#### I affirm. (Resolved: a just government ought to recognize an unconditional of workers to strike)

#### All ethical theories must respect the equality of people regardless of the personal characteristics of individuals.

#### Deliberation: If people are excluded from deliberation due to uncontrollable factors, then ethics have no epistemic validity because they’re only agreed to by certain people.

#### Motivation: If a class of people don’t agree to ethics, then they have no reason to follow them. Motivation outweighs since every ethic assumes people will follow it.

#### Judging questions of justice from behind the veil of ignorance is the best way to account for the value and equality of individuals, stripping them of arbitrary factors which make them unequal – removing potential for discrimination **Shelby:**

**Tommie Shelby, Race and Ethnicity, Race and Social Justice: Rawlsian Considerations, 72 Fordham L. Rev. 1697 (2004). Available at: http://ir.lawnet.fordham.edu/flr/vol72/iss5/15**

However, Rawls's two principles, understood within his wider theoretical framework, can accommodate these concerns without further complicating the two principles. As I have argued above, both **de jure and de facto discriminatory treatment** of citizens **is** already **prohibited by** the joint **commitment to equal citizenship and formal justice**, including the rule of law**. No citizen is to be subject to partial or arbitrary treatment by the institutions of the basic structure**, **but** rather all are to be **regarded as** free and **equal persons** who are **entitled to equal justice**. There will of course be **specific** forms of **discrimination** that **will be prevalent in some societies**, and thus those societies will want to take extra measures, perhaps even constitutional provisions, to deal effectively with these and other social problems that undermine the proper regulation of just institutions and that deny some citizens their equal basic liberties and fair opportunities. Apart from affirming equal protection and formal justice, or perhaps introducing historically contingent factors in order to apply the principles of justice in particular circumstances, it is not clear to me that we can give content to the idea of "general discriminatory treatment**." Discrimination, as we have come to understand this thick concept, is not simply a matter of arbitrary or inconsistent treatment, regardless of whether such unfair treatment is intentional. Rather, discrimination is at work when a characteristic (or set of characteristics) possessed by or ascribed to the members of a social group is** widely but wrongly **treated as a source of disvalue,** incompetence, or **inferiority**. 3 Thus **discrimination** **is never** discrimination in **general, but** discrimination **based on race, ethnicity, gender, religion, sexuality, or some other (real or merely ascribed) human characteristic.** When prejudice against such groups is sufficiently widespread or entrenched, we will of course want to affirm publicly our collective commitment to the protection of citizens of these groups from unfair treatment, not only through constitutional and legislative means, but through more informal means as well, such as organized public protest and persistent moral criticism.

#### The veil is key to form consensus on principles of justice – agreement can only be the basis for ethics if people decide with limited info **Rawls:**

**Rawls, John [James Bryant Conant University Professor of Philosophy, Harvard University]. A Theory of Justice. Belknap, 1971.**

The **restrictions on** particular **info**rmation in the original position **are**, then, **of fundamental importance. Without them we would not be able to work out any** definite **theory of justice at all.** We would have to be **content with a vague formula** stating that justice is what would be agreed to without being able to say much, if anything, about the substance of the agreement itself. The formal constraints of the concept of right, those applying to principles directly, are not sufficient for our purpose. **The veil of ignorance makes** possible **a unanimous** choice of a particular **conception of justice. Without** these **limitations on knowledge** the **bargaining** problem of the original position **would be** hopelessly **complicated.** Even if theoretically a solution were to exist, we would not, at present anyway, be able to determine it. The notion of the veil of ignorance is implicit, I think, in Kant’s ethics (§40). Nevertheless the problem of defining the knowledge of the parties **and** of characterizing the alternatives open to them has often been passed over, even by contract theories. Sometimes the situation definitive of moral deliberation is presented in such an indeterminate way that one cannot ascertain how it will turn out. Thus Perry’s doctrine is essentially contractarian: he holds that social and personal integration must proceed by entirely different principles, the latter by rational prudence, the former by the concurrence of persons of good will. He would appear to reject utilitarianism on much the same grounds suggested earlier: namely, that it improperly extends the principle of choice for one person to choices facing society. The right course of action is characterized as that which best advances social aims as these would be formulated by reflective agreement, given that the parties have full knowledge of the circumstances and are moved by a benevolent concern for one another’s interests. No effort is made, however, to specify in any precise way the possible outcomes of this sort of agreement. Indeed, without a far more elaborate account, no conclusions can be drawn.13 I do not wish here to criticize others; rather, I want to explain the necessity for what may seem at times like so many irrelevant details. Now the reasons for the veil of ignorance go beyond mere simplicity. We want to define the original position so that we get the desired solution. If a knowledge of particulars is allowed, then the outcome is biased by arbitrary contingencies. As already observed, to each according to his threat advantage is not a principle of justice. If the original position is to yield agreements that are just, the parties must be fairly situated and treated equally as moral persons. The arbitrariness of the world must be corrected for by adjusting the circumstances of the initial contractual situation. Moreover, if in choosing principles we required unanimity even when there is full information, only a few rather obvious cases could be decided. A conception of **justice** based on unanimity in these circumstances **would** indeed **be** weak and **trivial. But once knowledge is excluded,** the requirement of unanimity is not out of place and the fact that **it can be satisfied** is of great importance. It enables us to say of **the preferred conception** of justice that it **represents** a **genuine reconciliation** of interests

#### Thus the standard of the round is consistency with Rawlsian principles.

#### 

#### The aff burden is to show that a just government, positioned behind a veil of ignorance, would choose to recognize an unconditional right of workers to strike. Prefer for two additional reasons:

#### 1. Rawlsian theory is necessary to formulate correct responses to injustice – many warrants. **Laurence[[1]](#footnote-0):**

As we have seen, Rawls agrees with his critics that it is possible to identify injustice without recourse to worked out views about justice. However, to identify injustice in a systematic fashion, we need ideal theory. For, to identify injustice in a systematic fashion, we need to go beyond our piecemeal judgments about injustice, and group different classes of injustices together by relating them to the general normative requirements that they violate. Such systematic classification of injustice thus depends on the principles of justice developed in ideal theory. The **principles bring** further **system to** our **judgments** insofar as they **allow[ing] us to extend** our judgments **into ignored** or uncertain **areas** where we are conflicted and unsure in our judgments. Since our considered judgments of injustice often come along with an awareness of the grounds on which we make the judgment, we can often explain the injustice of various phenomena without recourse to ideal theory. However, **ideal theory** functions to deepen and systematize these explanations. It does so by deriving the relevant judgments along with the supporting reasons from principles of justice. These, in turn, are grounded in our general judgments about the relations of reciprocity between free equals. The arguments in favor of the principle that the identified injustice violates **renders legible the** explanatory **connection between the principle and** the more **general thoughts** about the relations between citizens. Ideal theory thus serves to deepen our explanations of injustice by showing how the unjust feature is incompatible with the relation of free equals in a democratic society. Such explanations also, of course, **bring[ing] to light** the common **grounds underlying** the judgments of **injustice of a variety of kinds**, unifying and connecting the explanation[s.] for various lowerlevel judgments about injustice. The third dimension of justificatory dependence concerns the function of nonideal theory to equip us to make *comparative* judgments concerning the grievousness of different injustices. While it is a mistake to assume that knowledge of how to response to injustice is exhausted by the ability to make such **comparative judgments**, they do **have a** substantial **role to play** in nonideal theorizing. 60 This is so **because progress** towards justice **is often** a matter of **replacing one unjust feature** of society **with another** that is less unjust. Nonideal theorizing is thus thick with comparative judgments about justice. Although such comparison can sometimes be made on the basis of our untutored judgments, a systematic approach to such comparative judgments must draw on ideal theory.61 By providing principles of justice and their institutional realization, **ideal theory** contain a great deal of thinking specifying dimensions along which various failures can occur. While not delivering an algorithm for comparative judgments, it **specifies** numerous **relevant features**. If we wish to be systematic in our comparison, awareness of the numerous relevant dimensions of justice is important. Furthermore, the principles of justice specify the reasonable claims citizens have on one another to order their institutions. Often, different sorts of values stand on each side of a claim. In a just society, these claims are ordered and handled in some way that the principles of justice make clear. (To explain how such claims are ordered is a central task of ideal theory.) Ideal theory will thus contain some important information about how justice requires us to handle situations **where more than one value is in play**. Such evaluations, giving precedence to some claims over others, can **guid[ing] us** when making comparative judgmentsabout the grievousness of situations where the choice is between two different injustices.62 For example, if a just society would not diminish rights of democratic participation to improve economic opportunity, then this indicates to us that lacking the right to vote is more unjust than having a lower rate of opportunity for upward economic mobility. (Note that acknowledging the reasons for this weighting adds depth to the explanation to comparative judgments about injustice in the way I sketched above.) Of course, this weighting might hold only for a range of cases. But even this is interesting and relevant information necessary for a systematic approach to such comparisons. Of course, since they are practical judgments, the whole purpose of the identification, explanation, and comparison of injustice is political action overcoming these practical evils. No doubt, we can reason in a piecemeal and ad hoc fashion about what responses are called for by various injustices, sometimes successfully. However, **by specifying the long-range goal** of our political hope and action, **ideal theory orients** such practical **reasoning and allows it achieve a systematic** and ambitious **character**. It does this in several ways. It **reminds us that there is a range of injustices, many** of them **inter-related [and],** and all of which must ultimately be addressed.63 It also allows us to make more sophisticated practical judgments of a long-range character. For example, it allows us to reason ambitiously about how we must transform political conditions before various more ambitious reforms become possible.64 It also allows us to situate our comparative judgments of injustice in their context, by **recogniz[e]** that **short term gains** to justice **are not always worth** long term **costs**. This is the fourth dimension of the dependence of nonideal on ideal theory.

#### 2. Only the original position generates self-imposed obligations, which are key to compliance. **Rawls 2:**

**No society can**, of course, **be a scheme of cooperation which** men **[people] enter voluntarily in a literal sense**; each person finds himself placed at birth in some particular position in some particular society, and the nature of this position materially affects his life prospects. Yet **a society satisfying** the principles of **justice as fairness comes** as close **as** a society can to being a **voluntary** scheme, **for it meets the principles which free and equal persons would assent to under circumstances that are fair**. In this sense its members are autonomous and **the obligations** they recognize **self-imposed**. (11-2)

Rawls, John [James Bryant Conant University Professor of Philosophy, Harvard University]. *A Theory of Justice*. Belknap, 1971.

And,

Individuals maximize the welfare of the least well off from behind the veil.

#### Individuals are either egoistic, or altruistic. Only legislating for the worst off accounts for both these possibilities a. either they want to protect their own asses from being screwed in the event they are the worst off b. they altruistically want to help those who are the worst off even if they’re not in that position. Prefer this because it solves back the only relevant variables whereas their interp assumes one of these to be correct and the other wrong.

Now affirm.

**I’ll define a worker here, Davidov:**

Briefly put, it is argued that a distinction should be maintained between two related, but separate, characteristics of employment relationships: dependency and democratic deficits (often referred to, in this context, as subordination). While ‘employees’ should be identified by the accumulation of both characteristics, the group of **‘workers’ should consist of people who are dependent** (mostly economically) **on the relationship with a particular employer, even when no democratic deficits exist**. Otherwise put, it is argued that **‘workers’ should not be identified as being ‘semi-dependent’**, as has been suggested. Rather, **this intermediate category should catch work relationships that are characterised by significant dependency on a single employer, even when no subordination exists**.

Davidov, Guy. "Who is a Worker?." Industrial Law Journal 34.1 (2005): 57-71.

Thus workers are always going to be the least well off in a society as they are always tied to their employers and have the least amount of liberties given to them.

**A Rawlsian conception of rights allows for the unconditional right to strike. Croucher et al.:**

**The right to strike** appears as a special and controversial case, then, but we argue that from a rights perspective it **is a simple, fundamental freedom. The right to conduct industrial action is in effect that to withdraw their labour in some way** (quitting, striking, going slow) unless collective demands are met. **As individuals, every worker**, if they are not a slave (and slavery is explicitly not permitted under Rawls’s first principle) **has a right to withdraw their own labour**, and might of course threaten this in individual negotiations with their employer. Effectively, what occurs in **industrial action is a pooling of individual rights into collective rights, via the individual freedom to associate with our peers**, and in this respect we may still discuss these collective rights qua individual rights under Rawls’s first principle of justice. That is, **individuals may be said to have an individual right to join in collective industrial action to improve their conditions.**

Of course, it will be argued that there is no right to strike if it involves a breach of contract. However, **no contract can literally force labour – if it did that, it would breach the right to freedom from slavery**. Rather, it can only schedule penalties, typically financial, where labour is not performed. In effect, **as long as the freedom to contract is limited by the right to freedom from slavery, there is a**n implied **freedom to strike**. Thus, it is because of the very lack of complete freedom to make contracts that prevents us having a primary right to bargain that we do have a primary freedom to strike. **We cannot**, according to Rawls, **sign away our basic freedom to refuse to do any particular job**.40

Croucher, Richard, Mark Kely, and Lilian Miles. "A Rawlsian basis for core labor rights." Comp. Lab. L. & Pol'y J. 33 (2011): 297.

Underview

1. I get 1ar theory A) otherwise the neg would be infinitely abusive and there would be no way to check back B) size of link – every reason 1AR theory is bad is just a reason it’s hard to respond to in general and should be erred against, not rejected, so they have to weigh that disad vs the actual shell. And drop the debater on 1ar theory - the time crunched 1ar is insufficient to win both theory and substance, so aff has no ability to check abuse leading to infinite harm. No 2N RVIs – a) They can create a massive 6 minute counter interp, while I only have 3 minutes to respond, extend the aff, and preclude the neg, making the aff near impossible, b) it creates a chilling effect for the aff. No new 2N responses a) gives them a 6-3 time skew b) 1AR strategy is predicated on what I can go for but new 2N weighing non-uniques all of that. Competing interps: reasonability is arbitrary and just leads to judge intervention

2. AFF RVI’s, Aff flex- neg can collapse to any layer so aff needs the same for the 2AR – this outweighs. 1) 2N collapse – time skew becomes 6-1 since I cover multiple layers, making it impossible to win 2) 1AR is too short to read theory compared to the neg so the aff needs each layer to be reciprocal.

3, The ROTB is TT -

A) Isomorphism: alternative RTBs aren’t binary win/loss, and thus cannot function in debate

B) Constitutivism: the ballot and tab software presents decisions as aff/neg, not who best achieves some good value. Also, “affirm” is “To state that is true” [1] and negate is “to deny the existence or truth of”, which independently proves truth testing.

C) Key to 1) Ground Parity: The wording committee and topic selection process exist to identify topics with a range of defensible arguments on both sides, “role of the ballot” claims can frame the round in ways that make my ground either absurd or morally abhorrent 2) Predictability: The only face value of a resolution is it’s truth or falsity as a statement – not some inherent other framework

4. Presumption and Permissibility affirm, If I tell you my name is Joe, you’ll believe me unless someone proves otherwise. Also affirming is harder because of a structural skew—so if the round is irresolvable, vote aff to combat it.

5. The neg may not indict the way the aff reads pre-emptive interps 1)Distracts from substance which is key to education 2) Incoherent, because you could indict and read meta theory, but then I would indict your meta theory, which would make mine meta-meta theory but then it would just be illogical

6. The Negative must use CX to check any interp or violation they want to read with the affirmative-deters frivolous theory which is key to education, also friv theory distracts from creating material change, means give me an I-meet for any shells they don’t check in cx because I would’ve been willing to spec to avoid the theory debate. And no Cx skew args since the purpose of Cx is to clarify and they get a positive time trade off since clarifying takes 10 seconds, but running theory takes minutes.

7. The resolution is already resolved, so you auto affirm.

8. The neg can only make one response to each argument in the aff. a) makes sure we have equal number arguments and b) solves 1ar flooding b/c you choose the best answers. And, DTD to deter future abuse

9. If I win one layer vote aff, a) The NC is reactive and can uplayer or preclude the layer I spend half the round justifying, which incentivizes clash, which they have time for because they have 7 minutes b) I don’t have time to win multiple layers since I have to preclude the 2n, NC, and extend the AC in 4 minutes which is near impossible.

10. The punishment for violating disclosure interps should be a win: 1) increase probability of elim participation which means more people will see these materials I’ve tried to hide, the only truly appropriate consequence, 2) online debate is terrible so more rounds are a punishment. To clarify, this is a paradigm issue on disclosure shells, vote up the debater instead of drop the debater

11. Rule following paradox. In order to follow a rule, I need another rule to clarify that rule, but I need another rule to clarify that rule so I need infinite rules in order to clarify, so following rules is impossible. Means not striking is impossible, I will always break some rule that I am unaware of. People shouldn’t be punished for things out of their control, so you auto-affirm

12. Ought is defined as logical consequence [Merriam-Webster]. A government is a group of people and the actions of the members constitute the actions of the whole. Thus if a single member recognizes an unconditional right to strike, then the resolution is true. Any just government must constitute all persons within its decision-making processes. Thus, because I recognize an unconditional right for workers to strike, the resolution must be true

13. A “just government” is one that recognizes universal human rights. The right to be free from forced labor is a universal human right. Therefore a just government must recognize a right to cease or refuse to work; in other words, a right to strike.

14. Recognition paradox affirms: Recognize is defined as to accept or be aware that (something) is true or exists [Merriam-Webster]. Either a right to strike doesn’t exist so it can’t be referenced, in which case there is nothing to reference. HOWEVER, a right to strike can be referenced so it must exist, else there would be nothing to reference. Thus the resolution is a priori true.

1. Laurence, Ben [Assistant Professor of Philosophy, University of Chicago]. “The Priority of Ideal Theory.” 2014. [↑](#footnote-ref-0)