### **Permissibility and Presumption affirms:**

**[A] Logic – Negating an obligation requires proving a prohibition. That is, to negate an action one would have to provide proactive reasoning as to why that action was wrong. In the absence of prohibitions, that affirms.**

**[B] Freezes action – requiring pro-active justification for all our actions would make it impossible to make morally neutral claims like ‘I ought to drink water’ which means we always assume we can take an action absent a proactive reason not to.**

**[C] Constitutiveness – the negative’s only role is to negate the aff. If they haven’t done that through proving a moral obligation against affirming, they have not met their burden which affirms**

**[D] Epistemology – If we presumed neg then nobody would be able to start any strand of reasoning since we would question everything infintely**

#### **The metaethic is constitutivism.**

Internalist ethics fail since they can’t have universal obligations which means not everybody has the same conception of morality

Externalist ethics fail since it is completely nonbinding and doesn’t motivate agents since it begs the question of why they exist and why we care.

The solution is constitutivism which derives ethics from the immutable features of agents so it generates universal and inescapable obligations

And, practical reason is constitutive.

**[1] Regress – every moral theory can be infinitely questioned which proves its base non binding since any agent can opt out of it. Reason solved since asking for a reason concedes its authority. Bindingness matters since otherwise morality would be optional and cannot explain goodness.**

**[2] Hijacks – All actions concede reason since to obtain goodness, you need to be able to take action and set and pursue ends meaning reason is the source of all value.**

#### **[3] Is/Ought Gap – experience just describes how the world is but doesn’t indicate how it ought to be which means there must be an a priori conception of good**

#### **[4] Agency is inescapable – we can shift between different identities over time but that shift is an instance of agency, and it also takes practical reason to see which enterprises are most desirable.**

#### **Thus, we share a unified perspective – everyone around me must arrive at the same conclusions through the use of reason. It’s incoherent to say 2+2=4 for me but not you.**

#### **However, freedom is a necessary right because violating someone’s freedom creates a contradiction in conception. We cannot will the extension of our freedom since it justifies others doing it to us**

**Engstrom** [Stephen Engstrom, (Professor of Philosophy @ the University of Pittsburgh) "Universal Legislation as the Form of Practical Knowledge" http://www.academia.edu/4512762/Universal\_Legislation\_As\_the\_Form\_of\_Practical\_Knowledge, DOA:5-5-2018 // recut]

Given the preceding considerations**, it’s a straightforward matter to see how a maxim of action that assaults the freedom** of others with a view to furthering one’s own ends **results in a contradiction when we attempt to will it as a universal law in accordance with the foregoing account of the formula of universal law. Such a maxim would lie in a practical judgment that deems it good** on the whole to act to limit others’ outer freedom, and hence their self-sufficiency, their capacity to realize their ends, where doing so augments, or extends, one’s own outer freedom and so also one’s own self-sufficiency.  Now on the interpretation we’ve been entertaining, applying the formula of universal law involves considering whether it’s possible for every person—every subject capable of practical judgment—to share the practical judgment asserting the goodness of every person’s acting according to the maxim in question. Thus in the present case the application of the formula involves considering whether it’s possible for every person to deem good every person’s acting to limit others’ freedom, where practicable, with a view to augmenting their own freedom. Since here all persons are on the one hand deeming good **both the limitation of others’ freedom and the extension of their own freedom, while on the other hand, insofar as they agree with the similar judgments of others, also deeming good the limitation of their own freedom and the extension of others’ freedom, they are all deeming good both the extension and the limitation of both their own and others’ freedom. These judgments are inconsistent insofar as the extension of a person’s outer freedom is incompatible with the limitation of that same freedom.**

#### **And, All agents must accept the state as necessary to enforce rights claims.**

**Ripstein 04** [Arthur Ripstein, (University Professor of Law and Philosophy, [University of Toronto](https://scholar.google.com/citations?view_op=view_org&hl=en&org=8515235176732148308)) "Authority and Coercion" Philosophy & Public Affairs, 32: 2–35, 2004, http://onlinelibrary.wiley.com/doi/10.1111/j.1467-6486.2004.00003.x/abstract, DOA:12-16-2017 // WWBW//recut]

Kant explains **the need for** the three branches of **government** in Rousseau’s vocabulary **of the “general will.” Kant finds this concept helpful, since it manages to capture the way in which the specificity of the law and the monopoly on [the law’s] its enforcement do not thereby make it the unilateral imposition of one person’s will upon another. Instead, it is what Kant calls an “omnilateral” will, since all must agree to set up procedures that will make right possible**. All must agree, because **without such procedures, equal freedom is impossible**, and so the external freedom of each is impossible. But the sense in which they must agree is not just that they should agree**; it is that they cannot object to being forced to accept those procedures, because any objection would be nothing more than an assertion of the right to use force against others unilaterally.** Once the concept of the General Will is introduced, it provides further constraints on the possibility of a rightful condition, and even explains the ways in which a state can legitimately coerce its citizens for reasons other than the redress of private wrongs. Kant’s treatment of these issues of “Public Right” has struck many readers as somewhat perfunctory, especially after his meticulously detailed, if not always transparent, treatment of private right. He treats these issues as he does because he takes them to follow directly from the institution of a social contract. The details of his arguments need not concern us here, because he does not claim that these exhaust the further powers of the state. Instead, he puts them forward as additional powers a state must have if it is to create a rightful condition, and it is the structure of that argument that is of concern here.

#### **Thus the standard is consistency with a system of equal freedoms.**

#### **Impact Calc:**

#### **The standard is non consequentialist so the state has no right to try to predict rights violations, it can only punish ongoing ones since it doesn’t understand intent. Prefer for action theory – any action can be split into infinite smaller actions. When I am eating a sandwich it is infinitely small movements of my arm. Only reason unifies those actions. This is necessary for ethics because it requires a judgement of a coherent action.**

#### **Prefer additionally:**

#### **[1] Consequentialism fails –**

#### **A] Induction fails –**

#### **1. saying that induction works relies on induction itself because it assumes that past trends will continue, which means it’s circular and unjustified**

#### **2. It assumes specific causes of past consequences which can’t be verified as the actual cause**

#### **B] Butterfly effect - every action has infinite consequences so it is impossible to evaluate an action; one government policy could end up causing nuclear war in a million years.**

#### **C] Aggregation is impossible – pleasure and pain are subjective – we have no idea how many headaches equal a migraine**

#### **D] Infinite obligations – I have infinite obligations to maximize pleasure with no way to order them which freezes action.**

#### **If your framework is unable to guide action even one percent of the time it is unable to generate obligation**

#### **[2] Performativity – contesting the fw needs freedom which concedes its authority since you couldn’t do it without freedom.**

#### **[3] Humanity is the ultimate center of ethics so all frameworks devolve to treating people as ends.**

**Korsgaard 83**, Christine M (Prof of Phil @ Harvard University). "Two distinctions in goodness." The Philosophical Review 92.2 (1983): 169-195. http://www.people.fas.harvard.edu/~korsgaar/CMK.Two.Distinctions.pdf brackets for gendered language

The argument shows how Kant’s idea of justification works. It can be read as a kind of regress upon the conditions, starting from an important assumption. The assumption is that **when a rational being makes a choice or undertakes an action,** he or she **[they] supposes** **the object to be good**, and its pursuit to be justified. At least, if there is a categorical imperative **there must be objectively good ends**, for then there are necessary actions and so necessary ends (G 45-46/427-428 and Doctrine of Virtue 43-44/384-385). **In order for there to be any objectively good ends, however, there must be something that is unconditionally good and so can serve as a sufficient condition of their goodness. Kant considers what this might be: it cannot be an object of inclination, for those have only a conditional worth,** “for if the inclinations and the needs founded on them did not exist, their object would be without worth” (G 46/428**). It cannot be the inclinations themselves because a rational being would rather be free from them. Nor can it be external things, which serve only as means**. So, Kant asserts**, the unconditionally valuable thing must be “humanity” or “rational nature,”** which he defines as “the power set to an end” (G 56/437 and DV 51/392). Kant explains that regarding your existence as a rational being as an end in itself is a “subjective principle of human action.” By this I understand him to mean that we must regard ourselves as capable of conferring value upon the objects of our choice, the ends that we set, because we must regard our ends as good. But since “every other rational being thinks of his existence by the same rational ground which holds also for myself’ (G 47/429), we must regard others as capable of conferring value by reason of their rational choices and so also as ends in themselves. Treating another as an end in itself thus involves making that person’s ends as far as possible your own (G 49/430). The ends that are chosen by any rational being, possessed of the humanity or rational nature that is fully realized in a good will, take on the status of objective goods. They are not intrinsically valuable, but they are objectively valuable in the sense that every rational being has a reason to promote or realize them. For this reason it is our duty to promote the happiness of others-the ends that they choose-and, in general, to make the highest good our end.

#### **I defend the resolution as a general principle – resolved: A just government ought to recognize the unconditional right of workers to strike**

**Cambridge** [Striking.. . “strike”. n.d. Cambridge English Dictionary. https://dictionary.cambridge.org/us/dictionary/english/strike. Accessed 10-28-2021]

#### to [refuse](https://dictionary.cambridge.org/us/dictionary/english/refuse) to [continue](https://dictionary.cambridge.org/us/dictionary/english/continue) [working](https://dictionary.cambridge.org/us/dictionary/english/working) because of an [argument](https://dictionary.cambridge.org/us/dictionary/english/argument) with an [employer](https://dictionary.cambridge.org/us/dictionary/english/employer). about [working](https://dictionary.cambridge.org/us/dictionary/english/working) [conditions](https://dictionary.cambridge.org/us/dictionary/english/conditions), [pay](https://dictionary.cambridge.org/us/dictionary/english/pay) [levels](https://dictionary.cambridge.org/us/dictionary/english/level), or [job](https://dictionary.cambridge.org/us/dictionary/english/job) [cuts](https://dictionary.cambridge.org/us/dictionary/english/cut)

#### **Affirm – everybody has an intrinsic right to do anything they want as long as it doesn’t impede on other’s freedom. Thus proving that strikes are non-coercive is enough to prove people have a right to strike. Also means that disproving all turns is sufficient to affirm.**

#### **[1] Strikes are intrinsically an omission from working – we always have the freedom to omit from doing something otherwise the government would need to coerce us to work.**

#### **And, The right to strike is consistent with negative rights – otherwise it requires direct government intervention to break the negotiation process**

#### **Sheppard ’96:**

Terry Sheppard, "Liberalism and the Charter: Freedom of Association and the Right to Strike" (1996) 5 Dal J Leg Stud 117. yoaky

The simplest way to differentiate these two concepts of rights and freedoms, which are often taken as synonymous, is to say that a right is a right to something while a freedom is a freedom from something, usually government interference. The question that is raised here is whether striking is a freedom or a right.55 The distinction is important because the liberal will only support the negative conception of non-interference but not the positive right to formulation.56 What are the union members being given when they exercise their right to strike? Some would answer that they are being given higher wages, better benefits or whatever else is sought by striking. If this is the case, then it is untrue that workers have a right to any of these things. The liberal does not allow that anyone has a right to a particular wage for a specific job. Those philosophers who have protested the supply and demand determination of prices and wages have created various schemes for an objective calculation of wages and prices. Marx, for example, believed that each person should be given a wage according to their need. Liberals deny these claims and argue that the only price or wage is what the market will bear. But this is not what unions are asserting when they postulate a right to strike. There is no set wage or benefits package that is morally justifiable outside the turbulent give and take of the free market. In contrast to socialists, liberals do not believe that one end result is any more just than another. As long as the rules of the game are just, the results will be just. This is how liberals justify the often severe inequality present in a liberal society and attack socialists for wanting to change the outcome. The analogy that is often used focuses upon the rules of a game. It would make little sense to criticize the score of a hockey game even if the home team is defeated soundly. As long as all the rules apply equally to both teams, the final score is just. Only if one team were allowed to be offside and the other not would there be cause to question the outcome of the game. It does not matter that one team is better and stronger than the other team. Such is the case with labour negotiations. Liberals cannot complain that a union receives too much in labour negotiations simply because it has the bargaining power to exact a generous contract. Likewise, socialists cannot complain if the union failed to have its demands met. What the unions are really seeking is the right to enter into the labour negotiation process without the fear of the state's coercive powers being used against them. It is a freedom they seek, the same freedom liberals seek for all individuals-the freedom from government interference. The right to strike is only a right in the sense that unions have the right to enter into labour negotiations free from government intervention. In the same sense, freedom of religion is a right to worship free of state involvement. So the right to strike is really the freedom to strike. The argument has been made that if the government is kept out of the labour field by providing unions with a constitutionally protected freedom to strike, the balance of power would be unfairly changed in favour of the unions. Mcintyre]. makes the point when he writes: To intervene in that dynamic [i.e. that of labour negotiations] ... by implying constitutional protection for a right to strike would, in my view, give to one of the contending forces an economic weapon removed from and made immune, subject to s. l, to legislative control which could go far towards freezing the development of labour relations and curtailing the process of evolution necessary to meet the changing circumstances of a modern society in a modern world.57 Mcintyre J. believes that in dismissing the case he is leaving the situation as it was before with the power structure more or less equal. After all, he is not taking the freedom to strike away from unions but merely allowing the legislatures to regulate this freedom as they see fit. Unions can still legally strike in the same manner as they always could. The fact that some unions did strike, and strike successfully, does not mean that unions had the legal freedom to strike. Even after this decision, some unions will still strike. The conclusion that the freedom to strike is not compromised because the government allows some strikes to go on is a non sequitur. A totalitarian regime may allow certain religions to practice but ban all others. Could this regime be said to have freedom of religion? What the Supreme Court did in failing to recognize a constitutional freedom to strike was to allow the government to step into any labour dispute and order the union back to work, which, in effect, enervates the freedom to strike. Mcintyre J. believes that in denying unions the freedom to strike he was remaining impartial in the field of labour relations. In fact, he believes that if unions were granted this freedom, he would be "freezing" the "process of evolution" by giving unions an unfair advantage. In its present form, the labour negotiation process is generally to the advantage of the employer. Obviously, some unions have more bargaining power than others. However, this power rarely exceeds that of their employer. For many reasons, unions are reluctant to launch a strike and once they do strike, there are pressures on a union to settle quickly. First, as Smith pointed out, the effects of a labour dispute are more immediate to the workers than to management: A landowner, a farmer, a master manufacturer, or merchant, though they did not employ a single workman, could live a year or two upon the stocks which they have already acquired. Many workmen could not subsist a week, a few could subsist a month, and scarce any a year without employment. In the long-run the workman may be as necessary to his master as his master is to him; but the necessity is not so immediate. [my emphasis]. 58 Even farther removed are the stockholders of those companies that are publicly traded. Secondly, many companies will have a reserve of their product on hand, especially if they have anticipated labour trouble, which will see them through the initial strike period. Workers, on the other hand, may have limited savings but even if they do, they will reluctantly dip into their life savings or their child's college fund, certainly more reluctantly than the company will use up its surplus stock. Also, depending on the provincial legislation and the union contract, it may be possible for the company to bring in replacement workers while the strikers must report for picket duty each day. Where replacement workers cannot be used, some companies can get by for a short time by using management to run the factory. Often, union workers are restricted from finding a temporary job during the strike and even when this is permissible, the hopes of finding an interim position are limited. A strike may involve thousands of workers, each of them feeling the effects of the work stoppage differently. This is why it is very difficult, even in a small union, to maintain cohesion, while the employer can more easily offer a united front. It is difficult to maintain that the Supreme Court's decision is neutral. The government only rarely intervenes on behalf of the unions. None of Canada's major political parties have a great track record on protecting unions.

#### **The government only has an obligation to stop violations of freedom so it has no right to intervene in this process. People have every right unless it infringes on other people’s rights.**

# **UV**

#### **1] 1ar theory is good because its key to check 1nc abuse – otherwise the neg can read 50 aprioris with no recourse.**

#### **2] Its dtd since 1AR is too short to substantively engage abusive positions and it’s a bigger time commitment for 4 minute 1ar.**

#### **3] No RVIs on aff theory since you get a 6 minute collapse which means you always win and you always are ahead on your theory debate so its to make up for the skew.**

#### **4] Competing interps because it creates the best norms and is most reciprocal on time since I had to structure a shell so you do too and easiest to learn for novices since its intuitive**

#### **5] aff theory first since neg theory has 13-7 or 6-3 time skew with the 2n collapse. You’d just win every round.**

### **Extend the metaethic of constitutivism. What is ethical must be decided through the features of the subject. Practical reason is that feature that you cannot escape. If all of us have practical reason, then the principle of equality is true. 2+2 =4 for me as well as everyone around me. So, that necessitates freedom because if I can decide to violate your freedom, then I must also conclude that you can decide to violate my freedom, but that is a logical contradiction.**

## **AT Extinction First**

[a] **Fallacy of origin**- just because we need to be alive to derive ethics doesn’t mean we intrinsically value life, i.e. just because we need oxygen to survive the standard isn’t maximizing oxygen; morality is what we use to be good people when alive, but that doesn’t presuppose there is an intrinsic value to life itself

[b] **Impairs action-** if we focus on preventing extinction, we will never take action if it has 0.1% chance of causing death