# 1AC – Domination

### 1AC – Framework

#### The meta ethic is practical reason-

#### [1] Ethics must be derived a priori

#### A] Uncertainty – if we base ethics on a postieri knowledge, our experiences are subjective and unverifiable, but principles created with the bases if a priori in the noumenal world are universally the same with all agents. That outweighs because if ethics are subjective that allows people to justify atrocities by saying they don’t experience the same

#### B] Is/Ought Gap – experience in the physical world only descriptively tells us what is, not what ought to because we won’t know the best course of action, only what we can perceive. Thus it’s not possible to create an ought statement through descriptive premises which means there must be a premises created in the noumenal a priori world to make a moral theory so we can see if an action is good in a vacuum and in all situations.

#### [2] Agents have a constitutive right to freedom –

#### A] Inescapability – to deny agency is self-contradictory because questioning your agency is exercising that same agency. Thus, exercising free agency – justifying judgements and freely taking actions – is constitutive of subjectivity

#### B] Principle of Generic Consistency – freedom is constitutive of agency and is necessary good. Denying freedom in general in contradictory since it justifies interference in your ability to take actions and make judgements in the first place.

Gewirth ’84 [Alan Gewirth, “The Ontological Basis of Natural Law: A Critique and an Alternative,” The American Journal of Jurisprudence, Vol. 29, No. 1 (1984), Pg. 95–121. Gewirth was professor of philosophy at the University of Chicago.] CHSTM \*\*Brackets for gendered language\*\* [Recut Lex JB]

Let me briefly sketch the main line of argument that leads to this conclusion. As I have said, the argument is based on the generic features of human action. To begin with, **every agent acts for purposes he [they] regards as good**. Hence, he **[they] must regard as necessary goods the freedom and well-being that are the generic features and necessary conditions of his action and successful action in general**. From this, **it follows that every agent logically must hold or accept that he has [they have] rights to these conditions**. For **if he were to deny that he has [they have] these rights, then he [they] would have to admit that it is permissible for other persons to remove from him the very conditions of freedom and well-being that, as an agent, he [they] must have**. But it is contradictory for him to hold both that he must have these conditions and also that he may not have them. Hence, on pain of self-contradiction, every agent must accept that he has rights to freedom and well-being. Moreover, every agent must further admit that all other agents also have those rights, since all other actual or prospective agents have the same general characteristics of agency on which he must ground his own right-claims.¶ What I am saying, then**, is that every agent, simply by virtue of being an agent, must regard his freedom and well being as necessary goods and must hold that he and all other actual or prospective agents have rights to these necessary goods**. Hence, every agent, on pain of self-contradiction, must accept the following principle: Act in accord with the generic rights of your recipients as well as of yourself. **The generic rights are rights to the generic features of action, freedom, and well-being. I call this the Principle of Generic Consistency (PGC),** because it combines the formal consideration of consistency with the material consideration of the generic features and rights of action

#### [3] Freedom is not just the absence of interference – a slaveowner who does not interfere in the affairs of their slaves has not made them “freer,” because they are still subject to domination, a regime of potential arbitrary intervention. Prefer freedom as nondomination – better corrects noninterfering forms of subjugation through institutional restraints.

Pettit ‘96 [Philip Pettit, “Freedom as Antipower,” Ethics, Vol. 106, No. 3 (Apr. 1996), pp. 576-604. Pettit is the Laurance S. Rockefeller University Professor of University Center for Human Values at Princeton University and also Distinguished University Professor of Philosophy at the Australian National University.] CHSTMJB [Recut Lex JB]

**There are two characteristic marks of the conception of freedom as noninterference. The first is that under this approach the interference of a nonsubjugating authority impacts on the liberty of the people affected-although, no doubt, with aggregate, long-term benefit- even if the interference involved is just the constitutional imposition of a fair but (necessarily) coercive rule of law.** As Berlin writes in paraphrase of the approach: "**Law is always a 'fetter,' even if it protects you from being bound in chains that are heavier than those of the law, say, arbitrary despotism or chaos**.""4 Bentham was emphatic on the point: "As against the coercion applicable by individual to individ- ual, no liberty can be given to one man but in proportion as it is taken away from another. **All coercive laws, therefore, and in particular all laws creative of liberty, are as far as they go abrogative of liberty.**"42 John Rawls indicates that he too shares this understanding of liberty when he writes: "Liberty can be restricted only for the sake of lib- erty";43 the assumption is that law always does represent a restriction, however benign, of liberty.44 **The second characteristic mark of the conception of freedom as noninterference is that while it represents even nonsubjugating interference as a deprivation of liberty, it finds nothing hostile to liberty in a form of subjugation that does not involve any actual interference. There is nothing about the traditional, unconstrained relation of employer to employee or husband to wife, for example, that raises questions in the ledger book of liberty**, nothing, at any rate, in the absence of actual or expected compulsion, coercion, manipulation, or whatever. **The fact that the relation puts one party under the power of the other does nothing, in itself, to affect the liberty of the weaker person.** But suppose we move away from the opposition to bare interference in terms of which contemporary thinkers tend to understand freedom. Suppose we take up the older opposition to servitude, subjugation, or domination as the key to construing liberty. **Suppose we understand liberty not as noninterference but as antipower**. What hap- pens then? Unsurprisingly, we find ourselves with a conception of freedom under which the two marks of the dominant contemporary approach are reversed**. If freedom is opposed to subjugation, then the introduc- tion of constitutional authority does not, as such, constitute an abrogation of liberty, for it need not itself involve subjugation or domination: it does not essentially involve anyone's having the capacity to interfere arbitrarily in another's affairs.** Under any rule of law, those in the parliament, those in the administration, and those in the judiciary have special powers of coercion, but if the powers are regulated in a constitutional manner, then they do not give the authorities power over people in the distinctive sense associated with subjugation. The authorities may be more or less productive of antipower, depending on how well they cope with existing patterns of domination and de- pending on how wide the range of antipower is that they allow. **But provided they are truly constitutional in character-a big proviso, indeed-they relate to freedom as antipower in quite a different way from how they must be seen to relate to freedom as noninterference: they do not represent an abrogation, even an abrogation that is benign in the long term, of that freedom**.45 If freedom is construed as antipower rather than noninterference, then we do not have to see the rule of law, and more generally of constitutional authority, as itself an abrogation of liberty. But **the construal of freedom as antipower has exactly the contrary effect on judgments about asymmetric relations such as those that have traditionally obtained between employers and employees, husbands and wives, and parents and children.** Contemporary thinkers tend to see no loss of liberty here-they may see other deficits, of course-given that there is no actual interference. But **if liberty is opposed to subjugation in the first place, then, even in the absence of actual interference, these relationships are often going to represent paradigms of unfree- dom. The powerful employer, husband, or parent who can interfere arbitrarily in certain ways subjugates the employee, wife, or child. Even if no interference actually occurs**, even if no interference is particularly likely-say, because the employee, wife, or child happens to be very charming-**the existence of that relationship and that power means that freedom fails.** The employee, wife, or child is at the mercy of the em- ployer, husband, or parent, at least in some respects, at least in some measure, and to that extent they live in a condition of servitude.

#### [4] Non-domination requires specific interventions by the state to protect the polity from subjugation – laws do not infringe on freedoms but enable them. Only when interrelations are mutually governed by a system of non-arbitrary communal public rules is it possible for citizens to enjoy independence from arbitrary rule.

Pettit ‘05 [Philip Pettit, “The Domination Complaint”, Nomos, Vol. 46, POLITICAL EXCLUSION AND DOMINATION (2005), pp. 87-117.] CHSTM [Recut LEX JB]

**This condition already ensures a connection between nondomination and community, for it means that the ideal of nondomination is an inherently social value, not an atomistic one**. The second point to make in underscoring the tie to community is that **if people are secured against domination by the operation of the institutional instrumentalities available for the state to deploy—the institutions of armament, disarmament, and protection—then the connection between being nondominated and those institutions is constitutive and not merely causal. To be non-dominated is to be more or less immune to the possibility of arbitrary interference, and this immunity will come into being simultaneously with the introduction of measures that realize it, not as a causal consequence of those measures being in place**: a consequence that might take time to realize. The connection between immunity to arbitrary interference and the presence of those measures will be like the connection between immunity to a certain disease and the presence of suitable antibodies in the blood. The physical immunity will not materialize as a contingent consequence of the antibodies that take a certain time to eventuate; it is present as soon as the antibodies are there, being realized by the antibodies. And similarly a person's immunity to arbitrary interference—a person's nondomination—will not materialize as a causal result of the institutional measures taken to realize it; rather, it will be constituted by those measures, being present just as soon as they are present. **The fact that nondomination requires a community of individuals, and that a person's nondomination will be constituted by the institutional measures that make[him or her more or less secure against arbitrary interference by other members of the community, means that for the state to work at promoting nondomination is just for the state to work at ensuring that people enjoy a certain sort of community**: a sort of community that is bound to have the aspect of an ideal.

#### Thus, the standard is establishing checks against domination.

#### Prefer additionally –

#### 1] Performativity – debate as an institution is defined not just how we perform as individuals but how we interact as a community, ensuring the community is free of domination by removing subjugating regimes so everyone is equally respected and everyone’s voices can be heard is a pre-requisite to being able to debate.

#### 2] Actor-specificity – non-domination is the only notion of freedom that can apply to state actors since individuals always exist in communities and communal governance always involves restrictions

#### 3] Inclusion – analytical philosophy allows for anyone to make responses to it with no carded evidence

### 1AC – Advocacy

#### Thus the advocacy – Resolved: A just government ought to recognize an unconditional right of workers to strike.

**Findlaw 17** [Created By Findlaw'S, 5-2-2017, "Labor Strike FAQs," Findlaw, <https://www.findlaw.com/employment/wages-and-benefits/labor-strike-faqs.html> // LEX JB]

* Definition of worker and strike, explains process

For **a strike** to occur, a [union or group of workers](https://www.findlaw.com/smallbusiness/employment-law-and-human-resources/unions-basics.html)**begins negotiations with an employer**. A threat of strike action is the main weapon that the workers has—**essentially the workers** will walk off the job if **their** collective demands are not met. For a strike to occur, **union leadership must call for a strike, which can only occur if enough union members have voted for the strike**. Each individual union has rules dictating what percentage of workers must vote for a strike in order for it to occur. Once the workers strike and stop coming to work, the business might shut down and feel financial strain, which **puts pressure on the employer and** gives the workers leverage in the negotiations**.**

#### I’ll defend the actor as an ideal government in relation to nondominating principles as per the resolution’s use of just which implies morality. If a government is just then it is one that recognizes workers’ strike.

#### The aff fiats recognition which is

<https://www.ldoceonline.com/Government-topic/recognition> // LEX JB

* Dictionary in the context of governments

the [act](https://www.ldoceonline.com/dictionary/act) of[**realizing**](https://www.ldoceonline.com/dictionary/realize)**and**[accepting](https://www.ldoceonline.com/dictionary/accept) that something is [true](https://www.ldoceonline.com/dictionary/true)**or important**

### 1AC – Offense

#### [1] Strikes give the ability to challenge dominating workplaces – it’s not a question of whether the workplace is coercive, it’s just that workers should have the freedom to strike

Gourevitch 16 [Gourevitch, Alex. "Quitting work but not the job: Liberty and the right to strike." Perspectives on Politics 14.2 (2016): 307. Yoaks + JB]

**In the United States** the law says that **private sector workers have a right to strike**.30 As part of this law **the state may not issue pre-strike injunctions nor may it criminalize collective bargaining or the taking of strike action**.31 The law also prohibits employers from blacklisting pro-union employees or requiring “yellow-dog” contracts.32 Nor may they fire a worker for defending unions or for going on strike.33 Notably, protections for pro-union workers are one of the few restrictions on the employer’s employment-at-will rights to hire and fire whomever he wants.34 This restriction means that American law recognizes that the prospect of losing one’s job is a coercive threat and therefore threatening to fire someone for striking violates his or her right to strike. That is relevant because, surprisingly, while employers may not fire pro-union workers, the **Supreme Court says that employers’ interest in maintaining production and controlling their property means they may threaten to close an entire business or relocate a plant solely because workers have threatened a strike**.35 **They are also legally permitted to hire permanent replacement workers and these workers may vote to decertify the current union**.36 The only exception to that rule is when a strike is against “unfair labor practices,” which are strikes against employers accused to violating certain labor laws themselves (e.g., discriminating against pro-union employees.) **For all normal “economic” strikes employers may explicitly threaten the entire body of workers with loss of their jobs and, though they may not fire the workers, may permanently replace them**. It is unclear what conceptual distinction lies behind the legal distinction between firing and permanent replacement or shutting down and moving since the effect on the worker is the same. As one legal scholar has put it, “the ‘right to strike’ upon risk of permanent job loss is a ‘right’ the nature of which is appreciated only by lawyers.” 37 But there it is, in law. For these reasons alone we might think **American workers do not enjoy a real right to strike**. Yet there is more.38 Workers may not organize in industry-wide unions without individual, workplace-byworkplace unionization agreements. **Strikes must also usually take place on a workplace-by-workplace rather than industry-wide basis**.39 Closed and union shops are acceptable in many states, though some prohibit even mandatory collection of dues, and the Supreme Court allows employers to ban union-organizers from their property.40 Further, the employer’s property-interest in the“core of entrepreneurial control” over hiring and firing, plant location, investment, pricing, or production processes remains outside the scope of what law and precedent have established as labor’s legitimate interests.41 **Strikes must therefore be restricted to protest unfair labor practices or negotiate narrow bread-and-butter issues like wages and hours. Workers may not engage in sympathy strikes or secondary boycotts, which includes legal prohibition on workers picketing outside stores that use or sell products made in struck workplaces**.42 To understand the consequences of that last prohibition, consider a store that is selling goods made with parts from a struck factory. Anyone who is not a worker from the striking factory may stand outside, simply as a citizen with free speech rights, and petition against shoppers spending their money there. But a worker from the striking factory may not do the same because it is considered illegal, secondary picketing. **To go on strike is therefore to lose some basic civil liberties like freedom of speech.43 In other words, the repertoire of mass, solidarity-based strikes across an industry are no longer a part of union action at least in part because they have been, since the mid-twentieth century, illegal**. There are other relevant laws and precedents, but this gives a vivid enough picture as it is.

#### [2] CPs don’t solve – strikes are uniquely good to and the best method of resisting domination through collective methods of resistance – anything else gets coopted

Gourevitch 18 [Gourevitch, Alex. "The right to strike: A radical view." American Political Science Review 112.4 (2018): 905-917. Yoaks + JB]

The radical view has a number of advantages over the liberal and social democratic accounts. First and foremost, it is a more adequate response to the facts of oppression in actually existing liberal economies. Where the liberal view recognizes no particular injustice, and the social democratic view focuses primarily on inequalities of bargaining power, the radical view is based on the social analysis sketched in the second section of this article. That social analysis identifies the full range of oppressions, and their interlocking character, that are typical of actually existing class-divided liberal societies. That is why I call this view radical: not for the sectarian frisson sometimes associated with that word but because radical means going to the root of a problem. Second, **the radical view** goes to the root not just because it properly identifies all of the relevant facts, but because it thereby more accurately identifies the kind of interest that the right to strike is supposed to protect. It **identifies the guiding interest of the right not as an interest (only) in creating fair contracts** or in distributive justice narrowly conceived **but, rather, as an interest in claiming freedom against its illegitimate limitation. Workers have an interest in not facing certain kinds of coercive restraints against their access to property, in not being subject to unfair ways of forcing them to work, in not being required to accept various kinds of labor contracts, and in not being dominated in the workplace.** These are elements of the same interest that workers have in self-determination, or in enjoying those liberties that allow them to have the personal and political autonomy they ought to. This is the full sense in which the radical view is more responsive to the facts of oppression than other accounts. This further means that the radical argument is compatible with, or at least in the neighborhood of, any number of egalitarian theories of justice—such as those arguing for property-owning democracy or for workplace democracy and free time32—that are concerned with these wider forms of unfreedom. It is, for the same reason, compatible with a wide range of socialist and other left-wing criticisms of power and unfreedom in capitalist workplaces (e.g., Arnold 2017; Ezorsky 2007;Weeks 2011). The third virtue of the radical approach is that it gives a distinct explanation for the shape of the right to strike. Recall that the liberal and the social democratic approaches can have a tendency to explain the shape of that right by reference either to (a) the basic liberties of actual liberal societies, or (b) the liberties one enjoys in an ideal constitution, or (c) through a mixture of both arguments. That form of reasoning imparts a particular shape to the right: it must respect the basic liberties with which it comes in conlict. On the best version of the social democratic view, that methodological error is avoided. But it is present in any version of the argument in which the shape of the legal right to strike one ought to enjoy is the same as or similar to the right workers exercise when suffering economic injustice. **But on the right to resist oppression view, the shape of the right is explained exclusively by reference to the liberty interest it is supposed to protect under conditions of oppression. The right is justified instrumentally, by reference to the fact that strikes are generally effective means for resisting the oppression to which workers are subject. And, further, the right is justified by reference to the interest workers have in using their own collective power to reduce and resist that oppression. Under conditions of oppression, that use of collective power is one of the primary ways workers can give expression to the demand for self-determination. But that aspect of the justification also depends upon strikes being generally effective means for resisting oppression, since otherwise they would just be collective acts of self-delusion or symbolic gestures of resistance but not acts self-determination. For that to be the case, the right to strike must include the use of at least some of the means that make strikes effective** for those subject to 32 There is a very large literature here, but to cite just a few: Stanczyk 2012; Anderson 2017; Rose 2016; O’Neill and Williamson 2012. oppression.That the right comprises permissions to use some effective means is a deining feature of the radical argument. After all, for the right to strike to protect the interest that justiies it, it must be shaped in ways that permit the right’s exercise in ways that actually protect that interest. That follows directly from the libertybased justiication of the right. So, on this account, there would be no strict prohibition on the use of coercive strike tactics like sit-downs and mass pickets.33 A fourth virtue of the radical approach follows from the third. If the radical right to strike does not contain, internal to its justification, the same restraints on the means strikers may use, there is still the question of why the right to strike would have moral priority over other basic liberties in the case of labor disputes. On the radical view, **the important point is not just that there is economic oppression but that the economic oppression that workers faced is in part created and sustained by the legal articulation and protection of those basic economic and civil liberties. Workers ind themselves oppressed because of the way property rights, contractual liberties, corporate authority, tax and labor law create and maintain that oppression. If that is the case, then the normal justiication of those liberties, which is supposed to establish their ‘basicness’ and thus priority is weak.** Their priority is normally explained by the thought that, ideally speaking, the protection of those liberties creates more or less non-oppressive, non-exploitative relations of social cooperation.34 In reality, their legal protection achieves the opposite. Meanwhile**, the right to strike, as a way of reducing that oppression has a stronger claim to be protecting a zone of activity that actually serves the aims of justice itself—of coercing people into relations of less oppressive social cooperation. That is why the right to strike would have priority over some of these basic economic and civil liberties, like property rights, freedom of contract, and freedom of association**. For the foregoing reasons,we can see why the right to strike as a right to resist oppression resolves the opening dilemma in a forceful and distinctive way. Workers may use coercive strike tactics, like sit-downs and mass pickets, because those are necessary means for the most oppressed workers to go on strike with some reasonable chance of success. The radical right to strike does not ex ante prohibit the use of those means and, given the actual social effects of the legal protection of basic liberties, it has priority over the basic liberties. Moreover, **those strikes can be aimed at the full range of oppressions workers in those industries might face— not just denial of adequate respect for their labor rights or poverty wages, but as acts of resistance to various features of workplace oppression and the unfair distribution of work requirements.** We can also see that this version of the right to strike permits—though does not require—mass civil disobedience in those frequent instances where the state decides to enforce the law against strikers. For one, the property, contract, and related laws that strikers break are the ones that create systematic oppression. **The systematic and serious character of that oppression undermines any general claim to political obligation, or local claim to an obligation to obey those laws**.35 Moreover, when the state decides, as it historically has done, that coercive strike tactics violate the law or otherwise violate the fundamental rights of legal persons, it has used sometimes quite extraordinary violence to suppress strikes.36 Workers would be within their rights to resist that illegitimate use of violence, though it will often be prudential not to do so. It is important to draw this conclusion because it is a direct implication of the argument. Moreover, if one does not agree that workers are justiied in mass civil disobedience as part of the exercise of the right to strike, then one is committed to arguing that the state is justiied in the violent suppression of strikes—a violence with a long and bloody history. One might very well draw that latter conclusion, but then one must be clear about the side one is choosing. Either workers are justiied in resisting the use of legal violence to suppress their strikes, or the state is justiied in violent suppression of coercive strike tactics. There is no way around that stark fact about the liberal state and coercive strike tactics.

#### [3] Strikes are just an extension of the right to self defense and a core part of human value

Waas 12 [Professor Dr. Bernd Waas, Goethe University Frankfurt, Germany [https://islssl.org/wp-content/uploads/2013/01/Strike-Waas.pdf September 2012](https://islssl.org/wp-content/uploads/2013/01/Strike-Waas.pdf%20September%202012)]

Second, entirely different attitudes exist towards strikes. In some countries, strikes are considered “a right to self-defence” which is not necessarily directed at the employer; in other countries, the area of admissible industrial action may be necessarily congruent with the relationship between employers and employees. In yet other countries, strikes are seen as acts of “self-empowerment” which have very little to do with a legal order granting certain powers or rights. Finally, in some countries, the right to strike is viewed as being firmly rooted in human dignity, granted to each individual worker and not waivable by him or her, and in others, the perspective may be more “technical” with a considerable power to dispose of the right to strike.

#### [4] The offense can’t be turned – strikes are an omission of action

**Benjamin 78** [Walter Benjamin, On Violence, Reflections: Essays, Aphorisms, Autobiographical Writings [Walter Bendix Schönflies Benjamin was a German Jewish philosopher, cultural critic and essayist]

This is above all the case in the class struggle, in the form of the workers' guaranteed right to strike. **Organized labor is, apart from the state, probably today the only legal subject en­titled to exercise violence. Against this view there is certainly the objection that an omission of actions, a nonaction, which a strike really is, cannot be described as violence**. Such a consideration doubtless made it easier for a state power to conceive the right to strike, once this was no longer avoidable. But its truth is not unconditional, and therefore not unrestricted. It is true that the omission of an action, or service, where it amounts simply to a "severing of relations," can be an entirely nonviolent, pure means. **And as in the view of the state, or the law, the right to strike conceded to labor is certainly not a right to exercise violence but, rather, to escape from a violence indirectly exercised by the employer**, **strikes conforming to this may undoubtedly occur from time to time and involve only a "withdrawal" or "estrangement" from the employer.** The mo­ment of violence, however, is necessarily introduced, in the form of extortion, into such an omission, if it takes place in the context of a conscious readiness to resume the suspended action under certain circumstances that either have nothing whatever to do with this action or only superficially modify it. Understood in this way, the right to strike constitutes in the view of labor, which is opposed to that of the state, the right to use force in attaining certain ends. The antithesis between the two conceptions emerges in all its bitterness in face of a revolu­tionary general strike. In this, labor will always appeal to its right to strike, and the state will call this appeal an abuse, since the right to strike was not "so intended," and take emer­gency measures.

### 1AC – Funderview

#### [1] 1ar theory since the neg can do infinite bad things and I can’t check. It’s drop the debater since the 1ar is too short to win both layers. No RVI since they’d dump on it for 6 minutes. CI since reasonability is arbitrary and bites intervention.

#### [2] Permissibility and presumption substantively affirm: a) Statements are true before false since if I told you my name, you’d believe me b) Epistemics – we wouldn’t be able to start a strand of reasoning since we’d have to question that reason. c) If anything is permissible, then definitionally so is the aff since there is nothing that prevents us from doing it d) Vote aff on optimism – act in optimistic ways because that’s happy

#### [3] No omissions: All neg theory violations and kritik links must come from the text of the AC, not the absence of specification a) I have a limited time to speak so it’s an infinite aff burden b) Race to bottom – incentivizes people to not engage the aff and make a bunch spec argument to preclude

#### [4] No neg fiat a) The resolution is a question of ought-reading a more desirable advocacy doesn’t prove that the negative is a good idea b) Resolved means firmly determined and I’m firmly determined c) Aff has to indict the squo, but they don’t defend that, nullifying any possible reason to do the aff – that’s half my speech time and all my offense