#### Interpretation: If the affirmative defends a consequentialist framework, they must explicitly delineate which theory of the good they defend in the form of a text in the 1ac.

#### Each nuance of the ethic entails different obligations and would exclude different offense – there are 7 different versions.

**Mastin,** [Luke Mastin, Consequentialism, The basics of philosophy <http://www.philosophybasics.com/branch_consequentialism.html>]

Some **consequentialist theories include**: Utilitarianism, which holds that an action is right if it leads to the most happiness for the greatest number of people ("happiness" here is defined as the maximization of pleasure and the minimization of pain). **Hedonism**, **which** is the philosophy **[holds] that pleasure** **is** the **most important** pursuit of mankind, **and** that **individuals** **should** strive to **maximise** **their own total** **pleasure** (net of any pain or suffering). **Epicureanism** is a more moderate approach (which still seeks to maximize happiness, but which **defines happiness** more **as a** **state of tranquillity** than pleasure). **Egoism, which holds that an action is right if it maximizes good for the self.** Thus, Egoism may license actions which are good for an individual even if detrimental to the general welfare. **Asceticism**, in some ways, **the opposite of Egoism in that it describes a life characterized by abstinence from egoistic pleasures** especially **to achieve a spiritual goal. Altruism**, which **prescribes that an individual take actions that have the best consequences for everyone except for himself**, according to Auguste Comte's dictum, "Live for others". Thus, individuals have a moral obligation to help, serve or benefit others, if necessary at the sacrifice of self-interest. **Rule Consequentialism**, which is a theory (sometimes seen as an attempt to reconcile Consequentialism and Deontology), **[holds] that moral behaviour involves following certain rules**, but that those rules should be **chosen** based **on** the **consequences that** the selection of **those rules have**. Some theorists holds that a certain set of minimal rules are necessary to ensure appropriate actions, while some hold that the rules are not absolute and may be violated if strict adherence to the rule would lead to much more undesirable consequences. **Negative Consequentialism**, which **focuses on minimizing bad consequences rather than promoting good consequences**. This may actually require active intervention (to prevent harm from being done), or may only require passive avoidance of bad outcomes.

#### B. Violation: They don’t and maximizing expected well-being doesn’t cut it.

**Crisp**, Roger, "Well-Being", *The Stanford Encyclopedia of Philosophy*(Fall **2017** Edition), Edward N. Zalta (ed.), URL = <https://plato.stanford.edu/archives/fall2017/entries/well-being/>.

Well-being is most commonly used in philosophy to describe what is non-instrumentally or ultimately good *for* a person. **The question of what well-being consists in is of independent interest**, but it is of great importance in moral philosophy, especially **in the case of utilitarianism**, according to which the only moral requirement is that well-being be maximized. Significant challenges to the very notion have been mounted, in particular by G.E. Moore and T.M. Scanlon. **It has become standard to distinguish theories of well-being as either hedonist theories, desire theories, or objective list theories**. According to the view known as welfarism, well-being is the only value. Also important in ethics is the question of how a person’s moral character and actions relate to their well-being.

#### C. Standards:

#### 1. Shiftiness – They can shift out of my turns based on whatever theory of the good they operate under due to the nature of a vague standard. Especially true because the warrants for their standard could justify different versions of consequentialism as coming first and I wouldn’t know until the 1ar which gives them access to multiple contingent standards.

#### 2. Strat – I lose 6 minutes of time during the AC to generate a strategy because I don't know what turns or strategy I can go for during the 1N absent which proves CX doesn’t check since it would occur after the skew.

#### 3. Resolvability – Makes the round irresolvable since we can’t weigh different mechanisms for the good – Benatar would probably link harder under a hedonistic conception of util – weighing ground is key since it ensures we can compare arguments that clash to access the ballot.

#### Voters –

## NC

#### I negate that A just government ought to recognize an unconditional right of workers to strike.

#### First, discourse is the foundation of ethics. Moral frameworks are only justified and tested for truth via the process of rational argumentation and justification. Even if a theory does derive truth without language, it still relies on human expression to be articulated which concedes its authority.

#### Second, discourse must be undeniable. Even if a framework is logically justified, we can always ask “why be moral” or “why care” which prevents it from having universal authority since it can be denied. The only solution to this is to find a framework that produces performative contradiction, where denying its ethical truth is contradictory to discourse itself.

#### Thus the standard is constituency with Libertarianism, or the idea that freedom is valuable and we ought to refrain from coercion. Any attempt to justify a violation of property rights commits performative contradiction.

Marian Eabrasu, Research fellow at the GRANEM (Angers University), A Reply to the Current Critiques Formulated Against Hoppe’s Argumentation Ethics, 03/13/2009, <https://mises.org/library/reply-current-critiques-formulated-against-hoppe%E2%80%99s-argumentation-ethics> ///AHS PB

Hoppe observes that “the right to self-ownership” is very similar with the statement “I am alive.” One has to be not only a living person but she has to be also a non-coerced self-owner in order to deny the right to self-ownership. Hence, Hoppe purports to show that denying the right to self-ownership is self-contradictory: Such property right in one’s own body must be said to be justified a priori. For anyone who would try to justify any norm whatsoever would already have to presuppose an exclusive right to control over his [their] body as a valid norm simply in order to say “I propose such and such.” And anyone disputing such right, then, would become caught up in a practical contradiction, since arguing so would already implicitly have to accept the very norm which he was [they where] disputing. [Hoppe 2006, 342] Were this argument valid, libertarianism would be the only theory of justice that can be justified. By libertarianism it is intended the normative set of propositions derived from the self-ownership axiom. “In effect, this argument supports the natural rights position of libertarianism as espoused by the other master thinker of the modern libertarian movement, Murray N. Rothbard—above all in his Ethics of Liberty” (Hoppe 2006, 340–41). Showing that only the self-ownership axiom can pass the test of performative contradiction, justifies the preference for it. Libertarianism should be preferred to any other theory of justice, because only libertarianism is non-contradictory. To be sure, this fact does not impede conflicts to arise or non-libertarian solutions to be provided. Hoppe’s argument shows only that it would be absurd (i.e., self-contradictory) to adopt a non-libertarian ethics: I demonstrate that only the libertarian private property ethic can be justified argumentatively, because it is the praxeological presupposition of argumentation as such; and that any deviating, non-libertarian ethical proposal can be shown to be in violation of this demonstrated preference. Such a proposal can be made, of course, but its propositional content would contradict the ethic for which one demonstrated a preference by virtue of one’s own act of proposition-making, i.e., by the act of engaging in argumentation as such. […] Likewise, non-libertarian ethical proposals are falsified by the reality of actually proposing them. [Hoppe 2006, 341] If libertarianism is the correct ethical theory, the foremost political implication which follows from this idea is anarchy. As simple as the solution to the problem of social order is and as much as people in their daily lives intuitively recognize and act according to the ethics of private property just explained, this simple and undemanding solution implies some surprisingly radical conclusions. Apart from ruling out as unjustified all activities such as murder, homicide, rape, trespass, robbery, burglary, theft, and fraud, the ethics of private property is also incompatible with the existence of a state defined as an agency that possesses a compulsory territorial monopoly of ultimate decision-making (jurisdiction) and/or the right to tax. [Hoppe 2006, 388]

#### Prefer the standard:

#### 1] It’s a contradiction for the state to violate freedom since the government only derives its authority from people agreeing to follow it, but if a citizen decides they no longer want to follow the government, the government no longer has authority to regulate them.

#### 2] Goodness is subjective so only procedural ethics matter.

**Pidgen[[1]](#footnote-1),** 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’.**

#### 3] Only Libertarianism can answer why be moral.

Bruno Verbeek, University of Leiden, Summarizes Naveson, Published in Liberty, Games and Contracts: Jan Narveson and the Defence of Libertarianism, Malcolm Murray (ed.). Ashgate, 2007. Pp. 273., <https://openaccess.leidenuniv.nl/bitstream/handle/1887/16519/Verbeek_Murray-Corrections.pdf?sequence=4> ///AHS PB

Narveson’s position can summed up in three fundamental claims. First, the justification of a political philosophy or indeed any normative ethical theory, requires contractarian foundations. All contractarians consider morality as the outcome of an agreement among relevant parties. More precise, moral norms are those rules that are agreed upon by agents in a suitably characterized bargaining situation. Contractarians share this starting point with other social contract theorists. However, contractarians differ from other social contract theories, like that of John Rawls, in that the latter treat such an agreement among rational agents as a heuristic instrument for identifying the content of morality. That is, authors like Rawls claim that moral norms are binding for reasons other than that they are agreed upon by agents in the original position. Narveson, like other contractarians, believes that agreement of some sort is necessary and sufficient for the normativity of such norms. (“Of some sort” because closer reading reveals that this social contract is not an actual agreement. Rather, it is “an agreement in the sense of a co-ordinated set of conditional dispositions”, see Narveson 1994.) The type of contractarianism that Narveson endorses is Hobbesian. Hobbesian contractarians hold that rational agents are primarily motivated to maximize what they regard as valuable. This could include many things, but among these self-interest figures prominently. Hobbesian contractarians regard morality as an answer to a problem. The problem is posed by what would happen under conditions of moral anarchy to rational creatures who are disposed to maximize their self-interest. Under such conditions, rational agents, who aim to maximize what they value, will compete with all means at their disposal for the scarce resources needed to realize this aim. Other agents will appear as actual or potential competitors and it is best to eliminate such competition as efficiently and effectively as possible. The result is a situation best modeled as an n-person prisoner’s dilemma, where a non-optimal equilibrium is realized. In such a situation, rational agents will realize that they can benefit each other. As Jan Narveson puts it, “first because we are vulnerable to the depredations of others, and second because we can all benefit from cooperation with others” (1988, 148). This will motivate the agents to start bargaining with the aim of arriving at an agreement to constrain this maximizing behavior and coordinate actions so as to benefit each other. Morality, for the Hobbesian contractiarian, is a form of self-imposed constraint – a rational constraint – on the pursuit of the maximization of value. Unlike Hobbes, Hobbesian contractarians do not regard morality as something that is enforced by a authoritarian state. Instead, the restrictions that morality poses on the unfettered pursuit of what one values are restrictions that rational agents can agree to in a rational bargaining process that aims to bring about an optimal mutually cooperative outcome. Moral constraints are those constraints it is rational to adopt provided others do so as well. The second fundamental claim of Narveson’s philosophy is that such Hobbesian contractarian starting points inevitably lead to a restricted list of rights and corresponding obligations that emphasize individual freedom. The corresponding political conclusion is that a legitimate state necessarily is a libertarian state. Narveson is a so-called right-libertarian (as opposed to left libertarians). Such libertarians typically argue for a small, non-authoritarian state in which basic liberties are rigorously respected, but nothing beyond this. As a consequence, right libertarians do not believe that the state has any business requiring citizens to support others beyond respecting the negative claim rights of others. The third claim of Narveson is typical for all right-libertarian political philosophy. In order to guarantee individual freedom, a legitimate state respects strong property rights and corresponding institutions (especially the market). That is to say, Narveson believes that individual freedom necessitates a robust respect for private property and the market.

#### [4] Actions gain value through consistency moral rules, not their consequences: A) Consequentialist ethics are incompatible with libertarianism since it would justify the state violating rights to achieve a desired end B) Induction is infinitely regressive, since every induction about the world is justified through a previous induction, which doesn’t prove what will happen in the future C) consequences always trigger more consequences, so determining the final consequence is impossible and D) Util can never call certain things always wrong, since the ends would decide in that particular instance.

### Offense

**[1] A right to strike claims a right to a specific job, which is a positive right incoherent under the framework,**

**Gourevitch 16,** Alex Gourevitch “Quitting Work but Not the Job: Liberty and the Right to Strike.” Perspectives on Politics 14 (2016): 307 - 323. [https://sci-hub.se/10.1017/S1537592716000049]//LHP AV Accessed 7/4/21 recut AHS//NPR \*bracketed for gendered language

If **a right to strike** is not a right to quit what is it? It **is the right that workers claim to refuse to perform work they have agreed to do while retaining a right to the job**. Most of what is peculiar, not to mention fraught, about a strike is contained in that latter clause. Yet, surprisingly, few commentators recognize just how central and yet peculiar this claim is (Locke 1984).2 Opponents of the right to strike are sometimes more alive to its distinctive features than defenders. One critic, for instance, makes the distinction between quitting and striking the basis of his entire argument: **the unqualified right to withdraw labour, which is a clear right of free men, does not describe the behaviour of striker**s...**Strikers**...**withdraw from the performance of their jobs, but in the only relevant sense they do not withdraw their labour**. The 2 Don Locke is one of the few to note both how central the claim to ‘keeping the job’ is and how hard it is to ground this claim. “So what is distinctive about **a strike is**....**the refusal to do a particular job, combined with the insistence that the job is none the less still yours.”** Locke 1984, 181. jobs from which they have withdrawn performance belong to them, they maintain. (Shenfield 1986, 10-11) On what possible grounds may workers claim a right to a job they refuse to perform? While many say that every able-bodied person should have a right to work, and they might say that the state therefore has an obligation to provide everyone with a job, **the argument for full employment never amounts to saying that workers have rights to specific jobs from specific private employers.** For instance, in 1945, at the height of the push for federally guaranteed full employment, the Senate committee considering the issue took care to argue that, “**the right to work has occasionally been misinterpreted as a right to specific jobs of some specific type and status.” After labeling this a “misinterpretation,” the committee’s report cited the following words from one of the bill’s leading advocates:** “It is not the aim of the bill to provide specific jobs for specific individuals. **Our economic system of free enterprise must have free opportunities for jobs for all who are able and want to work**. **Our American system owes no [person] ~~man~~ a living, but it does owe every man an opportunity to make a living**.” (Senator Murray, quoted in United States, Wagner, and Radcliffe 1945, 8). These sentences remind us how puzzling, even alarming, the right to ‘specific jobs’ can sound. In fact, **in a liberal society, the whole point is that claims on specific jobs are a relic of feudal thinking.** In status-based societies, specific groups had rights to specific jobs in the name of corporate privilege. Occupations were tied to birth or guild membership, but not available to all equally. **Liberal society, based on freedom of contract, was designed to destroy just that kind of unfair and oppressive status-based hierarchy**. A common argument against striking workers is that they are latter day guilds, protecting their sectional interests by refusing to let anyone else perform ‘their jobs’ (e.g. Hayek 2011, 384-404). As one critic puts it, the strikers’ demand for an inalienable right to, and property in, a particular job cannot be made conformable to the principles of liberty under law for all...the endowment of the employee with some kind of property right in a job, [is a] prime example of this reversion to the governance of status. (Shenfield 1986, 13) If such criticisms fundamentally misunderstand the entirely modern basis for the right to strike, we still need an account of how anyone could claim something like a property right in a job she not only never acquired but that she then refuses to perform.

**[2] The right to strike necessarily involves violating the right to property and contract – it’s coercive, Gourevitch 16,** Alex Gourevitch “Quitting Work but Not the Job: Liberty and the Right to Strike.” Perspectives on Politics 14 (2016): 307 - 323. [https://sci-hub.se/10.1017/S1537592716000049]//LHP AV Accessed 7/4/21 recut AHS//NPR

A second problem follows on the first. **If workers have rights to the jobs they are striking then they must have some powers to enforce those rights**. **Such powers might include** mass picketing, secondary boycotts, sympathy strikes, **coercion and intimidation of replacement workers, even destruction or immobilization of property** – the familiar panoply of strike actions. While workers have sometimes defended such actions without using the specifically juridical language of ‘rights,’ in many cases they have used that kind of appeal.3 Even when they have not employed rights-discourse, they have invoked some related notion of demanding fair terms to their job (Frow, Frow and Katanka 1971). Each and any of the above listed activities of a strike – pickets, boycotts, sympathy actions – are part of the way workers not only press their demands but claim their right to 3 See James Gray Pope’s (1997) remarkable reconstruction of the way, in the 1920s, rights-discourse helped organize and sustain a ‘constitutional strike’ against attempts to curtail and outlaw the strike. the job. Strikers regularly implore other workers not to cross picket lines and take struck jobs. **These are more than speech-acts. At the outer edges, they amount to intimidation and coercion**. Or at least, workers claim the right to intimidate and coerce if the state will not itself enforce this aspect of their right to strike. Liberal societies rarely permit a group of individuals powers that come close and even cross over into rights of private coercion. It is no surprise that regulation and repression of these strike-related activities have been the source of some of the most serious episodes of strike-related violence in US and European history (Brecher 2014; Lambert 2005; Forbath 1991; Adamic 1971; Taft and Ross 1969; Liebknecht 1917). So, alongside the unclear basis for the strikers’ rights to their jobs, the problem for a liberal society is that this right seems to include private rights of coercion or at least troubling forms of social pressure. Yet there is more. **The standard strike potentially threatens the fundamental freedoms of three specific groups**. • **Freedom of contract** **It conflicts with the freedom of contract of those replacement workers who would be willing to take the job** on terms that strikers will not. Note, this is not a possible conflict but a necessary one. **Strikers claim the job is theirs, which means replacements have no right** to it. But replacements claim everyone should have the equal freedom to contract with an employer for a job. • Property rights **A strike seriously interferes with the employer’s property rights**. **The point of a strike is to stop production**. **But the point of a property right is that, at least in the owner’s core area of activity, nobody else has the right to interfere with his use of that property**. **The** **strikers**, by claiming the employer has no right to hire replacements and thus no way of employing his property profitably, **effectively render the employer unfree to use his property as he sees fit**. To be clear, strikers claim the right not just to block replacement workers, but to prevent the employer from putting his property to work without their permission. For instance, New Deal ‘sit-down’ strikes made it impossible to operate factories, which was one reason why the courts claimed it violated employer property rights (Atleson 1983, 46-48). Similarly, during the Seattle general strike in 1919, the General Strike Committee forced owners to ask permission to engage in certain productive activities – permission it often denied (Brecher 2014, 106-111). • Freedom of association Though the conceptual issues here are complicated, a strike can seriously constrain a worker’s freedom of association. It does so most seriously when the strike is a group right, in which only authorized representatives of the union may call a strike. In this case, the right to strike is not the individual’s right in the same way that, say, the freedom to join a church or volunteer organization is. Moreover, the strike can be coercively imposed even on dissenting members, especially when the dissenters work in closed or union shops. That is because refusal to follow the strike leads to dismissal from the union, which would mean loss of the job in union or closed shops. The threat of losing a job is usually considered a coercive threat. So not only might workers be forced to join unions – depending on the law – but also they might be forced to go along with one of the union’s riskiest collective actions. **Note that each one of these concerns follows directly from the nature of the right to strike itself**. **Interference with freedom of contract, property rights**, and the freedom of association **are all part and parcel of defending the right** that striking workers claim to the ‘their’ jobs. These are difficult forms of coercive interference to justify on their own terms and **they appear to rest on a claim without foundation**. Just what right do workers have to jobs that they refuse to perform?

## K

#### Utilitarianism is morally repugnant:

#### 1. Util justifies atrocities since it justifies allowing us to harm some for the benefit of others – even if they spew some pain quantifiability argument that doesn’t solve since there are still instances some get great benefit from others harm.

#### 2. Util can’t justify intrinsic wrongness – We can’t know whether our action was good until we’ve evaluated the states of affairs they’ve produced since it’s based on the outcome of the action. For Example if asked the question “is rape okay?” a utilitarian would not be able to say yes because there are situations in which it would be morally obligatory to do so if it maximized pleasure. Probability doesn’t solve because that just allows for moral error and freezes action while attempting to calculate the perfect decision.

#### 3. Utilitarianism would justify that death is good.

David Benatar summarizes in, Professor of Phil at University of Cape Town, Better Never to Have Been: The Harm of Coming into Existence, pub Oxford University Press, USA, Year: 2006, ISBN: 0199296421 ///AHS PB As a matter of fact, bad things happen to all of us. No life is without hardship. It is easy to think of the millions who live a life of poverty or of those who live much of their lives with some disability. Some of us are lucky enough to be spared these fates, but most of us who are, nonetheless suffer ill-health at some stage during our lives. Often the suffering is excruciating, even if it is in our final days. Some are condemned by nature to years of frailty. We all face death.²⁰ We infrequently contemplate the harms that await any new-born child—pain, disappointment, anxiety, grief, and death. For any given child we cannot predict what form these harms will take or how severe they will be, but we can be sure that at least some of them will occur.²¹ None of this befalls the nonexistent. Only existers suffer harm. Optimists will be quick to note that I have not told the whole story. Not only bad things but also good things happen only to those who exist. Pleasure, joy, and satisfaction can only be had by existers. Thus, the cheerful will say, we must weigh up the pleasures of life against the evils. As long as the former outweigh the latter, the life is worth living. Coming into being with such a life is, on this view, a benefit. The asymmetry of pleasure and pain However, this conclusion does not follow. This is because there is a crucial difference between harms (such as pains) and benefits (such as pleasures) which entails that existence has no advantage over, but does have disadvantages relative to, non-existence.²² Consider pains and pleasures as exemplars of harms and benefits. It is uncontroversial to say that () the presence of pain is bad, and that () the presence of pleasure is good. However, such a symmetrical evaluation does not seem to apply to the absence of pain and pleasure, for it strikes me as true that () the absence of pain is good, even if that good is not enjoyed by anyone, whereas () the absence of pleasure is not bad unless there is somebody for whom this absence is a deprivation.

#### This puts the affirmative in a double bind: Either A) we intuitively know killing people is wrong in which case you reject util out of principle or B) they condone death as good in which case their advantage would flow neg.

#### Two Impacts:

#### [1] It triggers permissibility since they can’t generate a correct moral obligation that justifies affirming. That negates: A) Semantics – Ought is defined as expressing obligation[[2]](#footnote-2) which means absent a proactive obligation you vote neg since there’s a trichotomy between prohibition, obligation, and permissibility and proving one disproves the other two and B) Safety – It’s ethically safer to presume the squo since we know what the squo is but we can’t know whether the aff will be good or not if ethics are incoherent.

#### [2] They read morally repugnant arguments. Thus the alternative is to drop the debater, to ensure that debate remains a space safe for all – the judge has a proximal obligation to ensure inaccessible practices don’t proliferate. Accessibility is a voting issue since all aff arguments presuppose that people feel safe in this space to respond to them.

1. Pigden, Charles. “Russell’s Moral Philosophy.” SEP. 2007. [↑](#footnote-ref-1)
2. <https://www.merriam-webster.com/dictionary/ought> [↑](#footnote-ref-2)