**Libertarianism NC**

**The metaethic is practical reason.** Ethical theories must have a basis, as without one they aren’t binding: we can always question their starting point. Reason solves – When we ask why we should follow reason, we demand a reason, which concedes to the authority of reason itself. Inescapability outweighs: ethics has no meaning if it isn’t binding.

**The obligation to act for reasons concludes that moral law must be universal, since we all have access to reason.**

**Velleman, 06** J. David Velleman, A Brief Introduction to Kantian Ethics, J. David Velleman (2006)

Roughly, the answer is that **to act for reasons is to act on the basis of considerations that would be valid for anyone in similar circumstances**; whereas immoral behavior always involves acting on considerations whose validity for others we aren't willing to acknowledge. **If we steal, for example, we take our own desire for someone else's property as a reason for making it our property instead**—**as if his desire for the thing wasn't a reason for its being his property instead** of ours. We thus take our desire as grounds for awarding ownership to ourselves, while denying that his desire is grounds for awarding ownership for him. Similarly, if we lie, we hope that others will believe what we say even though we don't believe it, as if what we say should count as a reason for them but not for us. Once again, **we attempt to separate reasons for us from reasons for others. In doing so, we violate the very concept of a reason, which entails that a reason for one is a reason for all. Hence we violate the requirement "Act for reasons."** [...] **Rational creatures have access to a shared perspective**, from which they not only see the same things but can also see the visibility of those things to all rational creatures.Consider, for example, our capacity for arithmetic reasoning. **Anyone who adds 2 and 2 sees, not just that the sum is 4, but also that anyone who added 2 and 2 would see that it's 4**, and that such a person would see this, too, and so on. The facts of elementary arithmetic are thus common knowledge among all possible reasoners, in the sense that every reasoner knows them, and knows that every reasoner knows them, and knows that every reasoner knows that the every reasoner knows them, and so on.As arithmetic reasoners, then, we have access to a perspective that is constant not only across time but also between persons. We can compute the sum of 2 and 2 once and for all,in the sense that we would only get the same answer on any other occasion; and each of us can compute the sum of 2 and 2one for all,in the sense that the others would only get the same answer. What's more, the universality of our perspective on the sum of 2and 2 is evident to each of us from within that very perspective. In computing the sum of2 and 2, we are aware of computing it for all,from a perspective that's shared by all arithmetic reasoners. In this sense, **our judgment of the sum is authoritative, because it speaks for the judgment of all.** This shared perspective is like a vantage point overlooking the individual perspectives of reasoners, a standpoint from which we not only see what everyone sees but also see everyone seeing it. And once we glimpse the availability of this vantage point, we cannot help but aspire to attain it. We are no longer satisfied with estimating or guessing the sum of two numbers, given the possibility of computing it once for all: we are ineluctable drawn to the perspective of arithmetic reason.Note that the aspect of arithmetic judgments to which we are drawn in this case resembles the authority that we initially regarded as definitive of moral requirements: it's the authority of being inescapable. We can compute the sum of 2 and 2 once for all because the answer we reach is the answer that would be reached from any perspective and is therefore inescapable. We can approach the sum of 2 and 2 from wherever we like, and we will always arrive at the same answer. The case of arithmetic reasoning shows that inescapability can in fact appeal to us, because it is the feature in virtue of which judgments constitute a stable and all-encompassing point-of-view. Perhaps, then,the authority of moral judgments, which consists in their inescapability, can appeal to using similar fashion, by offering an attractive vantage point of some kind.**~**But what does arithmetic reasoning have to do with acting for reasons? Well, **suppose** that the validity of reasons for acting were also visible from a perspective shared by allreasoners—by all practical reasoners, that is. In that case, our aspirations toward personhood would draw us toward the perspective of practical reason as well.Indeed, that may be the perspective toward which you were being drawn when **you felt compelled to find a reason for not exercising.** Your immediate concern was to find a set of considerations **whose validity** as reasons **would remain constant** through fluctuations in your preferences; but you would also have regarded those considerations as constituting reasons **for other people as well**, insofar as they were true of those people. **In accepting a**n incipient **cold as a reason to skip swimming, you would have regarded it as something that would count as a reason for anyone to skip swimming, in circumstances like yours.** What you were seeking may thus have been considerations that could count as reasons not only for you, whenever they were true of you, but for other agents as well. [...] To lie is intentionally to tell someone a falsehood. When we tell something to someone, we act with a particular kind of communicative intention: we say or write it to him with the intention of giving him grounds for believing it. Indeed, we intend to give him grounds for belief precisely by manifesting this very communicative intention in our speech or writing. We intend that the person acquire grounds for believing what we say by recognizing that we are acting with the intention of conveying those grounds. Now, suppose that our wanting to give someone grounds for believing something constituted sufficient reason for telling it to him, whether or not we believed it ourselves.In that case, the validity of this reason would be common knowledge among all reasoners, including him. He would therefore be able to see that, in wanting to give him grounds for believing the thing, as was manifest in our communicative action, we already had sufficient reason for telling it to him, whether or not we believed it. And if he could see that we had sufficient reason for telling it even if we ourselves didn't believe it, then our telling it would give him no grounds for believing it, either. Why should he believe what we tell him if we need no more reason for telling him than the desire, already manifest in the telling, to give him grounds for believing it? So if our wanting to give him grounds for believing something were sufficient reason for telling it to him, then telling him wouldn't accomplish the result that we wanted, and wanting that result wouldn't be a reason for telling him, after all. Wanting to convey grounds for belief can't be a sufficient reason for telling, then, because if it were, it would not be a reason at all.~I introduced these examples by asking you to imagine that you could construct a universally accessible perspective of practical reasoning, so that you could be required to act only on considerations whose validity you could enshrine in such a perspective. Yetit has now turned out that there already is such a perspective—or, at least, the beginnings of one—and it hasn't been constructed by anyone. For we have stumbled on one kind of practical result that anyone can see, and can see that anyone can see, and so on.The kind of practical result that we have found to be universally accessible has the following form: that the validity of some putative reason for acting could not be universally accessible. The validity of "I want the money" as a reason for denying receipt of deposit, or the validity of "I want him to believe it" as a reason for telling something to someone, could not be universally accessible, any more than the validity of "That would taste good" as a reason for going over your limit of drinks. The fact that the validity of these reasons could not be universally accessible—this fact is already universally accessible to practical reasoners, any of whom can perform the reasoning by which it has come to light.Thus, the notion of sharing a perspective with all practical reasoners is not a pipe-dream, after all. You already share a perspective with all practical reasoners to this extent, that **it is common knowledge among all reasoners that the validity of certain reasons for acting could not be common knowledge among all reasoners. This item of common knowledge constitutes a universally accessible constraint on what can count as a reason** for acting and hence what can satisfy a requirement to act for reasons. A requirement to act for reasons would forbid acting on the basis of considerations whose validity as reasons could not be common knowledge among all reasoners, and in the case of some considerations, this impossibility is itself common knowledge

**Willing coercion results in a contradiction in conception: if coercion were universal, you would not have the freedom to universalize.**

**The universality of freedom justifies a libertarian state, which outweighs on actor specificity.**

**Otteson, 9** James R. Otteson (professor of philosophy and economics at Yeshiva University) “Kantian Individualism and Political Libertarianism” The Independent Review, v. 13, n. 3, Winter 2009

In a crucial passage in Metaphysics of Morals, Kant writes that **the “Universal Principle of Right” is “‘every action which by itself or by its maxim enables the freedom of each individual’s will to co-exist with the freedom of everyone else in accordance with a universal law is right**.’” He concludes, “Thus the universal law of right is as follows: let your external actions be such that the free application of your will can co-exist with the freedom of everyone in accordance with a universal law” (1991, 133, emphasis in original).5 **This stipulation becomes for Kant the grounding justification for the existence of a state**, its raison d’être, and **the reason we leave the state of nature is to secure this sphere of maximum freedom compatible with the same freedom of all others.** Because this freedom must be complete, in the sense of being as full as possible given the existence of other persons who demand similar freedom, it entails that **the state may—indeed, must—secure this condition of freedom, but undertake to do nothing else because any other** state **activities** would **compromise the very autonomy the state seeks to defend**. Kant’s position thus outlines and implies a political philosophy that is broadly libertarian; that is, it endorses a state constructed with the sole aim of protecting its citizens against invasions of their liberty. For Kant, **individuals create a state to protect their moral agency, and in doing so they consent to coercion only insofar as it is required to prevent themselves or others from impinging on their own or others’ agency**. In his argument, **individuals cannot rationally consent to a state that instructs them in morals, coerces virtuous behavior, commands them to trade or not, directs their pursuit of happiness, or forcibly requires them to provide for their own or others’ pursuits of happiness**. And except in cases of punishment for wrongdoing,6 **this severe limitation on the scope of the state’s authority must always be respected**: “The rights of man must be held sacred, however great a sacrifice the ruling power may have to make. There can be no half measures here; it is no use devising hybrid solutions such as a pragmatically conditioned right halfway between right and utility. For all politics must bend the knee before right, although politics may hope in return to arrive, however slowly, at a stage of lasting brilliance” (Perpetual Peace, 1991, 125). The implication is that a Kantian state protects against invasions of freedom and does nothing else; in the absence of invasions or threats of invasions, it is inactive.

**Thus, the standard is consistency with a libertarian state of non-interference.**

**Offense:**

**1) Strikes interfere with the economy in a manner that necessarily violates the framework.**

**Van den Haag, 79** Ernest van den Haag (Professor of Social Philosophy, New York University), Imprimis, “Labor Unions in a Free Market” (March 1979),<https://imprimis.hillsdale.edu/labor-unions-in-a-free-market/>

With or **without unions wage rates are determined by the demand for, and the supply of, different kinds of labor. But with unions the market is not free. The function of unions is to attempt to monopolize and restrict the supply of labor**—at least of labor in specific’ places and of specific kinds—**and to obtain a monopoly price for it, higher than the free market price would be.’ This is done in two ways: (1) By restricting union membership while compelling employers to hire only union members.** This is how craft unions prevent employers from availing themselves of the full labor pool. Thus, the drivers of newspaper delivery trucks in New York get high wages. They allow very few people to join the union and prevent the newspapers from hiring non-union members. They can bargain from the monopoly position they create because New York law, and the practices of the New York police department, would make it impossible for the newspapers to hire non-union drivers: they might be killed, and their trucks would be sabotaged. **(2) By threatening to strike, unions may be able to compel employers to confine their hiring to union members and to pay them higher than free market wages.** Even when industrial (as distinguished from craft) unions permit employers to hire non-union members, or allow anyone to join, **the strike threat can be used to raise wages whenever enough employees can be persuaded or intimidated into refraining from work in a concerted effort to support union demands.** To strike is to refrain from working while keeping one’s job and discouraging, or preventing, others from doing it.3 In economic terms, to strike is to withhold the supply of labor, to prevent its being replaced, and to attempt to compel employers to pay the price the union wishes to charge. Unless the employer can break the strike, by hiring non-strikers, or by getting strikers to return, he has to accept the union’s terms. He has to pay a wage higher than the free market wage—the wage just high enough to attract the workers he needs. **Strikes—and all union imposed monopoly prices for labor—are contrary to the public interest. If lost by the union, strikes leave the status quo ante in force—after a loss of production and income** by employers and employees and, often, considerable losses to third parties. **If won by the union, strikes, in addition to losses of income and production, lead to a redistribution of income from non-union to union members;** this increases the inequality of incomes while not increasing the income of workers as a whole.

**2) Going on strike is not universalizable: If everybody stopped working, the concepts of “work” and a “strike” would no longer exist.**

**3) Striking is definitionally coercive: it threatens business owners to run their companies a certain way or else go bankrupt. Such threats erode freedom of action.**

**Watts, 54** V. Orval Watts, *Faith and Freedom*, “Must Unions Coerce?” (January 1954),<https://cdn.mises.org/FAF54-1_3.pdf>

**Successful strikes always, or nearly always, do involve some form of violence and intimidation** by union organ-izers, pickets, sit-downers, saboteurs and goon squads, or the police. **Rarely, if ever, can a union shut down a plant, much less keep it shut down for the time usually necessary to win a strike, without considerable pressure in the form of threats and actual physical annoyance, abuse and assault**—unless a government agency steps in to bring about the same results by forcing the employer to yield to the union demands. And **often the coercion preceding strikes takes such subtle forms that outsiders may fail altogether to see it for what it is.** A squirt of oil on a worker's clothes, jogging his arm as he works on a dangerous or difficult task, a tool dropped on his foot, insults and threatening telephone calls—these and numberless annoy-ances like them, are far more common and are harder to deal with than the outright assaults, dynamiting or rifle fire that get into the news-papers. [...] This is why a successful strike generally depends on use of a certain amount of coercion. For **if free to do so, some workers would stay on the job. They would rather work than strike, because they** think their jobs are the best they can get, all things considered, and they **don't want to endanger those jobs. Secondly, if free to do so, many strikers would soon go back to work because they need their wages or don't want to clip into savings. Thirdly, if free to do so, new workers would usually come in attracted from poorer paying jobs elsewhere.** Few strikes occur in companies that are paying bottom wages or offering worst working conditions.

**Theory Hedge:**

**1) Reject 1AR theory: *Analytic***

**2) NC theory first: Neg abuse only occurs in reaction to the abuse in the AC.**

**3) Dispo Good: *Analytic***

**Spec - Strikes**

**Interpretation: The Affirmative debater must specify and separately delineate the types of strikes that will be unconditionally guaranteed in the text of the 1AC.**

**Violation: They don’t.**

**Types of strikes are a core question of the topic, and there’s no consensus on normal means.**

**SHRM** Society for Human Resource Management, “Are All Types of Strikes Protected under the National Labor Relations Act?” (No Date), <https://www.shrm.org/resourcesandtools/tools-and-samples/hr-qa/pages/cms_021003.aspx>

**An employee's right to strike is** a critical component of the right to organize but is **not without limitations. Certain strikes qualify as protected activity under the National Labor Relations Act (NLRA), but not all strikes are protected. The main types of strikes** covered by the NLRA are: **Unfair labor practice strikes**, which protest employers' illegal activities. **Economic strikes**, which may occur when there are disputes over wages or benefits. **Recognition strikes**, which are intended to force employers to recognize unions. **[and] Jurisdictional strikes**, which are concerted refusals to work to affirm members' right to particular job assignments and to protest the assignment of work to another union or to unorganized employees. **A unionized employee's right to reinstatement after a strike ends varies based on the type of strike and the underlying reason for the strike.** Employers are allowed to hire replacement workers during unfair labor practice strikes and economic strikes. **Union members lose protection when they engage in strikes considered unlawful under the NLRA (e.g., sit-down strikes, strikes that endanger employer's property, strikes during cooling-off periods or strikes to force acceptance of featherbedding practices**). The right to strike also may be limited by any agreements employees may have with the employer to submit disputes to arbitration for a specified period of time before striking.

**That’s also terminal defense, since vague Affs get rolled back or circumvented.**

**Standards:**

**1) Strat Skew - You make formulating a strategy impossible, since I don’t know what arguments link. For example, if I read a disad about how economic strikes cause inflation, you could just shift out of it by saying those aren’t included. This makes negating impossible, since you can always delink.**

**That Outweighs - You can recover from a bad 1AR, but I can’t recover from an unstable 1NC, since that’s where I establish all my offense and all my routes to the ballot.**

**2) Ground - I don’t know the aff’s scope, timeframe, implementation mechanism, etc. so they can fiat perfect solvency. I’m forced to read generics that destroy meaningful debate and education.**

**Links to Clash - I don’t know how to effectively engage in your position, and you can shift out of actual clash.**

**CX checks don’t solve. 1) Judges don’t flow CX, so if you alter your response to my question slightly in later speeches, I won’t be able to call you out on it. 2) You can be shifty and refuse to answer when I ask you to spec. 3) I begin formulating my strategy during your speech: waiting until CX destroys 6 minutes of my prep time.**

**Fairness and Education are voters.**

* Debate is a competition, so if it were unfair, nobody would participate.
* Education is key to funding for the debate space: schools organize debate teams and fund them solely because of debate’s educational value.

**Drop the debater: 1) To rectify time lost running T. 2) To deter future abuse. 3) Drop the arg on T is drop the debater since you lose your advocacy.**

**Competing interps, since the debate over brightline for reasonability collapses into competing interps. Any brightline is arbitrary, and reasonability causes a race to the bottom to see who can be the most abusive.**

**No RVIs:**

1. **Logic** - My opponent should not win simply because they were able to prove that they did not violate any rules.
2. **Chilling Effect** - RVIs disincentivize people to read theory against abuse.
3. **Baiting** - RVIs incentivize good theory debaters to be as abusive as possible in order to bait out theory and win.

#### 

#### **Arbitration CP**

#### **CP Text: A just government ought to Implement a Compulsory Interest Arbitration Mechanism to settle public labor disputes.**

#### **That solves the Aff: a CIAM allows for effective collective bargaining without destructive strikes.**

**Williams, 79** Alaine S. Williams, “Alternatives to the Right to Strike for Public Employees: Do They Adequately Implement Florida's Constitutional Right to Collectively Bargain?” Florida Law Review (1979), <https://core.ac.uk/download/pdf/217315075.pdf>.

If the legislature has enacted legislation which inadequately implements and protects the constitutional right to collectively bargain, the judiciary should be bold in declaring the law unconstitutional.5 ' Thereafter, **the legislature would be compelled to enact meaningful collective bargaining-in other words, to institute compulsory interest arbitration**. One reason for implementing compulsory interest arbitration is **because without it "collective bargaining" in Florida lacks any meaning whatsoever**. Another substantial and more positive reason •to do so is because **interest arbitration is a rational alternative to strikes.** 5 Private employees have a right to strike, a right believed to be significant for the maintenance of labor peace53 and essential to meaningful bargaining." Most public employees in this country have a right to collectively bargain, but because **the majority of jurisdictions prohibit strikes,** the right has been more accurately described as "collective begging." In a 1972 decision upholding the sentences of a group of striking teachers, a New Jersey court noted that: Jailing teachers is not the answer to school strikes .... **Public employees have the right to bargain collectively as to the terms and conditions of their employment but cannot do so on equal terms with their employment unit since they have no means of negotiating from a position of strength**. If the present policy prohibiting strikes by public employees is to be continued, **machinery for the compulsory settlement of deadlocked labor disputes involving public employees should be established. 5 With an effective, fair method of settling contract negotiation disputes,** as opposed to the one-sided factfinding system in Florida, **public employee strikes**, besides being illegal, **would also occur less often**. In addition, **negotiations should be more fruitful when some form of threat-namely, forced arbitration-is present**. 7 If the public employer in Florida were subject to outside arbitration in the event contract negotiations broke down, he **probably would be more enthusiastic about good faith bargaining**. **The threat of arbitration would have the desired effect of encouraging bargaining and would motivate the parties to voluntarily agree to the contract**. Although some argue that arbitration is not a substitute for strikes but rather a substitute for bargaining,18 **statistics compiled under the New York arbitration law indicate that there is no evidence that compulsory interest arbitration has chilled collective bargaining**. 5 9 Instead, factors such as hostility between union and management representatives, political pressure tactics by the union, and the use of outside negotiators were more likely to account for an impasse than the availability of arbitration machinery.