## 1AC

### Overview

Interp – The negative must grant the aff presumption or permissibility.

A violation would be reading both or contesting one in the 2n.

Prefer –

A) Strat skew – Otherwise it incentivizes the 1n to read multiple NIBs and frontload the 1n with presumption and permissibility offense which is particularly bad since there isn’t a substantive truth to either side it’s a q of how long you can spend on it which means the neg wins substance every round.

B) Timeskew – I have to invest major time in the 1ar winning both because 2n flexibility can collapse to either one with a hidden trigger, only having to answer one or do weighing saves me half that time which is key in the 4 min 1ar.

C) Topic ed – spamming presumption and permissibility incentivizes the neg to only read things like skep and a prioris to collapse the debate to those layers.

### Framework

#### I value morality. The Meta-Ethic is Non-Naturalism.

#### [1] The naturalistic fallacy – examples of goodness fail to define the ultimate good. Moore 03,

[Moore, G. E. “Principia Ethica” <http://fair-use.org/g-e-moore/principia-ethica/>. Published 1903] SHS ZS

Good, then, if we mean by it that quality which we assert to belong to a thing, when we say that the thing is **good**, **is incapable of any definition**, in the most important sense of that word. The most important sense of definition is that in which a definition states what are the parts which invariably compose a certain whole; and in this sense **good has no definition because it** is simple and **has no parts**. **It is** one of those innumerable objects of thought which are themselves **incapable of definition**, because they are the ultimate terms of reference to which whatever is capable of definition must be defined. That there must be an indefinite number of such terms is obvious, on reflection; since we cannot define anything except by an analysis, which, when carried as far as it will go, refers us to something, which is simply different from anything else, and which by that ultimate difference explains the peculiarity of the whole which we are defining: for every whole contains some parts which are common to other wholes also. There is, therefore, no intrinsic difficulty in the contention that **good denotes a simple and indefinable quality**. There are many other instances of such qualities. **Consider yellow**, for example. **We may** try to **define it**, **by** describing its physical equivalent; we may state what kind of **light-vibrations** must stimulate the normal eye, in order that we may perceive it. **But** a moment’s reflection is sufficient to shew that those light-vibrations are not themselves what we mean by yellow. **They are not what we perceive**. Indeed, we should never have been able to discover their existence, unless we had first been struck by the patent difference of quality between the different colours. The most we can be entitled to say of those vibrations is that they are what corresponds in space to the yellow which we actually perceive. Yet **a mistake of this** simple **kind has** commonly **been made about good**. **It may be true that all things which are good are also something else**, just as it is true that all things which are yellow produce a certain kind of vibration in the light. And it is a fact, that Ethics aims at discovering what are those other properties belonging to all things which are good. **But** far **too many philosophers have thought that when they named those other properties they were actually defining good**; that these properties, in fact, were simply not other, but absolutely and entirely the same with goodness. This view I propose to call the naturalistic fallacy and of it I shall now endeavour to dispose.

#### [2] Only a priori knowledge is epistemically reliable**. Descartes 41**,

René, 1641. Discourse On Method ; and, Meditations on First Philosophy, NPR

Yet from everything I have just listed, how do I know that there is not something else which does not allow even the slightest occasion for doubt**?** Is there not a God, or whatever I may call him, who puts into me the thoughts I am now having? But why do I think this, since I myself may perhaps be the author of these thoughts**?** In that case am not I, at least, something? But I have just said that I have no senses and no body. This is the sticking point: what follows from this? Am I not so bound up with a body and with senses that I cannot exist without them? But I have convinced myself that there is absolutely nothing in the world, no sky, no earth, no minds, no bodies. Does it now follow that I too do not exist? No: if I convinced myself of something then I certainly existed. But there is a deceiver of supreme power and cunning who is deliberately and constantly deceiving me**.** In that case I too undoubtedly exist**,** if he is deceiving me; and let him deceive me as much as he can, he will never bring it about that I am nothing so long as I think that I am something**. So** after considering everything very thoroughly**,** I must finally conclude that this proposition, I am, I exist, is necessarily true whenever it is put forward by me or conceived in my mind. ButI do not yet have a sufficient understanding of what this ‘I’ is, that now necessarily exists. So I must be on my guard against carelessly taking something else to be this ‘I’, and so making a mistake in the very item of knowledge that I maintain is the most certain and evident of all. I will therefore go back and meditate on what I originally believed myself to be, before I embarked on this present train of thought. I will then subtract anything capable of being weakened, even minimally, by the arguments now introduced, so that what is left at the end may be exactly and only what is certain and unshakeable.

[3] Only transcendental idealism explains agency—the mechanistic world reliant on physics necessitates determinism, but freedom lives in the noumenal realm

Scholten 20, Matthé Scholten , Institute for Medical Ethics and History of Medicine, Ruhr University Bochum, Bochum, Germany, published in the European Journal of Philosophy, “Kant is a soft determinist”, Accepted 12/30/20, [DOI: 10.1111/ejop.12634] AHS//NPR

On a second serious interpretation of the Kantian labels, they bring to the fore that in Kant's view, the tenability of compatibilism depends on transcendental idealism. In line with this, Korsgaard warns us that describing Kant's conception of freedom as compatibilist is “potentially misleading.” It is potentially misleading, she continues to explain, because “most compatibilists […] want to assert both freedom and determinism (or, both responsibility and determinism) from the same point of view […] but Kant does not do this” (Korsgaard, 1996, p. 187). Note first that to determine whether Kant is a compatibilist, it is irrelevant “what most compatibilist assert.” The reason is that the label “compatibilism” does not refer to representatives of a philosophical movement but to authors who accept the compatibilist thesis. But this is only a minor point. The more interesting question is whether the Kantian labels adequately convey the idea that the tenability of compatibilism depends on transcendental idealism. Roughly three interpretations of Kant's transcendental idealism can be found in the literature: the epistemic two-aspect view (Allison, 2004), the ontological two-aspect view (Langton, 1998), and the two-world view (Guyer, 1987). On the first view, Kant's distinction between appearances and things in themselves is a distinction between two ways in which an object can be epistemically considered; on the second view, the distinction is one between ontologically distinct phenomenal and noumenal properties of one and the same object; and on the third view, the distinction is one between two ontologically distinct objects. I will here assume the two-aspect view for ease of exposition. On this interpretation, transcendental idealism is the view that things, including our actions, can be considered either as appearance or as a thing in itself: considered as appearance, things are subject to the necessary conditions of experiential cognition, in particular the forms of intuition (i.e., time and space) and the categories of the understanding (e.g., substance and causality); considered as they are in themselves, they are not subject to these conditions. Kant considers transcendental idealism as “the key” to the solution of the antinomy between freedom and determinism (A490-7/B518-25). Unlike other compatibilists, he holds that the sort of freedom required for moral responsibility is compatible with determinism only if transcendental idealism is true (A535-41/B563-9). If transcendental freedom is considered on the level of appearances, he observes, “the necessity in the causal relation can in no way be united with freedom; instead they are opposed to each other as contradictory” (KpV 5:94). “If one still wants to save [freedom],” he infers, no other path remains than to ascribe the existence of a thing so far as it is determinable in time, and so too its causality in accordance with the law of natural necessity, only to appearance, and to ascribe freedom to the same being as a thing in itself (KpV 5:95). The Kantian labels could be interpreted as bringing to the fore the unique feature of Kant's theory of freedom that the possibility of the sort of freedom required for moral responsibility depends on transcendental idealism. Strictly speaking, however, they fail to do precisely this. The reason is that transcendental idealism is either true or false. Consequently, there are only two options: if transcendental idealism is true, “nature […] does not conflict with causality through freedom” (A558/B586); if transcendental idealism is false, nature and freedom “are opposed to each other as contradictory” (KpV 5:94). In other words, if transcendental idealism is true, the compatibilist thesis is true, and if it is false, the incompatibilist thesis is true. Consequently, in no possible scenario the “compatibility of compatibilism and incompatibilism” would be true. One could respond by saying that at least the Kantian labels make clear that, in contrast to classical compatibilism, Kant's compatibilism depends on strong metaphysical assumptions. This is an interesting point. As a first rejoinder, the claim that Kant's transcendental idealism depends on strong metaphysical assumptions is contested. In fact, Allison (2004) has developed strong arguments to the effect that it does not. As we have seen, however, not everyone agrees with Allison's epistemic two-aspect reading of transcendental idealism. Let us thus set aside this rejoinder for the sake of the argument and assess whether a compatibilist's reliance on strong metaphysical assumptions gives us any reason to withhold the label “compatibilist” or to use the label only in a qualified way. Imagine free will theorist Janet. Janet accepts the principle of alternate possibilities and the conditional analysis of ability. On her analysis, an agent could have done otherwise if and only if she would have done otherwise had she wanted to do so. Jane also accepts Lewis's (1973) analysis of counterfactuals. Accordingly, she holds that the statement “if Joe had wanted to do otherwise, then he would have done otherwise” is true in the actual world if and only if there is a possible world in which Joe wanted to do otherwise and did so which is closer to the actual world than any possible world in which he wanted to do otherwise and did not do so. Suppose, finally, that Janet accepts Lewis's (1986) modal realism, according to which possible worlds are just as real as the actual world. Consequently, Janet's claim that the sort of freedom required for moral responsibility is compatible with determinism commits her to affirming the existence of possible worlds. Janet's compatibilism depends on rather strong metaphysical assumptions. Even so, calling Janet an “incompatibilist” or a “libertarian compatibilist” seems unfounded. Janet accepts the compatibilist thesis and hence rejects the incompatibilist thesis—and that is all there is to be said about it. The strong metaphysical implications of her theory are simply irrelevant to the question whether she should be categorized as a compatibilist or an incompatibilist. Similarly, we should not refer to Kant's solution of the free will problem as “the compatibility of compatibilism and incompatibilism” for the reason that this solution depends on a metaphysically demanding version of transcendental idealism. In sum, the Kantian labels highlight that Kant is not a run-of-the-mill compatibilist and that his solution to the free will problem relies on transcendental idealism. Yet the labels convey this only to the extent that they are interpreted loosely—and that is, inaccurately. Strictly speaking, the Kantian labels fail to convey what they are intended to convey. In philosophical discussions on topics as complex as the problem of free will, concepts must be used in strict and well-defined ways to avoid misunderstanding. For this reason, I propose to discontinue using Kantian labels such as “the compatibility of compatibilism and incompatibilism” (Wood, 1984, p. 74), “non-conflicting compatibilism” (Xie, 2009, p. 57) and “libertarian compatibilism” (Ertl, 2014, p. 410).

#### There are three ways to categorize the substance of these non-natural properties: Internally, Externally, or from our Constitutive nature as beings. Internalism and Externalism fail – only constitutivism can be solve their deficiencies. Kastafanas 14, Kastafanas, Paul. "Constitutivism About Practical Reasons". *Philarchive.Org*, 2014, <https://philarchive.org/archive/KATCAP>. // Scopa Consider a perfectly homely normative claim, such as “you have to go to the movies.” If we ask what would render this claim true, the answer seems clear: a fact about the agent’s motives. If the claim is true for Allen but false for Betty, this is due to the fact that Allen desires to see the film and Betty does not. It is natural to think that in just this way, reasons will be tied to facts about agent’s motives. But what about claims such as “you have reason not to murder”? That claim seems different. It purports to be universal, applying to all agents. Moreover, it does not seem to depend on the agent’s motives. Suppose Allen has many motives in favor of murdering his uncle (getting revenge for past slights, collecting an inheritance, etc.), and no motives that count against it (he’s a sociopath with no compunction about harming others, and he thinks he’s clever enough to contrive a plan that leaves him with no risk of getting caught). In this simplified case, all of Allen’s motives count in favor of murdering his uncle; none count against it. Nonetheless, most of us want to say that he has reason not to murder. So we face contrary pressures: in certain cases, the claim that reasons are grounded in motives looks exceedingly plausible, indeed obvious; in others, the same claim looks like it generates unacceptable consequences. And so we get a familiar, well-worn philosophical debate: internalists defend the claim that all normative claims are generated in facts about the agent’s motives, whereas externalists deny this. More precisely: (Internalism) Agent A has reason to φ iff A has, or would have after procedurally rational deliberation, a desire or aim whose fulfillment would be promoted by φ-ing. (Externalism) It can be true both that (i) agent A has reason to φ, and (ii) A does not have, and would not have after procedurally rational deliberation, a desire or aim whose fulfillment would be promoted by φ-ing. Each of these theories faces certain difficulties. Internalism has trouble with apparently universal normative claims, such as “you should not murder.” Externalism is tailor-made to capture universal normative claims. Nonetheless, it faces several challenges, including the much-discussed problems of practicality and queerness. First, consider practicality. Moral claims are supposed to be capable of moving us. Recognizing that φ-ing is wrong is supposed to be capable of motivating the agent not to φ. But we might wonder how a claim that bears no relation to any of our motives could have this motivational grip. As Bernard Williams puts it, “the whole point of external reasons statements is that they can be true independently of an agent’s motivations. But nothing can explain an agent’s (intentional) actions except something that motivates him so to act” (1981, 107). William’s suggestion is that if the fact that murder is wrong is to exert a motivational influence upon the person’s action, then the agent must have some motive that is suitably connected to not murdering. And this pushes us back in the direction of internalism. Second, consider Mackie’s argument from queerness. Motives are familiar things, so it seems easy enough to imagine that claims about reasons are claims about relations between actions and motives. Internalism therefore has little difficulty with Mackie’s argument. But what would the relata in an external reasons statement be? Are we to imagine that a claim about reasons is a claim about a relation between an action and some independently existing value? This would be odd: as Mackie puts it, “if there were objective values then they would be entities or relations of a very strange sort, utterly different than anything else in the universe” (1977, 38). For if such values existed, then it would be possible for a certain state of affairs to have “a demand for such-and-such an action somehow built into it” (1977, 40). And this, Mackie concludes, would be a decidedly queer property. In sum: both externalism and internalism have attractive features, yet incur substantial costs. Traditional internalism grounds normative claims in familiar features of our psychologies, yet for that very reason has trouble generating universal normative claims. Externalism generates universal normative claims with ease, yet encounters the problems of practicality and queerness. So we have a pair of unappealing options, and the debate continues. Constitutivism attempts to resolve this dilemma. To put it in an old-fashioned way, constitutivism sublates internalism and externalism, seeing each position as containing a grain of truth, but also as partial and one-sided. The constitutivist agrees with the internalist that the truth of a normative claim depends on the agent’s aims, in the sense that the agent must possess a certain aim in order for the normative claim to be true. However, the constitutivist traces the authority of norms to an aim that has a special status—an aim that is constitutive of being an agent. This constitutive aim is not optional; if you lack the aim, you are not an agent at all. So, while the constitutivist agrees with the internalist that reasons derive from the agent’s aims, the constitutivist holds that there is at least one aim that is intrinsic to being an agent. Accordingly, the constitutivist gets one of the conclusions that the externalist wanted: there are universal reasons for acting.13 Put differently, there are reasons for action that arise merely from the fact that one is an agent. Specifically, these are the reasons grounded in the constitutive aim. So constitutivism can be viewed as an attempt to resolve the dispute between externalists and internalists about practical reason, by showing that there are reasons that arise from non-optional aims.14 In so doing, it generates universal reasons while sidestepping the problems of practicality and queerness.

#### That requires practical reason as the basis for ethics:

#### [1] Regress – Ethical theories must have a basis. We can always ask why we should follow the basis of a theory, so they aren’t morally binding because they don’t have a starting point. Practical reason solves – When we ask why we should follow reason, we demand a reason, which concedes to the authority of reason itself, so it’s the only thing we can follow

#### [2] Inescapability – Every agent intrinsically values practical reason when they go about setting and pursuing an end under a moral theory, as it presupposes that the end they are committing is an intrinsic good. That necessitates practical reason as a necessary means to follow through on any given end.

#### That justifies a universal moral law –

#### 1. Absent universal ethics morality becomes arbitrary since it can be meaninglessly applied in different ways without reason. Non-arbitrariness is a side constraint – only non-arbitrary principles can hold agent culpable for their actions since otherwise we could make up ethical rules for different situations to punish people.

#### 2. A priori principles like reason apply to everyone since they are independent of human experience. That means to allow one to violate a rule without another would be a contradiction.

#### 3. Every agent is equally morally relevant, which requires equal treatment and equal standards for ethics.

#### Therefore, In order to respect each agent as a practical reasoner, we require a universal set of moral laws for what counts as a violation of the principles of rational reflection.

#### Thus, the standard is consistency with the categorical imperative as enacted through the omnilateral will.

#### Prefer –

#### 1. Motivation – The categorical imperative is intrinsically motivational since it respects the nature of agency, which is the mechanism by which we can set and pursue any end – absent the motivation to pursue ends you would no longer be an agent, which means to be an agent necessitates being motivated to act.

2. Theoretically prefer – [A] Real World Education – Governments operate in consistency to Kantian conceptions of the state. Empirically proven – legitimate states have deontic side constraints like a bill of rights or constitutional courts, but no state is allowed to violate citizens’ liberties for the purpose of the greater good [B] Resource Disparities – A focus on statistics and evidence rewards the debaters with the most preround prep which just increases the disparity between large schools with huge evidence files and lone wolves without coaches. A Kantian debate can easily be won without any preround prep as all that is need is analytical arguments.

3. Performativity—freedom is the key to the process of justification of arguments. Willing that we should abide by their ethical theory presupposes that we own ourselves in the first place. Thus, it is logically incoherent to justify a standard without first willing that we can pursue ends free from others.

#### Impact calc: 1) only evaluate intents a) to account for all foreseen impacts would prevent action because individuals would become morally culpable for all actions and states of affairs not just those that factor into the will b) Otherwise ethical theories hold agents responsible for consequences external to their will which removes any reason to be moral because agents cannot control what they are being punished for 2) Alternative frameworks do not negate: a) anything else would require an external standard of evaluation, but that would require a further standard, which is infinitely regress and b) the index of my reason is distinct from the ethical realm of an alternative reason, so I still have a sufficient one to act 3) Fairness first— a) Evaluation – even if their arguments seem true, that’s only because they already had an advantage – fairness is a meta constraint on your ability to determine who best meets their ROB

#### b) Inescapable – every argument you make concedes the authority of fairness: i.e. that the judge will evaluate your arguments. Absent some judge-debater reciprocal relationship existing, hack against them.

## Contention

#### I contend that a just government ought to recognize an unconditional right of workers to strike

#### 1. Because employees are dependent upon their employer, employees are subject to a severe power imbalance that constitutes coercion.

Budd and Scoville 05, John W. Budd and James G. Scoville "The Ethics of Human Resources and Industrial Relations.", p.70, LABOR AND EMPLOYMENT RELATIONS ASSOCIATION SERIES, Cornell University Press, October 15, 2005 [http://jbudd.csom.umn.edu/RESEARCH/hrirethics.htm] AHS//NPR Accessed 10/23/21

**The overwhelming number of people need to work to survive**, at least for a large portion of their live. There is a sense in which people are forced to work. **When an assailant says, “Your wallet or your life,**” **you technically have a choice**. However, for many **this situation is the paradigm of coercion.** How close is the analogy between the assailant and **the requirements of the employer**? Admittedly, in good times the balance of power shifts somewhat, but in hard times the balance of power is with the employer. Most people have to take the terms of employment a they get them (Manning 2003). Someone wanting employment does not negotiate about whether or not to be tested for drugs, for example. If drug testing is the company policy, you either submit to the test or forfeit the job. **If you want a job, you agree to employment** at **will and to layoffs** if management believes that they are necessary. **Survival for yourself and any dependents requires it.** As with the assailant, you technically have a choice, but **most employees argue they have little choice about multiple important terms of employment.** A Kantian, in common with the pluralist school of industrial relations, maintains that **the imbalance between employer and employee ought to be addressed.** Otherwise, industrial relations rests on an unethical foundation.

#### The right to unionize and strike corrects this power imbalance by ensuring an opportunity for organization and collective bargaining.

Bowie 99, Norman E., professor emeritus at the University of Minnesota “Business Ethics: A Kantian Perspective” Wiley Blackwell. [https://b-ok.cc/book/2885756/a063b7] Accessed 10/24/21

Although I emphasize meaningful work as a means to gain respect and grow as a human being by exercising one’s talents, Ciulla reminds me that there is much in the work environment that undermines negative freedom (freedom from coercion), and that the decision to work itself requires a giving up of freedom in some respects. This latter point does not overly concern me because all choice forecloses other choices. Moreover, **having a job provides income, and income expands choices because it opens up possibilities**. **This is especially true when one has an adequate wage, and that is why I have emphasized the role that an adequate wage plays in meaningful work**. Of course, Ciulla is well aware of all this and in her analysis she points out that **for the unskilled their range of options is extremely limited, that the demise of unions has given much more power to manage- ment, and that there is a correlation between higher-paying jobs and the amount of freedom one has**. All these points are well taken. I especially agree with Ciulla that **unions provide a means for enhancing employee freedom**. In this case I practiced what I now preach. I am a former president of the AAUP union at the University of Delaware. I also point out that the United States is the most anti-union country in the G-20. **Unionization is considered a human right by the United Nations**. **Obviously unions provide an opportunity for participation**, and I think Ciulla and I agree that **participation schemes are one way to limit coercion**. In response to trends over the past twenty years, in this edition of Business Ethics: A Kantian Perspective I pay more attention to adequate pay for the middle class, issues of inequality, and economic mobility. However, none of this requires a revision in my original account of meaningful work.

#### 2. The right to strike prevents managerial interference and ensures respect for workers, rather than allowing them to be used as means for the end of enriching an employer

Richman 12, Sheldon Richman, writing on Herbert Spencer (1820-1903) wrote those words in his Principles of Sociology (1896)); May 20, 2012; “Is There a Libertarian Case for Organized Labor?”; [<http://reason.com/archives/2012/05/20/is-there-a-libertarian-case-for-organize>] AHS//NPR Accessed 10/24/21 \*brackets in original

Spencer begins his discussion of unions by noting that worker guilds (like **employers**) historically **preferred suppression of competition to the uncertainties of market rivalry**. He criticizes the hypocrisy of workers who applaud competition that lowers the price of bread, but oppose competition that lowers the price of labor. He also argues that agitation for higher wages, if successful throughout the economy, would do workers no good because prices and hence the cost of living would rise as a consequence. (This analysis requires some assumptions that may not in fact hold.) But he also notes that **“[u]nder their original form as friendly societies—organizations for rendering mutual aid–[unions] were of course extremely beneficial**; and in so far as they subserve this purpose down to the present time, they can scarcely be too much lauded.” Nevertheless Spencer asks: “Must we say that while ultimately failing in their proposed ends [higher wages], trade-unions do nothing else than inflict grave mischiefs in trying to achieve them?” His response: “This is too sweeping a conclusion. . . . There is an ultimate gain in moral and physical treatment if there is no ultimate gain in wages.” For example: **Judging from their harsh and cruel conduct in the past, it is tolerably certain that employers are now prevented from doing unfair things which they would else do**. Conscious that trade-unions are ever ready to act, they are more prompt to raise wages when trade is flourishing than they would otherwise be; and when there come times of depression, **they lower wages only when they cannot otherwise carry on their businesses**. Knowing the power which unions can exert, **masters are led to treat the individual members of them with more respect than they would otherwise do: the status of the workman is almost necessarily raised**. Moreover, having a strong motive for keeping on good terms with the union, a master is more likely than he would else be to study the general convenience of his men, and to carry on his works in ways conducive to their health. He thinks unions are necessary because: “**Everywhere aggression begets resistance and counter-aggression; and in our present transitional state, semi-militant and semi-industrial, trespasses have to be kept in check by the fear of retaliatory trespasses**.” Spencer, however, is not satisfied with this state of affairs. Recall that he says trade-unions belong to “a passing phase of social evolution.” Passing to what?

3. Put away your turns— a) strikes are an omission of action so theyre legitimate b) non-uncoditional rights are arbitrary terms for what workers should and should not do not based on any real principles

## **Underview**

[1] Aff gets 1AR theory—they can be infinitely abusive in the NC because I will have no ability to call them out on it. This outweighs any other arguments because there is no way for me to win the round without 1ar theory. And, 1AR theory is a reason to drop the debater because the speech is too short to be able to win substance and theory. And, no neg RVI or new 2nr paradigm issues because it would be impossible to check NC abuse since the 6 min 2N could go all in on theory, disincentivizing 1AR theory. AFF fairness issues come prior to NC arguments a) The 1ar can’t engage on multiple layers if there is a skew since the speech is already time-crunched b) Sets up an invincible 2n since there are a million of unfair things you can collapse to, to win every round. Evaluate aff theory before neg theory and T- the neg has the ability to win their shell and beat back the aff shell in the long 2NR, whereas it’s impossible for me to beat back their shell and my shell in the short 2AR