# 1AR

### Theory

### Cap good

#### **Capitalism uniquely solves for environmental issues**

Franz 17 (Caleb, podcast director for *Outset* magazine. “Markets Work: Capitalism and Innovation Heal the Earth”, 4/25/17. <http://outsetmagazine.com/2017/04/25/capitalism-and-innovation-heal-the-earth/>, 7/7/17)//JM

When it comes to opposing factions, it seems as though no two factions could be more averse to each other than environmentalists and capitalists. We are taught to believe that those who care about economic growth cannot possibly care about environmental protection and vice versa. While this rhetoric is a good way to polarize those with opposing priorities, the truth is that they can co-exist. In fact, not only can capitalism and environmentalism co-exist, but only with free market capitalism can the environment ever hope to be clean. Even though critics of capitalism accuse the system of placing profits above people or the environment, the reality sets a different tone. The market demand for clean and renewable energy is growing every day. Companies and businesses are finding it profitable to keep the environment that their costumers live in clean. There is also an opportunity for those who care about the cause to take action like never before and to do so within the market. Technology and innovation are evolving at such a rate that dirty fuels and pollution will soon become a thing of the past. Elon Musk is the perfect example of this concept. Musk has created an entire empire based on clean and affordable energy; not because of government decree or regulation, but from private incentives to innovate and compete, which drives product quality up. Because Musk is allowed to profit and gain from the demand of the marketplace, his companies are on the cutting edge of innovation changing the world and the environment. Musk recently announced that he could produce roof solar panels at a cheaper rate than even conventional roofs. He is using Tesla Motors to revolutionize the automobile and clean energy industries. While Tesla cars are currently not as quite as profitable as I’m sure he would like, these innovations are setting the essential groundwork for years to come. On a smaller scale, new industries are finding innovative ways to help fight pollution and restore clean water to the planet. The only reason any company is even able to do this is capitalism. Competition is a powerful force, and people often forget that the market is what we make it. Going to government is not just a lazy way of trying to achieve sustainability, but it is also ineffective and does more harm than good. The market, so long as it is free and without crony assistance from the government, always hold businesses accountable. Sure, in a genuinely free market, a business might pollute, but the decision to pollute in excess will eventually prove counter to business interests. First, a company’s pollution would significantly affect the water that their employees drink or the air that they breathe, which would raise employment costs. Second, and more importantly, the company would also be polluting the water or air of their customers, who will be far less likely to continue doing business with the company after they have damaged the ecosystem of the community. Pollution would leave the company vulnerable to outside competition that recognizes these environmental concerns as well as the economic concerns. The business that pollutes the air and waters of the community it serves will quickly lose customers and suffer significant losses because the community, and not the government, will punish the business. Not only should we explore innovation with the market to protect the environment, but we must also act to curtail the world’s largest polluter: the U.S. Government. While environmentalist protest and rally against large corporations who pollute the air and water, the government remains the world’s largest overall polluter. Calls for government reform are silent. Not only are they the largest overall, but the federal government is also the fourth largest contributor to greenhouse gas pollution alone. Of course, we also cannot forget about the terrible EPA mine spill polluting the Colorado River in 2015. If environmentalists want to be serious about reducing pollution, they must focus on cutting the size of government. We should all strive for sustainability. Therefore, we should not view capitalism at odds with a clean Earth. Only through capitalism can we have a realistic expectation of a cleaner Earth. Government intervention only hinders economic progress and does little to protecting the environment. The path to a clean and sustainable planet cannot and should not go through the government but through competition and innovation. The government cannot mandate economic growth. The only thing it can and should do is get out of the way and remove all restrictions that slow innovation. Fossil fuels are already on their way out, and clean energy is the way of the future. But that fact does not, by itself make clean energy affordable. Only with the creative destruction that the market provides can we have a clean and sustainable future that coincides with our economic growth and prosperity. Capitalism leading the way to heal the planet is just one excellent example of how well markets work.

# Kant AC

[brackets for clarification]

### 1AC – Framing

#### The meta ethic is practical reason – ethics begins with the rational capacity to set ends, which necessitates recognizing that capacity in others.

Korsgaard 83 Two Distinctions in Goodness Author(s): Christine M. Korsgaard Source: The Philosophical Review , Apr., 1983, Vol. 92, No. 2 (Apr., 1983), pp. 169-195 Published by: Duke University Press on behalf of Philosophical Review Stable URL: <http://www.jstor.com/stable/2184924>

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 17A much fuller treatment of the ideas of this section is in my paper "Kant's Formula of Humanity," forthcoming in Kant-Studien. 181 This content downloaded from 98.148.2.15 on Sat, 29 Aug 2020 20:12:58 UTC All use subject to h CHRISTINE M. KORSGAARD for there to be any objectively good ends, however, there must be something that is unconditionally good and so can serve as a suffi- cient 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 uncondi- tionally 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 happi- ness of others-the ends that they choose-and, in general, to make the highest good our end.

#### For ethics to be binding it must be universal and constitutive of all individuals.

#### 1] Problem of regress – I can keep asking ‘why value this’ to other frameworks, which falls to moral skep; the only value which solves this is ‘reason,’ as to ask for a reason to value reason, you concede reason’s authority.

#### 2] Universality – for ethics to be objective it must be universal; 1+1=2 can’t be true for me but not for you.

#### 3] Action Theory – Every action can be broken down to infinite movements. Only reason can unify the parts of an action into one, thus all action collapses to reason.

#### 4] Is-ought gap – external conditions can never prescribe action since no set of is statements can ever prove we ought to do something objectively.

#### 5] Culpability – you can only have responsibility over your actions if you freely choose them – if I rob a bank that’s bad but if someone forces me at gunpoint it’s not.

#### Bindingness outweighs a] for the resolution to be true or false it must be binding, otherwise the round is irresolvable, b] it presupposes bindingness since ought implies moral obligations, and c] otherwise people could just ignore ethics and do whatever they want.

#### Thus the standard is consistency with Categorical Imperative

#### Prefer –

#### 1] Actor spec – governments use Kantian conceptions of the state when implementing policies.

Ripstein 15 [Arthur Ripstein (Professor of Law and Philosophy at the University of Toronto). “Just War, Regular War, and Perpetual Peace” (2015). AS 7/16/15] lm

Sophisticated contemporary legal systems work either implicitly or explicitly with some version of this Kantian idea of the state as a public rightful condition. Constitutional courts review legislation to make sure that it is properly within the state's legitimate mandate, and throughout the world recent awareness of problems of institutional corruption reflect the recogni[ze]tion of the fundamental importance of the distinction between properly public and improperly private purposes in the internal management of states. Conversely, its widely appreciated that the proper role of the state is not simply to bring about as much good as possible in the world, and that states have a special responsibility to their own citizens and residents.

#### 2] Universality – any universal ethic necessitates freedom as unconditionally good.

Sorens 17 Jason Sorens, 2-10-2017, "Immanuel Kant and the Philosophy of Freedom," No Publication, <https://fee.org/articles/immanuel-kant-and-the-philosophy-of-freedom/>

The Categorical Imperative The moral law takes the form of an unconditional or categorical imperative. It says, for instance, “Do not murder, even if you can achieve your goals by doing so.” It’s not a hypothetical imperative like “if you don’t want to burn your hand, don’t touch the hot stove,” or “if you don’t want to go to jail, don’t murder.” It commands our wills regardless of what our particular goals are. Kant thinks all particular moral commands can be summed up in a fundamental, categorical imperative. It takes three forms. I’ll mention two of them here. The equal freedom of each individual is perfectly consistent with the utmost inequality in the degree of possessions. One form of the categorical imperative focuses on the notion that human beings are special because of our capacity for moral responsibility. Kant assumes that this capacity gives each individual human being a dignity, not a price. What that means is that we must not trade off the legitimate rights and interests of any human being for anything else. We must not treat other people or ourselves as means only to some other end, but always as ends in ourselves. The other, perhaps more frequently cited form of the imperative is highly abstract: “Always act according to that maxim that you can will as a universal law of nature.” In other words, think about the principle or rule that justifies your action; then figure out whether it’s universalizable. If so, it is an acceptable principle or rule for you to follow; if not, it is not. “Steal when I can gain an advantage thereby” [stealing] is not universalizable because it implies that others may steal from me, that is, take what I own against my will. But I cannot will against my own will. Rights and Freedoms Now, this understanding of the dignity of the individual human being implies that persons have rights, in other words, that we have an enforceable duty to respect the freedoms of all persons. So we can’t trample on the freedoms of one person to help one or many others (contra the “act utilitarians”). For instance, it would be wrong to kill one healthy person to distribute [t]he[i]r organs to several sick people, even if doing so was necessary to [would] save two or more lives. Each person has a dignity that must not be trampled, no matter what. (Another misunderstanding of Kant says that he thinks your intentions are the only thing that matter and you can ignore the consequences of your actions. To the contrary, to ignore consequences is to act with ill intent. Consequentialists differ from Kant in believing that only aggregate consequences of actions need be taken into account. Kant’s political theory is individualistic, while consequentialist theories are inevitably collectivist.) In an essay titled “Theory and Practice” (short for a much longer title), Kant gives an overview of his political theory. Once a civil state has been established to secure our rights, he says, No one can compel me to be happy in accordance with his conception of the welfare of others, for each may seek his happiness in whatever way he sees fit, so long as he does not infringe upon the freedom of others to pursue a similar end which can be reconciled with the freedom of everyone else within a general workable law — i.e. he must accord to others the same right as he enjoys himself. Kant, therefore, endorses the law of equal freedom, that everyone should have maximum freedom to pursue happiness consistent with the like freedom of everyone else, or what some libertarians have called the “Non-Aggression Principle.” This principle applies under government, not just in the state of nature. The only justification for coercion in his philosophy seems to be [is] the defense of self or others. The equal freedom of each subject in a civil state, Kant says, “is, however, perfectly consistent with the utmost inequality of the mass in the degree of its possessions, whether these take the form of physical or mental superiority over others, or of fortuitous external property and of particular rights (of which there may be many) with respect to others.” Kant is no Rawlsian; he is a classical liberal who realizes that liberty upsets patterns and should be preserved in spite of (or because of) that. In the same essay, Kant endorses Locke’s view of the social contract. A legitimate state with a right to rule can emerge only after unanimous consent to the initial contract. To do otherwise would be to violate the non-consenters’ rights. We now know that unanimous consent to the social contract has rarely occurred in human history, and so Kant’s strong theory of individual rights sets us up for a rejection of political authority. If we reject political authority, the largest state we can possibly justify is a minimal state, and, according to some, not even that. Kantian Liberalism Kant’s moral philosophy justifies extremely strong individual rights against coercion. The only justification for coercion in his philosophy seems to be the defense of self or others. His ideal government, therefore, seems to be extremely limited and to allow for the free play of citizens’ imaginations, enterprise, and experiments in living.

#### 3] The structure of action necessitates that freedom is the first and primary good.

Gewirth 84 [Alan Gewirth, () "The Ontological Basis of Natural Law: A Critique and an Alternative" American Journal of Jurisprudence: Vol. 29: Iss. 1 Article 5, 1984, https://scholarship.law.nd.edu/ajj/vol29/iss1/5/]

Let me briefly sketch the main line of argument that leads to this conclusion. As I have said, the argument is based on the generic features of human action. To begin with, every agent acts for purposes [t]he[y] regards as good. Hence, [t]he[y] must regard as necessary goods the freedom and well being that [is] are the generic features and necessary conditions of his action and successful action in general. From this, it follows that every agent logically must hold or accept that he has rights to these conditions. For if he were to deny that he has these rights, then he would have to admit that it is permissible for other persons to remove from him the very conditions of freedom and well-being that, as an agent, he must have. But it is contradictory for him to hold both that he must have these conditions and also that he may not have them. Hence, on pain of self-contradiction, every agent must accept that he has rights to freedom and well-being. Moreover, every agent must further admit that all other agents also have those rights, since all other actual or prospective agents have the same general characteristics of agency on which he must ground his own right-claims. What I am saying, then, is that every agent, simply by virtue of being an agent, must regard his freedom and well being as necessary goods and must hold that he and all other actual or prospective agents have rights to these necessary goods. Hence, every agent, on pain of self-contradiction, must accept the following principle: Act in accord with the generic rights of your recipients as well as of yourself. The generic rights are rights to the generic features of action, freedom, and well-being. I call this the Principle of Generic Consistency (PGC), because it combines the formal consideration of consistency with the material consideration of the generic features and rights of action.

#### 4] Textuality – the word ‘unconditional’ implies apriori ethics which isn’t contingent on stuff like consequences.

Merriam Webster 21“Unconditional.” Merriam-Webster.com Dictionary, Merriam-Webster, https://www.merriam-webster.com/dictionary/ought. Accessed 4 Oct. 2021

un·​con·​di·​tion·​al | \ ˌən-kən-ˈdish-nəl , -ˈdi-shə-nᵊl \ Definition of unconditional 1: not conditional or limited : [ABSOLUTE](https://www.merriam-webster.com/dictionary/absolute), [UNQUALIFIED](https://www.merriam-webster.com/dictionary/unqualified) unconditional surrender unconditional love Synonyms for unconditional Synonyms [absolute](https://www.merriam-webster.com/dictionary/absolute), [all-out](https://www.merriam-webster.com/dictionary/all-out), [arrant](https://www.merriam-webster.com/dictionary/arrant), [blank](https://www.merriam-webster.com/dictionary/blank), [blooming](https://www.merriam-webster.com/dictionary/blooming) [chiefly British], [bodacious](https://www.merriam-webster.com/dictionary/bodacious) [Southern & Midland], [categorical](https://www.merriam-webster.com/dictionary/categorical) (also [categoric](https://www.merriam-webster.com/dictionary/categoric)), [clean](https://www.merriam-webster.com/dictionary/clean), [complete](https://www.merriam-webster.com/dictionary/complete), [consummate](https://www.merriam-webster.com/dictionary/consummate), [cotton-picking](https://www.merriam-webster.com/dictionary/cotton-picking), [crashing](https://www.merriam-webster.com/dictionary/crashing), [damn](https://www.merriam-webster.com/dictionary/damn), [damned](https://www.merriam-webster.com/dictionary/damned), [dead](https://www.merriam-webster.com/dictionary/dead), [deadly](https://www.merriam-webster.com/dictionary/deadly), [definite](https://www.merriam-webster.com/dictionary/definite), [downright](https://www.merriam-webster.com/dictionary/downright), [dreadful](https://www.merriam-webster.com/dictionary/dreadful), [fair](https://www.merriam-webster.com/dictionary/fair), [flat](https://www.merriam-webster.com/dictionary/flat), [flat-out](https://www.merriam-webster.com/dictionary/flat-out), [out-and-out](https://www.merriam-webster.com/dictionary/out-and-out), [outright](https://www.merriam-webster.com/dictionary/outright), [perfect](https://www.merriam-webster.com/dictionary/perfect), [plumb](https://www.merriam-webster.com/dictionary/plumb), [profound](https://www.merriam-webster.com/dictionary/profound), [pure](https://www.merriam-webster.com/dictionary/pure), [rank](https://www.merriam-webster.com/dictionary/rank), [regular](https://www.merriam-webster.com/dictionary/regular), [sheer](https://www.merriam-webster.com/dictionary/sheer), [simple](https://www.merriam-webster.com/dictionary/simple), [stark](https://www.merriam-webster.com/dictionary/stark), [stone](https://www.merriam-webster.com/dictionary/stone), [straight-out](https://www.merriam-webster.com/dictionary/straight-out), [thorough](https://www.merriam-webster.com/dictionary/thorough), [thoroughgoing](https://www.merriam-webster.com/dictionary/thoroughgoing), [total](https://www.merriam-webster.com/dictionary/total), [unadulterated](https://www.merriam-webster.com/dictionary/unadulterated), [unalloyed](https://www.merriam-webster.com/dictionary/unalloyed), [unmitigated](https://www.merriam-webster.com/dictionary/unmitigated), [unqualified](https://www.merriam-webster.com/dictionary/unqualified), [utter](https://www.merriam-webster.com/dictionary/utter), [very](https://www.merriam-webster.com/dictionary/very)

#### 5] Reject consequences – a] we can only observe the consequence of an action after it has occurred which means they can’t prescribe actions, b] the problem of induction precludes looking at consequences and undermines causality.

Vickers 14 [John Vickers, 2014, The Problem of Induction, https://plato.stanford.edu/entries/induction-problem/]

The original problem of induction can be simply put. It concerns the support or justification of inductive methods; methods that predict or infer, in Hume's words, that “instances of which we have had no experience resemble those of which we have had experience” (THN, 89). Such methods are clearly essential in scientific reasoning as well as in the conduct of our everyday affairs. The problem is how to support or justify them and it leads to a dilemma: the principle cannot be proved deductively, for it is contingent, and only necessary truths can be proved deductively. Nor can it be supported inductively—by arguing that it has always or usually been reliable in the past—for that would beg the question by assuming just what is to be proved.

#### c] aggregation fails – pleasure and pain are incommunicable, since each person has their own scale of pain and we can’t experience each other’s feelings, d] resolvability – margin of errors make weighing impossible, only libertarianism solve by having a brightline for ethical violations, e] butterfly effect – actions have infinite cascading consequences which effect vast numbers of people,

### 1AC – Contention

#### **1] The right to strike is inherent to individual autonomy of moral agents, and cannot be taken away.**

Chima 13 [Chima, S. C. (2013). Global medicine: Is it ethical or morally justifiable for doctors and other healthcare workers to go on strike? BMC Medical Ethics, 14(Suppl 1), S5. doi:10.1186/1472-6939-14-s1-s5]

Some philosophers have described moral obligations or duties, which ought to guide ethical behavior, such as the duty of fidelity or the obligation to keep promises, and beneficence - the obligation to do ‘good’ [10]. However, it has been suggested that some other equally compelling moral duties or ethical obligations may conflict with the above duties, such as the right to justice. Justice is the right to fair treatment in light of what is owed a person [63]. For example, it may be argued that everybody is equally entitled to a just wage for just work. The philosopher Immanuel Kant based his moral theory on a categorical imperative which encourages moral agents to act, based on a principle, which they would deem to become a universal law [64]. One can argue that the decision by any HCW to go on strike may not be universalisable. However, looking at this decision from the principle of respect for autonomy, or freedom of choice, one can conclude that individual autonomy is a sentiment which is desirable for all human beings. Accordingly, every worker should be free to choose whether to work or not, based on a whether any specific set of conditions of their own choosing have been met. Kant argues further that moral agents or individuals should be treated, “whether in your own person or in that of any other, never solely as a means, but always as an end” [64]. This idea that individuals should be treated as ends in themselves has influenced political philosophy for centuries, and stresses the libertarian ideology that people should not have their individual freedoms curtailed either for others or for the good of society in general [10,64]. From this axiomatic considerations, one can conclude that it would be unethical for people to be used as slaves or be forced to work for inadequate wages or under slave-like conditions [4,10,12,51]. The issue of HCW strikes can also be analyzed from utilitarian principles as formulated by one of its major disciples JS Mills as follows [65]: The creed which accepts as the foundation of morals, utility, or the greatest happiness principle, holds that Chima BMC Medical Ethics 2013, 14(Suppl 1):S5 http://www.biomedcentral.com/1472-6939/14/S1/S5 Page 6 of 10 actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness.

#### 2] Denying the right to strike uses workers as a means to an end.

Howard 20 [Danielle Howard,, Mar 2020, "What Should Physicians Consider Prior to Unionizing?," Journal of Ethics | American Medical Association, [https://journalofethics.ama-assn.org/article/what-should-physicians-consider-prior-unionizing/2020-03 //](https://journalofethics.ama-assn.org/article/what-should-physicians-consider-prior-unionizing/2020-03%20/)]

When discussing ethics, practicalities, and outcomes of physician unions, the focus is almost always entirely on physicians. Yet to place the weight of responsibility for patient care entirely on unionized clinicians is unjust, as Kant’s reasoning applies to the employing organization as well (hereafter referred to as “the health system”). The health system benefits from physicians providing patient care; if it then creates working conditions that its employed clinicians do not find sustainable, it violates the categorical imperative by using clinicians as a means to its end. The same can be said of patients, who are used as means to an end if the health system places restrictions on patient care for financial gain. When evaluating the ethics of physician unionization, it is important to realize that the health system has its own corporate social responsibility to both patients and physicians that is independent of physicians’ commitment to patient care.26 Physicians are expected to consider the effects that their unionization will have on the patient population because they have a responsibility to patient care. The health system shares equally in this responsibility.

#### 3] Striking is an immutable right.

Waas 12 [Professor Dr. Bernd Waas, Goethe University Frankfurt, Germany [https://islssl.org/wp-content/uploads/2013/01/Strike-Waas.pdf September 2012](https://islssl.org/wp-content/uploads/2013/01/Strike-Waas.pdf%20September%202012)]

Second, entirely different attitudes exist towards strikes. In some countries, strikes are considered “a right to self-defence” which is not necessarily directed at the employer; in other countries, the area of admissible industrial action may be necessarily congruent with the relationship between employers and employees. In yet other countries, strikes are seen as acts of “self-empowerment” which have very little to do with a legal order granting certain powers or rights. Finally, in some countries, the right to strike is viewed as being firmly rooted in human dignity, granted to each individual worker and not waivable by him or her, and in others, the perspective may be more “technical” with a considerable power to dispose of the right to strike.

#### 4] The right to strike can never be considered violent or anti-liberty.

Benjamin 78 [Walter Benjamin, On Violence, Reflections: Essays, Aphorisms, Autobiographical Writings [Walter Bendix Schönflies Benjamin was a German Jewish philosopher, cultural critic and essayist]

This is above all the case in the class struggle, in the form of the workers' guaranteed right to strike. Organized labor is, apart from the state, probably today the only legal subject en­titled to exercise violence. Against this view there is certainly the objection that an omission of actions, a nonaction, which a strike really is, cannot be described as violence. Such a consideration doubtless made it easier for a state power to conceive the right to strike, once this was no longer avoidable. But its truth is not unconditional, and therefore not unrestricted. It is true that the omission of an action, or service, where it amounts simply to a "severing of relations," can be an entirely nonviolent, pure means. And as in the view of the state, or the law, the right to strike conceded to labor is certainly not a right to exercise violence but, rather, to escape from a violence indirectly exercised by the employer, strikes conforming to this may undoubtedly occur from time to time and involve only a "withdrawal" or "estrangement" from the employer. The mo­ment of violence, however, is necessarily introduced, in the form of extortion, into such an omission, if it takes place in the context of a conscious readiness to resume the suspended action under certain circumstances that either have nothing whatever to do with this action or only superficially modify it. Understood in this way, the right to strike constitutes in the view of labor, which is opposed to that of the state, the right to use force in attaining certain ends. The antithesis between the two conceptions emerges in all its bitterness in face of a revolu­tionary general strike. In this, labor will always appeal to its right to strike, and the state will call this appeal an abuse, since the right to strike was not "so intended," and take emer­gency measures.

### 1AC – Advocacy

#### Thus I affirm the res – A just government ought to recognize an unconditional right of workers to strike. To clarify, a just government must be Kantian, as only a government which protects liberties is just. I’ll defend that actor of an ideal Kantian government would recognize an unconditional right to strike.

Dorn 12 [James A. Dorn, Cato Journal, "The Scope of Government in a Free Society", Fall 2012, https://www.cato.org/sites/cato.org/files/serials/files/cato-journal/2012/12/v32n3-10.pdf]

If laws are just, liberty and property are secure. The most certain test of justice is negative—that is, justice occurs when injustice (the violation of natural rights to life, liberty, and property) is prevented. The emphasis here is on what Hayek (1967) called “just rules of conduct,” not on the fairness of outcomes. No one has stated the negative concept of justice better than the 19th century French classical liberal Frederic Bastiat ([1850] 1964: 65): When law and force confine a man within the bounds of justice, they do not impose anything on him but a mere negation. They impose on him only the obligation to refrain from injuring others. They do not infringe on his personality, or his liberty or his property. They merely safeguard the personality, the liberty, and the property of others. They stand on the defensive; they defend the equal rights of all. They fulfill a mission whose harmlessness is evident, whose utility is palpable, and whose legitimacy is uncontested. In short, the purpose of a just government is not to do good with other people’s money, but to prevent injustice by protecting property and securing liberty.

#### A just government is necessarily Kantian – prefer our standard because it best explains how just governments actually act.

Ripstein 15 [Arthur Ripstein (Professor of Law and Philosophy at the University of Toronto). “Just War, Regular War, and Perpetual Peace” (2015). AS 7/16/15] lm

Sophisticated contemporary legal systems work either implicitly or explicitly with some version of this Kantian idea of the state as a public rightful condition. Constitutional courts review legislation to make sure that it is properly within the state's legitimate mandate, and throughout the world recent awareness of problems of institutional corruption reflect the recogni[ze]tion of the fundamental importance of the distinction between properly public and improperly private purposes in the internal management of states. Conversely, its widely appreciated that the proper role of the state is not simply to bring about as much good as possible in the world, and that states have a special responsibility to their own citizens and residents.

#### I’ll defend the resolution as a general principle – the burden of the aff is only to defend the essential truth of the res.

Nelson 8 Adam Nelson (Director of Lincoln-Douglas Debate at the Harker School) “Towards a Comprehensive Theory of LD” The Lincoln-Douglas Debate Theory Journal April 15th 2008 http://ldtheoryjournal.blogspot.com/2008/04/towards-comprehensive-theory-of-ld-adam.html

But the NFL’s new Lincoln Douglas Debate Event Description explicitly repudiates such a model by placing parallel burdens amongst one of the hallmarks of the activity: No question of values can be determined entirely true or false. This is why the resolution is desirable. Therefore neither debater should be held to a standard of absolute proof. No debater can realistically be expected to prove complete validity or invalidity of the resolution. The better debater is the one who, on the whole, proves his/her [their] side of the resolution more valid as a general principle.2 And the truth-statement model of the resolution imposes an absolute burden of proof on the affirmative: if the resolution is a truth-claim, and the affirmative has the burden of proving that claim, in so far as intuitively we tend to disbelieve truth-claims until we are persuaded otherwise, the affirmative has the burden to prove that statement absolutely true. Indeed, one of the most common theory arguments in LD is conditionality, which argues it is inappropriate for the affirmative to claim only proving the truth of part of the resolution is sufficient to earn the ballot.

#### Prefer ideal-theory – it’s inevitable and frames non-ideal judgments which means everything collapses.

**Arvan 14** Posted by Marcus Arvan on 05/03/2014 at 11:05 AM What's not wrong with ideal theory http://philosopherscocoon.typepad.com/blog/2014/05/whats-not-wrong-with-ideal-theory.html#sthash.rHY1Rv7v.dpuf

This is fallacious. I entirely agree that it is important not to confuse the things that Wedgwood mentions, and that philosophers who work in ideal theory often do confuse those things -- but none of this shows that ideal theory is methodologically flawed. It shows, at most, that many people have done it badly! Wedgwood then writes of certain "theoretical mistakes" he sees in ideal theory: For evaluative and normative theorizing, what is most important is to articulate a plausible conception of what it is for one item in the relevant category to be better than another. I think this is just wrong. I don't think "the most important thing" in normative theorizing is to know "what is better than what." That is an important thing to know, but to say it is the most important thing -- without argument -- is simply an assertion. Here, instead, is what I want to say: There are many important things in normative theorizing. We should want to know what is better than what. But that is not all. We have every reason to want to know what would be best. To ignore ideal theory -- without argument for why "what is best" is not something worth knowing -- is to arbitrarily set aside an important question as irrelevant. Second, I do not think that we can [not] specify what is better than what without at least some ideal in the background. To say that it would be better for people of different races to have equal rights than for one race to have more than others is to say that it is more ideal. But, what is it to say that something is more ideal? It is to say that it is closer to some ideal. Thus, I say (along with Rawls), the idea what we can do "nonideal theory" without ideal theory is nonsense. Any attempt to do nonideal theory inevitably -- if only tacitly -- appeals to ideals.

### 1AC – Underview

#### 1] Aff gets 1ar theory, otherwise 1n can be infinitely abusive. 1ar theory is DTD and competing interps – fairness is voter b/c it’ debate is a game, if it’s unfair no-one will want to play, controls the internal link to education.

#### 2] No 2nr RVI, paradigm issues, or theory – they’d dump 6 mins and outspread my 3 min 2ar win every rnd. Yes RVIs for the aff – NC theory is unreciprical and a-priori rvi is k2 checking.

#### 3] Presume aff – you assume statements true until proven otherwise, i.e. if I told you my name was Leo you’d believe it, and we wouldn’t be able to start a strand of reasoning otherwise.

#### 4] Permissibility affirms, otherwise we’d need proactive justification to do things like drink water.