## NC

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

#### The resolution specifies that the right to strike must be unconditional—this means it cannot be contingent on any authority or have any exceptions

Thomas Magnell, Philosopher, The Correlativity of Rights and Duties, J Value Inquiry (2011) 45:1–12//BA PB

Unconditional rights may be either absolutely unconditional or relatively unconditional. An absolutely unconditional right is a right which every right-holder enjoys as something capable of having rights. These are the most fundamental of all rights. As rights which all right-holders have simply as right-holders, they are common to all people, institutions, corporations, societies, and at least some nonhuman animals. They do not need to be acquired. Because they are held unconditionally, they cannot be overruled. For the same reason, they are as minimal as can be. To draw anything more than the most minimal rights from right-holders as such is almost surely a mistake. The flights of fancy of natural rights theorists led Bentham to shout: ‘‘Natural Rights is simple nonsense: natural and imprescriptible rights, rhetorical nonsense,—nonsense upon stilts.’’12 Still, notwithstanding Bentham’s finest flourish of phrasing, there may be some, for example, the right of a right-holder not to be subject to a wanton disregard of its interests. This would seem to be a right that at least some animals have as well as people taken individually or in groups. It is not a particularly robust right. An awful lot of harm can be inflicted upon a right-holder without showing a wanton disregard for the right holder’s interests. Even so, as minimal as it is, it is not a right that is always respected, as National Socialists and International Socialists showed in concentration camps and the Gulag. A relatively unconditional right is a right which all right-holders of a certain kind enjoy without qualification. This gives a clear sense to the much abused term ‘‘human rights,’’ though there may be others. In the strictest sense, human rights are relatively unconditional rights. They are rights which human beings have simply as human beings, or perhaps more precisely as persons, if not all human beings are accounted persons, whatever their role or situation within or apart from a society. A better term for them would be ‘‘person rights,’’ but here the common term is unlikely to be allowed to give way. Human rights are not acquired, though if personhood is a characteristic that human beings can come to have and come to lose, human rights may be gained or lost along with it. Some other right-holders may have the same rights unconditionally, but not all. Narrower on the one hand than absolutely unconditional rights, broader on the other than conditional rights, human rights cannot be conferred by declarations or political manifestos on non-human animals or people: not on non-human animals because non-human animals cannot have them, and not on people because people already have them. In the strictest sense, many of the rights that have come to be labeled as human rights in the fairly recent past, such as the supposed rights to a certain level of income or to a certain level of education are not human rights at all, however politically popular it may be to say that they are. If they are rights in any sense, they are civil rights, acquired rights that are conferred by some civil authority. Human rights in the strictest sense have a more philosophical tone. One notable human right is that of entering into obligations, the right, odd as it sounds, to bear duties. Another is the human right to freedom, the relatively unconditional right that people who are capable of acting autonomously have as such beings. We have a right to liberty without the need for the right to be conferred, while other beings, such as non-human animals that may have the broader absolutely unconditional rights, lack this relatively unconditional right. This is why liberty is intimately tied with human dignity, even as it is demonstrably allied with human prosperity. All other rights that have correlative duties are conditional rights, rights of only some right-holders. They are acquired rights. Their acquisition is conditional on meeting certain qualifications. Someone has a right to have a promise kept only if he meets the qualifications of being the promisee. Someone has a right to receive charity only if he meets the qualification of being in need. From this it should be evident that conditional rights may be either conditioned-rights or unconditionedrights. What makes a right conditioned is a condition of the right itself, that of the correlative duty, an imperfect duty, not being conferred on other qualified rightholders. What makes a right conditional is a condition for acquiring the right in the first place.

#### The right to strike is an conditional right, so viewing it as unconditional is impossible. Fiat doesn’t solve because its intrinsic to the nature of the principle and the aff is a binding policy, not just view X as Y.

#### [1] The right to strike is conditional on the government existing and enforcing it: A] The Sqou proves that without the state, the right doesn’t exist, which means turning the NC non-uniques the aff B] State of nature would just mean people could take the action, not that they have a guaranteed right to do so.

#### [2] The right is conditional on the existence of certain social institutions: IE a workplace and employer to strike against, and a job to stop doing. This doesn’t apply to unconditional rights like freedom or life, since they are intrinsic to human nature not social constructs.

#### [3] Unconditional rights cannot conflict with each other, as otherwise neither would be absolute, but the right to strike conflicts with 1] The right to life of those deprived of stuff like medicine, which is fundamental to every human action

## Shell

**Interp – The affirmative debater must allow the negative a path to winning the debate.**

**Violation – no neg args + no responses to that args we asked in cx**

**The standard is infinite abuse – I can’t answer aff arguments which means you always win since I just don’t get to debate.**

**Impacts –**

**A) Destroys clash since I literally am not allowed to make arguments, which controls the IL to education since the any form of education we can get happens through discussion.**

**B) Prevents norm creation – the aff can claim literally any norm is good and the 1N cannot respond, which justifies infinitely unfair theory norms that set the model for all future debates. Use a norm setting model and theory and frame it as an independent voter – 1. It solves long term abuse whereas IRA only matters one round at a time 2. It’s best for the activity since it encourages deep reflection and debate about what the best world of debate looks like and strives toward it. 3. Advocacy Skills – forces you to defend what you read rather than read defense. 4- It allows you to read infinitely abusive things and j say “answer it.” 5- empirically successful w/ things like disclosure.**

**C) Constitutivism – preventing me from making any arguments is a violation of the rules of debate since it’s essentially eliminating my speech time.**

**Only evaluate the counter-interp – Anything else allows the aff to be infinitely abusive and use the tactics that gained them the competitive advantage to ensure they win every round by uplayering a true shell with meta-theory, takeouts, and deflationary paradigm issues, justifying the original abuse on the shell.**

**Drop the debater – 1. Deterrence – Prevents reading the abusive practice in the future since it’s not worth risking the loss which is k2 norm setting indefensible practices die out 2. TS – Otherwise you’ll read a bunch of abusive practices for the time trade off.**

**Use spirit of the interp since text encourages spamming blippy i-meets that avoid discussion of the actual abuse story.**

**1NC Theory o/w – 1. Lexicality – If the neg was abusive it was reactionary to aff abuse which means it’s justified 2. Norm setting – 1ar theory can never set norms since I only get 1 speech so we can’t fully develop the debate 3. Infinite abuse – Otherwise it would justify the aff baiting theory and uplayering and allows them to get away with infinite abuse just by being the better theory debater 4. Reject 2ar weighing since they get the last word and will win every theory debate if they can dump a bunch of new reasons their args come first for 3 minutes even if they are winning 10 seconds of offense.**

**No RVIs**

**[1] Chilling effect: a) you’re always more prepped to defend the CI to an unfair model of debate then I am to win its bad. For example, if you don’t disclose every round than you obviously hve drilled a good prewritten CI to disclosure whereas I don’t hve much edge on it.**

**[2] illogical- just like the aff doesn’t win for proving inherency, u cant win for being fair. Its just a constitutive burden.**

## 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. Util justifies death good – the absence of pleasure is not bad since there is no life to calculate its lossed value and experience its absence but the lack of pain is actively good even if that good cannot be enjoyed by anyone because it would still have net value. This puts them in a double bind: Either A) we intuitively know killing people is wrong in which case you reject util or B) they condone death as good in which case their advantage affirms.**

**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.**

## Case