*I negate: Resolved- The United States ought to extend to non-citizens accused of terrorism the same constitutional due process protections it grants to citizens.*

Ought is derived from the English phrase (<http://dictionary.reference.com/etymology/ought>) O.E. ahte, pt. of agan "**to** own, possess, **owe**" (see [owe](http://dictionary.reference.com/browse/owe)). **As a past tense of owe, it** shared in that word's evolution and **mean[s]** at times in M.E. "possessed" and "**under obligation** to pay. Ought statements are prescriptive rules: ones that must be obeyed as a reason informing one’s actions. Thus, the aff burden is to prove the nature of ought statements is such that the actor of the resolution can obey the rule the ought statement prescribes.

Rule-following ethics are condemned to paradox since rules must undermine what they seek to affirm. Derrida:  
Jacques Derrida, “Force of Law: The Mystical Foundation of Authority”

Our common axiom is that to be just or unjust and to exercise justice, I must be free and responsible for my actions, my behavior, my thought, my decisions. We would not say of a being without freedom, or at least of one without freedom in a given act, that its decision is justor unjust. But this freedom or this **[The] decision of the just**, if it is one, **must follow** a law ora prescription **a rule.** In this sense, in its very autonomy, in its freedom to follow or to give itself laws, it must have the power to be of the calculable or programmable order, for example as an act of fairness. **But if the act simply consists of applying a rule**, of enacting a programor effecting a calculation, **we might say** that it is legal, that **it conforms to law,** and perhaps, by metaphor, that it is just, **but we would be wrong to say** that **the decision was just. To be just, the decision** of a judge, for example, **must not only folIow a rule** of law or a general law **but must also assume it [and]**, approve it, **confirm its value**, by a reinstituting act of interpretation, **as if** ultimately **nothing previously existed of the law**, as if the judge himself invented the law in every case. **No exercise of justice** as law **can be just unless there is a "fresh judgment"** (I borrow this English expression from Stanley Fish's article, "Force," in Doing What Comes Naturally). **This** "fresh judgment" can very well-**must** very well **conform to a preexisting law**, **but** the reinstituting, reinventive and freely decisive interpretation, **the responsible interpretation** of the judge **requires that** his **"justice" not just consist in conformity**, in the conservative and reproductive activity of judgment. In short, for a decision to be just and responsible, **[I]t must**, in its proper moment if there is one, **be both regulated and without regulation: it must conserve the law and** also **destroy it** or suspend it enough to have to reinvent it in each case, rejustify it, at least reinvent it in the reaffirmation and the new and free confirmation of its principle. **Each** case is other, each decision **is different and requires a**n absolutely **unique interpretation, which no** existing, coded **rule can or ought to guarantee** absolutely. At least, **[I]f the rule [is coded]** guarantees it in no uncertain terms, so that **the judge is** a **calculating** machine, which happens, and we will **not** say that he is **just**, free and responsible. But we also won't say it if he doesn't refer to any law, to any rule or if, because he doesn't take any rule for granted beyond his own interpretation, he suspends his decision, stops short before the undecidable or if he improvises and leaves aside all rules, all principles. **It follows from this paradox that there is never a moment** that **we can say** in the present **that a decision is just** (that is, free and responsible), or that someone is a just man-even less, "I am just."

The language of rules is meaningless and so cannot guide action. Words like “ought” or “must” can only be understood with reference to other words, generating a regress. Nietzsche:  
Friedrich Nietzsche, one of the most influential philosophers ever, (On Truth and Lies in a Nonmoral Sense, 1873)

**What** then **is truth? A movable host of metaphors**, metonymies, **and anthropomorphisms**: in short, **a sum of human relations which have been** poetically and **rhetorically intensified**, transferred, **and embellished**, and which, after long usage, seem to a people to be fixed, canonical, and binding. **Truths are illusions which we have forgotten are illusions - they are metaphors that** have become worn out and **have been drained of sensuous force**, coins which have lost their embossing and are now considered as metal and no longer as coins. **We believe that we know something about the things themselves** when we speak of trees, colors, snow, and flowers; **and yet we possess nothing but metaphors** for things - metaphors **which correspond in no way to the original entities.**

We can only follow a rule based on the judgment that our actions are informed by the identifiable content of the rule. However, if I’m teaching you addition in math problems and have only used numbers ranging from zero to 45, you would rightly say that 20 + 17 = 37 by following the rule “add two quantities and find the total”. However, if I asked you what 57 + 60 was, you could tell me the answer is 5 by conforming your action to the unspoken pattern from prior experience that “the previous rule is also true, except in addition problems involving two numbers greater than 45, which must always yield 5”. Your prior experience in memorizing answers to problems using numbers less than 45 may have informed you of my rule, but the introduction of unique situations leads you to follow a different rule. It is impossible to know whether we conform our calculations to the appropriate rule since there are infinitely many more incorrect rules we simultaneously follow.

Human ethical rules are only assertions of superiority resulting from violence successfully perpetrated against others Rules only function through interpretation and questioning; otherwise, rules would be empty truisms that defeat their very purpose. This means A) we can’t obey the “ought” statement of the resolutions because it’s an empty gesture, and B) even if we could, we should reject the idea of absolute truth. Foucault:   
Michel Foucault. “Nietzsche, Genealogy, History” Foucault Reader.

In a sense, only a single drama is ever staged in this "non­ place," **the endlessly repeated play of dominations**. The dom­ ination of certain men over others **leads to the differentiation of values;**32 class domination generates the idea of liberty;33 **and** **the forceful appropriation of things necessary to survival and the imposition of a duration not intrinsic to them** account for the origin of logic.34 This relationship of domination is no more a "relationship" than the place where it occurs is a place; and, precisely for this reason, it is fixed, throughout its history, in rituals, in meticulous procedures that impose rights and obli­ gations . It establishes marks of its power and engraves mem­ ories on things and even within bodies . It makes itself accountable for debts and gives rise to the universe of rules, which is by no means designed to temper violence, but rather to satisfy it. Fol­ lowing traditional beliefs, it would be false to think that total war exhausts itself in its own contradictions and ends by re­ nouncing violence and submitting to civil laws . On the contrary, the law is a calculated and relentless pleasure, delight in the promised blood, which permits the perpetual instigation of new dominations and the staging of meticulously repeated scenes of violence . The desire for peace, the serenity of compromise, and the tacit acceptance of the law, far from representing a major moral conversion or a utilitarian calculation that gave rise to the law, are but its result and, in point of fact, its perversion: "guilt, conscience, and duty had their threshold of emergence in the right to secure obligations; and their inception, like that of any major event on earth, was saturated in blood." 35 Humanity does not gradually progress from combat to combat until it ar­ rives at universal reciprocity, where the rule of law finally re­ places warfare; **humanity installs each of its violences in a system of rules and** thus **proceeds from domination to domination.** The nature of these rules allows violence to be inflicted on violence and the resurgence of new forces that are sufficiently strong to dominate those in power. **Rules are empty** in themselves, **violent and unfinalized;** **they** are impersonal and **can be bent to any purpose.** The successes of history belong to those who are capable of seizing these rules, to replace those who had used them, **to disguise themselves** so as **to pervert them [and] invert their meaning[;]** and redirect them against those who had initially imposed them; **controlling this complex mechanism, they will make it function so as to overcome the rulers through their own rules. The isolation of different points of emergence does not conform to the successive configurations of an identical meaning; rather, they result from substitutions,** displacements, disguised conquests, and systematic reversals. If interpretation were the slow exposure of the meaning hidden in an origin, then only metaphysics could interpret the development of humanity. But if **interpretation is the violent** or surreptitious **appropriation of a system of rules, which in itself has no essential meaning,** in order to impose a direction, to bend it to a new will, to force its participation in a different game, and to subject it to secondary rules, then the development of humanity is a series of interpretations. The role of genealogy is to record its history: the history of morals, ideals, and metaphysical concepts, the history of the concept of liberty or of the ascetic life; as they stand for the emergence of different interpretations,they must be made to appear as events on the stage of historical process.

Evaluations of moral rules are infinitely regressive because they presuppose their own foundations and ultimately terminate in assertions about a base way to approach values. Deleuze:  
Gilles Deleuze [Professor of Philosophy Emeritus at the University of Paris VIII]. “Nietzsche and Philosophy”. Translated by Hugh Tomlinson. 1962.

Nietzsche’s most general project is the introduction of the concepts of sense and value into philosophy. It is clear that modern philosophy has largely lived off Nietzsche. But not perhaps in the way in which he would have wished. Nietzsche made no secret of the fact that the philosophy of sense and values had to be a critique. One of the principal motifs of Nietzsche's work is that Kant had not carried out a true critique because he was not able to pose the problem of critique in terms of values. And what has happened in modern philosophy is that the theory of values has given rise to a new conformism and new forms of submission. Even the phenomenological apparatus has contributed to placing the Nietzschean inspiration, which is often present in phenomenology, at the service of modern conformism. But, with Nietzsche, we must begin from the fact that the philosophy of values as envisaged and established by him is the true realisation of critique and the only way in which a total critique may be realised, the only way to "philosophise with a hammer". In fact, **the notion of value implies a critical reversal.** On the one hand, **values** appear or **are given as principles: and evaluation presupposes values on the basis of which phenomena are appraised**. **But**, on the other hand and more profoundly,-**it is values which presuppose** evaluations, **"perspectives of appraisal", from which their own value is derived.** The problem of critique is that of the value of values, of the evaluation from which their value arises, thus the problem of their creation. **Evaluation is defined as the differential element of corresponding values**, an element which is both critical and creative. **Evaluations,** in essence, **are not values but ways of being, modes of existence of those who judge and evaluate,** serving as principles for the values on the basis of which they judge. **This is why we always have the beliefs**, feelings and thoughts **that we deserve given** our way of being or **our style of life[:]** There are things that can only be said, felt or conceived, **values which can only be adhered to, on condition of "base" evaluation, "base" living and thinking**. This is the crucial point; high and low, noble and base, are not values but represent the differential element from which the value of values themselves derives.

Permissibility Negates

1. The affirmative must show a moral obligation, so you would textually negate if the resolution’s course of action is permissible as the resolution would be not true. Ought is linguistically used to form an obligation; if I say that you ought give to charity I mean that you are obligated to do so, not that it would be merely permissible. Words have no static meaning but rather gain meaning from how they are used, so common usage shows aff must prove an obligation.

2. The converse of an ought statement is not an ought not statement, but rather a middle ground of lack of an obligation. Conflicting moral obligations, like “we ought to” do some action and “we ought not to” do that same action, cannot both be true by definition. However, they can both be false, so permissibility is neg ground.

3. Permissibility negates since the resolutional action being permissible would deny the existence of an obligation. Permissibility implies a choice to do something, whereas obligations do not allow competing alternatives. Since obligation implies necessity, proving permissibility is sufficient to negate.

Presume neg:

1. Absent relevant offense, presumption goes neg since every positive statement carries infinite assumptions as its basis. For a conclusion to be true, all premises must follow; since it’s more likely that one assumption can be refuted than for all premises to be true, we ought to reject the statement.

2. The burden of proof is always on the person making the proposition. Shifting the burden to someone who denies the statement is a fallacy since it assumes something is true unless proven otherwise. To be certain of the claim that X does not exist, one would have to possess abilities that are non-existent; existential negatives can’t be the test of whether a statement can be verified.

3. We don’t make the jump from permissibility or neutrality to obligation without a sound ethical prescription providing sufficient reason to take one action versus competing alternatives. Imposing inchoate statements as obligations unjustly limits our actions, making ethics an invalid guide for action.