# 2NR

# NC

### 1

#### Interp: the affirmative must defend that only just governments ought to recognize the right to strike

### 2

#### Interp: If the aff defends anything other than “A just government ought to recognize an unconditional right of workers to strike” then they must provide a counter-solvency advocate for their specific advocacy in the 1AC.

### 3

#### Ethics starts with disagreement – because different agents have subjective interests and motivations, we don’t always agree on what’s right or wrong. Objective ethics tries to create a ‘one size fits all’ solution to this problem by regulating action by some external standards, but this fails.

#### 1] Is-ought fallacy – you cannot logically deduce an ought statement from any set of facts or is statements, which makes it impossible to objectively generate obligations.

#### 2] Subjectivism – everyone has their own desires, motivations, and ends – there is no one concept of good that works in all instances.

#### 3] Skepticism – there is no objective moral truth since I can keep asking why to any justification you give for an action until we get to an unjustified statement.

#### But without constraint on each other’s actions, disagreement can only be resolved by violence, which is a lose-lose for all parties involved. Thus individuals must form contracts with each other in order to fulfill their own subjective desires.

Stanford 0 [Stanford Encyclopedia of Philosophy. “Contractarianism.” <https://plato.stanford.edu/entries/contractarianism/> Published 18 June 2000]

A brief sketch of the most complete and influential contemporary contractarian theory, David Gauthier’s, is in order. Gauthier’s project in Morals By Agreement is to employ a contractarian approach to grounding morality in rationality in order to defeat the moral skeptic. (However, Anita Superson (2009) points out that Gauthier attempts to answer only the skeptic who asks “why should I be moral?” but leaves both the motive skeptic, who argues that it is enough to act morally but need not be motivated by morality, and the amoralist, who denies that there is any such thing as morality, that is, that there are true moral statements.) It is generally assumed that humans can have no perfect natural harmony of interests (otherwise morality would be largely superfluous), and that there is much for each individual to gain through cooperation. However, moral constraint on the pursuit of individual self-interest is required because cooperative activities almost inevitably lead to a prisoner’s dilemma: a situation in which the best individual outcomes can be had by those who cheat on the agreement while the others keep their part of the bargain. This leads to the socially and individually sub-optimal outcome wherein each can expect to be cheated by the other. But by disposing themselves to act according to the requirements of morality whenever others are also so disposed, they can gain each others’ trust and cooperate successfully. The contractarian element of the theory comes in the derivation of the moral norms. The compliance problem—the problem of justifying rational compliance with the norms that have been accepted—must drive the justification of the initial situation and the conduct of the contracting situation. It is helpful to think of the contract situation as a bargain, in which each party is trying to negotiate the moral rules that will allow them to realize optimal utility, and this has led philosophers to apply a number of bargaining solutions to the initial contract situation. Gauthier’s solution is the “minimax relative concession” (1986, ch. V). The idea of minimax relative concession is that each bargainer will be most concerned with the concessions that she makes from her ideal outcome relative to the concessions that others make. If she sees her concessions as reasonable relative to the others, considering that she wants to ensure as much for herself as she can while securing agreement (and thereby avoiding the zero-point: no share of the cooperative surplus) and subsequent compliance from the others, then she will agree to it. What would then be the reasonable outcome? The reasonable outcome, according to this view, is the outcome that minimizes the maximum relative concessions of each party to the bargain (Gauthier 1986, ch. V). Equally important to the solution as the procedure is the starting point from which the parties begin. For some contractarians (like Gauthier) there is no veil of ignorance—each party to the contract is fully informed of their personal attributes and holdings. However, without the veil of ignorance, contractors will be aware of the differences in bargaining power that could potentially affect the outcome of the bargain. It is important, then, that the initial position must have been arrived at non-coercively if compliance to the agreement is to be secured. A form of the “Lockean proviso” (modeled after Locke’s description of the initial situation of his social contract): that one cannot have bettered himself by worsening others, may turn out to be beneficial in cases without a veil of ignorance. In sum, the moral norms that rational contractors will adopt (and comply with) are those norms that would be reached by the contractors beginning from a position each has attained through her own actions which have not worsened anyone else, and adopting as their principle for agreement the rule of minimax relative concession (Gauthier 1986, ch. VII). On one line of thought, contractarianism produces liberal individuals who seem well suited to join the kind of society that Rawls envisioned (Gauthier 1986, ch. XI). On another line, the Hobbesian contractarian argument leads towards the sparse government of libertarianism (Narveson 1988). The controversy here turns on the primary motivation for individuals to make agreements and cooperate. As we said before, there are two such motivations for the Hobbesian contractarian: fear of the depredations of others and benefits from cooperation with others. Libertarianism results when the first of these is primary, whereas when the second is primary, the kind of reciprocity and supportive government that will be discussed in the final section becomes possible.

#### Thus the standard is consistency with contractarianism,

#### Prefer–

#### 1] Bindingness – basing ethics on contracts between individuals is the only way to solve ethical disagreement since I can reject other moral principles, but by definition I can’t reject those principles which I agree to. That outweighs since otherwise people could just ignore ethics and do whatever they want.

#### 2] Inclusivity – other ethical philosophies snub individual’s interests by only looking at pleasure or rights. Only contractarianism solves by allowing each person to decide what interests to form their contracts on.

#### 3] Actor spec – governments operate based on a social contract with its citizens where the people consent to constraints on their actions in exchange for the security and protection of the state.

#### Now negate –

#### 1] Unconditional striking breaches no-strike contracts and the conditions under which contracts allow strikes.

NLRB National Labor Relations Board. “The Right to Strike.” *The Right to Strike | National Labor Relations Board*, www.nlrb.gov/strikes.

Strikes unlawful because of timing—Effect of no-strike contract. A strike that violates a no-strike provision of a contract is not protected by the Act, and the striking employees can be discharged or otherwise disciplined, unless the strike is called to protest certain kinds of unfair labor practices committed by the employer. It should be noted that not all refusals to work are considered strikes and thus violations of no-strike provisions. A walkout because of conditions abnormally dangerous to health, such as a defective ventilation system in a spray-painting shop, has been held not to violate a no-strike provision. Same—Strikes at end of contract period.Section 8(d) provides that when either party desires to terminate or change an existing contract, it must comply with certain conditions. If these requirements are not met, a strike to terminate or change a contract is unlawful and participating strikers lose their status as employees of the employer engaged in the labor dispute. If the strike was caused by the unfair labor practice of the employer, however, the strikers are classified as unfair labor practice strikers and their status is not affected by failure to follow the required procedure.

#### 2] Strikes inhibit the ability to create contracts, create power imbalances, and violate individual contracts.

**Levine 1** [Peter. "The Libertarian Critique of Labor Unions." Philosophy and Public Policy Quarterly 21.4 (2001): 17-24. (Peter Levine is the Associate Dean for Research and Lincoln Filene Professor of Citizenship & Public Affairs in Tufts University’s Jonathan Tisch College of Civic Life. He has secondary appointments in the Tufts Philosophy Department and the Tufts Clinical and Translational Sciences Institute. He was the founding deputy director (2001-6) and then the second director (2006-15) of Tisch College’s CIRCLE, The Center for Information and Research on Civic Learning and Engagement, which he continues to oversee as an associate dean]

Libertarians strongly defend freedom of choice and association. Thus, when workers choose to act collectively, negotiate together, or voluntarily walk off the job, libertarians have no reasonable complaint--even if other people are harmed--because they support the right to make and exit voluntary partnerships. But unions gain strength by overriding private rights. They routinely block anyone from working under a non-union contract, and they prevent employers from making offers--even advantageous ones--to individual workers unless the union is informed and consents. Unions declare strikes and establish picket lines to prevent customers and workers from entering company property; they may fine employees who cross these lines. They also extract fees from all workers who are covered by their contracts. Although covered workers may avoid paying for certain union functions (such as lobbying) that are not germane to contract issues, they must pay for strikes and other activities that some of them oppose. The great libertarian theorist Friedrich Hayek concluded that unions “are the one institution where government has signally failed in its first task, that of preventing coercion of men by other men--and by coercion I do not mean primarily the coercion of employers but the coercion of workers by their fellow workers.” Hayek may have been thinking mainly of corrupt and unaccountable union leaders. But even a completely democratic union sometimes supplants private rights. As libertarians like Morgan O. Reynolds point out, majorities within a union are able to ignore minorities’ preferences.

### Underview

#### Presumption negates – infinite ways for something to be false but only one way for them to be true, and the aff has the burden of proof. Permissibility negates – doing the aff isn’t obligatory then the squo is permissible.

# Case

### AT Util

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