies is a matter of the direct object, whereas Prioritization vs. Implementation is a matter of the verb. **We can agree** that **EP and RE are sets or kinds of policies, but think** that **the resolution is about which we ought to prioritize, not which we ought to implement**.  However, this does not mean that the anti-policy side completely wins. People who wish to defend an anti-policy interpretation often make their interpretations too strong, by suggesting that no questions of implementation are relevant. That seems to me false. To see why, consider a variation on my earlier example about hanging out with my friends or writing a paper. Suppose I used to prioritize work over friendship, but I now prioritize friendship over work. It seems that I am now more likely to spend time with my friends, when this trades off with writing a paper, than I used to be. This is because **an agent’s priorities** shape her decisions. They **don’t**guarantee that **an agent will always choose any** particular **action that better reflects those priorities**. But they will lead to different patterns of actions on the whole. If this is right, then **the** most accurate **Aims-based interpretation** of the topic **allows that the affirmative advocacy**leads to**the implementation of policies that prioritize EP over RE as an effect**, although **the aff**irmative **can’t advocate any**particular **policy**. Implementation of particular policies is an effect, which can be used to garner advantages or disadvantages, but cannot be the affirmative advocacy. And **any** particular **effect** of that kind can only be known with some uncertain probability; it **cannot be assumed** to occur **as a matter of fiat.**

So, my compromise view is that **policy implementation is relevant in** the sense **that it’s an effect of the agent’s prioritization**. I now want to consider, though, a way in which the proponent of the anti-policy approach can make this effect irrelevant on the impact level, rather than the link level. By the impact level, I mean whether the effect matters, or is normatively relevant. By the link level, I mean whether the effect happens as a result of the affirmative advocacy. I’m considering a way to concede that the effect happens, but dispute that it is relevant.

Limits are key to fairness- ensures equal research burdens and division of ground and key to education- incentivizes topical research and depth of education.

2. Should is defined as a guideline for action, when the action of the resolution is permissible. Blumenthal[[4]](#footnote-4)  
When writing quality management system (QMS) documents that state requirements, most of us have used auxiliary verbs such as *will, shall, may, might, should*, and *can*.¶ An auxiliary verb “helps to form the voices, modes, and tenses of other verbs” (1). In the world of standards and regulations**, the choice of** an **auxiliary verb** in a sentence **affects the intensity of a requirement**. Although the words, themselves, do not occupy much space in a sentence, misusing them can cause significant misunderstanding of a QMS document. Each sentence below delivers a distinct message, even when one appears to be essentially synonymous with another. Incoming materials are inspected before they are accepted in warehouse. Incoming materials may be inspected before they are accepted in warehouse. Incoming materials must be inspected before they are accepted in warehouse. Incoming materials shall be inspected before they are accepted in warehouse. Incoming materials should be inspected before they are accepted in warehouse. Incoming materials will be inspected before they are accepted in warehouse. Among auxiliary verbs commonly used in QMS documents, the difference between*shall*and*should*is sometimes overlooked. When used as an auxiliary verb,***shall***, according to*Webster's Online Dictionary,*“denotes a requirement that is mandatory whenever the criterion for conformance with the specification requires that there be no deviation” (2). This word **implies obligation** **and is traditionally used by laws and regulations**. **For example**, Chapter V of **the***Federal Food, Drug, and Cosmetic Act (****FD&C Act****)*, “Drugs and Devices,” **begins with** the following: “**A drug** or device **shall be deemed to be adulterated** –” (3). Similarly, the **FDA’s regulations frequently use *shall* to indicate mandatory requirements**. In*CFR - Code of Federal Regulations Title 21*, Part 803, the regulation for medical device reporting, the English reporting requirement states: “All reports required in this part which are submitted in writing or electronic equivalent shall be submitted to FDA in English” (4). On the other hand,***should* “denotes a guideline** or recommendation **whenever noncompliance with the specification is permissible**.” When used as an auxiliary verb, it expresses “a conditional or contingent act or state … or moral obligation” (5). The statement “Incoming materials shall be inspected before they are accepted in warehouse” is mandatory. All incoming materials must be inspected before they are accepted in warehouse. A deviation causes a noncompliance with the document. In contrast, “**Incoming materials should be inspected** before they are accepted in warehouse” **is a recommendation** by the document writer. It allows the document users to make their own judgment calls. In reality, the incoming materials will most likely be inspected before they are accepted. However, the document users at any time can make a deviation based on the specific situation, as long as the decision making is reasonable and logical. (Recall also that the word*should*does imply moral obligation.) Such deviation does not violate the document’s requirement. Because of the built-in flexibility of the word, if the document writer intends to mandate a requirement,*should*is not an appropriate choice.

Prefer:

A. Common Usage: English speaks most commonly use should to denote less than an obligation. Words and Phrases[[5]](#footnote-5) ‘06

C.A.2 (N.Y.) 1999. Common meaning of the term "should" suggests or recommends a course of action, while ordinary understanding of "shall" describes a course of action that is mandatory, and, in absence of clear manifestation of intent on part of Sentencing Commission to attribute to "should" a meaning contrary to the common one, the term should be given its usual meaning when interpreting sentencing guidelines and application notes. U.S.S.G. § 1B1.1 et seq., 18 U.S.C.A.—U.S. v. Maria, 186 F.3d 65.— Sent & Pun 661, 665.

B. Textual precision- should functions as a judgment between a range of possibilities and recommends one action without wholly excluding each other- that’s the Blumenthal evidence. IEEE[[6]](#footnote-6) confirms  
The wordshall**indicates mandatory requirements** strictly to be followed in order to conform to the standard and from which no deviation is permitted (shall equalsis required to). The wordshould**indicates** **that** **among several possibilities one is recommended** as particularly suitable, **without mentioning or excluding others**; **or that a certain** course of **action is preferred but not necessarily required** (should equalsis recommended that). The wordmay is used to indicate a course of action permissible within the limits of the standard (may equalsis permitted to). The wordcan is used for statements of possibility and capability, whether material, physical, or causal (can equals is able to).

Precision is key to fairness because it forms the basis of mutual pre round prep- that means permissibility and counterplans affirm. AND Obligation ground flows aff- an action by definition has to be permissible if it’s obligatory, so the negative must only impact offense to proving a prohibition. Otherwise the negative can coopt 6 minutes of AC offense and say the AC negates.

4. AFC: A. Interperation: The negative must accepts the aff’s choice of paradigm- that refers to the role of the ballot and ability to select an advocacy and interpretations. B. Violation: Preemptive. C. Reasons to Prefer: AFC preserves 100% of the 1AC because I'm forced to speak first and define a starting point for debate, so changing the framework moots 6 minutes of AC offense. Framework contestation makes the 1AC meaningless because the question is now what we should be debating about. Moreover, switch side debate solves and link turns his offense- afc creates a permanent space for framework exploration and inculcates multiple perspectives by forcing debaters to debate under different frameworks. It increases depth and clash by bracketing discussion to issues under a framework, as opposed to between frameworks.

Part 2: Case

I value governmental obligations. The resolution is a question of what developing countries should prioritize, not individual agents. The action of prioritizing is indescribable apart from a reference to the institutional rules of the practice of which the developing country is a part. Schapiro[[7]](#footnote-7) :

In his early article, “Two Concepts of Rules,” Rawls sets out to limit the scope of the utilitarian principle by arguing that it is inapplicable to actions of a certain type. His claim is that **actions which fall under practice rules, for example actions governed by the rules of** games and **social institutions, have a structure which is different from the structure of action presupposed by utilitarianism**. Such actions are not, therefore, directly subject to utilitarian evaluation. Whereas a practice as a whole can be judged in terms of its overall consequences, Rawls claims, **a particular move within a practice can only be judged in relation to the practice rules.** Rawls’ argument turns on a conceptual point about the relation between the rules of a practice and the cases to which they are applied. Practice rules, he claims, are “logically prior” to particular cases. “In a practice there are rules setting up offices, specifying certain forms of action appropriate to various offices, establishing penalties for the breach of rules, and so on. We may think of the rules of a practice as defining offices, moves, and offenses. Now what is meant by saying that the practice is logically prior to particular cases is this: **given any rule which specifies a form of action** (a move), **a particular action which would be taken as falling under this rule given that there is the practice would not be described as that sort of action unless there was the practice**.” Rawls illustrates the logical priority of practice rules over actions with reference to moves in the game of American baseball. **Outside the “stage-setting” of the game [of baseball**], it is certainly possible to “throw a ball, run, or swing a peculiarly shaped piece of wood.” But **it is impossible to “steal base, or strike out, or draw a walk**, or make an error, or balk.” **Where the rules of baseball are in force, movements come to constitute moves of particular kinds, and conversely in the absence of such rules, actions which might appear to be moves are properly described as mere movements**. In this respect, Rawls claims, practice rules differ from another general class of rules called “summary rules.” Summary rules are “rules of thumb.” Their role is to [They] allow us to approximate the results of applying some more precise but perhaps more unwieldy principle to particular cases. As such, summary rules are arrived at by generalizing the results of the prior procedure. They are “reports” of these results, presented as guides for deliberating about what to do in cases which are relevantly similar to those used to generate the reports. Summary rules are therefore logically posterior to the cases to which they apply. For in order to specify a summary rule, it is necessary to generalize over some range of cases, and the relevant descriptions of these cases must be given in advance if generalization over them is to be possible. Whereas summary rules presuppose the existence of a well-defined context of application, the establishment of a practice imposes a new conceptual and normative structure on the context to which they are to apply. In this sense, a practice amounts to “the specification of a new form of activity,” along with a new order of status relations in which that activity makes sense. From the point of view of a participant, the establishment of a practice transforms an expanse of grass into “playing field,” bags on the ground into “bases,” and individuals into occupants of determinate “positions.” Universal laws come to hold a priori, for example that “three strikes make an out,” and that “every inning has a top and a bottom.” And within that new order people come to have special powers, such as the power to “strike out,” or to “steal a base.” The salient point for Rawls’ purposes is that **there [Practice rules] are constitutive constraints** on the exercise of these new powers, constraints **by which any participant must abide in order to make her movements count as the moves she intends them to be.**

This means for any prioritization to count as resolutional action, it must be done within the practice of international law. Rules of international law define what it means to be a country in the international arena, even if states have different domestic ends. Nardin[[8]](#footnote-8)

Any description of the international system as an association of states that share certain ends is necessarily incomplete. Such an association would not constitute a rule-governed moral or legal order. **What transforms a number of powers**, contingently related in terms of shared interests**, into a society proper is** not their agreement to participate in a common enterprise for as long as they desire to participate, but **their** participation in and implicit **recognition of** the practices, procedures, and other **rules of international law that compose international society**. The **rules of international law**, in other words, **are** not merely regulatory but **constitutive**: **they** not only **create a normative order among separate political**

communities but define the status, rights, and duties of these communities within this normative order. In international society 'states' are constituted as such within the practice of international law; 'statehood' is a position or role that is defined by

**international law**, not independent of it.**International law includes** **rules** that are the outcome of cooperation to further shared goals as well as rules that make such cooperation possible and that exist even where shared goals are lacking. But it is rules of the latter sort **that are fundamental**. **First**, **the** particular **arrangements through which states** cooperate to **promote shared****goals** themselves **depend on** having available authoritative **procedures for negotiating such arrangements**. These procedures, **embodied** **in** customary **international law**, are prior to the treaties, alliances, and international organizations through which states cooperate. Customary association. international law is thus the foundation of all international

**Second**ly, it is the **rules** **of** customary **international law** that delimit the jurisdiction of states, prohibit aggression and unlawful intervention, and **regulate** the **activities** of treaty-making, diplomacy, and war. **Because** **they govern** the **relations of enemies as well as of friends**, **these rules provide a basis** for international order even **in the absence of shared** beliefs, values, or **ends**. By requiring restraint in the pursuit of national aims and toleration of national diversity, customary **international law reflects** **the** inevitably **plural character of international society and** may be said to **constitute[s]** a morality of states, one that is a morality of **coexistence**.

**Thus the standard is consistency with current international law.** Impact analysis:

1. Governments are necessarily legal constructs, because every other feature of it changes. The policymakers and individual agents have a plurality of views that is constantly in flux, but the only static characteristic of a government is simply that it is a legal construct, so my framework is the only way to make sense of the resolution.

2. Proving that resource extraction is necessary to some to other practice beside international law does not negate. If only instrumental ends are valuable, then an action is right indexed to the particular end that it promotes. But because there is no ultimate end that is good independent of an index, proving that EP should be prioritized over RE indexed to the end of consistency with international law is sufficient to prove the resolution true regardless of whether RE should be prioritized over EP indexed to some other end. Those statements would not be contradictories. Rodl[[9]](#footnote-9) explains with an analogy to coherentism:

This view is untenable for reasons analogous to those we mounted against the corresponding account of instrumental reasoning. Suppose the normative order of the question what to believe, on an occasion of its being asked, is a set of propositions ∑. In order to indicate this, we give the imperative an index specifying that set; we write, not “It is right to believe *p* because ∑” but “It is right∑ [right given a particular index] to believe *p*”. Now, nothing we said about [the index] ∑ excludes that it may be right∑ [right given an index] to believe p and [right given an index] right∑ to believe non p. Thinking it is right∑ to believe *p* peacefully coexists with thinking it is right∑ to believe *non p*. This shows that, thinking it is right∑ to believe *p*, I have not determined what to believe. For, thinking this is not having affixed myself to p in a manner that excludes affixing myself in the same way to non p. But thinking it right to believe *p*—thinking is true—is so affixing myself to *p.*

Proving the converse of the resolution typically proves the resolution false only because the resolution’s converse is a contradictory of the resolution. If all ought statements are indexed to an instrumental end, then the resolution and its converse are not contradictories—the statements “developing countries ought to prioritize EP indexed to end A” and “developing countries ought to prioritize RE indexed to end B” can both be true without contradiction. Thus, proving the truth of the resolution’s converse does not deny the resolution’s truth.

3. Consequentialist impacts are irrelevant- the standard concerns behavior within an institutional practice, not the desirability of states of affair that promote that practice. The purpose of a practice for agents situated within the practice is conformity to the rules of the practice. Nardin 2

The first thing to observe in considering this objection is that the 'purposes' of a practice are not necessarily the same as the purposes either of those who designed the practice or of those who may participate in it. From the standpoint of [for] an umpire supervising a particular game of chess, the paramount consideration governing the play is that it should be in conformity with the rules of chess. If a player makes an illegal move, arguing that it will result in amore intellectually challenging game, the proper response is to ignore the argument and prohibit the move. In other words, the kinds of reasons that are valid within the game are different from those that might be considered by chess federation officials contemplating changes in the rules of the game. From the internal perspective of the player or the umpire, the authority of the rules is absolute. Players or umpires may disagree about the interpretation or proper application of the rules, but they may not take the position that a valid, authoritative rule should be set aside. It is also important to distinguish between the intentions that may be embedded in a rule or system of rules and the consequences of observing that rule or participating in the system. The relation between an instrumental rule and its purpose is a causal one: an agent produces a desired state of affairs by acting in the way prescribed by the rule. But the relation between the rules of practical association and its 'purposes' is conceptual rather than causal: the agent achieves these purposes not as a consequence of acting but in acting. Thus, the institution of international law does not 'produce' coexistence as the causal consequence of obeying its rules. On the contrary, co existence is the premise of relations between separate states on the basis of international law. Similarly, international law does not produce legality as a product of obedience but as an integral aspect of behaving lawfully.

I contend international law affirms. International binding agreements mandate state protect the environment when it conflicts with natural resources, especially in context of developing countries and sustainable growth. UNCSD[[10]](#footnote-10) ‘12

I. Our common vision **We**, the **Heads of State** and Government and high-level representatives, having met at Rio de Janeiro, Brazil, from 20 to 22 June 2012, with the full participation of civil society**, renew our commitment to** sustainable development and to ensuring the promotion of **an** economically, socially and **environmentally sustainable future** for our planet and for present and future generations. 2. Poverty eradication is the greatest global challenge facing the world today and an indispensable requirement for sustainable development. In this regard, we are committed to freeing humanity from poverty and hunger as a matter of urgency. 3. We therefore acknowledge the need to further mainstream sustainable development at all levels, integrating economic, social and environmental aspects and recognizing their interlinkages, so as to achieve sustainable development in all its dimensions. 4**. We recognize that** poverty eradication, changing unsustainable and promoting sustainable patterns of consumption and production and **protecting** and managing **the natural resource base** of economic and social development **[is]** are the overarching objectives of and **essential** requirements **for sustainable development**. We also reaffirm the need to achieve sustainable development by promoting sustained, inclusive and equitable economic growth, creating greater opportunities for all,

reducing inequalities, raising basic standards of living, fostering equitable social development and inclusion, and promoting the integrated and sustainable management of natural resources and ecosystems that supports, inter alia, economic, social and human development while facilitating ecosystem conservation, regeneration and restoration and resilience in the face of new and emerging challenges. 5. We reaffirm our commitment to make every effort to accelerate the achievement of the internationally agreed development goals, including the

Millennium Development Goals by 2015. 6. We recognize that people are at the centre of sustainable development and, in this regard, we strive for a world that is just, equitable and inclusive, and we commit to work together to promote sustained and inclusive economic growth, social development and environmental protection and thereby to benefit all. 7. We reaffirm that we continue to be guided by the purposes and principles of the Charter of the United Nations, with full respect for international law and its principles. 8. We also reaffirm the importance of freedom, peace and security, respect for all human rights, including the right to development and the right to an adequate standard of living, including the right to food, the rule of law, gender equality, women’s empowerment and the overall commitment to just and democratic societies for development. 9. We reaffirm the importance of the Universal Declaration of Human Rights,1 as well as other international instruments relating to human rights and international law. We emphasize the responsibilities of all States, in conformity with the Charter, to respect, protect and promote human rights and fundamental freedoms for all, without distinction of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other status. 10. We acknowledge that democracy, good governance and the rule of law, at the national and international levels, as well as an enabling environment, are essential for sustainable development, including sustained and inclusive economic growth, social development, environmental protection and the eradication of poverty and hunger. We reaffirm that, to achieve our sustainable development goals, we need institutions at all levels that are effective, transparent, accountable and democratic. **We reaffirm our commitment to** strengthen international cooperation to address the persistent challenges related to sustainable development for all, in particular in **developing countries**. In this regard, we reaffirm **the need to** achieve economic stability, sustained economic growth, the promotion of social equity and the

**protect**ion of **the environment**, while enhancing gender equality, women’s empowerment and equal opportunities for all, and the protection, survival and development of children to their full potential, including through education. 12. We resolve to take urgent action to achieve sustainable development. We therefore renew our commitment to sustainable development, assessing the progress o date and the remaining gaps in the implementation of the outcomes of the major summits on sustainable development and addressing new and emerging challenges. We express our determination to address the themes of the United Nations Conference on Sustainable Development, namely, a green economy in the context of sustainable development and poverty eradication, and the institutional framework for sustainable development.

Part 3: Theoretical Specifications

1. Presume aff in the absence of offense- the environment is an intrinsically valuable good accessible to everyone whereas resource extraction benefits the few. Impacts:

A. turns negative fairness arguments- abuse compensates me for an existent 7% neg bias[[11]](#footnote-11) so I’m just leveling the playing field

B. the neg must codify presumption arguments with empirics to back up theoretical claims, otherwise default aff because side bias is proven through win loss ratios over 32,000 rounds

2. Denying a term or assumption in the resolution renders it nonsensical, not false. For instance, the statement “the King of France is bald” is neither true nor false because there is no King of France—the statement is merely irrelevant

3. Paradigm Issue:

A. Drop the negative debater on theory but not the aff- the 1NC is reactive to AC strategy and has 7-4, 6-3 time advantage so rejecting the argument is sufficient punishment since reading arguments in the 1N proves no abuse or ground loss. Dropping the neg is key since neg abuse is temporal- it actively prevents me form winning the round and the time crunched 1AR and 2AR mean I have no recourse against abuse.

B. Affirm if I win a counter interp or prove no abuse- that’s key to ensure proportional punishment on neg topicality and theory since the negative would only claim drop the debater if he was prepared for the entire round to collapse to that layer- that checks theory’s use as a strategic crutch and fosters topic debate. That proves uniqueness for the aff- the neg always has bidirectional interps, so deterrence is key. Additionally the aff is already deterred from reading bad theory because a minute of the 1AR is a quarter of the time but a minute of the 1N is a seventh, so there’s a structural check against abuse.

C. Presume the aff meets and drop the neg on unchecked theory interps- solves all abuse because I’m willing to clarify or modify parts of the AC which is unique since I speak first but the 1NC advocacy is in comparison to the aff’s so it’s fixed- and ensures the neg reads theory as an actual check on abuse and improves substance education- otherwise all neg abuse claims are self indicted

D. the Neg reading multiple shells without an RVI for me violates reciprocity- vote them down as a meta theory issues because it skews aff strategy to beat back multiple interps and not be able to weigh the RVI abuse story- also makes the round irresolvable- the judge can’t select his ballot to endorse multiple interpretations and picking between the two is vacuous- there is no independent metric to weigh abuse aside from intervention

4. View the resolution as a question of truth and falsity, not desirability. Key to text- to negate[[12]](#footnote-12) means **“to deny the** existence or **truth of,”,** so the most predictable distributions of burdens is truth and falsity since the text is all we have going into the round.

5. Paradigm issues are not indictable with theory- violations stem from arguments and interpretations but unidirectional spikes are not interps debaters can violate. Otherwise the round becomes irresolvable since debaters would loose for contesting competing interps or drop the debater- it’d spawn a theory debate above the existent theory debate, and so on to infinite regress.

Part 4: Underview

1. In infinite universe, all actions are morally permissible under ends based theories. Bostrom[[13]](#footnote-13):

In the standard Big Bang model, assuming the simplest topology (i.e., that space is singly connected), there are three basic possibilities: the universe can be open, flat, or closed. Current data suggests **a flat** or open **universe**, although the final verdict is pending. If the universe is either open or flat, then it **is spatially infinite at every point** in time and the model entails that it contains an infinite number of galaxies, stars, and planets**.** There exists a common misconception which confuses the universe with the (finite) ‘observable universe’. But the observable part—the part that could causally affect us—would be just an infinitesimal fraction of the whole. Statements about the “mass of the universe” or the “number of protons in the universe” generally refer to the content of this observable part; see e.g. [1]. **Many cosmologists [also] believe that our universe is just one in an infinite** ensemble of universes (a **multiverse), and this adds to the probability that the world is** canonically **infinite**; for a popular review, see [2].

There’s an infinite amount of pleasure and pain, so substracting or adding a finite amount does nothing to change the total value. That implies ends based theories are impossible of generating obligations, since each action has the same total expected value.

2. [INSERT APRIORIS]

# Theory FLs

## A2 NIBs Bad

A. Counter Interp: The aff may read multiple offensive arguments that don’t impact to a necessary and sufficient standard

B. Reasons to Prefer:

Text- extend to negate means to deny the truth of, that means the most predictable division of ground is proving the resolution true and false. His interp skews in round prep by removing core affirmative ground- that also solves reciprocity because he can do it to, which makes structural access to the ballot equal, and solves clash because we can compare arguments based upon strength of link to truth and falsity. Predictability is key to fairness because I can’t engage his arguments unless I can predict them.

## A2 Descriptive Standards Bad

A. Counter Interp: Debaters may read standards in which the offense consists of descriptive facts about current states of affairs

B. Reasons to Prefer

Ground- every framework relies upon a description of current states of affairs- ends based frameworks use that for uniqueness, means based frameworks test consistency with maxims. The implication of his interp is debaters can make no claims about the status quo- but debate is just a comparison of events in the status quo.

## A2 Triggers Bad

A. Counter Interp: Debaters may read contingent frameworks or triggers

B. Reasons to Prefer

1. Philosophical Methodology- every argument in philosophy proceeds in the nature of formal premises, that terminates in a conclusion about the correct ethical framework. The structure of an argument dictates a formal requirement of morality must be satisfied or there is no alternate view- his interp is uneducational and unpredictable because it’s completely disconnected from philosophical literature.

2. Strat Skew- he can go for presumption affirms, straight ref, or his framework solves- only the practice of reading a triggered argument gives him the option of controlling the impact of framework defense, so I increase his strategy

## T Should Weighing

Prefer the topic lit evidence to common usage:

A. field context- terms have different meaning in the specific context of the resolution, so prefer definitions and consensus from academic scholars as opposed to generic dictionary definitions

B. verifiable- I have evidence from the literature, but you don’t know if he picked the first or last definition from some crackpot online dictionary

C. common usage just begs the question- there are multiple definitions of the same word on each dictionary, so it’s not any more predictable to choose the second or first absent warrants why that definition is preferable

D. specificity- there are infinite ways to interpret a static definition, by my field context evidence is specific on should allowing alternatives and being distinct from shall. His definitions require him to further define what must and obligation means, so prefer my standards

E. Education is the tiebreaker- prefer topic lit because it inculcates nuanced understandings of real world concepts, and that’s comparatively better for critical education be debaters are forced to think deeper about relevant issues

F. Strength of link- even if common usage comes first in a vacuum, my evidence directly summarizes the way should is used in common English- my interp combines the best of both worlds, so err aff.

## T Aims Weighing

Common Usage outweighs:

A. textuality frames what counts as topic literature in the first place- Moby Dick might be great literature but it’s not topic lit since the body of research relevant to the topic is constrained by the words in the topic

B. dictionary definitions are the first thing people look to before finding authors in the literature, so my interp is more accessible

C. strength of link- I have reasons why her evidence isn’t representative from the topic lit and why topic lit flows neg, so even if topic lit outweighs in the abstract, there is no contestation that common usage flows aff

Limits outweighs:

A. underlimits imposes infinite research burdens- too many case negs and affs to prep, it means one person has to do a hundred times the work to have equal access to the ballot

B. the most predictable interp is useless without equal division of ground- I’d just have a great expectation to have no way to win the round

C. education- kills clash each round is two ships passing in the night because no topical limits incentivize ambush debating where debaters find the aff farthest from the core of the lit and causes in round prep skew

# FW Fls

## A2 Schmagency

Agency is inescapable—two warrants. Ferrero[[14]](#footnote-14)

3.1 The initial appeal of the shmagency objection rests on the impression that there is a close analogy between agency and ordinary enterprises. If one can stand outside of chess and question whether there is any reason to play this game, why couldnʼt one stand outside of agency and wonder whether there is any reason to play the agency game? The problem with this suggestion is that the analogy does not hold. Agency is a very special enterprise. Agency is distinctively ʻinescapable.ʼ This is what sets agency apart from all other enterprises and explains why constitutivism is focused on it rather than on any other enterprise. 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 is *ipso 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.133.3 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 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 whether she 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 3.4 To sum up, agency is special because of two distinctive features. First, agency is not the only game in town, but it is the biggest possible one. In addition to instances of bare intentional agency, any engagement in an ordinary enterprise is *ipso facto* an engagement in the enterprise of agency. Second, agency is closed under rational reflection. It is closed under the self- directed application of its distinctive discursive operation, the asking for and the giving of reasons for action. The combination of these features is what makes agency *inescapable.* This is the kind of nonoptionality that supports the viability of constitutivism.

Arguments that claim that a principle can be non-normative despite being inescapable presume a weaker form of inescapability, i.e. **empirical inescapability**, where agency is inescapable by fact or circumstance, but where it’s conceptually possible for an agent to conceive of themselves as being under a different principle. My argument involves a stronger sense of inescapability -- it is *conceptually incoherent* to think of agency as not falling under the normative principle, i.e. **rational inescapability**. Ferrero indicates that a person falls under the concept of agency only by submitting to the normative principle. There is no reality of “being an agent” that precedes or is separable from the reality of “submitting to the normative principle.” To be an agent just *is* to bring oneself under this principle.

## A2 Empirical States

State’s that violate international law do not disprove the constitutivist argument- under my framework those are merely defective states. Nardin[[15]](#footnote-15)

The purposes of practical association at the international level, then, are realized by action that respects international law. To fail to respect this law is to deny its authority and thus to challenge the very idea of the rule of law in international

society. Frost is therefore right to argue that the idea of authority is crucial to the practice-purpose distinction. For, as he suggests, the **rules of practical association are constitutive not only of the states system but of states. Statehood is** itself a status **constituted by international** **law**. And **international society is** not **an aggregate of** separate communities but itself a community: a community of **communities tied together by its constitutive practices**, including those defining the attributes of statehood. **States that deny the authority of international law** 'are not simply optingout of an instrumental association which no longer suits their purposes. Rather they **are undercutting their claim to be a state properly so called at all'**.14 To put the point bluntly, **states** that repudiate the authority of international law remove themselves from international society, which is the closest that the international system can approach to a civil order, and **withdraw into barbarism.**

For example that fact that some dogs have three legs do not deny the constitutive feature of being a dog is to have four legs- a three legged dog is simply an empirically flawed one.

## Util Module

Adherence to international law never leads to util- two warrants- AND util reduces to skepticism. Nardin[[16]](#footnote-16)

The distinction between purposive and practical association can be sharpened by considering the attitude toward the authority of rules implicit in each perspective. In practical association the authority of rules governing conduct is presupposed. When I judge the propriety or justice of an act, I presuppose the authority of the standard onwhich that judgement is based. **In purposive association**, however, **the authority of rules** governing an enterprise **depends on** **their** efficacy in **producing a desired result**. The attitude of the associates toward these rules is conditional. They accept the rules because of the advantages of doing so. There are, however, two reasons why **this** conditional attitude toward the authority of rules **cannot provide a basis for** moral **obligation[s]**. **First**, human interaction, whether it takes the form of a simple transaction of exchange or more sustained cooperation to promote a shared purpose, presupposes rules that are valid apart from the immediate transaction or cooperative agreement. **To set up a** cooperative, **rule-governed enterprise itself requires rules** and procedures, and **these cannot be the****outcome of the same enterprise**. **They might**, of course, **be the outcome of prior agreement**, **but that agreement** in turn **presupposes some** still **earlier agreement**. **We must** therefore **postulate the** existence and antecedent **authority of rules** that are **not themselves** **the outcome of any agreement, to avoid an infinite regress**.4 Additional rules may, of course, be required in order to realize common interests through cooperative agreements. And the authority of these (instrumental) rules may be thought, not unreasonably, to depend on the contribution they make to achieving that end. But the authority of the very rules relied upon in making cooperative agreements cannot be instrumental.**Secondly**, **if the authority of a rule is not distinguished from** judgements about **the** desirability of the **consequences of observing it, it has no real authority**. From the purposive perspective, since the obligation to observe a rule depends on the contribution it makes to realizing a desired outcome, **the rule has no authority apart from its utility** in producing that outcome. Its authority is tied to its desirability, and the distinction between recognition and approval **disappears**. Those who are related on the basis of rules the authority of which is conditional in this way are not really related on the basis of common rules. Their relationship depends on shared interests, values, or beliefs. It is their **joint desire for a certain outcome rather than** their **joint recognition of** a common body of **rules** that **binds [agents]** them **together**.Laws may be consequentially desirable in the sense that they are made to, or do in fact, produce peace or other desirable states of affairs, but they have authority not because they further those consequences but because they are law. To make peace and the other benefits of legal order the ground of legal authority would be to regard that authority as an instrument for the production of those benefits, and to view legal obligation as conditional on their successful production. A legal order would then be indistinguishable from a voluntary association that might be disbanded at the discretion of itsmembers. Since those members would, in effect, retain the right to judge how well the association served the ends for which it was established, the distinction between a legal order and a state of nature would disappear. **The only way to distinguish laws from rules of convenience is to distinguish the source of legal authority from its benefits**. Authority cannot be attributed to law on the basis of what can be enjoyed only through the prior recognition of authority. In short, though the consequences of observing a rule may be important in evaluating its desirability, they cannot determine its validity. **No normative system can have** an **independent existence if the authority of its rules depends on** the **approval of their consequences** by the persons to whom they apply. In order for cooperation to take place on the basis of common rules, those who wish to cooperate must acknowledge the authority of these rules. The rules cannot be unilaterally rejected as perceptions of advantage dictate. This is quite obvious in practices of fundamental importance to cooperation such as promising, contracting, and treaty making.

## Presumption Trigger

Linking turns to the AC framework at a higher level means presumption- appealing to ultimate values collapses the meaning of the institution. Nardin[[17]](#footnote-17)

Practical association displays a two-level structure which judges acts according to the standards of justice and propriety that compose a particular normative system. According to some theories, moral and legal rules are themselves rationalized in terms of the outcomes they promote. But **in any system of rules** having this two-level structure, **judgements of right and wrong are made by applying the rules, not by appealing directly to the** ultimate **values on which the system** itself **is founded**. To invoke those values directly would be to override the principles through which they are supposed to be realized and thereby collapse the two-level structure of morality and law into a single, unmediated, set of ultimate values. Some purposive ethical theories - those of moral consequentialism and legal instrumentalism would have us determine the rightness of an act in relation to its expected consequences, without relying on any mediating rules. While it is true that the entire system might be evaluated in purposive terms, one cannot make this evaluation the basis of decisions about complying with particular rules in particular situations, for **to do that would be to dissolve the institution**. If a system is to be defended because it has good consequences as a

system, then it follows that the system must be allowed to operate, its integrity preserved, its rules and procedures respected otherwise it cannot achieve these good results.

MISC ERR AFF ARG:

Presume aff, err aff on theory because the negative already has the ability built in that their 1N speech time is 100% valuable because they already know all the things the aff is committed to- if they put themselves in a position where they loose access to their speech time because of an interp, that’s completely their choice. The aff is inevitably in the position of the value of their speech time being at risk. It’s better to react to framing then it is to frame.

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2. [Jake Nebel](http://victorybriefs.com/?author=502ae281e4b0f52d614f0682), “[Topicality, Implementation, and What We Ought to Prioritize](http://victorybriefs.com/vbd/2014/1/topicality-implementation-and-what-we-ought-to-prioritize)”. Vicotry Briefs Daily, January 29th, 2014. <http://victorybriefs.com/vbd/2014/1/topicality-implementation-and-what-we-ought-to-prioritize>. RP 1/30/14 [↑](#footnote-ref-2)
3. <http://www.thefreedictionary.com/prioritize>, <http://www.oxforddictionaries.com/us/definition/american_english/prioritize>, <http://www.vocabulary.com/dictionary/prioritize>

   <http://dictionary.cambridge.org/us/dictionary/american-english/prioritize>, <http://dictionary.reference.com/browse/prioritize>, <http://www.macmillandictionary.com/us/dictionary/american/prioritize>, <http://www.collinsdictionary.com/dictionary/english/prioritize>, http://www.businessdictionary.com/definition/prioritization.html [↑](#footnote-ref-3)
4. Cynthia Blumenthal, “Shall vs. Should”. American Society for Quality Knowledge Center, NO DATE> Quals: MA, SFSU. [*http://asq.org/standards-shall-should*](http://asq.org/standards-shall-should). RP 2/1/14 [↑](#footnote-ref-4)
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7. Schapiro, Tamar (Stanford University). Three Conceptions of Action in Moral Theory, Noûs 35 (1):93–117, 2001. [↑](#footnote-ref-7)
8. Terry Nardin , “International Ethics and International Law”. Review of International Studies, Vol. 18, No. 1 (Jan., 1992), pp. 19-30, published by Cambridge University Press . JStor, Stable URL: http://www.jstor.org/stable/20097279 . RP 2/6/13 [↑](#footnote-ref-8)
9. Rödl, Sebastian. *Self-Consciousness*, Harvard University Press, 2007. pg. 71. [↑](#footnote-ref-9)
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11. Fantasy Debate. National Statistics. Fantasydebate.com/ld-national-statistics [↑](#footnote-ref-11)
12. "negate." Merriam-Webster Online Dictionary. 2010. Merriam-Webster Online. 18 August 2010. <http://www.merriam-webster.com/dictionary/negate> [↑](#footnote-ref-12)
13. Ibid. [↑](#footnote-ref-13)
14. Luca Ferrero, “Constitutivism and the Inescapability of Agency”. Oxford Studies in Metaethics, vol. IV, Jan 12, 2009.(https://pantherfile.uwm.edu/ferrero/www/pubs/ferrero-**constitutivism**.pdf‎) Professor of Philosophy, University of Wesconsin at Milwaukee. RP 7/21/13 [↑](#footnote-ref-14)
15. Terry Nardin , “International Ethics and International Law”. Review of International Studies, Vol. 18, No. 1 (Jan., 1992), pp. 19-30, published by Cambridge University Press . JStor, Stable URL: http://www.jstor.org/stable/20097279 . RP 2/6/13 [↑](#footnote-ref-15)
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