# 1NC

## Off

### 1NC – DA

#### Business recovery is strong. Business confidence is high.

Halloran ’9-14 [Michael; 2021; M.B.A. from Carnegie Mellon University, former aerospace research engineer, Equity Strategist; Janney, “Despite Potential Headwinds, Key Labor Market Indicators Bode Well for the Economy,” https://www.janney.com/latest-articles-commentary/all-insights/insights/2021/09/14/despite-potential-headwinds-key-labor-market-indicators-bode-well-for-the-economy]

However, we remain encouraged by the recovery that has been unfolding since the economy began reopening. We continue to see improvement in important cyclical sectors of the economy while consumers are historically healthy and still have pent-up demand. Business confidence has rebounded with strong corporate profits that should support further capital spending and hiring (there are now more job openings than there are unemployed people by a record amount).

We expect to see further improvement in the international backdrop, supported by unprecedented fiscal and monetary stimulus and accelerating rates of vaccination. Although the impact of the Delta wave is still being felt, recent evidence confirms the effectiveness of vaccines in limiting deaths and hospitalizations. With the pace of vaccination now picking up in the areas most impacted by this wave—Asia and Australia—the case for fading headwinds leading to improving economic growth later this year remains positive.

The signals from financial markets themselves remain positive. Despite consolidating last week, stocks remain near record highs while the 10-year Treasury remains well above the lows of earlier this summer when concerns about Delta first emerged.

These factors support our view of a durable economic recovery from the pandemic that should continue supporting stock prices. A healthy labor market is a critical element for a sustainable recovery that supports profit growth and last week’s news from the labor market remains encouraging.

#### Unions devastate growth and worsen inequality – gains for workers shift costs to other parts of the economy

Epstein 20 [Richard A. Epstein Peter and Kirsten Bedford Senior Fellow @ the Hoover Institution. "The Decline Of Unions Is Good News." https://www.hoover.org/research/decline-unions-good-news]

This continued trend has elicited howls of protest from union supporters who, of course, want to see an increase in union membership. It has also led several Democratic presidential candidates to make calls to reconfigure labor law. Bernie Sanders wants to double union membership and give federal workers the right to strike, as well as ban at-will contracts of employment, so that any dismissal could be subject to litigation under a “for cause” standard. Not to be outdone, Elizabeth Warren wants to make it illegal for firms to hire permanent replacements for striking workers. They are joined by Pete Buttigieg in demanding a change in federal labor law so that states may no longer pass right-to-work laws that insulate workers from the requirement to pay union dues in unionized firms. All of these new devices are proven job killers.

The arguments in favor of unions are also coming from some unexpected sources in academia, where a conservative case has been put forward on the ground that an increase in union membership is needed to combat job insecurity and economic inequality.

All of these pro-union critiques miss the basic point that the decline of union power is good news, not bad. That conclusion is driven not by some insidious effort to stifle the welfare of workers, but by the simple and profound point that the greatest protection for workers lies in a competitive economy that opens up more doors than it closes. The only way to achieve that result is by slashing the various restrictions that prevent job formation, as Justin Haskins of the Heartland Institute notes in a recent article at The Hill. The central economic insight is that jobs get created only when there is the prospect of gains from trade. Those gains in turn are maximized by cutting the multitude of regulations and taxes that do nothing more than shrink overall wealth by directing social resources to less productive ends.

#### The right to strike causes supply chain disruptions and economic volatility

Epstein 20 [Richard A. Epstein Peter and Kirsten Bedford Senior Fellow @ the Hoover Institution. "The Decline Of Unions Is Good News." https://www.hoover.org/research/decline-unions-good-news]

Unions are monopoly institutions that raise wages through collective bargaining, not productivity improvements. The ensuing higher labor costs, higher costs of negotiating collective bargaining agreements, and higher labor market uncertainty all undercut the gains to union workers just as they magnify losses to nonunion employers, as well as to the shareholders, suppliers, and customers of these unionized firms. They also increase the risk of market disruption from strikes, lockouts, or firm bankruptcies whenever unions or employers overplay their hands in negotiation. These net losses in capital values reduce the pension fund values of unionized and nonunionized workers alike.

Employers are right to oppose unionization by any means within the law, because any gains for union workers come at the expense of everyone else. Of course, the best way for employers to proceed would be to seek efficiency gains by encouraging employee input into workplace operations—firms are quite willing to pay for good suggestions that lower cost or raise output. But such direct communications between workers and management are blocked by Section 8(a)(2) the National Labor Relations Act (NLRA), which mandates strict separation between workers and firms. This lowers overall productivity and often prevents entry-level employees from rising through the ranks.

#### Recessions cause global crises – ensuring continued growth is key

Baird ’20 [Zoe; October 2020; C.E.O. and President of the Markle Foundation, Member of the Aspen Strategy Group and former Trustee at the Council on Foreign Relations, J.D. and A.B. from the University of California at Berkeley; Domestic and International (Dis)order: A Strategic Response, “Equitable Economic Recovery is a National Security Imperative,” Ch. 13]

A strong and inclusive economy is essential for American national security and global leadership. As the nation seeks to return from a historic economic crisis, the national security community should support an equitable recovery that helps every worker adapt to the seismic shifts underway in our economy.

Broadly shared economic prosperity is a bedrock of America’s economic and political strength—both domestically and in the international arena. A strong and equitable recovery from the economic crisis created by COVID-19 would be a powerful testament to the resilience of the American system and its ability to create prosperity at a time of seismic change and persistent global crisis. Such a recovery could attack the profound economic inequities that have developed over the past several decades. Without bold action to help all workers access good jobs as the economy returns, the United States risks undermining the legitimacy of its institutions and its international standing. The outcome will be a key determinant of America’s national security for years to come.

An equitable recovery requires a national commitment to help all workers obtain good jobs—particularly the two-thirds of adults without a bachelor’s degree and people of color who have been most affected by the crisis and were denied opportunity before it. As the nation engages in a historic debate about how to accelerate economic recovery, ambitious public investment is necessary to put Americans back to work with dignity and opportunity. We need an intentional effort to make sure that the jobs that come back are good jobs with decent wages, benefits, and mobility and to empower workers to access these opportunities in a profoundly changed labor market.

To achieve these goals, American policy makers need to establish job growth strategies that address urgent public needs through major programs in green energy, infrastructure, and health. Alongside these job growth strategies, we need to recognize and develop the talents of workers by creating an adult learning system that meets workers’ needs and develops skills for the digital economy. The national security community must lend its support to this cause. And as it does so, it can bring home the lessons from the advances made in these areas in other countries, particularly our European allies, and consider this a realm of international cooperation and international engagement.

Shared Economic Prosperity Is a National Security Asset

A strong economy is essential to America’s security and diplomatic strategy. Economic strength increases our influence on the global stage, expands markets, and funds a strong and agile military and national defense. Yet it is not enough for America’s economy to be strong for some—prosperity must be broadly shared. Widespread belief in the ability of the American economic system to create economic security and mobility for all—the American Dream— creates credibility and legitimacy for America’s values, governance, and alliances around the world.

After World War II, the United States grew the middle class to historic size and strength. This achievement made America the model of the free world—setting the stage for decades of American political and economic leadership. Domestically, broad participation in the economy is core to the legitimacy of our democracy and the strength of our political institutions. A belief that the economic system works for millions is an important part of creating trust in a democratic government’s ability to meet the needs of the people.

The COVID-19 Crisis Puts Millions of American Workers at Risk

For the last several decades, the American Dream has been on the wane. Opportunity has been increasingly concentrated in the hands of a small share of workers able to access the knowledge economy. Too many Americans, particularly those without four-year degrees, experienced stagnant wages, less stability, and fewer opportunities for advancement.

Since COVID-19 hit, millions have lost their jobs or income and are struggling to meet their basic needs—including food, housing, and medical care.1 The crisis has impacted sectors like hospitality, leisure, and retail, which employ a large share of America’s most economically vulnerable workers, resulting in alarming disparities in unemployment rates along education and racial lines. In August, the unemployment rate for those with a high school degree or less was more than double the rate for those with a bachelor’s degree.2 Black and Hispanic Americans are experiencing disproportionately high unemployment, with the gulf widening as the crisis continues.3

The experience of the Great Recession shows that without intentional effort to drive an inclusive recovery, inequality may get worse: while workers with a high school education or less experienced the majority of job losses, nearly all new jobs went to workers with postsecondary education. Inequalities across racial lines also increased as workers of color worked in the hardest-hit sectors and were slower to recover earnings and income than White workers.4

The Case for an Inclusive Recovery

A recovery that promotes broad economic participation, renewed opportunity, and equity will strengthen American moral and political authority around the world. It will send a strong message about the strength and resilience of democratic government and the American people’s ability to adapt to a changing global economic landscape. An inclusive recovery will reaffirm American leadership as core to the success of our most critical international alliances, which are rooted in the notion of shared destiny and interdependence. For example, NATO, which has been a cornerstone of U.S. foreign policy and a force of global stability for decades, has suffered from American disengagement in recent years. A strong American recovery—coupled with a renewed openness to international collaboration—is core to NATO’s ability to solve shared geopolitical and security challenges. A renewed partnership with our European allies from a position of economic strength will enable us to address global crises such as climate change, global pandemics, and refugees. Together, the United States and Europe can pursue a commitment to investing in workers for shared economic competitiveness, innovation, and long-term prosperity.

The U.S. has unique advantages that give it the tools to emerge from the crisis with tremendous economic strength— including an entrepreneurial spirit and the technological and scientific infrastructure to lead global efforts in developing industries like green energy and biosciences that will shape the international economy for decades to come.

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#### 1 - Only the consequences of any action should be analyzed because [a] only they are measurable and verifiable [b] only consequences have an intrinsic impact on others such as harm or death.

#### 2 - The goodness of a consequence should be measured through hedonism because [a] everyone can feel the goodness of pleasure and badness of pain in some form [b] all other goods collapse to pleasure – eg freedom matters because it lets agents pursue their own ends but those ends matter to us because they terminate in some sort of desirable pleasure.

#### 3 - This should be maximized for everyone because [a] it logically follows that we should maximize something good [b] util treats everyone as equal in its decision calculus rather than privileging certain lives [c] privileging certain subsets allows cooption by dominant groups which increases inequity.

#### Thus, the standard is maximizing expected wellbeing.

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#### 1. Science proves non util ethics are impossible and our version of util solves all aff offense

#### **Greene 10** – Joshua, Associate Professor of Social science in the Department of Psychology at Harvard University

(The Secret Joke of Kant’s Soul published in Moral Psychology: Historical and Contemporary Readings, accessed: www.fed.cuhk.edu.hk/~lchang/material/Evolutionary/Developmental/Greene-KantSoul.pdf)

**What turn-of-the-millennium science** **is telling us is that human moral judgment is not a pristine rational enterprise**, that our **moral judgments are driven by a hodgepodge of emotional dispositions, which themselves were shaped by a hodgepodge of evolutionary forces, both biological and cultural**. **Because of this, it is exceedingly unlikely that there is any rationally coherent normative moral theory that can accommodate our moral intuitions**. Moreover, **anyone who claims to have such a theory**, or even part of one, **almost certainly doesn't**. Instead, what that person probably has is a moral rationalization. It seems then, that we have somehow crossed the infamous "is"-"ought" divide. How did this happen? Didn't Hume (Hume, 1978) and Moore (Moore, 1966) warn us against trying to derive an "ought" from and "is?" How did we go from descriptive scientific theories concerning moral psychology to skepticism about a whole class of normative moral theories? The answer is that we did not, as Hume and Moore anticipated, attempt to derive an "ought" from and "is." That is, our method has been inductive rather than deductive. We have inferred on the basis of the available evidence that the phenomenon of rationalist deontological philosophy is best explained as a rationalization of evolved emotional intuition (Harman, 1977). Missing the Deontological Point I suspect that **rationalist deontologists will remain unmoved by the arguments presented here**. Instead, I suspect, **they** **will insist that I have simply misunderstood what** Kant and like-minded **deontologists are all about**. **Deontology, they will say, isn't about this intuition or that intuition**. It's not defined by its normative differences with consequentialism. **Rather, deontology is about taking humanity seriously**. Above all else, it's about respect for persons. It's about treating others as fellow rational creatures rather than as mere objects, about acting for reasons rational beings can share. And so on (Korsgaard, 1996a; Korsgaard, 1996b). **This is, no doubt, how many deontologists see deontology. But this insider's view**, as I've suggested, **may be misleading**. **The problem**, more specifically, **is that it defines deontology in terms of values that are not distinctively deontological**, though they may appear to be from the inside. **Consider the following analogy with religion. When one asks a religious person to explain the essence of his religion, one often gets an answer like this: "It's about love**, really. It's about looking out for other people, looking beyond oneself. It's about community, being part of something larger than oneself." **This sort of answer accurately captures the phenomenology of many people's religion, but it's nevertheless inadequate for distinguishing religion from other things**. This is because many, if not most, non-religious people aspire to love deeply, look out for other people, avoid self-absorption, have a sense of a community, and be connected to things larger than themselves. In other words, secular humanists and atheists can assent to most of what many religious people think religion is all about. From a secular humanist's point of view, in contrast, what's distinctive about religion is its commitment to the existence of supernatural entities as well as formal religious institutions and doctrines. And they're right. These things really do distinguish religious from non-religious practices, though they may appear to be secondary to many people operating from within a religious point of view. In the same way, I believe that most of **the standard deontological/Kantian self-characterizatons fail to distinguish deontology from other approaches to ethics**. (See also Kagan (Kagan, 1997, pp. 70-78.) on the difficulty of defining deontology.) It seems to me that **consequentialists**, as much as anyone else, **have respect for persons**, **are against treating people as mere objects,** **wish to act for reasons that rational creatures can share, etc**. **A consequentialist respects other persons, and refrains from treating them as mere objects, by counting every person's well-being in the decision-making process**. **Likewise, a consequentialist attempts to act according to reasons that rational creatures can share by acting according to principles that give equal weight to everyone's interests, i.e. that are impartial**. This is not to say that consequentialists and deontologists don't differ. They do. It's just that the real differences may not be what deontologists often take them to be. What, then, distinguishes deontology from other kinds of moral thought? A good strategy for answering this question is to start with concrete disagreements between deontologists and others (such as consequentialists) and then work backward in search of deeper principles. This is what I've attempted to do with the trolley and footbridge cases, and other instances in which deontologists and consequentialists disagree. **If you ask a deontologically-minded person why it's wrong to push someone in front of speeding trolley in order to save five others, you will get** characteristically deontological **answers**. Some **will be tautological**: **"Because it's murder!"** **Others will be more sophisticated: "The ends don't justify the means**." "You have to respect people's rights." **But**, as we know, **these answers don't really explain anything**, because **if you give the same people** (on different occasions) **the trolley case** or the loop case (See above), **they'll make the opposite judgment**, even though their initial explanation concerning the footbridge case applies equally well to one or both of these cases. **Talk about rights, respect for persons, and reasons we can share are natural attempts to explain, in "cognitive" terms, what we feel when we find ourselves having emotionally driven intuitions that are odds with the cold calculus of consequentialism**. Although these explanations are inevitably incomplete, **there seems to be "something deeply right" about them because they give voice to powerful moral emotions**. **But, as with many religious people's accounts of what's essential to religion, they don't really explain what's distinctive about the philosophy in question**.

#### 2. Uncertainty and social contract require governments use util

#### **Goodin, 1995** (Robert, philsopher at the Research School of the Social Sciences, Utilitarianism as Public Philosophy. P. 62-63)

Consider, first, the argument from necessity. Public officials are obliged to make their choices under uncertainty, and uncertainty of a very special sort at that. All choices—public and private alike—are made under some degree of uncertainty, of course. But in the nature of things, private individuals will usually have more complete information on the peculiarities of their own circumstances and on the ramifications that alternative possible choices might have on them. Public officials, in contrast, are relatively poorly informed as to the effects that their choices will have on individuals, one by one. What they typically do know are generalities: averages and aggregates. They know what will happen most often to most people as a result of their various possible choices. But that is all. That is enough to allow public policy-makers to use the utilitarian calculus—if they want to use it at all—to choose general rules of conduct. Knowing aggregates and averages, they can proceed to calculate the utility payoffs from adopting each alternative possible general rules.

#### 3. Reducing existential risks is the top priority in any coherent moral theory

Pummer 15

(Theron, Philosophy @St. Andrews http://blog.practicalethics.ox.ac.uk/2015/05/moral-agreement-on-saving-the-world/)

There appears to be lot of disagreement in moral philosophy. Whether these many apparent disagreements are deep and irresolvable, I believe there is at least one thing it is reasonable to agree on right now, whatever general moral view we adopt: that it is very important to reduce the risk that all intelligent beings on this planet are eliminated by an enormous catastrophe, such as a nuclear war. How we might in fact try to reduce such existential risks is discussed elsewhere. My claim here is only that we – whether we’re consequentialists, deontologists, or virtue ethicists – should all agree that we should try to save the world. According to consequentialism, we should maximize the good, where this is taken to be the goodness, from an impartial perspective, of outcomes. Clearly one thing that makes an outcome good is that the people in it are doing well. There is little disagreement here. If the happiness or well-being of possible future people is just as important as that of people who already exist, and if they would have good lives, it is not hard to see how reducing existential risk is easily the most important thing in the whole world. This is for the familiar reason that there are so many people who could exist in the future – there are trillions upon trillions… upon trillions. There are so many possible future people that reducing existential risk is arguably the most important thing in the world, even if the well-being of these possible people were given only 0.001% as much weight as that of existing people. Even on a wholly person-affecting view – according to which there’s nothing (apart from effects on existing people) to be said in favor of creating happy people – the case for reducing existential risk is very strong. As noted in this seminal paper, this case is strengthened by the fact that there’s a good chance that many existing people will, with the aid of life-extension technology, live very long and very high quality lives. You might think what I have just argued applies to consequentialists only. There is a tendency to assume that, if an argument appeals to consequentialist considerations (the goodness of outcomes), it is irrelevant to non-consequentialists. But that is a huge mistake. Non-consequentialism is the view that there’s more that determines rightness than the goodness of consequences or outcomes; it is not the view that the latter don’t matter. Even John Rawls wrote, “All ethical doctrines worth our attention take consequences into account in judging rightness. One which did not would simply be irrational, crazy.” Minimally plausible versions of deontology and virtue ethics must be concerned in part with promoting the good, from an impartial point of view. They’d thus imply very strong reasons to reduce existential risk, at least when this doesn’t significantly involve doing harm to others or damaging one’s character. What’s even more surprising, perhaps, is that even if our own good (or that of those near and dear to us) has much greater weight than goodness from the impartial “point of view of the universe,” indeed even if the latter is entirely morally irrelevant, we may nonetheless have very strong reasons to reduce existential risk. Even egoism, the view that each agent should maximize her own good, might imply strong reasons to reduce existential risk. It will depend, among other things, on what one’s own good consists in. If well-being consisted in pleasure only, it is somewhat harder to argue that egoism would imply strong reasons to reduce existential risk – perhaps we could argue that one would maximize her expected hedonic well-being by funding life extension technology or by having herself cryogenically frozen at the time of her bodily death as well as giving money to reduce existential risk (so that there is a world for her to live in!). I am not sure, however, how strong the reasons to do this would be. But views which imply that, if I don’t care about other people, I have no or very little reason to help them are not even minimally plausible views (in addition to hedonistic egoism, I here have in mind views that imply that one has no reason to perform an act unless one actually desires to do that act). To be minimally plausible, egoism will need to be paired with a more sophisticated account of well-being. To see this, it is enough to consider, as Plato did, the possibility of a ring of invisibility – suppose that, while wearing it, Ayn could derive some pleasure by helping the poor, but instead could derive just a bit more by severely harming them. Hedonistic egoism would absurdly imply she should do the latter. To avoid this implication, egoists would need to build something like the meaningfulness of a life into well-being, in some robust way, where this would to a significant extent be a function of other-regarding concerns (see chapter 12 of this classic intro to ethics). But once these elements are included, we can (roughly, as above) argue that this sort of egoism will imply strong reasons to reduce existential risk. Add to all of this Samuel Scheffler’s recent intriguing arguments (quick podcast version available here) that most of what makes our lives go well would be undermined if there were no future generations of intelligent persons. On his view, my life would contain vastly less well-being if (say) a year after my death the world came to an end. So obviously if Scheffler were right I’d have very strong reason to reduce existential risk. We should also take into account moral uncertainty. What is it reasonable for one to do, when one is uncertain not (only) about the empirical facts, but also about the moral facts? I’ve just argued that there’s agreement among minimally plausible ethical views that we have strong reason to reduce existential risk – not only consequentialists, but also deontologists, virtue ethicists, and sophisticated egoists should agree. But even those (hedonistic egoists) who disagree should have a significant level of confidence that they are mistaken, and that one of the above views is correct. Even if they were 90% sure that their view is the correct one (and 10% sure that one of these other ones is correct), they would have pretty strong reason, from the standpoint of moral uncertainty, to reduce existential risk. Perhaps most disturbingly still, even if we are only 1% sure that the well-being of possible future people matters, it is at least arguable that, from the standpoint of moral uncertainty, reducing existential risk is the most important thing in the world. Again, this is largely for the reason that there are so many people who could exist in the future – there are trillions upon trillions… upon trillions. (For more on this and other related issues, see this excellent dissertation). Of course, it is uncertain whether these untold trillions would, in general, have good lives. It’s possible they’ll be miserable. It is enough for my claim that there is moral agreement in the relevant sense if, at least given certain empirical claims about what future lives would most likely be like, all minimally plausible moral views would converge on the conclusion that we should try to save the world. While there are some non-crazy views that place significantly greater moral weight on avoiding suffering than on promoting happiness, for reasons others have offered (and for independent reasons I won’t get into here unless requested to), they nonetheless seem to be fairly implausible views. And even if things did not go well for our ancestors, I am optimistic that they will overall go fantastically well for our descendants, if we allow them to. I suspect that most of us alive today – at least those of us not suffering from extreme illness or poverty – have lives that are well worth living, and that things will continue to improve. Derek Parfit, whose work has emphasized future generations as well as agreement in ethics, described our situation clearly and accurately: “We live during the hinge of history. Given the scientific and technological discoveries of the last two centuries, the world has never changed as fast. We shall soon have even greater powers to transform, not only our surroundings, but ourselves and our successors. If we act wisely in the next few centuries, humanity will survive its most dangerous and decisive period. Our descendants could, if necessary, go elsewhere, spreading through this galaxy…. Our descendants might, I believe, make the further future very good. But that good future may also depend in part on us. If our selfish recklessness ends human history, we would be acting very wrongly.” (From chapter 36 of On What Matters)

#### 4. Moral theories must explain degrees of wrongness

**Hurka 19** [(Thomas, Department of Philosophy University of Toronto) “More Seriously Wrong, More Importantly Right,” Journal of the American Philosophical Association, 2019] TDI

Wrongness and Degrees That one act is more seriously wrong than another is often intuitively compelling in itself; thus it seems self-evident that murder is morally worse than breaking a promise. But judgments about serious wrongness have further implications. If you have acted wrongly you should feel guilt, but you should feel more guilt—more intense or longer-lasting guilt—if your act was more seriously wrong, for example, if it was murder rather than breaking a promise. You are also other things equal more blameworthy for a more serious wrong, and if retributivism is true, you deserve more severe punishment for it. In general, whenever wrong acts call for negative responses, more serious wrongs call for stronger ones. The idea of serious wrongness therefore connects with several other aspects of our moral thought, and this allows further tests of it. To decide whether one act is more seriously wrong than another we can not only consult direct intuitions about the two but also ask whether you should feel more guilt about the first or whether the first makes you more blameworthy or more deserving of punishment. These tests cannot be applied mechanically, because in each case the effect of more serious wrongness is mixed with others that are not relevant to our topic. Guilt is called for by wrong action, and on at least some views an act’s wrongness is independent of its motive (Ross : ch. ; Scanlon : ch. ). But more serious wrongs are often done from worse motives, and even if these cannot be the objects of guilt they can prompt the different emotion of shame. Shame about your motivation can then mix with guilt to make for an overall negative response to your act in which the specific role of serious wrongness is harder to see. (If motives are relevant to wrongness, they can prompt guilt as well as shame, but the two can still be hard to pull apart.) Something similar holds for blameworthiness and retribution. On many views you are more blameworthy for a wrong act or deserve more punishment for it if you acted from a worse motive, for example, if you killed from sadistic hatred rather than excessive anger at injustice. Your blameworthiness can also depend on other facts about your mental states, such as whether you were culpably ignorant or acted under duress (for views on which your degree of blameworthiness for a wrong depends both on its seriousness and on facts about your mental states see, e.g., Beardsley [: –] and Smith [: –]). In all these tests, the effect of serious wrongness on fitting responses is mixed with effects due to your state of mind. Isolating the former effect requires setting these other influences aside. More serious wrongness may also help to characterize subjective rightness, or rightness relative to your beliefs or evidence. Many philosophers have been persuaded by an example of Frank Jackson that this cannot be done in terms of objective rightness, or rightness relative to the facts; more specifically, the subjectively right act cannot be identified as the one most likely to be objectively right. In Jackson’s example you can give a patient one of three treatments. One of the first two will completely cure him and one will kill him, but you do not know which is which; each has a . probability of doing either. The third treatment will cure his condition almost entirely and is safe. The subjectively right treatment here is clearly the third, but it is certain to be objectively wrong; one or the other of the first two is right relative to the facts (Jackson : –). But a derivation of subjective from objective rightness need not tell you to maximize your probability of acting objectively rightly or, what is the same, to minimize your probability of acting wrongly. As Peter Graham has argued, it can tell you to minimize your probability of acting seriously wrongly, or to minimize the expected objective serious wrongness of what you do. Since in Jackson’s example the act that is certain to be objectively wrong will be only slightly seriously wrong while each of the others has a . probability of being horribly so, this yields the desired result (Graham ). Serious wrongness may also be relevant in cases of moral uncertainty. Imagine that you cannot decide between two moral views and must do either act A or act B, where the first view says A is right and B wrong and the second says the reverse. Andrew Sepielli () has argued that you cannot here consider just the probabilities that the two views are true. If the first says B is only slightly seriously wrong while the second says A is massively so, you should do B even if you think the first view is somewhat more likely to be true. These last uses of serious wrongness are more controversial. It has been argued that, despite its success with Jackson’s example, the proposed account of subjective rightness does not have the implications we want in cases involving permissions, for example, in cases of self-defense or supererogation (Lazar, forthcoming). The account at least needs supplementation to handle these cases. And the account of moral uncertainty requires comparisons of seriousness not only within a moral view, as I will be discussing, but also between moral views, which raises additional difficulties. Nonetheless, these are two further contexts where the concept of serious wrongness may play a role. Some philosophers have denied that there can be degrees relating to wrongness. Some Stoics, for example, thought that all moral wrongs are equal. Diogenes Laertius reports that they ‘see fit to believe that [moral] mistakes are equal . . . [so] he who makes a larger [moral] mistake and he who makes a smaller one are [both] equally not acting correctly’ (: –). Some present-day philosophers may likewise deny that wrongness admits of degrees. For an act to be wrong, they may say, is for it not to be permitted, and since an act either just is permitted or just is not, it cannot be more or less wrong. That there is a concept of wrongness that does not admit of degrees does not mean there cannot be one that does. But I have chosen to avoid this issue by speaking not of one act’s being more wrong than another –I will concede that that is not possible–but of its having the related but different property of being more seriously wrong, which I understand as follows. Because of the supervenience of moral properties, any act that is right or wrong has other properties that make it so. But if these properties admit of degrees, or if their tendencies to make acts right or wrong do, we can use this fact to define a derivative property of serious wrongness that likewise admits of degrees. Compare the properties concerned with height. There is an initial property of tallness that admits of degrees. By making a cut on the scale of tallness we can introduce a property that does not admit of degrees, such as being over six feet tall in the sense of having some height or other above that. We can then combine these two properties to yield a third that again admits of degrees, that of being more than six feet tall in the sense in which someone who is six feet ten is a lot more than six feet tall, whereas someone who is six feet one is only a little more than that height. I think of the right- and wrong-making properties as analogous to tallness, wrongness as analogous to being at least six feet tall, and being seriously wrong as analogous to being more than six feet tall in the sense that admits of degrees. Being seriously wrong combines underlying properties that can be present to differing degrees with a supervening one that cannot to yield a third property that again can (for similar remarks see Berman and Farrell : –, –).

#### Consequentialism offers the best explanation of degrees of wrongness

**Sinnott-Armstrong 09** [(Walter, Professor of Practical Ethics at Duke. Go Blue Devils!) “How strong is this obligation? An argument for consequentialism from concomitant variation” Oxford University Press Analysis Vol. 69 No. 3, July 2009] TDI

This conclusion extends as well to the existence of such moral obligations. There are two main options: we can say either (i) consequences determine both the existence and the strength of the moral obligation not to break the promise or (ii) what determines the existence of the moral obligation is simply that the agent made the promise in the past, whereas what determines the strength of the moral obligation is, instead, the consequences of breaking (or keeping) the promise. Option (i) is clearly simpler and more coherent. Why would one factor determine whether any moral obligation at all exists, while a completely separate factor (in the future rather than the past) deter- mines how strong that moral obligation is? That would be like postulating that the force of a golf club hitting a golf ball is what causes the ball to move but a different factor determines how fast or far the ball moves. Of course, dense air or a tree might explain why the ball did not go as fast or far as otherwise expected. However, in the absence of any such additional force, it would be implausible to postulate separate causes for the existence and degree of the ball's motion. Analogously, we should reject the moral theory that one factor determines the existence of a moral obligation and a separate factor determines its strength. There might be conflicting moral reasons of all sorts (analogous to the dense air and tree), but they do not explain the existence or the strength of the original moral obligation itself. Thus, the better alternative is the consequentialist theory that one factor - the harm caused by violating the obligation - explains both the existence and the strength of the moral obligation not to break promises.

## Case

### 1NC – Underview

### 1NC – Framing

#### Top-level: 1] none of these framework arguments have warrants—these are extremely complex normative claims that philosophers spend entire books justifying, which can’t be reduced to 2 line analytic blips so err heavily neg

#### 2] don’t vote on presumption or permissibility—encourages tricky blips that destroy substantive education and there’s always a 1% risk of offense. We get new 2nr responses because it wasn’t triggered until the 1ar.

#### Constitutivism fails—showing we inevitably do engage in agency is insufficient to prove we ought to

**Enoch 11** [(David, Philosophy Professor at Hebrew University) “Shmagency Revisited,” New Waves in Metaethics pp 208-233, 2011, https://link.springer.com/chapter/10.1057/9780230294899\_11] TDI

3.2 Irrelevance So much, then, for the implausibility of the but-you-do-care response to the whyshould-I-care-about-(e.g.)-self-understanding challenge. What I want to argue now is that even if we ignore this implausibility, still this response cannot possibly work, because it does not even qualify as a response – it fails to address the challenge. The thought here is very simple: Noting that I do Φ is never a good answer to the question whether I should Φ. This is true for actions, and it is just as true for carings. Perhaps I do care about something; but how does noticing this fact count as an answer to the normative question whether I should care about it, or indeed as a reason for caring about it? The point is not merely an is-ought-gap kind of point. True, some of us have somehow become very good at convincing ourselves that sometimes, an ought can after all be derived from an is, or that some normative facts or properties just are some natural facts or properties, or some such. But what we are up against here is an especially problematic instance of such a move – it is the move from someone caring about something, immediately to it being the case that she should care about it, or at least that she has a reason to so care. I take it even those of us with the strongest stomach for naturalistic fallacies should not be happy with such a move. When someone asks "Why should I care about self-understanding?" (or whatever else is constitutive of agency), and the response comes "But you do care!", all that is needed by way of counter-response is "So what? I asked whether I should care, not whether I 14 do. You haven't answered my question." The but-you-do-care response is thus no response at all. It is utterly irrelevant. Constitutivists like to emphasize that the agency game is not just one we do play, but also one we cannot avoid playing, agency is – in certain senses – inescapable for creatures like us. Constitutivists then sometimes suggest that the inescapability of agency somehow helps with the shmagency challenge (and related challenges) 17. Thus, Velleman (136-7) distinguishes two senses of inescapability, suggesting that their combined strength helps in answering the why-should-I-care-about-self-understanding challenge. His two senses may be labeled natural and dialectical18. Let me postpone discussion of dialectical inescapability to sections 5 through 7. The natural inescapability of agency seems to come down to the fact that we cannot opt out of the game of agency, such opting out is just not something we can do. We can, of course, choose to end our lives, but as I also noted in "Agency, Shmagency" (188), far from opting out of the game of agency, this would be a major move within this game. And we can temporarily opt out of this game, say by going to sleep. But still, acting and choosing is, as Korsgaard likes to put things, "our plight"19. I want to concede that agency is indeed naturally inescapable for us. But I also want to note (as I did, to an extent, in "Agency, Shmagency" (188 and on)) that such inescapability does not matter in our context, and in particular does not render the but- you-do-care response any better. For the move from "You inescapably Φ" to "You should Φ" is no better – not even the tiniest little bit – than the move from "You actually Φ" to "You should Φ". Perhaps Velleman appreciates this point. Perhaps this is why he suggests (137) that the inescapability of agency (and so, on his theory, of caring about self-understanding) does not so much show that one should care about self-understanding, as it renders moot the question whether one should so care20. And, of course, there is something to this point: It would, for instance, seem unwise to devote many resources into an attempt to answer the question whether I should Φ, when I cannot avoid Φing. But we are not here in the business of allocating research grants. Rather, we are in the business of finding the best theory of normativity – after all, it is the constitutivist ambition to give us such a theory; and it was my point in "Agency, Shmagency" that constitutivism cannot live up to this ambition. And because this is the nature of our project, the mootness of the why-should-I-care question is simply beside the point. Its very intelligibility – and the fact that so far we do not have an adequate constitutivist reply to it, even if it is in some practical sense moot – suffices to cause serious trouble for constitutivism21. Perhaps an example can help here: I am a latent and grudging patriot22. I reject patriotism and nationalism as morally unjustified. I am willing to defend this position in a philosophical or political argument. And yet I find myself moved by the sort of thing patriots are moved by (say, a flag, the national anthem, the success of a local sports team). In a sense, then, I care about such things. I can ask, and often have asked "Why should I care about such things?", and I'm rather confident that the answer is that I should not. If someone then tells me: "But you do care!" what she says will be true. Perhaps it's even true that (in some sense) patriotism of this kind is inescapable for me, that I cannot avoid it (for what it's worth – I've tried). But this does not even begin to answer the question whether I should especially care about, say, how well my country's tennis team does in the Davis Cup, and if so, why. That the question whether to care is in a sense moot for me – I cannot stop caring – is neither here nor there. There may be a complication here. Constitutivists are typically existence internalists about reasons, they believe in a very strong connection between the reasons an agent has and her subjective motivational set. After all, and as stated at the outset, a major motivation for constitutivism is precisely the attempt to account for some kind of objectivity consistently with such internalism. And it may be thought that assuming internalism, the objection above fails. Assuming internalism, showing that you do care about something can, so this thought goes, show that you have a reason so to care, because internalism is precisely the claim that what you have reason to do and care about is very closely related to (roughly) what you care about. But this line of thought is mistaken. Internalism does indeed assert a close connection between your reasons and what you care about, but it does not take caring about something as sufficient to having a reason to care about it. An internalism that would commit itself to such a claim would be extremely implausible (as the grudging patriot example shows), and no internalist I know of takes this line. So even if we are 17 willing to assume – for the sake of argument – some constitutivist-friendly version of existence internalism about reasons, still this cannot bridge the gap between the whyshould-I-care question and the but-you-do-care answer. Even on internalism, more is needed for having a reason to care, and so the constitutivist still has not adequately addressed this question. As I've already hinted several times, Velleman seems to notice these points. Though he says the inescapability of agency renders the question "Why should I care about self-understanding?" moot, he also continues to further discuss it, suggesting – even saying explicitly (138) – that it still calls for an answer, that "But you do care!" does not suffice as an answer. We will return to what he has to say here in section 5.

#### The categorical imperative fails to guide action and applying it relies on irresolvable empirical claims

**Huemer 93** [(Michael, Professor of Philosophy at the University of Colorado, Boulder) “A Critique of Kantian Ethics,” Graduate Seminar at Rutgers, Spring 1993, https://spot.colorado.edu/~huemer/papers/kant1.htm] TDI

Third, and probably as a result of that problem, categorical imperative #1 isn't actually an imperative of the ordinary sort; it doesn't really tell us what actions to perform. Instead, it tells us what sort of maxims to act on, as if our deliberations typically were not about what actions to perform but about under what maxims to perform them. The categorical imperative represents a test on maxims or rules of conduct -- a necessary condition of their acceptability. This would be perfectly fine, if only the condition were strict enough to determine a unique set of acceptable rules, or, barring that, at least a greatly limited number. Given that Kant claims his categorical imperative is the sole principle of morality (the only categorical imperative, that is), we are entitled to expect that it determine the principles of morality uniquely, since if it leaves multiple incompatible sets of maxims open, we will have no basis for choosing among them, there being no other principles of morality on which to base the choice besides categorical imperative #1. Our expectations are disappointed. Take, once again, the utilitarian moral theory for an example. Surely it would be possible to will the universal maximization of happiness? The principle of utility, then, passes Kant's test; and, contrary to popular opinion, it turns out Kant's moral theory is consistent with utilitarianism. To my knowledge, no moral system has ever been articulated that would not pass the test of categorical imperative #1. This might at first be thought to be good, as a sign that the test is valid (it doesn't rule out anything that shouldn't be ruled out), but it also unfortunately means the condition is too weak to be of any use to us. How about a religious ethics, for another example? It surely seems possible to will universal conformity to the Bible (assuming the Bible is itself internally consistent). To be even more antagonistic to Kant, why wouldn't it be possible to will that everybody should just act on the basis of arbitrary whims? Or, why couldn't one will universal egoistic hedonism?

Kant claims that the last is impossible in his discussion of the duty of charity, but this brings us to his fourth difficulty: the applications Kant derives from CI #1 do not follow from it. He lists four duties:

a) The duty to keep promises. He claims universal promise-breaking would be impossible because it would mean no one would ever believe a promise made to him, and this would cause the institution of promising to collapse. But it is not logically impossible that promising could continue to exist. It is only an empirical hypothesis that if promises were generally broken then people would stop believing in them, and a further empirical hypothesis that if no one believed promises then people would stop making them. If we are allowed to consider empirical facts in morality (contra Kant's repeated insistences upon its a priori nature), these facts still do not show that people would be unable to carry on universally making and breaking promises -- only that they would probably not wish to.

Furthermore, it isn't clear that universal promise-breaking is what I would have to be able to will, if I plan to break a promise. For the maxim I act on may not be 'to break promises' but rather only 'to break promises when it would be especially difficult to keep them,' or even, 'to break promises when no one is likely to find out.' I may keep most of my promises but only break them when it is especially much in my interests to do so. Since this would be fairly rare, the institution of promising could survive the universalization of my maxim (in fact, such a maxim probably is nearly universally in practice already).

#### Kant can’t resolve value conflicts—collapses to util

**Huemer 93** [(Michael, Professor of Philosophy at the University of Colorado, Boulder) “A Critique of Kantian Ethics,” Graduate Seminar at Rutgers, Spring 1993, https://spot.colorado.edu/~huemer/papers/kant1.htm] TDI

With regard to any possible action where people have conflicting interests -- the action serves one person's interests while harming another's -- it could be argued that the person who performs or refrains from the action is treating one of the parties as a means, no matter what he chooses to do. If I have ten dollars which I can give to either of two people (perhaps one of whom is myself), then whomever I give it to, I will, perhaps, be accused of treating the other person merely as a means -- or at the least, of failing to treat him as an end. If this is so, it is impossible to adhere to the categorical imperative. Moreover, since the reason given for CI #2 is the absolute and incomparable value of human beings, there is no way to make choices between people. Since one cannot compare the value of one person to that of another person, or to anything else, in a situation in which one is given a choice between different people (suppose there are a limited number of life rafts on the Titanic), there is nothing one can do. If values are incommensurable, we cannot say a hundred deaths are worse than one. Frankly, I find this doctrine irrational. It ignores the fact that there are situations in which we are forced to compare values. We have to decide, for instance, how much money to spend on health care -- if we choose to take health as an incommensurable value, then there is little doubt it can consume the entirety of the gross national product of the country, and leave no time or resources for anything else. This is what any 'absolute value' in this sense will do: it will destroy everything else. For this reason it is logically impossible to have multiple absolute and overriding values -- they must come into conflict, in which case they can not both be treated as absolute. Moreover, the concept of incomparable values is just mathematically absurd -- the notion of a quantity that is neither greater nor less than, nor yet equal to, another quantity (both being quantities of the same thing, as value, or mass, etc.) is mathematically absurd. Kant appears to want this incoherent idea to justify his principle of never treating people as means. If he admitted comparison of values, then one might sometimes be required to sacrifice one person for the sake of others. If he merely said all people were equally valuable, then two people would be twice as valuable as one, so you could kill one person in order to save two. That, of course, is only on consequentialist assumptions. Kant's theory of the incomparability of values (his theory of 'dignity') is his way of undermining consequentialism. I think it is unsuccessful, although I do not think it is the only possible way of undermining consequentialism.

#### Our framework meets procedural moral realism since we use certain procedures to come to the conclusion that util is true

#### No impact to uncertainty—we can reasonably act based on our best intuitions about the world. Takes out their framework too—if an evil demon is deceiving us that would taint our ability to reason as well

#### No is/ought gap—we can determine that things like poverty are bad based on experience. They link because determining whether something is a contradiction requires knowledge examples in the external world

#### They conflate two meaning of the word reason. When I ask “Why should I be rational,” I don’t make an appeal to my *practical* reason. Practical reason is merely a form of self-consciousness that allows us to distant ourselves from our desires and choose between them. When I ask “why” in the case of “why should I be rational,” I am asking for a reason in the sense that I am asking for a justification, but I am not conceding the normative force of my *practical* reason.

#### I can recognize the value of my own practical reason without forcing me to respect your practical reason--consistency only forces me to recognize that you also value your own practical reason, but doesn’t warrant the claim that I must value your practical reason.

#### Regress argument applies to util – life is a prerequisite to value to life. It also doesn’t apply to states since they don’t have individual wills.

#### Ferrero ev-

#### 1 – Only justifies agency, not practical reasoning – there’s no reason why we have to look to the metaethics or standard from that

#### 2 – doesn’t exclude other standards – we agree that agency does matter but that pleasure and pain are the only unconditional goods

#### Universalizability bad:

#### Rarity objection- I could tailor a maxim super specifically to a particular instance so that it wouldn’t fail the test of universalizability when applied to everyone, but would still be bad- there’s no brightline for what constitutes a morally relevant feature of a maxim so reject those arguments

#### And we can will coercion in very specific situations—i.e. the maxim do a small coercive act to save humanity could be universalized

#### Action theory goes neg—it relies on understanding the consequences of each individual step, i.e. the only way you know to turn the kettle on is because you know the consequence of that action as being necessary for brewing tea. And, the nc doesn’t deny that intentions are relevant it just says that consequences also matter

#### Gewirth – cross apply answers to constitutivism and ferrero

#### Performativity:

#### 1] conflates the pre-fiat ability to discuss frameworks with determination of what theory should be used to evaluate resolutional action.

#### 2] this proves util because preventing extinction and preserving life is a pre-requisite to literally everything including the process of justification

#### Off Farr:

#### Util solves because it considers everyone’s well-being which means it’s universalizable

#### Induction doesn’t fail: it’s a basic axiom of logic that reliably guides action—deduction is equally circular and intuitions solve

#### We can verify the causes of actions based on studies and science – not justified

#### Infinite consequences are too far in the future for humans to think of so we can’t evaluate them and they have 0 probability and extinction ends the line in value so we wouldn’t calculate consequences past that point

#### Yes aggregation—the government can reasonably aggregate using things like body count, access to basic resources, etc.

#### Off TJFs:

#### 1] reject them—they’re bad for phil ed: destroys unique aspects of the activity by making it all about theory

#### 2] logic outweighs—if we win util you shouldn’t use an incorrect framework—that’s unpredictable and makes no sense

#### 3] resource disparities non-verifiable: kant is worse because the lit is extremely dense and paywalled whereas util is most intuitive because it’s based on practical consequences in the real-world

#### 4] util is better: it increases ground because all impacts matter and k2 topic lit because it’s about talk about the consequences of the right to strike

### 1NC – Contention

#### Turns:

#### 1] right to strike is non-universalizable--if everyone struck then there wouldn't be jobs that they could strike so the concept of a strike wouldn't be coherent. Outweighs because it's a contradiction in conception

#### 2] freedom: companies and employees voluntarily agree to working conditions. The plan is an unjust intervention in the free market

#### 3] err neg: kant says there's an act-omission distinction so there can never be positive obligations for the government to act, only a risk that positive action is unethical so there's only a risk of our offense

#### Off Chima:

#### 1] no link--workers are free to choose whether to work or not, they can just quit if they don't want to work anymore

#### 2] no warrant--card just asserts workers should be free to choose and should be treated as ends but doesn't warrant the connection betweeen that and an unconditional right to strike

#### Off the 2 point:

#### No link--not every instance of setting and pursuing ends is universalizable or should be allowed

#### Off the 3 point:

#### 1] literally zero warrant--hold the line these cards are each a sentence with assertions tangentially related to the topic

#### 2] consequentialist--the cards are about why capitalist work treats people as means but the connection to a right to strike relies on the causal consequences of the policy rectifyign those conditions