I affirm. Brackets for clarity.

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

1. 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.
2. 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.
3. History: Unjust practices historically have been propagated in society without consent of the governed so the burden of justification is on those departing from equality.

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:**

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 measur**es, 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.

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

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:**

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

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

It also aligns with intuitions about proper and improper reasons for moral deliberation – promoting justice as fairness, the only method that allows us to mitigate the effectiveness of discrimination **Shelby 2:**

**Rawls**'s **theory takes the basic structure as its primary subject**, not just because he wants to limit the scope of his project to classical problems of social justice, but also **because** the basic structure **[it] has a "**profound and **pervasive influence on the persons who live under its institutions**. It is largely **through** the mediation of **institutions** **that** the **social**, natural, and fortuitous **contingencies** that mark differences between persons come to **affect** the overall life prospects of **individuals** in society. **Justice as fairness [—]** seeks to insure that the life **prospects of citizens are not unfairly limited by contingencies that are morally arbitrary**. As we have observed, the fact that a person is a member of **a particular racial group is not a morally relevant distinction** from the standpoint of basic justice, and thus no one's life prospects should be circumscribed because of his or her racial identity. Thus, if the basic structure of a society is well-ordered and just, then **even if racist beliefs** and attitudes continue to **circulate in** this **society**, these beliefs and attitudes **[they] should not inhibit any person,** regardless of race, **from** fully **participating** in the society as an equal citizen, **with** all the accompanying **liberties and opportunities**. Nor would the existence of individual racism **be an obstacle to** any person's effective **choice** and active pursuit of a rational plan of life under conditions of fair equality of opportunity. So, while the fact that some individuals harbor racist attitudes would still be a moral problem of some concern**, were the overall system of social cooperation a just one or nearly so,** this disturbing problem would not be such an urgent practical matter from the standpoint of disfavored racial groups. In this way, **justice as fairness**, if fully realized in a well-ordered society, **would sharply reduce the influence of individuals' racist misdeeds and attitudes on the life prospects of other citizens**. There is of course no way to realize such a well-ordered society without also sharply reducing the incidence of individual racism and containing the offensive activities of racist organizations. For as we have said, racial prejudice and bias, if not effectively combated, can lead to unjust forms of discrimination within the basic structure, even to institutional racism. But the establishment of a just and well-ordered society does not require that individual racism be altogether extinct, as desirable as that state of affairs would be. The complete eradication of all forms of racism, overt and covert, is probably more than a "realistic utopia" can hope to achieve, which is not of course to deny that this is a moral goal well worth striving, even fighting, for.

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

That outweighs, if moral theories cannot comply with strong intuitions like moral irrelevance of social status, then it’s a deficit to the ethic’s justification.

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

1. The resolution implies an ethical system founded on the veil of ignorance, since it does not specify a worker, strike, etc. The veil is the only moral code generating principles to which artifacts of specific societies are irrelevant, and thus creates the atemporal space the resolution exists in. Prefer resolutional justifications for the standard over substantive ones since the resolution filters what substance is relevant.
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.

Prefer procedural justifications such as solving the compliance problem over other types because procedural efficacy controls the internal link to actual applicability and thus validity. Procedurals are a litmus test for all ethical theories.

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

1. 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.
2. Since all ethical theories presume the moral equality of individuals, moral laws must attempt to help those worst off in society, to equalize their opportunities with those who have more resources. It disrespects the fundamental autonomy of persons to ignore the lottery of birth, which arbitrarily disadvantages some while advantaging others.
3. In conditions of uncertainty prevailing behind the veil, maximin reasoning is rational. Rawls 3:

It seems clear from these remarks that the two principles are at least a plausible conception of justice. The question, though, is how one is to argue for them more systematically. Now there are several things to do. One can work out their consequences for institutions and note their implications for fundamental social policy. In this way they are tested by a comparison with our considered judgments of justice. Part II is devoted to this. But one can also try to find arguments in their favor that are decisive from the standpoint of the original position. In order to see how this might be done, it is useful as a heuristic device to think of the two principles as the maximin solution to the problem of social justice. There is .an analogy between the two principles and the [the] maximin rule [is used] for choice under uncertainty.I8 This is evident from the fact that the two principles are those a person would choose for the design of a society in which his enemy is to assign him his place. The maximin rule tells us to rank alternatives by their worst possible outcomes: we are to adopt the alternative the worst outcome of which is superior to the worst outcomes of the others. The persons in the original position do not, of course, assume that their initial place in society is decided by a malevolent opponent. As I note below, they should not reason from false premises. The veil of ignorance does not violate this idea, since an absence of information is not misinformation. But that the two principles of justice would be chosen if the parties were forced to protect themselves against [the veil of ignorance] such a contingency explains the [there is] sense in which this conception is the maximin solution. And this analogy suggests that if the original position has been described so that it is rational for the parties to adopt the conservative attitude expressed by this rule, a conclusive argument can indeed be constructed for these principle~. Clearly the maximin rule is not, in general, a suitable guide for choices under uncertainty. But it is attractive in situations marked by certain special features. My aim, then, is to show that a good case can be made for the two principles based on the fact that the original position manifests these features to the fullest possible degree, carrying them to the limit, so to speak.

1. From the veil of ignorance our position is taking risks for others, not just ourselves, which justifies risk-aversity. Buchak:

How, then, should we think about preferences in the original position, given that there is a plurality of acceptable risk attitudes? Let us start by observing how we make decisions for other people whose risk attitudes are unknown to us. Imagine **your acquaintance hurts his shoulder** and is in moderate pain, and **you do not know whether it is a** muscle **spasm or a pull**ed muscle. For simplicity, imagine these two possibilities are equally likely. Applying **heat will help greatly if it is a** muscle **spasm but will lead to intense pain if it is a pull**ed muscle; on the other hand, applying **ice will do nothing for a** muscle **spasm and** will **provide mild relief for a pull**ed muscle: Apply Heat5{muscle spasm, relief; pulled muscle, intense pain}Apply Ice5{muscle spasm, moderate pain; pulled muscle, mild pain}Applying heat is the risky but possibly rewarding course of action, and applying ice is the relatively safe course of action. It seems reasonable for an individual to prefer either choice for himself. However, **whatever you would prefer for yourself,** it seems **you should choose ice** for your acquaintance: **without knowing someone’s preferences, you can’t subject him to** a **risk you’re not sure he would take.** But only to a point: if a pulled muscle is incredibly unlikely, then intuitively it seems like you should apply heat. Thus, we seem to operate using: Rule 1: When making a decision for another individual, if I don’t know which risks he is willing to take, err on the side of caution and choose the less risky option, within reason. Importantly, you don’t simply make the choice that is in line with your own risk attitude. Nor do you pick haphazardly or arbitrarily**.** You would be criticizable if you picked the risky act, **even if it turns out that this** **act is the one the acquaintance himself would have chosen** and even if his injury turns out to be a muscle spasm. That you would be criticizable points to the fact that we treat making the less risky choice as normative.

Lara Buchak, “Taking Risks Behind the Veil of Ignorance,” *Ethics* (2017).

Adv text: whole rez

Now vote aff:

#### First, since the ability to follow one’s own conception of the good is prerequisite to a good life and the motivation to be moral, violations of it are impermissible from behind the veil of ignorance. Krishnamurthy:

Rawls is concerned with the self-respect of citizens as free and equal persons.20 On his view, self-respect is a sense of oneself as having equal status or equal value as a citizen, which “is rooted in our self-confidence as a fully cooperating member of society capable of pursuing a worthwhile conception of the good over a complete life.”21 **Self-respect involves** two elements: (i) **a sense of one’s equal worth rooted in the capacity to develop and to exercise** the two moral powers, **the capacity for justice** **and** the capacity for **a conception of the good**, necessary to be a fully cooperating member of society; (ii) a sense of one’s equal worth rooted in the belief that one’s conception of the good and plan of life are worth carrying out.22 **Rawls argues** that self-respect is important to citizens because “**without self-respec**t nothing may seem worth doing or if some things have value for us, we lack the will to strive for them. All desire and activity becomes empty and vain, and we sink into apathy and cynicism.”23 If we do not have a secure sense of self-respect, then **we will no longer see our ends and aims as worth pursuing**; they will cease to be of value to us. When we feel that our ends have little value, **[and] we will not** **be motivated to pursue them**. In turn, I suggest, **we will not be motivated to [or] develop and to exercise** our two **moral powers**, for we have an interest in developing and exercising the two moral powers only because they can be a means to, as well as a part of, our good. In short, without a secure sense of self-respect, we will not be motivated to develop and to fully exercise our two moral powers. To the extent that we have a higher-order interest in exercising and developing these two powers, “**parties in the original position would wish to avoid [this] at almost any cost** the **social conditions that undermine self-respect**.”24 For this reason, Rawls argues that self-respect is a primary good – a good that is necessary to realizing the two moral powers and that the state is responsible for distributing. However, he has in mind here “not self-respect as an attitude toward oneself but the social bases of self-respect.”25 “The social bases of self-respect are those aspects of basic institutions that are normally essential if citizens are to have a lively sense of their own worth as moral persons.”26 We must now consider what it is to be respected by others, on Rawls’s view. We are respected when we are treated and regarded in ways that “confirm the sense of our own worth.”27 We regard ourselves as having equal worth (as citizens) by virtue of our having (i) the capacity to develop and to exercise the capacity for justice and the capacity for a conception of the good and (ii) a conception of the good that is worth pursuing. In turn, we must be treated and regarded by others in ways that express an acknowledgment of our being an equal member in the system of social cooperation by virtue of our having (i) and (ii).

Krishnamurthy, Meena [Assistant Professor of Philosophy, University of Michigan]. “Completing Rawls’s Arguments for Equal Political Liberty and its Fair Value: The Argument from Self-Respect.” *Canadian Journal of Philosophy* 43.2 (2013): 179-205.

#### The right to strike is a logical corollary, two warrants:

#### Striking is a fundamental freedom, since being bound to our labor would violate the basis of self-respect—forcing us into involuntary servitude 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 condition**s. 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 an 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. Of course, a complete ban on bargaining would make striking pointless. We can say we have a fundamental right to strike, but that we won’t want to exercise it unless we also have a right to bargain. And we will now argue that there a substantive right to bargain collectively is assured under the second principle of justice.

Croucher, Richard & Kelly, Mark G. E. & Miles, Lilian. (2012). A Rawlsian basis for core labor rights. Comparative Labor law and Policy Journal. 33. 297-320.

#### Absent strikes, coercive conditions are demeaning towards laborers—the right to strike is the right to have rights to self-respect as a worker Borman:

To summarize: **the conflict between labour and capital** and government which is made manifest in a strike is not located at the first-order level where a specific schedule of putative rights is to be justified or constrained; instead, it **takes place at the more fundamental level where the right to have rights** (in this domain), or the salience of normative justification, **is** **itself contested. In the strike, a demand for justification is confronted with (**often, is inspired **by) a refusal to justify**: implicit or explicit (second-order) moral claims collide with (unjustified) norm-excluding assertions of interest. If this characterization is correct, then non-instrumental contractualism might appear to have advanced no farther than Nielsen, when he awkwardly concludes that the conditions are not yet right for morality. Although agreements here concern what is right, contractualists do not exclude consideration of existing interest positions: to the contrary, they argue in one form or another that a norm is to be judged legitimate if it can be reasonably accepted from the point of view of all affected, taking into account the effects the general observance of the norm could be anticipated to have on their interests (Habermas 1990, p. 65). But if this is so, then the present prospects for justifying a right to strike might be thought bleak indeed. As Nielsen observed, the recognition of such a right is very much in contradiction to the existing interests of employers, so that a consensus on this point ‘would only be possible if the capitalists generally—and not just in isolated instances [ala` Engels and Owen, above]—would in the interests of fairness and humaneness de-class themselves voluntarily. But,’ Nielsen sagely concludes, ‘it is an idle dream to expect this to happen’ (Nielsen 1989, p. 127). Prima facie, given the difficulty just described, hypothetical-agreement-contractualism might seem to have an important advantage over its rival: namely, its willingness to declare that some interests—such as the interest in maintaining positions of asymmetrical power—are not legitimate (Scanlon 1997, p. 278). But for the actual-agreement contractualist, there are two problems with this response. First, it is not clear that there is a defensible point of view from which we are able to distinguish unilaterally and conclusively between legitimate and illegitimate interests on someone else’s behalf—hence Forst’s prohibition of such claims or, better, ‘diagnoses’. Second, even if I am able to carry through the argument that the interests standing in the way of justifying a right to strike—which do so by blocking the communicative orientation or a presupposed right to self-determination in the first place—are such that they may be ‘reasonably rejected’, it is not clear to the actual-agreement contractualist (a position influenced by pragmatism) what the good would be of such a unilateral defence. Typically, the motivational significance of deontological justification is to deprive the would-be violator of rights of all legitimate reasons for their actions (for instance, by proving that there can be no good reason for cheating). But in the case at hand, depriving opponents of their ability to justify their refusal to recognize rights is pointless, since that refusal takes the form of a refusal of justification itself. Put differently: we cannot leap to the question of whether employers would be unreasonable to reject the right to strike, since we must first deal with the question of what types of reasons or considerations are relevant and it is here that the disagreement is stalled. Because the conflict occurs at the fundamental level where the types of reasons that are salient is itself in dispute, the actual-agreement approach seems to fare hardly better: the project of justification as it is described by Forst and Benhabib cannot get off the ground. Workers, by making some purportedly legitimate firstorder demand, simultaneously assert their right to have rights in the domain of labour; the law and employers refuse to take up that claim in a communicative attitude and insist instead on a compromise-orientation framed by considerations of relative power. Because existing relations of power are so asymmetrical, employers are able today—and at the level of the development of law, have historically been able—to force the orientation toward compromise upon their interlocutors. Of course, the first-order move on the part of employers implies a second-order commitment that the economy operate as a ‘norm-free’ or ‘justification-free’ sphere of the play of interests, money, and power, a commitment which itself calls for justification. But the impasse is simply repeated at the second-order level: as I’ve already argued, there is no genuine effort (nor was there historically) to normatively justify this view in terms acceptable to workers, an effort which would require taking up communicatively, even if critically, the moral-normative claims of workers and so accepting (by presupposition) their right to have rights. Instead, as the dissenting Justices in Saskatchewan continued to argue, the economy is to be regarded as a ‘delicate’, technical system in which competing interest are in a complex balance; the state must have the ‘flexibility’ to intervene as the system requires and because of this the Court, even when faced with a Charter challenge, must ‘demonstrate deference in the field of labour relations’ apparently irrespective of the force of reason (Saskatchewan 2015, paras. 107 and 114). Thus, rather than being a question of applied ethics, **the issues raised by the strike tend toward the meta-ethical: can the demand to justify itself be justified in a way that is compelling from the perspective of those who refuse to argue?** If we could answer this in the affirmative, the right to strike would immediately come under the general defence of justification; the remaining questions to be settled within discourse would concern only the legitimacy of particular strikes and particular demands (none of which would challenge the right to strike itself). There is little hope, I think, of arriving at such a result via informal logic: morality is a practical, historical device and the limits of practices of reason-giving are determined by social struggle. Probably all of the contractualists I have mentioned here would accept this judgment in some form; but it certainly has a greater affinity with, and so perhaps offers some reason to prefer, the approach of the actual-agreement contractualists insofar as the latter see the scope of morality as the product of ‘political struggles, social movements, and learning processes’ (Benhabib 2007, p. 16). For hypothetical-agreement contractualists like Scanlon, morally motivated social struggle must have two distinct stages: first, contractualist reasoners have independent insight into what cannot be reasonably rejected; second, they engage in social struggle, armed with this prior, independent, and already completed justification for their conduct. For the actual-agreement contractualist, at least full justification only emerges at the end of the struggle, with the successful effort to convince others and so reach agreement (see Borman 2015a). When it is a question of opening up some domain of human life to moral questioning, the actual agreement account seems a better fit for the messy outcomes of historical struggle, of which the labour movement is an especially good example. Historically, workers saw labour, its terms and conditions, as a moral question. The presently ambiguous status of the right to strike reflects the unresolved legacy or, to put it more harshly, the historical failure or defeat of the labour rights movement in this regard. Indeed, the ‘special interest’ character of many trade unions today, which confine themselves to advancing the narrowly defined employment interests of their members (for which they are ridiculed by their anti-union critics) is the result of the systematic repression of a much broader labour movement which actively sought connections with broader concerns of social justice. It is noteworthy, in this respect, that by the 1950s in the U.S., secondary boycotts and sympathy strikes were illegal (Lambert 2005, pp. 62–63). Where does this leave the right to strike? If morality is regarded as a practical project of coordinating action and action-effects via legitimized norms, then it is enough to show how workers who demand such a right are reasonable to do so while employers who refuse to engage with the claim are not. Operating on the premises of actual-agreement-contractualism, it is in fact easy to accomplish this: I would propose that, because the scope of morality is defined by the pursuit of rationally legitimated norms, every sincerely raised and undefeated demand for justification— every assertion of the right to justification—is presumptively or pro tanto legitimate. This does not mean that every particular strike is actually legitimate any more than any proposed substantive right is automatically justified. **The right to have rights is justified presumptively as an implication of the mere raising of any given rights-claim, and so similarly, the right to self-determination in labour is justified presumptively by the mere raising of any labour-rights-claim**. Any attempt to take-up, **even in order to reject the right to have rights would presuppose its recognition,** and the same may be said for the right to self-determination. Let me repeat this deceptively simple, though somewhat unsatisfying, outcome: the particular strike implicitly asserts a right to self-determination, as a presupposition of whatever particular claims are made. **That right cannot be reasonably rejected since any attempt to reject it on the basis of reasons is self-defeating,** guilty—as Habermas might say—of a petitio tollendum fallacy. **If indeed the right to strike is derivable from the right to self-determination, then there is a presumptively justified right to strike**. And this is established without appeal to antecedent normative reasons for believing that those affected should agree to such a right. This does not do away with the practical obstacles that endure in the absence of full justification or recognition of the right to have rights in labour. We can add for good measure that if the rejection of justification within labour is bolstered only by appeals to the interests of employers taken personally, then the rejection is not based on good, generalizable reasons. If the rejection is, as is more commonly the case in legislative restrictions of the right to strike, ‘justified’ by first-order appeals to economic efficiency, then the reply is guilty of a fallacy of irrelevance. Of course, employers and governments could attempt a second-order justification of the firstorder insistence upon compromise-orientation in place of consensus-orientation (that is, a principled, communicatively oriented defence of the claim that economies ought to be regarded as ‘norm-free’ subsystems evaluated according to their efficiency alone); but doing so would require genuine communicative engagement with the justificatory demands of workers who reject the thesis on the basis of putatively good reasons and would be tantamount to an acceptance of the right to self-determination (here, as agreeing to be governed by principles of compromiseformation). Simply pushing through a compromise-orientation at the second-order level, too, entails that the entire sequence of interactions is reduced to a question of mere power.

#### Second, the veil mandates we help the least well off. Those suffering from unjust labor conditions lack political power, as well as any power relative to their employer. Only strikes offer workers any power and would be affirmed under the veil of ignorance. Specifically seen during the COVID pandemic Wade:

Judith Butler: A single act cannot stand for repeated patterns or for structural or institutional forms of violence. The physical blow is most graphic and imaginable, and when violence takes that form, it is easier to find and hold the person accountable for its delivery. Accountability becomes more complex and no less urgent when the person who strikes the blow claims to be following an unjust police or prison policy or acting in the name of national security. And it is complex in another way but still no less urgent if whole populations are “left to die,” as Foucault put**. Farmworkers crammed into small housing spaces and deprived of medical care are exposed to serious illness and death under the present conditions of pandemic**. Something quite similar could be said about the population of Gaza, where confinement is imposed by force and where a slow genocide may well take place. **In such cases, we also hold to account the state,** the conditions of siege, carceral institution**s, the policy-makers, and** even **the economic system that treats some workers as dispensable and replaceable**. The way I see it**, it is less a matter of who is a friend and who is an enemy but who counts as a life that matters and whose lives are regarded as dispensable**. Prisons tend to keep those populations inside the nation but with a disenfranchised status, and in the US they are instruments for containing and suppressing black and brown lives to a disproportionate degree. With migrants, they are meant to be kept outside. But the border and its modes of indefinite detention are neither quite inside nor outside. That kind of threshold can be a special kind of hell.

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