# 1AC

### Framework

#### The meta ethic is practical reason-

#### [1] Ethics must be derived a priori – moral truths exist independently of the empirical world. Prefer –

#### A] Uncertainty – our experiences are inaccessible to others which allows people to say they don’t experience the same, however a priori principles are universally applied to all agents which makes it action guiding

#### B] Naturalistic fallacy – experience only tells us what is since we can only perceive what is, not what ought to be, this means experience may be generally useful but should not be the basis for ethical action.

#### C] Induction – predicting consequences are circular because they rely on another induction to verify it like you only know the sun will come up because it did before

#### [2] Practical Reason is that procedure. To ask for why we should be reasoners concedes its authority since it uses reason – anything else is escapable and non-actionguiding which is the problem of regress. Aggregation is nonsensical since a] it impedes on one persons ends for another and b] assumes everyone values the same thing.

#### [3] Moral law must be universal—our judgements can’t only apply to ourselves any more than 2+2=4 can be true only for me – any non-universalizable norm justifies someone’s ability to impede on your ends.

Korsgaard ’83 (Christine M., “Two Distinctions in Goodness,” The Philosophical Review Vol. 92, No. 2 (Apr., 1983), pp. 169-195, JSTOR) // LEX JB [brackets for gendered language]

The argument shows how Kant's idea of justification works. It can be read as a kind of regress upon the conditions, starting from an important assumption. The assumption is that **when a rational being makes a choice or undertakes an action, [they] supposes the object to be good, and its pursuit to be justified**. At least, if there is a categorical imperative there must be objectively good ends, for then there are necessary actions and so necessary ends (G 45-46/427-428 and Doctrine of Virtue 43-44/384-385). **In order for there to be any objectively good ends, however, there must be something that is unconditionally good and so can serve as a sufficient condition of their goodness**. Kant considers what this might be**: it cannot be an object of inclination**, for those have only a conditional worth, "**for if the inclinations and the needs founded on them did not exist, their object would be without worth**" (G 46/428). It cannot be the inclinations themselves because a rational being would rather be free from them. Nor can it be external things, which serve only as means. So, Kant asserts, **the unconditionally valuable thing must be "humanity"** or "rational nature," which he defines as "the power set to an end" (G 56/437 and DV 51/392). Kant explains that **regarding your existence as a rational being as an end in itself is a "subjective principle of human action."** By this I understand him to mean that **we must regard ourselves as capable of** conferring **value upon the objects of our choice, the ends that we set, because we must regard our ends as good**. But since "every other rational being thinks of his existence by the same rational ground which holds also for myself' (G 47/429), **we must regard others as capable of conferring value by reason of their rational choices and so also as ends in themselves**. Treating another as an end in itself thus involves making that person's ends as far as possible your own (G 49/430). The ends that are chosen by any rational being, possessed of the humanity or rational nature that is fully realized in a good will, take on the status of objective goods. They are not intrinsically valuable, but they are objectively valuable in the sense that every rational being has a reason to promote or realize t hem. For this reason it is our duty to promote the happiness of others-the ends that they choose-and, in general, to make the highest good our end.

#### Thus the standard is consistency with the categorical imperative. To clarify, consequences don’t link to the framework.

#### Prefer additionally –

#### [1] Kantian theory has the best tools for fighting oppression through combatting ethical egoism and abstraction

Farr 02 [Arnold (prof of phil @ UKentucky, focusing on German idealism, philosophy of race, postmodernism, psychoanalysis, and liberation philosophy). “Can a Philosophy of Race Afford to Abandon the Kantian Categorical Imperative?” JOURNAL of SOCIAL PHILOSOPHY, Vol. 33 No. 1, Spring 2002, 17–32 // LEX JB]

**One of the most popular criticisms of Kant’s** moral philosophy is that it is too formalistic.13 That is, the universal nature of the categorical imperative leaves it devoid of content. Such a principle is useless since moral decisions are made by concrete individuals in a concrete, historical, and social situation. This type of criticism lies behind Lewis Gordon’s rejection of any attempt to ground an antiracist position on Kantian principles. The rejection of universal principles for the sake of emphasizing the historical embeddedness of the human agent is widespread in recent philosophy and social theory. I will argue here on Kantian grounds that although a distinction between the **universal and the concrete is a valid distinction, the unity of the two is required** for an understanding of human agency. The attack on Kantian formalism began with Hegel’s criticism of the Kantian philosophy.14 The list of contemporary theorists who follow Hegel’s line of criticism is far too long to deal with in the scope of this paper. Although these theorists may approach the problem of Kantian formalism from a variety of angles, the spirit of their criticism is basically the same: The universality of the categorical imperative is an abstraction from one’s empirical conditions. Kant is often accused of making the moral agent an abstract, empty, noumenal subject. Nothing could be further from the truth. The Kantian subject is an embodied, empirical, concrete subject. However, this concrete subject has a dual nature. Kant claims in the Critique of Pure Reason as well as in the Grounding that human beings have an intelligible and empirical character.15 It is impossible to understand and do justice to Kant’s moral theory without taking seriously the relation between these two characters. The very concept of morality is impossible without the tension between the two. By “empirical character” Kant simply means that we have a sensual nature. We are physical creatures with physical drives or desires. The very fact that **I cannot simply satisfy my desires without considering the rightness or wrongness of my actions suggests that my empirical character must be held in check** by something, or else I behave like a Freudian id. My empiri- cal character must be held in check by my intelligible character, which is the legislative activity of practical reason. **It is through our intelligible character that we formulate principles that keep our empirical impulses in check. The categorical imperative is the supreme principle of morality that is constructed by the moral agent in his/her moment of self-transcendence.** What I have called self-transcendence may be best explained in the following passage by Onora O’Neill: In restricting our maxims to those that meet the test of the categorical imperative we refuse to base our lives on maxims that necessarily make our own case an exception. The reason why a universilizability criterion is morally signiﬁcant is that it makes our own case no special exception (G, IV, 404). In accepting the Categorical Imperative we accept the moral reality of other selves, and hence the possibility (not, note, the reality) of a moral community. **The Formula of Universal Law enjoins no more than that we act only on maxims that are open to others also**.16 O’Neill’s description of the universalizability criterion includes the notion of self-transcendence that I am working to explicate here to the extent that like self-transcendence, universalizable moral principles require that the individ- ual think beyond his or her own particular desires. **The individual is not allowed to exclude others as rational moral agents who have the right to act as he acts in a given situation.** For example, if I decide to use another person merely as a means for my own end I must recognize the other person’s right to do the same to me. I cannot consistently will that I use another as a means only and will that I not be used in the same manner by another. Hence, the universalizability criterion is a principle of consistency and a principle of inclusion. That is, in choosing my maxims I attempt to include the perspective of other moral agents. … Whereas most criticisms are aimed at the formulation of universal law and the formula of autonomy, our analysis here will focus on the formula of an end in itself and the formula of the kingdom of ends, since we have already addressed the problem of universality. The latter will be discussed ﬁrst. At issue here is what Kant means by “kingdom of ends.” Kant writes: “By ‘kingdom’ I understand a systematic union of different rational beings through common laws.”32 The above passage indicates that Kant recognizes different, perhaps different kinds, of rational beings; however, the problem for most critics of Kant lies in the assumption that Kant suggests that the “kingdom of ends” requires that we abstract from personal differences and content of private ends. The Kantian conception of rational beings requires such an abstraction. Some feminists and philosophers of race have found this abstract notion of rational beings problematic because they take it to mean that rationality is necessarily white, male, and European.33 Hence, the systematic union of rational beings can mean only the systematic union of white, European males. I ﬁnd this interpretation of Kant’s moral theory quite puzzling. Surely another interpretation is available. That is, the implication that in Kant’s philosophy, rationality can only apply to white, European males does not seem to be the only alternative. The problem seems to lie in the requirement of abstraction. There are two ways of looking at the abstraction requirement that I think are faithful to Kant’s text and that overcome the criticisms of this requirement. **First, the abstraction requirement may be best understood as a demand for intersubjectivity or recognition. Second, it may be understood as an attempt to avoid ethical egoism in determining maxims for our actions.** It is unfortunate that Kant never worked out a theory of intersubjectivity, as did his successors Fichte and Hegel. However, this is not to say that there is not in Kant’s philosophy a tacit theory of intersubjectivity or recognition. The abstraction requirement simply demands that in the midst of our concrete differences we recognize ourselves in the other and the other in ourselves. That is, we recognize in others the humanity that we have in common. Recognition of our common humanity is at the same time recognition of rationality in the other. We recognize in the other the capacity for selfdetermination and the capacity to legislate for a kingdom of ends. This brings us to the second interpretation of the abstraction requirement. **To avoid ethical egoism one must abstract from (think beyond) one’s own personal interest and subjective maxims. That is, the categorical imperative requires that I recognize that I am a member of the realm of rational beings.** Hence, I organize my maxims in consideration of other rational beings. Under such a principle other people cannot be treated merely as a means for my end but must be treated as ends in themselves. **The merit of the categorical imperative for a philosophy of race is that it contravenes racist ideology to the extent that racist ideology is based on the use of persons of a different race as a means to an end rather than as ends in themselves.** Embedded in the formulation of an end in itself and the formula of the kingdom of ends is the recognition of the common hope for humanity. That is, maxims ought to be chosen on the basis of an ideal, a hope for the amelioration of humanity. This ideal or ethical commonwealth (as Kant calls it in the Religion) is the kingdom of ends.34 Although the merits of Kant’s moral theory may be recognizable at this point, we are still in a bit of a bind. It still seems problematic that the moral theory of a racist is essentially an antiracist theory. Further, what shall we do with Henry Louis Gates’s suggestion that we use the Observations on the Feeling of the Beautiful and Sublime to deconstruct the Grounding? What I have tried to suggest is that instead of abandoning the categorical imperative we should attempt to deepen our understanding of it and its place in Kant’s critical philosophy. A deeper reading of the Grounding and Kant’s philosophy in general may produce the deconstruction35 suggested by Gates. However, a text is not necessarily deconstructed by reading it against another. Texts often deconstruct themselves if read properly. To be sure, the best way to understand a text is to read it in context. Hence, if the Grounding is read within the context of the critical philosophy, the tools for a deconstruction of the text are provided by its context and the tensions within the text. Gates is right to suggest that the Grounding must be deconstructed. However, this deconstruction requires much more than reading the Observations on the Feeling of the Beautiful and Sublime against the Grounding. It requires a complete engagement with the critical philosophy. Such an engagement discloses some of Kant’s very signiﬁcant claims about humanity and the practical role of reason. With this disclosure, deconstruction of the Grounding can begin. **What deconstruction will reveal is not necessarily the inconsistency of Kant’s moral philosophy or the racist or sexist nature of the categorical imperative, but rather, it will disclose the disunity between Kant’s theory and his own feelings about blacks and women. Although the theory is consistent and emancipatory and should apply to all persons, Kant the man has his own personal and moral problems. Although Kant’s attitude toward people of African descent was deplorable, it would be equally deplorable to reject the categorical imperative without ﬁrst exploring its emancipatory potential.**

#### [2] Contesting aff framework is a voting issue – I have to win my framework and beat the NC before I can access case, whereas you can collapse to either layer or dump on offense for 7 minutes as a no-risk issue which kills reciprocity. Also encourages topic education because we focus on the topic. Ground – a) I can’t cut cards and have ground under their framework in 4 minutes of prep time – they can because they have generics and disclosure b) philosophy is written in response to each other but not vice versa, like hegel and kant – negs will just pick an unanswerable framework.

#### [3] Analytical philosophy means anyone can generate offense under the framework with analytics without evidence – couple impacts

#### a) Accessibility – util disproportionately favors evidence-based debate which is what big schools with coaching staffs have which kills small school engagement

#### b) Ground – it ensures that there’s always offense on both sides whereas util might skew against an uninherent aff because of what countries do

#### c) Critical thinking – ensures that you engage and contest offense instead of running to cards for argumentation

#### [4] Ideal theory is in no way incompatible with a radical agenda—broad principles can inspire broad sweeping change and allow previously-excluded groups to claim political agency.

**Holmstrom** [Holmstrom, Nancy [Prof. Emeritus @ Rutgers]. "Response to Charles Mills's." Radical Philosophy Review 15.2 (2012): 325-330.] [recut by Lex CH]

We have to speak to people where they are, he says, and that means appealing to core values of liberalism: **individualism, equal rights and moral egalitarianism**. Against what he calls the conventional wisdom among radi- cals, he argues that **there is no inherent incompatibility between these values and a radical agenda**. If these values are suitably interpreted, I think he is absolutely right. Over two hundred years ago, Mary **Wollstonecraft and** Toussaint **Louverture took** the **abstract universalistic principles** of the French Revolution **and extended them to groups they were intended to exclude**. Gradually and incompletely women and blacks and landless men have achieved the democratic rights promised to all (in words) by the anti-feudal revolution. So I agree with Charles that such universalistic principles have great value; **even if usually applied in self-serving ways, they have a deeply radical potential** and it would be foolish of radicals to reject them, any more than we should reject all of the technological developments of the Indus- trial Revolution which also developed with the rise of capitalism. in fact, few American radicals have rejected these aspects of liberalism in their politi- cal practice but have been their strongest champions since the Revolution; socialists of all kinds helped to build the labor and civil rights movements.

### 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**.**

#### 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**

#### Enforcement through IFAs is normal means – that solves credibility concerns and legal loopholes which encourages striking.

### Offense

#### **[1] The formula of autonomy demands a workers’ right to strike. The NC’s universalizability objections WILL miss the boat – it’s a question of how workers exercise their agency and autonomy which outweighs**

**Chima 13** [Chima, S. C. (2013). Global medicine: Is it ethical or morally justifiable for doctors and other healthcare workers to go on strike? BMC Medical Ethics, 14(Suppl 1), S5. doi:10.1186/1472-6939-14-s1-s5 // LEX JB]

Some philosophers have described moral obligations or duties, which ought to guide ethical behavior, such as the duty of fidelity or the obligation to keep promises, and beneficence - the obligation to do ‘good’ [10]. However, it has been suggested that some other equally compelling moral duties or ethical obligations may conflict with the above duties, such as the right to justice. Justice is the right to fair treatment in light of what is owed a person [63]. For example, it may be argued that everybody is equally entitled to a just wage for just work. The philosopher Immanuel Kant based his moral theory on a categorical imperative which encourages moral agents to act, based on a principle, which they would deem to become a universal law [64]. One can argue that the decision by any HCW to go on strike may not be universalisable. However, looking at this decision from the principle of respect for autonomy, or freedom of choice, one can conclude that individual autonomy is a sentiment which is desirable for all human beings. Accordingly, every worker should be free to choose whether to work or not, based on a whether any specific set of conditions of their own choosing have been met. Kant argues further that moral agents or individuals should be treated, “whether in your own person or in that of any other, never solely as a means, but always as an end” [64]. This idea that individuals should be treated as ends in themselves has influenced political philosophy for centuries, and stresses the libertarian ideology that people should not have their individual freedoms curtailed either for others or for the good of society in general [10,64]. From this axiomatic considerations, one can conclude that it would be unethical for people to be used as slaves or be forced to work for inadequate wages or under slave-like conditions [4,10,12,51]. The issue of HCW strikes can also be analyzed from utilitarian principles as formulated by one of its major disciples JS Mills as follows [65]: The creed which accepts as the foundation of morals, utility, or the greatest happiness principle, holds that Chima BMC Medical Ethics 2013, 14(Suppl 1):S5 http://www.biomedcentral.com/1472-6939/14/S1/S5 Page 6 of 10 actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness.

#### [2] Recognizing ability to strike is a unique obligation of the institution – anything else allows coercive workplaces and treating workers as a means to an end

**Howard 20** [Danielle Howard,, Mar 2020, "What Should Physicians Consider Prior to Unionizing?," Journal of Ethics | American Medical Association, [https://journalofethics.ama-assn.org/article/what-should-physicians-consider-prior-unionizing/2020-03 //](https://journalofethics.ama-assn.org/article/what-should-physicians-consider-prior-unionizing/2020-03%20//) LEX JB]

* Written in the context of doctors, warrant can be used for all jobs

When discussing ethics, practicalities, and outcomes of physician unions, the focus is almost always entirely on physicians. Yet to place the weight of responsibility for patient care entirely on unionized clinicians is unjust, as Kant’s reasoning applies to the employing organization as well (hereafter referred to as “the health system”). The health system benefits from physicians providing patient care; if it then creates working conditions that its employed clinicians do not find sustainable, it violates the categorical imperative by using clinicians as a means to its end. The same can be said of patients, who are used as means to an end if the health system places restrictions on patient care for financial gain. When evaluating the ethics of physician unionization, it is important to realize that the health system has its own corporate social responsibility to both patients and physicians that is independent of physicians’ commitment to patient care.26 Physicians are expected to consider the effects that their unionization will have on the patient population because they have a responsibility to patient care. The health system shares equally in this responsibility.

#### [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.

### UV

#### [1] Reject ontology arguments – a) Pascal’s wager – if ontology is false and we act as though it’s true we justify infinite unjust violence while cruel optimism is a marginal impact b) All agents are a priori equal – everyone has equal access to subjectivity, it is only social a postieri conditions that determine that access, which is why the external world is an unreliable basis for ethics, because those social conditions can always be reformulated c) Progress is possible – even if progress is slow it is undeniable that things like the legalization of gay marriage was good and an indication of progress – equating oppression in the squo to the violence of the 1900s just ignores things like scope and magnitude since even if things like futurism is bad, it doesn’t effect nearly as many people which is still progress even if marginal e) The ideology of pessimism is psychologically violent since it locks in a state of depression for certain people that nothing will ever be good for them f) impact justified – there is no normative demand from the subject, just that the subject is x. Means every round dissolves to oppression Olympics g) descriptive subjectivity means it is impossible to engage since the offense only flows one way

#### [2] **Ontology cedes the political**

McCluskey 8 (Martha McCluskey 8, Professor of Law and William J. Magavern Faculty Scholar @ SUNY Buffalo Law, How Queer Theory Makes Neoliberalism Sexy, Buffalo Legal Studies Research Paper No. 2008-15)

Queer theory's anti-moralism works together with its anti-statism to advance not simply "politics," but a specific vision of good "politics" seemingly defined in opposition to progressive law and morality. This anti-statist focus distinguishes queer theory from other critical legal theories that bring questions of power to bear on moral ideals of justice. Kendall Thomas (2002), for example, articulates a critical political model that sees justice as a problem of "power, antagonism, and interest," (p. 86) involving questions of how to constitute and support individuals as citizens with interests and actions that count as alternative visions of the public. Thomas contrasts this political model of justice with a moral justice aimed at discovering principles of fairness or institutional processes based in rational consensus and on personal feelings of respect and dignity. Rather than evaluating the moral costs and benefits of a particular policy by analyzing its impact in terms of harm or pleasure, Thomas suggests that a political vision of justice would focus on analyzing how policies produce and enhance the collective power of particular "publics" and "counterpublics" (pp. 91—5). From this political perspective of justice, neoliberal economic ideology is distinctly moral, even though it appears to be anti-moralist and to reduce moral principles to competition between self-interested power. Free-market economics rejects a political vision of justice, in this sense, in partbecause of its expressed anti-statism**:** it turns contested normative questions of public power into objective rational calculations of private individual sensibilities. Queer theory's similar tendency to romanticize power as the pursuit of individualistic pleasure free from public control risks disengaging from and disdaining the collective efforts to build and advance normative visions of the state that arguably define effective politics. Brown and Halley (2002), for instance, cite the Montgomery bus boycott as a classic example of the left's problematic march into legalistic and moralistic identity politics. In contrast, Thomas (2002) analyzes the Montgomery bus boycott as a positive example of a political effort to constitute a black civic public, even though the boycott campaign relied on moral language to advance its cause, because it also emphasized and challenged normative ideas of citizenship (p. 100, note 14). By glorifying rather than deconstructing the neoliberal dichotomy between public and private, between individual interest and group identity, and between demands for power and demands for protection, queer theory's anti-statism and anti-moralism plays into a right-wing double bind. In the current conservative political context, the left appears weak both because its efforts to use state power get constructed as excessively moralistic (the feminist thought police, or the naively paternalistic welfare state) and also **because** its efforts to resist state power get constructed as excessively relativist **(**promoting elitism and materialism instead of family values and community well-being**).** The right, on the other hand**,** has it both ways, asserting its moralism as inherent private authority transcending human subjectivity (as efficient market forces, the sacred family, or divine will) and defending its cultivation of self-interested power as the ideally virtuous state and market (bringing freedom, democracy, equality to the world by exercising economic and military authoritarianism). From Egalitarian Politics to Renewed Conservative Identity Queer theory's anti-statism and anti-moralism risksnot onlyreinforcing right-wing ideology**,** but alsoinfusing that ideology with energy from renewed identity politics. Susan Fraiman (2003) analyzes how queer theory (along with other prominent developments in left academics and culture) tends to construct left resistance as a radical individualism modeled on the male "teen rebel, defined above all by his strenuous alienation from the maternal" (p. xii). Fraiman observes that this left vision relies on "a posture of flamboyant unconventionality [that] coexists with highly conventional views of gender [and] is, indeed, articulated through them" (p. xiii). Fraiman links recent left contempt for feminism to a romantic vision of "coolness ... epitomized by the modem adolescent boy in his anxious, self-conscious and theatricalized will to separate from the mother" who is by definition uncool—controlling, moralistic, sentimental and not sexy. (p. xii). Even though queer theory distinguishes itself from feminism by repudiating dualistic ideas of gender, its anti-foundationalism covertly promotes an essentialist "binary that puts femininity, reproduction, and normativity on the one hand, and masculinity, sexuality, and queer resistance on the other" (p. 147). This binary permeates queer theory's condemnation of "governance feminism."(Brown and Halley, 2002; Wiegman, 2004) a vague category mobilizing images of the frumpy, overbearing, unexciting, unfunny, and not-so-smart "schoolmarm" (Halley, 2002) whose authority will naturally be undermined when real "men" appear on the scene. Suggesting the importance of gender conventions to the term's power, similar phrases do not seem to have gained comparable academic currency as a way to deride the complex regulatory impact of other specific uses of state authority -for instance postmodernists do not seem to widely denounce "governance anti-racism," "governance socialism," "governance populism," "governance environmentalism" or "governance masculinism" (though Brown and Halley do criticize progressive law reform more generally with the term "governance legalism" (p. 11)). Queer attraction to an adolescent masculinist idea of the "cool' dovetails smoothly with the identity politics of the right**.** Right-wing politics and culture similarly condemn progressive and feminist policies with the term "nanny state" (McCluskey, 2000; 2005a). The "nanny state" epithet enlists femaleness or femininity as shorthand to make some government authority feel bad to those comfortable with or excited by a masculinist moral order, it adds to this sentimental power by coding the maternal authority to be resisted as a "nanny" (rather than simply a "mommy"), enlisting identities of class, age—and perhaps race and nationality—to enhance uncritical suspicions of disorder and illegitimacy. T**h**e "nanny state" slur tells us that a rougher and tougher neoliberal state, market, and family will bring the grown-up pleasures, freedom, and power that are the mark and privilege of ideal manhood. The "nanny state" is not an isolatedexample of the use of gender identity to disparage progressive or even centrist policies that are not explicitly identified as feminist or gender-related. For example, "girlie-man" gained currency in the 2004 presidential election to disparage opposition to George W. Bush's right-wing economic and national security policies (Grossman and McClain, 2004), and and in 2008 critics of presidential candidate Barack Obama similarly linked him to disparaging images of femininity (Campanile 2008; Faludi 2008). These terms open a window into the connections between economic libertarianism and moral fundamentalism. Libertarianism's anti-statism and anti-moralism requires sharp distinctions between public and private, morality and power, individual freedom and social coercion. The problem, if we assume these distinctions are not self-evident facts, is that libertarianism must refer covertly to some external value system to draw its lines. Identity conventions have long helped to do this work, albeit in complex and sometimes contradictory ways. Power appears weak, deceptive, illegitimate, manipulative, controlling, undisciplined, oppressive, exceptional, or naive if it is feminized; but strong, self-satisfying, public-serving, protective, orderly, rational, and a normal exercise of individual freedom if it is masculinized. Conventional political theory and culture identifies legitimate authority with an idea of a masculine power aimed at policing supposedly weaker or subordinate others. A state that publicly depends on and promotes such powerenhances rather than usurps private freedom and security in citizenship, market, and family, according to the traditional theory of the patriarchal household as model for the state (see Dubber, 2005). Queer theory updates this pre-modern political ideology into smart postmodernism and transgressive politics by re-casting its idealized masculine power in the image of a youthful and sexy disdain for feminized concerns about social, bodily, or material limits and support. In her challenge to this queer romanticization of "coolness," Fraiman (2003) instead urges a feminism that will "question a masculinity overinvested in youth, fearful of the mutable flesh, and on the run from intimacy ... [to] claim, in its place, the jouissance of a body that is aging, pulpy, no longer intact... a subject who is tender-hearted ... who is neither too hard nor too fluid for attachment; who does the banal, scarcely narratable, but helpful things that moms' do" (p. 158). Feminist legal theory concerned with economic politics adds to this alternative vision an ideal that advances and rewards the pleasure, power, and public value of the things done by some of those moms' nannies (McCluskey, 2005a)—or by the many others engaged in the work (both paid and unpaid) that sustains and enhances others' pleasure and power in and out of the home (McCluskey, 2003a; Young, 2001). One means toward that end would be to make the domestic work (and its play and pleasure) conventionally treated as both banal or spiritual (see Roberts, 1997b) deserving of a greater share of state and market material rewards and resources on a more egalitarian basis, as Fineman's (2004) vision would do.

### UV 2

#### [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

#### [3] 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 d) 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

#### [4] Negative may not read more than 1 off case position as the affirmative can only read 1 position, K2 reciprocity

#### [5] RVI on NC theory – you can read arguments such as T that are exclusively neg so I need them to compensate

#### [6] Reject Determinism – a) proves that we should never do anything because there’s no purpose to attempts which justifies never solving violence b) it affirms because the aff can be uninherent which means it was already determined c) all the arguments are just reasons why you can’t do the aff which triggers presumption.

#### [7] Utilitarian calculus fails to account for moral atrocities.

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According to utilitarianism, an action is moral when it produces the great-est amount of happiness for the greatest number of people. A problem arises, however, when the greatest happiness is achieved at the expense of a few. For example, **if a large group were to enslave a very small group, the large group would gain certain comforts and luxuries (and the pleasure that accompanies those comforts) as a result of the servitude of the few**. **If we were to follow the utilitarian calculus** strictly, **the suffering of a few (even intense suffering) would be outweighed by the pleasure of a large enough majority**. A thousand people’s modest pleasure would outweigh the suffer-ing of 10 others. Hence, utilitarianism would seem to endorse slavery when it produces the greatest total amount of happiness for the greatest number of people. This is obviously a problem for utilitarianism. **Slavery and oppression are wrong regardless of the amount of pleasure accumulated by the oppressing class. In fact, when one person’s pleasure results from the suf-fering of another, the pleasure seems all the more abhorrent.** The preceding case points to a weakness in utilitarianism, namely, the weak-ness in dealing with certain cases of injustice. Sometimes it is simply unjust to treat people in a certain way regardless of the pleasurable consequences for others. A gang rape is wrong even if 50 people enjoy it and only one suffers. It is wrong because it is unjust. To use Kant’s formulation, it is always wrong to treat anyone as a mere means to one’s own ends. When we enslave, rape, and oppress, we are always treating the victim as a means to our own ends.