Purpose of Government   
Opposition Brief by Joel Erickson



A historic fixture of NCFCA LD, purpose of government argumentation has garnered increased relevance with a resolution that includes an explicit government actor. Because government responsibility cases are most prevalent on the negative side of this resolution, this brief constructs robust purpose of government positions the affirmative, cataloguing some salient counterarguments to the negative.

First, this brief establishes through several modes of proof that governments are required to respect rights, even the rights of non-citizens. Second, this brief acknowledges the difference between negative action *(not violating rights)* and positive action *(actively protecting rights)* and demonstrates that governments possess an obligation to do both. Third, this brief demonstrates how fair trade categorically protects rights, thus fulfilling the purpose of government.

Don’t let the emphasis on analysis over evidence deter you. When discussing philosophy, you don’t necessarily need pristinely cut cards from the Stanford Encyclopedia of Philosophy to substantiate your position and the time constrains even preclude you from running them in the 1AR. You do require well-justified positions that logically appeal to fundamental axioms. This brief gives you those. Contextualization is interspersed throughout to correlate the evidence to the specific arguments. Have fun!

Purpose of Government

**1 – Government Obligation to Respect Rights** *(see sections in introduction)*

Government’s Purpose Involves Respecting Rights

Henkin, Louis. "Rights: American and Human," Columbia Law Review vol. 79, no. 3 (April 1979): p. 413. HeinOnline, <https://heinonline.org/HOL/P?h=hein.journals/clr79&i=429>.

In the International Covenant on Civil and Political Rights, states undertake not only to respect but also to “ensure” those rights, apparently against private as well as government interference. A state is obligated to adopt such measures as may be necessary to give effect to these rights. For one example, the Covenant provides that the inherent right to life ‘shall be protected by law.’”

Philosophical Analysis (compel your opponent to agree to these axioms in cross-examination):

* **People are morally obligated to respect the rights of others**, regardless of their national identity. Warrant: Contradictory Position Absurd. While there may be a couple exceptions to this principle (like war) denying a human obligation to respect rights removes any moral compass for the debate and creates an unlivable world.
* **Governments are comprised of people**. Warrant: Contradictory Position Absurd. Our government officials aren’t aliens or robots.
* **An individual’s** **obligation to respect rights does not change when he or she becomes a government official**. Warrant: Nuremberg Trials. (See cards on Nuremberg below.)
* **Impact: Governments must respect all rights.**

Warrant: Nuremberg Trials Background

Judge Philippe Kirsch [President of the International Criminal Court], “Applying the Principles of Nuremberg in the ICC,” Keynote Address at the Conference “Judgment at Nuremberg,” held on the 60th anniversary of the Nuremberg judgment. 30 September 2006. <https://www.icc-cpi.int/nr/rdonlyres/ed2f5177-9f9b-4d66-9386-5c5bf45d052c/146323/pk_20060930_english.pdf>

Previous war crimes trials by national courts had focused on minor defendants for isolated and well‐established violations of the law of war. At Nuremberg, not only military leaders, but also high‐level officials and even private citizens faced trial for some of the most serious crimes known to humanity. We all owe a great deal to those who made the Nuremberg trials happen, including Robert Jackson, Thomas Dodd, Whitney Harris, Ben Ferencz and Henry King.

Warrant: Nuremberg Trials Impact

Judge Philippe Kirsch [President of the International Criminal Court], “Applying the Principles of Nuremberg in the ICC,” Keynote Address at the Conference “Judgment at Nuremberg,” held on the 60th anniversary of the Nuremberg judgment. 30 September 2006. <https://www.icc-cpi.int/nr/rdonlyres/ed2f5177-9f9b-4d66-9386-5c5bf45d052c/146323/pk_20060930_english.pdf>

The Nuremberg trials rested on two fundamental principles. The first principle is that individuals can and should be held accountable for the most serious international crimes. The judgment of the Nuremberg Tribunal famously declared, “Crimes against international law are committed by men, not by abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced.” Ensuring accountability is important in itself, but it is also important because allowing impunity for widespread or systematic atrocities can have serious consequences for international peace.

Government’s Purpose Involves Protecting Rights, Social Contract Edition

Tuckness, Alex, "Locke's Political Philosophy", The Stanford Encyclopedia of Philosophy (Summer 2018 Edition), Edward N. Zalta (ed.), <https://plato.stanford.edu/archives/sum2018/entries/locke-political/>

The most direct reading of Locke’s political philosophy finds the concept of consent playing a central role. His analysis begins with individuals in a state of nature where they are not subject to a common legitimate authority with the power to legislate or adjudicate disputes. From this natural state of freedom and independence, Locke stresses individual consent as the mechanism by which political societies are created and individuals join those societies. While there are of course some general obligations and rights that all people have from the law of nature, special obligations come about only when we voluntarily undertake them. Locke clearly states that one can only become a full member of society by an act of express consent (Two Treatises 2.122). The literature on Locke’s theory of consent tends to focus on how Locke does or does not successfully answer the following objection: few people have actually consented to their governments so no, or almost no, governments are actually legitimate. This conclusion is problematic since it is clearly contrary to Locke’s intention. Locke’s most obvious solution to this problem is his doctrine of tacit consent. Simply by walking along the highways of a country a person gives tacit consent to the government and agrees to obey it while living in its territory.

Philosophical Analysis:

* Although social contract theory usually intended to justify nationalist sentiment (e.g. government only concerned about its own citizens), this distillation demonstrates its international applicability.
* **Pure autonomy is unsustainable for everyone**. Warrant: Self-evident. If I’m allowed to maximize my freedom, I can override your freedom by, say, killing you. This eventuates in anarchy.
* **Governments required for sustainable freedom**. Government infringes upon our autonomy to ensure that everybody can enjoy the greatest degree of autonomy.
* **Applicable internationally**. The international sphere is fundamentally anarchical, which requires institutional infringement on the rights of everyone—including sovereign states—to maximize rights for everyone. Warrant: Realism and Liberalism. (See below evidence.)

Warrant: Realism and Liberalism

Korab-Karpowicz, W. Julian, "Political Realism in International Relations", The Stanford Encyclopedia of Philosophy (Summer 2018 Edition), Edward N. Zalta (ed.), <https://plato.stanford.edu/archives/sum2018/entries/realism-intl-relations/>

In the discipline of international relations there are contending general theories or theoretical perspectives. Realism, also known as political realism, is a view of international politics that stresses its competitive and conflictual side. It is usually contrasted with idealism or liberalism, which tends to emphasize cooperation. Realists consider the principal actors in the international arena to be states, which are concerned with their own security, act in pursuit of their own national interests, and struggle for power.

**2 – Government Obligation to Protect Rights Proactively**

Capability to protect entails obligation to protect

Peter Singer, “Famine, Affluence, and Morality,” Philosophy and Public Affairs vol. 1, no. 1 (Spring 1972), pp. 229-243. <https://www.utilitarian.net/singer/by/1972----.htm>

My next point is this: if it is in our power to prevent something bad from happening, without thereby sacrificing anything of comparable moral importance, we ought, morally, to do it. By "without sacrificing anything of comparable moral importance" I mean without causing anything else comparably bad to happen, or doing something that is wrong in itself, or failing to promote some moral good, comparable in significance to the bad thing that we can prevent. This principle seems almost as uncontroversial as the last one. It requires us only to prevent what is bad, and to promote what is good, and it requires this of us only when we can do it without sacrificing anything that is, from the moral point of view, comparably important. I could even, as far as the application of my argument to the Bengal emergency is concerned, qualify the point so as to make it: if it is in our power to prevent something very bad from happening, without thereby sacrificing anything morally significant, we ought, morally, to do it. An application of this principle would be as follows: if I am walking past a shallow pond and see a child drowning in it, I ought to wade in and pull the child out. This will mean getting my clothes muddy, but this is insignificant, while the death of the child would presumably be a very bad thing.

Precedent: Armed Humanitarian Intervention

Robert Hoag, “Armed Humanitarian Intervention,” Internet Encyclopedia of Philosophy, <https://www.iep.utm.edu/hum-mili/#H2>

The term ‘humanitarian intervention’ came into common use during the 1990s to describe the use of military force by states or international organizations in response to genocides, “ethnic cleansing,” and other horrors suffered by peoples at the hands of their own governments.  But cases of armed interventions are not new.  Several times during the nineteenth century European powers intervened militarily in various provinces of the Ottoman Empire to protect Christian enclaves from massacre or oppression (Bass). Following World War II there were many military interventions sometimes dubiously described as ‘humanitarian’, including by the United States in Latin America and France’s 1979 use of military force in its former colony, the Central African Republic.  Other cases remain notable foci of scholarly discussion:  India’s 1971 military intervention in East Pakistan, now Bangladesh; Vietnam’s 1979 intervention into Cambodia; and in the same year, Tanzania’s intervention into Uganda.  Later cases include uses of military force to protect Iraqi Kurds, and interventions in Somalia, Haiti, Liberia, and Sierra Leone, among many others.  The 1994 genocide in Rwanda focused attention on the consequences of failing to intervening, because external military force was not deployed to prevent the killing of nearly 1 million people in just three months of violence.

**Impact:** If we deem something as drastic as military intervention appropriate sometimes, we surely consider intervention with far less collateral damage that also protects rights appropriate sometimes.

**3 – Fair Trade Upholds Aforementioned Obligation**

Fair Trade Creates Conditions for Protecting Rights

World Fair Trade Organization, “10 Principles of Fair Trade.” <https://wfto.com/fair-trade/10-principles-fair-trade>

“Principle Four: Fair Payment. A fair payment is one that has been mutually negotiated and agreed by all through on-going dialogue and participation, which provides fair pay to the producers and can also be sustained by the market, taking into account the principle of equal pay for equal work by women and men. The aim is always the payment of a Local Living Wage. Fair Payment is made up of Fair Prices, Fair Wages and Local Living Wages. Fair Prices. A Fair Price is freely negotiated through dialogue between the buyer and the seller and is based on transparent price setting. It includes a fair wage and a fair profit. Fair prices represent an equitable share of the final price to each player in the supply chain. Fair Wages. A Fair Wage is an equitable, freely negotiated and mutually agreed wage, and presumes the payment of at least a Local Living Wage. Local Living Wage. A Local Living Wage is remuneration received for a standard working week (no more than 48 hours) by a Worker in a particular place, sufficient to afford a decent standard of living for the Worker and her or his family. Elements of a decent standard of living include food, water, housing, education, health care, transport, clothing, and other essential needs, including provision for unexpected events.”

Fair Trade Prevents Infringement on Rights

World Fair Trade Organization, “10 Principles of Fair Trade.” <https://wfto.com/fair-trade/10-principles-fair-trade>

Principle Five: Ensuring no Child Labour and Forced Labour. The organisation adheres to the UN Convention on the Rights of the Child, and national / local law on the employment of children. The organisation ensures that there is no forced labour in its workforce and / or members or homeworkers. Organisations who buy Fair Trade products from producer groups either directly or through intermediaries ensure that no forced labour is used in production and the producer complies with the UN Convention on the Rights of the Child, and national / local law on the employment of children. Any involvement of children in the production of Fair Trade products (including learning a traditional art or craft) is always disclosed and monitored and does not adversely affect the children's well-being, security, educational requirements and need for play.

Principle Seven: Ensuring Good Working Conditions. The organisation provides a safe and healthy working environment for employees and / or members. It complies, at a minimum, with national and local laws and ILO conventions on health and safety. Working hours and conditions for employees and / or members (and any homeworkers) comply with conditions established by national and local laws and ILO conventions. Fair Trade Organisations are aware of the health and safety conditions in the producer groups they buy from. They seek, on an ongoing basis, to raise awareness of health and safety issues and improve health and safety practices in producer groups.