## NC

#### The standard is maximizing expected wellbeing.

#### 1] Actor spec—governments must use util because they don’t have intentions and are constantly dealing with tradeoffs—outweighs since different agents have different obligations—takes out calc indicts since they are empirically denied.

#### 2] Death is bad and outweighs – a] agents can’t act if they fear for their bodily security which constrains every ethical theory, b] it destroys the subject itself – kills any ability to achieve value in ethics since life is a prerequisite which means it’s a side constraint since we can’t reach the end goal of ethics without life

#### 3] Pleasure and pain are the starting point for moral reasoning—they’re our most baseline desires and the only things that explain the intrinsic value of objects or actions

Moen 16, Ole Martin (PhD, Research Fellow in Philosophy at University of Oslo). "An Argument for Hedonism." Journal of Value Inquiry 50.2 (2016): 267.

#### Let us start by observing, empirically, that a widely shared judgment about intrinsic value and disvalue is that pleasure is intrinsically valuable and pain is intrinsically disvaluable. On virtually any proposed list of intrinsic values and disvalues (we will look at some of them below), pleasure is included among the intrinsic values and pain among the intrinsic disvalues. This inclusion makes intuitive sense, moreover, for there is something undeniably good about the way pleasure feels and something undeniably bad about the way pain feels, and neither the goodness of pleasure nor the badness of pain seems to be exhausted by the further effects that these experiences might have. “Pleasure” and “pain” are here understood inclusively, as encompassing anything hedonically positive and anything hedonically negative. 2 The special value statuses of pleasure and pain are manifested in how we treat these experiences in our everyday reasoning about values. If you tell me that you are heading for the convenience store, I might ask: “What for?” This is a reasonable question, for when you go to the convenience store you usually do so, not merely for the sake of going to the convenience store, but for the sake of achieving something further that you deem to be valuable. You might answer, for example: “To buy soda.” This answer makes sense, for soda is a nice thing and you can get it at the convenience store. I might further inquire, however: “What is buying the soda good for?” This further question can also be a reasonable one, for it need not be obvious why you want the soda. You might answer: “Well, I want it for the pleasure of drinking it.” If I then proceed by asking “But what is the pleasure of drinking the soda good for?” the discussion is likely to reach an awkward end. The reason is that the pleasure is not good for anything further; it is simply that for which going to the convenience store and buying the soda is good. 3 As Aristotle observes: “We never ask [a man] what his end is in being pleased, because we assume that pleasure is choice worthy in itself.”4 Presumably, a similar story can be told in the case of pains, for if someone says “This is painful!” we never respond by asking: “And why is that a problem?” We take for granted that if something is painful, we have a sufficient explanation of why it is bad. If we are onto something in our everyday reasoning about values, it seems that pleasure and pain are both places where we reach the end of the line in matters of value. Although pleasure and pain thus seem to be good candidates for intrinsic value and disvalue, several objections have been raised against this suggestion: (1) that pleasure and pain have instrumental but not intrinsic value/disvalue; (2) that pleasure and pain gain their value/disvalue derivatively, in virtue of satisfying/frustrating our desires; (3) that there is a subset of pleasures that are not intrinsically valuable (so-called “evil pleasures”) and a subset of pains that are not intrinsically disvaluable (so-called “noble pains”), and (4) that pain asymbolia, masochism, and practices such as wiggling a loose tooth render it implausible that pain is intrinsically disvaluable. I shall argue that these objections fail. Though it is, of course, an open question whether other objections to P1 might be more successful, I shall assume that if (1)–(4) fail, we are justified in believing that P1 is true itself a paragon of freedom—there will always be some agents able to interfere substantially with one’s choices. The effective level of protection one enjoys, and hence one’s actual degree of freedom, will vary according to multiple factors: how powerful one is, how powerful individuals in one’s vicinity are, how frequent police patrols are, and so on. Now, we saw above that what makes a slave unfree on Pettit’s view is the fact that his master has the power to interfere arbitrarily with his choices; in other words, what makes the slave unfree is the power relation that obtains between his master and him. The difﬁculty is that, in light of the facts I just mentioned, there is no reason to think that this power relation will be unique. A similar relation could obtain between the master and someone other than the slave: absent perfect state control, the master may very well have enough power to interfere in the lives of countless individuals. Yet it would be wrong to infer that these individuals lack freedom in the way the slave does; if they lack anything, it seems to be security. A problematic power relation can also obtain between the slave and someone other than the master, since there may be citizens who are more powerful than the master and who can therefore interfere with the slave’s choices at their discretion. Once again, it would be wrong to infer that these individuals make the slave unfree in the same way that the master does. Something appears to be missing from Pettit’s view. If I live in a particularly nasty part of town, then it may turn out that, when all the relevant factors are taken into account, I am just as vulnerable to outside interference as are the slaves in the royal palace, yet it does not follow that our conditions are equivalent from the point of view of freedom. As a matter of fact, we may be equally vulnerable to outside interference, but as a matter of right, our standings could not be more different. I have legal recourse against anyone who interferes with my freedom; the recourse may not be very effective—presumably it is not, if my overall vulnerability to outside interference is comparable to that of a slave— but I still have full legal standing.68 By contrast, the slave lacks legal recourse against the interventions of one speciﬁc individual: his master. It is that fact, on a Kantian view—a fact about the legal relation in which a slave stands to his master—that sets slaves apart from freemen. The point may appear trivial, but it does get something right: whereas one cannot identify a power relation that obtains uniquely between a slave and his master, the legal relation between them is undeniably unique. A master’s right to interfere with respect to his slave does not extend to freemen, regardless of how vulnerable they might be as a matter of fact, and citizens other than the master do not have the right to order the slave around, regardless of how powerful they might be. This suggests that Kant is correct in thinking that the ideal of freedom is essentially linked to a person’s having full legal standing. More speciﬁcally, he is correct in holding that the importance of rights is not exhausted by their contribution to the level of protection that an individual enjoys, as it must be on an instrumental view like Pettit’s. Although it does matter that rights be enforced with reasonable effectiveness, the sheer fact that one has adequate legal rights is essential to one’s standing as a free citizen. In this respect, Kant stays faithful to the idea that freedom is primarily a matter of standing—a standing that the freeman has and that the slave lacks. Pettit himself frequently insists on the idea, but he fails to do it justice when he claims that freedom is simply a matter of being adequately (and reliably) shielded against the strength of others. As Kant recognizes, the standing of a free citizen is a more complex matter than that. One could perhaps worry that the idea of legal standing is something of a red herring here—that it must ultimately be reducible to a complex network of power relations and, hence, that the position I attribute to Kant differs only nominally from Pettit’s. That seems to me doubtful. Viewing legal standing as essential to freedom makes sense only if our conception of the former includes conceptions of what constitutes a fully adequate scheme of legal rights, appropriate legal recourse, justiﬁed punishment, and so on. Only if one believes that these notions all boil down to power relations will Kant’s position appear similar to Pettit’s. On any other view—and certainly that includes most views recently defended by philosophers—the notion of legal standing will outstrip the power relati

#### 4] Theory – determines the validity of substance. Prefer util:

#### A] Ground – every impact function under util whereas other ethics flow to one side exclusively. Kills fairness since we both need arguments to win and

#### B] Topic lit – most articles are written through the lens of util because they’re crafted for policymakers and the public who take consequences to be important, not philosophy majors. Key to fairness and education – the lit is where we do research and determines how we engage in the round.

## DA

#### Biden has PC for infrastructure, but it needs to maintain in the face of impatient democrats.

**Sullivan and Kane 6/11** [Sean and Paul. Sean Sullivan covers national politics, with a focus on the 2020 presidential campaign. Paul Kane. Washington, D.C.Senior congressional correspondent and columnist. Education: University of Delaware, BA. “‘Time is running out’: Democrats split over Biden’s relentless focus on infrastructure”. 6-9-2021. . https://www.washingtonpost.com/politics/democrats-split-biden-infrastructure/2021/06/10/f1f95a8e-c91f-11eb-afd0-9726f7ec0ba6\_story.html.]

“The infrastructure bill — its status is up in the air, but its long-term prognosis is okay,” said Brian Fallon, a former Senate Democratic aide who heads the liberal group Demand Justice. “You have another patient that’s dying on the table, and that’s the one you need to triage.” As pressure built in the party, Attorney General Merrick Garland signaled Friday that the Justice Department not only would scrutinize voting laws for signs of discrimination, but also would apply oversight to post-election audits. Supporters of former president Donald Trump have spearheaded audits in various states despite no evidence of fraud. “Where we see violations, we will not hesitate to act,” Garland said. Story continues below advertisement NAACP President Derrick Johnson said his group was “encouraged by the new tone on voting rights set by the Biden-Harris administration” but warned that the battle “is far from over.” As Garland spoke, the infrastructure talks remained fluid. Many Senate Democrats think that a bipartisan deal will never be reached, and that the prolonged bipartisan talks are only delaying the inevitable fallback to party-line legislation. White House press secretary Jen Psaki said Biden remains committed to pushing a bill through Congress this summer. Other Democrats strongly doubt that timetable can be achieved, however, and they worry that it will be even harder to pass anything next year, with congressional elections looming in November. Story continues below advertisement Many liberals initially accepted Biden’s push for a big infrastructure package as a follow-up to his covid-19 relief bill. But now they are alarmed at the plan’s slow progress, combined with aggressive moves by Republicans in Florida, Georgia, Arizona and Texas to pass restrictive voting laws, and they want the White House to redirect the power of the presidency to combat those efforts. [*After blocking voting bill, Texas Democrats call on Congress to do more*](https://www.washingtonpost.com/politics/texas-voting-rights-congress/2021/05/31/a3ff5f6a-c229-11eb-93f5-ee9558eecf4b_story.html?itid=lk_interstitial_manual_32) Fallon said Biden’s priorities are evident in his trips around the country to tout his infrastructure plan, punctuated by colorful activities such as [driving an electric vehicle in Michigan](https://www.washingtonpost.com/politics/biden-electric-truck/2021/05/18/168abee0-b815-11eb-a6b1-81296da0339b_story.html?itid=lk_inline_manual_33). “He’s test-driving Ford F-150s. He’s not going to Selma to talk about voting rights,” Fallon said. “That needs to happen.” Republicans see it differently, contending that Biden is trying to have it both ways by cramming his infrastructure bill with unrelated Democratic priorities. Story continues below advertisement “From the day the White House rolled out its first infrastructure plan in March, it’s been clear that the left’s definition of the word is evolving faster than even some Democrats can keep track,” Senate Minority Leader Mitch McConnell (R-Ky.) said on the Senate floor this week. “Medicaid expansion as infrastructure. Paid leave as infrastructure. And job-killing tax increases to hold the assortment together.” On the other hand, some liberal Democrats say they will oppose a deal with Republicans if it fails to address issues such as climate change, illustrating how hard a bipartisan deal will be in the evenly divided Senate. “From my perspective — no climate, no deal,” said Sen. Edward J. Markey (D-Mass.). “I’m not voting for an infrastructure bill that does not have climate.” He also rejected the idea of passing a more traditional bill that focuses on roads and bridges with the promise that a climate-centered bill would come later. Story continues below advertisement Markey recalled a climate bill passed by the House in 2009 that died in the Senate due to Republican opposition. “We now have a second chance at passing a piece of climate legislation that matches the scope and the scale of the problem,” Markey said. “We can’t allow Republican dilatory tactics to block consideration of a climate bill.” The prospects for a voting rights bill are if anything even more dire. All but one Democratic senator has signed on to the For the People Act, which has passed the House. The legislation, which Biden supports, would [set standards](https://www.washingtonpost.com/politics/manchin-voting-rights/2021/06/02/103db892-c320-11eb-93f5-ee9558eecf4b_story.html?itid=lk_inline_manual_43) for early voting and vote-by-mail that could override some state Republican voting laws. But Sen. Joe Manchin III (D-W.Va.), the lone holdout, said definitively this week that he would not vote for the plan, nor would he support changing the Senate filibuster rules to enable Democrats to pass it with a simple majority rather than 60 votes. White House officials have refrained from public criticism of Manchin, a reflection of his pivotal role in the Washington landscape. In a Senate that is divided 50-50, Manchin could single-handedly torpedo the infrastructure bill, prompting many in the White House to carefully mind what they say about him. White House officials said they are not taking voting rights any less seriously than infrastructure, pointing to recent remarks Biden made on the matter in Tulsa, his decision to [tap Vice President Harris to work on the issue](https://www.washingtonpost.com/politics/ahead-of-tulsa-trip-biden-to-unveil-new-plans-to-reduce-black-white-wealth-gap/2021/05/31/b80c9c4e-c269-11eb-8c18-fd53a628b992_story.html?itid=lk_inline_manual_47) and his executive order expanding ballot access. But voting rights activists note that those moves haven’t prevented the GOP voting laws from taking effect. The White House official working on voting rights expressed strong support for the For the People Act, even though the official thought it was not a panacea. The official said there are other means of fighting the Republican voting laws, through the courts or the executive branch. But the official said such efforts would be cumbersome and acknowledged that none would be as effective as the legislation. When it comes to infrastructure, in contrast, the president’s urgency has been in plain sight. Biden has traveled the country to promote his proposal. He’s enlisted Cabinet secretaries to help sell it. He’s holding Oval Office meetings where he negotiates directly on it. And he is expending significant political capital to get it across the finish line. In the eyes of Biden’s allies, this is a good recipe for success in the midterms and beyond. “The White House is right to make infrastructure a priority,” said Sen. Richard Blumenthal (D-Conn.), who is up for reelection. “It’s urgently time-sensitive because it’s so key to jobs and economic recovery, not to mention faith in the basic capacity of government to build bridges and roads.” Infrastructure is also an appealing goal for the White House because its passage may not require a long-shot effort to end the filibuster. If all 50 Democratic senators stick together, they could pass it with no Republican support using a special budgetary maneuver. That is not true for measures such as the voting rights bill, which has no connection to the budget, making it much more difficult to shepherd into law. Even if the bipartisan talks do not result in a deal, they are important to Manchin, who might not join a Democratic-only bill unless he thinks a real effort has been made to court Republicans, Democrats close to the process said. Underlying Democrats’ anxieties are painful memories of the early months of the Obama administration, when they passed a stimulus bill that many now think was too small, and talks on the Affordable Care Act dragged on without resulting in any GOP support. Now, some fear that if the party doesn’t move more swiftly, it could miss its chance to get an infrastructure bill passed. With no margin for error in the Senate, circumstances could shift at any moment, they say, noting that in 2010, Democrats unexpectedly lost a special Senate election, costing them a filibuster-proof majority and nearly dooming the ACA. “During the Obama admin, folks thought we’d have a 60 Dem majority for a while. It lasted 4 months. Dems are burning precious time & impact,” Rep. Alexandria Ocasio-Cortez (D-N.Y.) tweeted. “It’s a hustle. We need to move now.” Others warn that even if Biden is ultimately successful on infrastructure, his victory could be short-lived without action on voting rights, given next year’s midterm elections. “You can win a round, but it doesn’t mean you win the fight,” said the Rev. Al Sharpton.

#### Republicans despise the plan – preventing Biden from getting Manchin’s and others’ support.

**Waldman 14:** Paul Waldman is a weekly columnist and senior writer for The American Prospect. He also writes for the Plum Line blog at The Washington Post and The Week and is the author of Being Right Is Not Enough: What Progressives Must Learn From Conservative Success “Just How Much Do Republicans Hate Unions?” 4/13/14 AA

**If you ask Republicans about their antipathy toward unions, they'll say that letting workers bargain collectively reduces a company's ability to act efficiently in the marketplace.** If you knew anything about business, the market advocates will patiently explain, you'd understand that unions, with all their rules and conditions and **strike threats, only make it harder for the company to make its products. Let management make decisions about things like wages and working conditions, and the result will be higher profits and more jobs, which will benefit everyone.** In almost all cases, the corporation agrees; after all, union workers always earn better wages than their non-union counterparts, and they give power to the employees, which no CEO wants. What most people probably don't realize is that this inherently hostile relationship between management and unions isn't something that's inherent in capitalism. In fact, in many places where there are capitalists making lots of money, corporations work-now hold on here while I blow your mind-cooperatively with unions. One of those places is Germany, and one of the biggest German companies, Volkswagen, is right now embroiled in a union election in Tennessee that has turned into a bizarre spectacle that is showing the true colors of American conservatism. If you thought conservative were just laissez faire capitalists, seeking freedom for businesses to create prosperity, you're dead wrong. What they actually want is something much uglier. On Monday, our own Harold Meyerson [explained](http://www.prospect.org/article/chattanooga-showdown) the context and history driving this election, but the short version is that in its Chattanooga plant, Volkswagen wants to create a "works council" of the kind that companies in Germany use, which is a system where management and workers come together to set policies, plan strategy, and solve problems. The details of U.S. labor law require a union if such a council is going to be created, which is one reason VW has seemed supportive of the United Auto Workers organizing the plant. Although VW hasn't come out and said they support the union, the signals they've sent strongly suggest that they do. "Our works councils are key to our success and productivity," [said](http://www.nytimes.com/2014/02/12/business/automaker-gives-its-blessings-and-gop-its-warnings.html) the VW executive who runs the Chattanooga plant. So faced with a union-friendly corporation, what have **Republicans** in the **state** done? One might expect them to say, "**Every company should have the freedom to decide how to deal with its own workers; we may not be big fans of unions, but that freedom is what capitalism is all about**," or something like that. But no. The Republican governor and state legislators have begun [issuing threats](http://www.usatoday.com/story/money/business/2014/02/11/tennessee-volkswagen-uaw-incentives-threat/5388341/) that there won't be any future tax incentives for the company if the union wins the election. In other words, tax incentives are vital to bring jobs to the state-but if they're union jobs, we don't want them. We'd rather see our constituents unemployed than see them get jobs with union representation. So what you now have is Republicans fighting against a corporation to try to impose their vision of management-labor relations, one the corporation doesn't want.

#### Infrastructure solves international emissions through an enforceable NDC [Nationally Determined Contributions] 2021 is try-or-die.

Mazria 3-23-2021, FAIA, founder and CEO of the nonprofit Architecture 2030, is an internationally recognized architect, author, researcher, and educator. Over the past four decades, his seminal research into the sustainability, resilience, energy consumption, and greenhouse gas emissions of the built environment has redefined the role of architecture, planning, design, and building in reshaping our world. He is the 2021 recipient of AIA's Gold Medal (Edward, “CarbonPositive: This Is the Make-or-Break Year for the Planet,” *Architect Magazine*, <https://www.architectmagazine.com/technology/carbonpositive-this-is-the-make-or-break-year-for-the-planet_o>)

In the Feb. 26 release of the interim United Nations Framework Convention on Climate Change report, Secretary-General António Guterres boldly declared 2021 the “make or break year” for the planet. The report found the 2030 Nationally Determined Contributions (NDCs) emissions-reduction pledges of 75 countries to be wholly inadequate. Global greenhouse gas emissions would only be cut by about 1%, far short of the 65% cut in carbon emissions from January 2020 levels needed by 2030 to have a 67% probability of limiting global warming to 1.5°C above pre-industrial levels and to meet the goals of the 2015 Paris Agreement. The science and global carbon budget for limiting warming to 1.5°C are clear. The remaining budget at the beginning of 2020 was 340 gigatons of carbon dioxide, which means that if the world achieves a 65% reduction of CO₂ emissions by 2030 and zero emissions by 2040, we can expect warming to be kept at about 1.5°C. The time to act is now. The most significant climate event since the 2015 Paris Agreement—when all parties agreed to pursue efforts to limit the global temperature increase to 1.5°C—will take place this November. At the 2021 U.N. Climate Change Conference (COP26), countries must submit their updated 2030 NDCs. To date, only the European Union, the United Kingdom, and Denmark have committed to significant 2030 emissions reductions from 1990 levels: 55%, 68%, and 70%, respectively. Much, much more is needed to reach the critical goals. Fortunately, the U.S. is now poised to lead in this endeavor, as COP26 will be the first U.N. climate change conference the country will attend since rejoining the Paris Agreement. All eyes will be on its updated NDC pledge. This figure should be announced before April 22, when President Biden will host world leaders for a summit “aimed at raising climate ambition.” The country must persuade other nations to follow suit by setting a minimum 2030 NDC of a 65% emissions reduction from 2005 levels, in line with the 1.5°C carbon budget. Additionally, the U.S. must work with the EU, China, and India to be similarly ambitious, as these four entities are responsible for 58% of global CO₂ emissions. The U.S. can lead other nations with confidence and the knowledge that a 65% reduction is achievable. Why? U.S. carbon emissions today are already down 23% from 2005 levels. The building sector, the country’s largest energy consumer, continues to reduce its emissions and is now 30% below 2005 levels, ahead of the U.S. Paris Agreement’s NDC of a 26% to 28% reduction by 2025. The Biden pledge of a clean electricity grid by 2035 should further cut emissions from the building sector, surpassing the targeted 65% reduction, and also drive emissions down in other sectors. Prior to COP26, the world’s largest professional planning, design, and construction organizations will meet to demonstrate the significant actions our industry is taking to work within the 1.5°C carbon budget. With urban environments responsible for more than 75% of all annual global emissions—predominantly generated by day-to-day building and infrastructure operations, the manufacture of materials, and construction—we can show what is practically possible and embolden all governments to do the same.

## Th

#### Interpretation: The affirmative debater must specify the type of strikes they defend in a delineated text in the 1AC.

#### Violation: they didn’t

#### Standards –

#### 1] Topic lit – strikes are the core question of the topic and there’s no consensus on normal means so you must spec.

Law Library

[“Strike”, N.D., <https://law.jrank.org/pages/10554/Strike-Status.html>, Law Library, This law and legal reference library provides free access to thousands of legal articles, covering important court cases, historical legal documents, state laws & statutes, and general legal information. Popular articles include Landlord and Tenant Relationship, Health Insurance Law and Employment Law. The legal reference database also covers historically important court cases such as the Ulysses obscenity trial, Plessy vs. Ferguson, Roe vs. Wade and many others. All of the legal information on this website was professionally written and researched, and each law article has been carefully selected -- all to create the most comprehensive legal information site on the web. Read more: Law Library - American Law and Legal Information - JRank Articles <https://law.jrank.org/#ixzz6yOIvCHj7>] [SS]

**Strikes can be divided into** two basic types: **economic and unfair labor practice**. An economic strike seeks to obtain some type of economic benefit for the workers, such as improved wages and hours, or to force recognition of their union. An unfair labor practice strike is called to protest some act of the employer that the employees regard as unfair. A Lexicon of Labor Strikes Over the years different types of labor strikes have acquired distinctive labels. **The following are the** most common **types of strikes, some of which are illegal**: **Wildcat strike** A strike that is not authorized by the union that represents the employees. Although not illegal under law, wildcat strikes ordinarily constitute a violation of an existing collective bargaining agreement. **Walkout** An unannounced refusal to perform work. A walkout may be spontaneous or planned in advance and kept secret. If the employees' conduct is an irresponsible or indefensible method of accomplishing their goals, a walkout is illegal. In other situations courts may rule that the employees have a good reason to strike. **Slowdown** An intermittent work stoppage by employees who remain on the job. Slowdowns are illegal because they give the employees an unfair bargaining advantage by making it impossible for the employer to plan for production by the workforce. An employer may discharge an employee for a work slowdown. **Sitdown strike** A strike in which employees stop working and refuse to leave the employer's premises. Sitdown strikes helped unions organize workers in the automobile industry in the 1930s but are now rare. They are illegal under most circumstances. **Whipsaw strike** A work stoppage against a single member of a bargaining unit composed of several employers. Whipsaw strikes are legal and are used by unions to bring added pressure against the employer who experiences not only the strike but also competition from the employers who have not been struck. Employers may respond by locking out employees of all facilities that belong to members of the bargaining unit. Whipsaw strikes have commonly been used in the automobile industry. **Sympathy strike** A work stoppage designed to provide AID AND COMFORT to a related union engaged in an employment dispute. Although sympathy strikes are not illegal, unions can relinquish the right to use this tactic in a COLLECTIVE BARGAINING agreement. **Jurisdictional strike** A strike that arises from a dispute over which LABOR UNION is entitled to represent the employees. Jurisdictional strikes are unlawful under federal LABOR LAWS because the argument is between unions and not between a union and the employer.

#### **This acts as a resolvability standard. Debate must make sense and be comparable for the judge to decide which means it’s an independent voter and outweighs.**

#### 2] Prep skew – I don’t know what they will be willing to clarify until CX which means I could go 6 minutes planning to read a disad and then get screwed over in CX when they spec a different type of strike. This means that CX can’t check because the time in between is when I should be formulating my strat and waiting until then is the abuse. Key fairness because I won’t be able to use the strat I formulated if you skewed my prep and will have a time disadvantage

#### Fairness –

#### DTD –

#### No RVI’s –

## Case

### U/V

#### 1AR theory is skewed towards the aff which means err neg – A] the 2NR must cover substance and over-cover theory cause of 7-6, 2 speech aff advantage and they get the collapse and persuasiveness advantage of a 3-minute 2AR B] their responses to my counter interp will be new, which means 1AR theory necessitates intervention. Implications – A] dropping the argument minimizes the chance the round is decided unfairly B] if intervention will happen on theory debates, then judges should intervene in a way that decreases the asinine nature of LD theory

#### TJFs – a] no reason why phil education matters b] policy ed matters more because most topics are written in the context of legislation, so it’s more applicable in the debate space c] the clash argument is non-unique – this same level of argumentation can also occur on the contention level

### Framework

#### Hodgson – This presupposes a concept of freedom w/o setting up what it is – they never define what freedom is.

#### Ripstein 1 &2 – The FW equates “peace” or “security” with freedom by saying people are free when a sense of peace exists (“I’m free because I’m not being killed”). This enables states to tell people they’re free when they are being controlled/kept passive. They fail their own FW.

#### Ripstein 3 – If the state is the agent limiting freedom, there’s no way to ensure *equality* – states always have incentives to promote some interests and not others (e.g., for political/power-based reasons). The more we rely on the state to provide equal freedom, the less likely we are to achieve it. Also, it’s illogical for a state to use this framework because it would be limiting itself.

#### **Ripstein 4** – There’s no metric for determining how much freedom must be limited for collective freedom to exist – there’s just a vague sense that we “can’t do certain things,” but it’s up to an external actor to arbitrarily decide what those are.

#### Benhabib - performativity misunderstand the post/pre fiat distinction. That’s like saying you need to be alive in order to debate so my framework comes first.

### Contention

#### Uses others as a mere means to an end

Fourie 17 Johan Fourie 11-30-2017 "Ethicality of Labor-Strike Demonstrates by Social Workers" <https://www.otherpapers.com/essay/Ethicality-of-Labor-Strike-Demonstrates-by-Social-Workers/62694.html> (Johan Fourie is professor of Economics and History at Stellenbosch University.) JG

A further formula of the Categorical Imperative is "so, act as to treat humanity, whether in your own person or in that of any other context, never solely as a means to an end but always as an end within itself' (Parrott, 2006, p. 51). By this Kant meant people should be valued and respected as an individual and not used for the benefit of others. Participating in a labor-strike demonstration/action is **a direct violation of this** categorical perspective as it would not be ethically permissible because the severe dependence and well-being of clients, the effective functioning of the employer organization, and society **is used to duly and unduly influence the bargaining process for better working conditions**. In participating in the labor strike demonstration, the humanity, and well-being of clients and society **is not seen as crucial** **and as an 'end'**, but rather used to demonstrate the undeniable need for the skills and expertise of social workers. Furthermore, through withholding services, social worker professionals demonstrate that the well-being and welfare of society have lost its inherent importance/value. Though the value of overall well-being is taught throughout the social work training process and is enshrined in the professional ethical codes.

#### The aff is a positive right to work, but only negative rights are coherent. Feser Summarizes Nozick 04, Edward Feser [Philosophy professor at Loyola], On Nozick by Eric Mack, 2004, p. 36-7, Volume 8, Issue 4 //Scopa This brings us to a second feature of Nozick’s conception of rights, namely that they are essentially negative. A right to X just is a right not to be hindered in using something you own, X, as you want to use it. It is not a right to have X if you don’t already own it and no one wants to give or sell it to you. Your right to your TV set is just your right not to have it damaged or taken from you against your will; it is not a right that someone should buy you a TV set. Your right to life is just the right not to be killed; it is not a right that others should provide you with what you need to live. You own your life, so no one has the right to take it from you. But by the same token, others own their lives, bodies, labor, and the things they produce with their labor, and thus no one has a right to take those things from them. In particular, you do not have the right forcibly to take, or have someone else take, other people’s resources simply because you want or need them, even if you need them to live (just as you have no right to take their body parts from them even if you needed those to live). A right to what you need in order to live would be a positive right a right to something that someone else must provide you with, as opposed to a (negative) right that someone merely refrain from doing something to you. So-called rights to welfare, health care, education, and the like would be positive rights. But there simply are and can be no such fundamental positive rights on a libertarian view. For no one has a basic right against other people that they must provide things for him; to assume otherwise is to assume, in effect, that a person at least partially owns other people’s property, including their labor, if I claim a right to education, for example, I am in effect claiming that other people must provide me with an education — it won’t just fall out of the sky, after all — which means I’m claiming a right to a part of their labor, i.e. whatever labor must go into paying the taxes that fund my state-run school. But no one has a right to anyone else’s labor — people own their own labor, and cannot morally be forced to give up some of it for others. If you want voluntarily to help me out in paying my tuition. and sign a contract saying you’ll do so, that’s one thing — in that case, I do have the right to your money, because you’ve agreed to provide it but if you don ‘t agree, I have no such right, and I and the government are stealing from you if we take your money anyway. Now many rights that people claim to have are positive rights of this sort. The United Nations’ Universal Declaration of Human Rights, for example, is filled with claims not only to negative rights, but also to many positive rights — rights to education, health care, even “periodic holidays with pay”! But all such claims are bogus, and the alleged “rights” pure fictions conjured out of thin air. For they conflict with the fundamental rights of self-ownership, and make people slaves to the realization of others’ desires and needs. Being essentially negative, a person’s rights function, in Nozick’s terminology, as moral side-constraints on the actions of others (1974, 28-35). Respecting others’ rights, that is, isn’t to be understood merely as one goal among others that we might seek to maximize, leaving open the possibility that violating rights in some circumstances for the sake of achieving some other good is an acceptable trade-off. Rather, one’s rights constitute a set of absolute restrictions within which all other people must behave with respect to him, and override all considerations of utility or welfare. They lay down the ground rules for our behavior towards others — telling us that, in anything we do, there are certain things we must not do. “Side constraints upon action reflect the underlying Kantian principle that individuals are ends and not merely means,” Nozick says; “they may not be sacrificed or used for the achieving of other ends without their consent. Individuals are inviolable” (1974, 30-31). Being inviolable, their rights are also inviolable — those rights cannot be overridden for any reason. Nor, given that rights are negative, is there any danger that they might conflict, which would put their inviolability in doubt. If your having a right to X just means that I cannot interfere with your use of X, and my right to Y just means that you cannot interfere with my use of Y, then there is no conflict between our rights: All we’re required to do is to leave each other alone. But if I also claim a positive right to Z, and Z requires the use of X, then our rights inevitably will conflict, for the only way I can get Z is if you give me X. Positive rights will generally, and obviously, lead to such conflicts — surely another reason to be suspicious of them. Negative rights, however, will not. Such rights are perfectly compatible with one another, and thus with the notion that rights are inviolable.

**That negates: the universality of freedom justifies a libertarian state.**

**OTTESON 9 brackets in original** James R. Otteson (professor of philosophy and economics at Yeshiva University) “Kantian Individualism and Political Libertarianism” The Independent Review, v. 13, n. 3, Winter 2009

In a crucial passage in Metaphysics of Morals, Kant writes that **the “Universal Principle of Right” is** **“‘[e]very action which by itself or by its maxim enables the freedom of each individual’s will to co-exist with the freedom of everyone else** **in accordance with a universal law is right**.’” He concludes, “Thus the universal law of right is as follows**: let your external actions be such that the free application of your will can co-exist with the freedom of everyone in accordance with a universal law**” (1991, 133, emphasis in original).5 This stipulation **becomes** for Kant **the grounding justification for the existence of a state**, its raison d’être, and **the reason we leave the state of nature is to secure this sphere of maximum freedom compatible with the same freedom of all others**. **Because this freedom must be complete**, **in the sense of being as full as possible given the existence of other persons who demand similar freedom, it entails that the state may—indeed, must—secure this condition of freedom, but undertake to do nothing else because any other** state **activities would compromise the very autonomy the state seeks to defend**. Kant’s position thus outlines and implies a political philosophy that is broadly libertarian; that is, it endorses a state constructed with the sole aim of protecting its citizens against invasions of their liberty. For Kant, **individuals create a state to protect their moral agency, and** **in doing so** **they consent to coercion only insofar as it is required to prevent themselves** **or others** **from impinging on** their own or **others’ agency**. In his argument, **individuals cannot rationally consent to a state that instructs them in morals, coerces virtuous behavior, commands them to trade or not, directs their pursuit of happiness, or forcibly requires them to provide for their own or others’ pursuits of happiness**. And except in cases of punishment for wrongdoing,6 **this severe limitation on the scope of the state’s authority must always be respected**: “The rights of man must be held sacred, however great a sacrifice the ruling power may have to make. There can be no half measures here; it is no use devising hybrid solutions such as a pragmatically conditioned right halfway between right and utility. For all politics must bend the knee before right, although politics may hope in return to arrive, however slowly, at a stage of lasting brilliance” (Perpetual Peace, 1991, 125). The implication is that a Kantian state protects against invasions of freedom and does nothing else; in the absence of invasions or threats of invasions, it is inactive.