# 1NC

## 1 - Theory

**Interpretation: all affirmative pre-emptive theory arguments must be placed at the top of the 1AC.**

**Violation: They’re not at the top**

**Standards:**

1. **Prep Skew – spikes on the bottom force me to create my 1NC strategy while reading the doc pre-round then totally alter it once I see the spikes – destroys a huge portion of my prep time. Saying “spikes on bottom” at the top doesn’t solve because I don’t know if you’ll get through all the spikes, which forces me to form multiple 1NCs that each counter different spikes, further skewing prep. Fair prep time is k2 fairness because the aff will have an unfair advantage if I haven’t had sufficient time to prep out their case.**
2. **Substance education – spikes on top mean I can plan out a better 1NC strategy that has more clash, leading to increased education on the topic.**

**Voters:**

**Fairness is a voter because**

1. **The only way a judge can determine who’s better is if we enter the debate on an even playing field.**
2. **People quit if they lose to unfair arguments so fairness is a prereq to debate’s existence.**

**Education is voter because:**

1. **It’s the only portable benefit of debate.**
2. **It’s the only reason we get funding.**

**Theory is drop the debater:**

1. **Only DTD enables theory to deter bad behavior and be a tool for norm setting. Drop the Arg just lets them dodge whatever they did wrong with barley any consequences.**
2. **Dropping the arg can’t rectify past abuse because the 1AC was uniquely bad, so there should be a consequence.**

**No RVI’s:**

1. **they’re illogical – it doesn’t make sense to reward someone for not doing anything bad. People need to do good things to win.**
2. **RVI’s chill legitimate theory, justifying even more abuse.**

**Competing Interps:**

1. **Reasonability usually lacks a brightline and favors unnecessary judge intervention.**
2. **Reasonability lets them arbitrarily choose a brightline that favors their arguments – skews fairness.**

## 2 - NC

#### The reason morality exists in the first place is to regulate our actions towards others. If any moral code is not motivational then there is no reason to do what is right and that code merely fails to escape the skeptical conclusion. Motivational externalism collapses into internalism.

**Joyce 1**, Richard (Professor of Philosophy at Victoria University Wellington, New Zealand). The Myth of Morality. 2001. [Bracketed for grammatical clarity] //Park City NL

Back to the [Suppose] external reason[s]. Suppose it were claimed, instead, that I have a reason to refrain from drinking the coffee because it is tapu and must not be touched. This reason claim will be urged regardless of what I may say about my indifference to tapu, or my citing of nihilistic desires to tempt the hand of fate. [r]egardless of my desires (it is claimed) I ought not drink - l have a reason not to drink. But how could that reason ever explain any action of mine? Could the external reason even explain my [action] from drinking? Clearly, in order to explain it the external reason must have some causally efficacious role [in] among the antecedents of the action (in this case, an omission) — l must have in some manner. "internalized" it. The only possibility, it would seem, consistent with its being an external reason, is that I believe the external reason claim [but] : I believe that the coffee is tapu. There's no doubting that such a belief can play a role in explaining actions - including my refraining from drinking the coffee. The question is whether the belief alone can[not] produce action, to which the correct answer is “No.” A very familiar and eminently sensible view says that **in** order to explain an action the belief must couple with desires (such that those same desires had in the absence of the belief would not have resulted in the action). And this seems correct: if I believe that the coffee is [bad] tapu but really just don’t care about that, then I will not refrain from drinking it. So in order for the belief to explain action it must couple with [desire] elements - but in that case the putative external reason collapses into an internal one.

#### Additionally, agents can only be motivated by their own desires; not the external desires of another because:

#### [A] External desires are inaccessible through empirical uncertainty – an evil demon could deceive us, we could be dreaming, or in a simulation, and we’re unable to know others’ experiences, so externalism is an unreliable basis for ethics since we can only verify and access internal drives.

#### [B] Individuals have unlimited wants and those are not communicated, so we never know what others want

#### [C] We only care about our own desires as individuals are self interested and don’t care about helping others, even if we did know how to help.

#### Only a contractarian system that derives principles of mutual restraint from individuals’ self-interest account for this fact because contractarian principles are necessarily in the interest of all parties involved because they wouldn’t constrain their action against their will.

**Gauthier 86** Gauthier, David P. *Morals by Agreement*. Oxford: Clarendon, 1986. Print. // Park City NL

Moral principles are introduced as the objects of full voluntary ex ante agreement among rational persons. Such agreement is hypothetical, in supposing a pre-moral context for the adoption of moral rules and practices. But the parties to agreement are real, determinate individuals, distinguished by their capacities, situations, and concerns. In so far as [Since] they would agree to constraints on their choices, restraining their pursuit of their own interests, they acknowledge a distinction between what they may and may not do. As rational persons understanding the structure of their interaction, they recognize for mutual constraint, and so for a moral dimension in their affairs.

#### Additionally, self-interest is determined at the time of the original decision to rise to a norm of mutual self-restraint. For example, I might say that eating ice cream is in my self-interest because I’m hungry even if it will lead to extinction somehow in the future.

#### Thus, the standard is consistency with contractarian principles of mutual restraint, defined as those principles by which individuals would constrain their actions with the belief that doing so would serve their self-interest.

#### Prefer additionally:

#### [1] Consent – contractarianism is based on consent – implicit in acceptance of a contract – which ultimately determines what qualifies as good or evil. Moral theories must be based in consent otherwise actions could never be determinate.

**Enoch 15** David Enoch. “Against Public Reason.” Central European University. 2015.

Recall the characteristic feature of public reason accounts – in order to reconcile liberty and authority, they require that the relevant authority or principles be justified to all those subject to the authority.And while falling short of requiring consent, this requirement does require some kind of engagement of the subjects as they actually are. But this creates a problem, at least in the context of hoping to vindicate some contemporary states. The problem is that actual citizens of actual large-scale contemporary states are a very varied bunch. Different people are committed – sometimes even in the deepest ways – **to all sorts of views and doctrines,** they value – even intrinsically – all sorts of different things. If the justifications offered to them are to engage them as they actually are – perhaps based on principles they accept, or on the values they hold dear, or on what is already there in their motivational set – then it’s hard to believe that there is anything at all that can be justified to all. This is perhaps clearest on consensus versions of public reason accounts, according to which for a political principle (e.g.) to be legitimate there must be a justification for it that is available (in the relevant way) to all11. **But it** remains true even on convergence views, according to which the condition **necessary for legitimacy is just that for any citizen, there’s a justification available to her** (without the further requirement that it must be the very same justification that’s available to all)12 . So long as the justification-to requirement is non-vacuous, and so long as the relevant constituency consist of all the citizens of a contemporary state as we actually find them, it’s hard to imagine anything at all passing the bar.

#### [2] Infinite Regress – Only contractarianism can avoid an infinite regress. When we look to an external authority to derive normative conceptions of the good, we are left wondering why a certain good is actually good. Any conception of morality and what people are due begs the question of why our assessment of individual dues ought be preferred over other assessments. Contractarianism avoids this by allowing individuals to construct conceptions of the good based on a rational restriction of their future actions.

#### [3] Performativity – You agree to 4 minutes of prep and if you tried to go over the judges would down you or tell the tournament to DQ you. Their very performance justifies the NC framework and proves the AC collapses to the NC.

#### Negate:

#### Strikes inhibit the ability to create contracts, create power imbalances, and violate individual contracts.

Levine 1, Peter. "The Libertarian Critique of Labor Unions." Philosophy and Public Policy Quarterly 21.4 (2001): 17-24. (Peter Levine is the Associate Dean for Research and Lincoln Filene Professor of Citizenship & Public Affairs in Tufts University’s Jonathan Tisch College of Civic Life. He has secondary appointments in the Tufts Philosophy Department and the Tufts Clinical and Translational Sciences Institute. He was the founding deputy director (2001-6) and then the second director (2006-15) of Tisch College’s CIRCLE, The Center for Information and Research on Civic Learning and Engagement, which he continues to oversee as an associate dean.) JG

Libertarians strongly defend freedom of choice and association. Thus, when workers choose to act collectively, negotiate together, or voluntarily walk off the job, libertarians have no reasonable complaint--even if other people are harmed--because they support the right to make and exit voluntary partnerships. But unions gain strength **by overriding private rights.** They routinely block anyone from working **under a non-union contract**, and they prevent employers from making offers--even advantageous ones--to individual workers unless the union is informed and consents. Unions declare strikes and establish picket lines to prevent **customers and workers** from **entering company property**; they may **fine employees who cross these lines.** They also extract fees from all workers who are covered by their contracts. Although covered workers may avoid paying for certain union functions (such as lobbying) that are not germane to contract issues, they must pay for strikes and other activities that some of them oppose. The great libertarian theorist Friedrich Hayek concluded that unions “are the one institution where government has signally failed in its first task, that of preventing coercion of men by other men--and by coercion I do not mean primarily the coercion of employers but the coercion of workers by their fellow workers.” Hayek may have been thinking mainly of corrupt and unaccountable union leaders. But even a completely democratic union sometimes supplants private rights. As libertarians like Morgan O. Reynolds point out, majorities within a union are able to ignore minorities’ preferences.

## Case

### Hijack

#### 1. Pleasure/Happiness/Well-being is arbitrarily defined – can’t universally guide action if we don’t know what it is

Medvedev and Landhuis 18

Medvedev, Oleg N, and C Erik Landhuis. “Exploring constructs of well-being, happiness and quality of life.” *PeerJ* vol. 6 e4903. 1 Jun. 2018, doi:10.7717/peerj.4903. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5985772/>

1 School of Medicine, University of Auckland, Auckland, New Zealand,

2 School of Social Sciences and Public Policy, Auckland University of Technology, Auckland, New Zealand,

Medvedev: 1 School of Medicine, University of Auckland, Auckland, New Zealand,

2 School of Social Sciences and Public Policy, Auckland University of Technology, Auckland, New Zealand,

School of Medicine, University of Auckland, Auckland, New Zealand. Landhuis: School of Social Sciences and Public Policy, Auckland University of Technology, Auckland, New Zealand. // Park City NL

The existing definitions of happiness, subjective well-being, and health related quality of life and the main components assigned to these constructs in the research literature (see Table 1) suggest conceptual overlap between these dimensions (Camfield & Skevington, 2008). Quality of life was defined in the cross-cultural project of the World Health Organization (WHO) as: An individual’s perception of their position in life, in the context of the culture and value systems in which they live, and in relation to their goals, expectations, standards, and concerns. It is a broad ranging concept, affected in a complex way by the person’s physical health, psychological state, level of independence, social relationships and their relationships to salient features of their environment. The new reconceptualization of subjective well-being assumed to be synonymous of happiness by Diener (2006, p. 400) as: “An umbrella term for different valuations that people make regarding their lives, the events happening to them, their bodies and minds, and the circumstances in which they live” resulted in greater theoretical convergence between these constructs. This raises an issue as to the point in which conceptual overlap invites redundancy, and whether one or the other of the terms is now surplus to requirements. Historically, humans strived to achieve happiness and considered it the most important goal in life (Compton, 2005). Cross-cultural research provide supporting evidence for primacy of happiness compared to other individual values such as physical health, wealth or love (Kim-Prieto et al., 2005; Skevington, MacArthur & Somerset, 1997). Essentially, other human goals are valued because they are believed to give rise to happiness (Csikszentmihaliy, 1992). Initially psychology was dealing with mental health issues affecting physical and social functioning of an individual (Andrews & McKennell, 1980; Beck, 1991, 1993). Happiness, well-being, and quality of life have only attracted increased interest of psychologists by the end of the 20th century resulting in growing research in this area (Diener, 1984; WHOQOL Group, 1998a, 1998b). Happiness and well-being research became increasingly important in the economics’ context (Kristoffersen, 2010), and well-being data are widely used along with economic indicators by economists (Kahneman & Krueger, 2006). Currently, **there is no agreement between researchers in defining happiness and its related constructs** (Diener, 2006; Diener et al., 2010; Rojas & Veenhoven, 2013; Kern et al., 2014; Shin & Johnson, 1978). In the literature **happiness is often called subjective well-being** (Diener, 2006; Hills & Argyle, 2002), **emotional well-being, positive affect** (Brandburn, 1969; Fordyce, 1988), **and quality of life** (Diener, 2000; Ratzlaff et al., 2000; Shin & Johnson, 1978), **which suggests that the meanings of happiness may depend on the context** (Diener, 2006; Carlquist et al., 2016). Elsewhere, subjective happiness was defined as “a global evaluation of life satisfaction” (Diener, 2006, p. 400). In the same way, subjective well-being was defined as “evaluations of life quality” (Andrews & McKennell, 1980, p. 131). These definitions indicate close relationship between the constructs of happiness, subjective well-being, quality of life, and life satisfaction. More recently subjective well-being was proposed as more appropriate “Big One” including the relevant aspects of global well-being (Diener, 2006; Kashdan, Biswas-Diener & King, 2008).

#### 2. Different things cause different people pleasure – that leads to conflict over what’s ethical under util. Empirics prove: people disagree on whether policies will have a positive outcome so they can’t determine what’s the solution.

**That mean util collapses into the state of nature: when people disagree on what actions are good, absent authority, there are endless resource wars, moralistic conflicts, and violent personal disputes.**

#### Therefore, people must enter into a Hobbesian social contract in which a sovereign authority, like the government, mediates disputes and creates ethical rules.

Parrish 04 [Parrish, Rick, [Rick Parrish teaches at Loyola University New Orleans. His current research is focused on the play of violence and respect within justice.] "Derrida’S Economy Of Violence In Hobbes’ Social Contract" Theory &amp; Event, Vol. 7 No. 4, 2005, 2005, http://muse.jhu.edu/article/244119#back, DOA:6-30-2018 // WWBW]

All of the foregoing points to the conclusion that in the commonwealth the sovereign's first and most fundamental job is to be the ultimate definer. Several other commentators have also reached this conclusion. By way of elaborating upon the importance of the moderation of individuality in Hobbes' theory of government, Richard Flathman claims that peace "is possible only if the ambiguity and disagreement that pervade general thinking and acting are eliminated by the stipulations of a sovereign."57 Pursuant to debunking the perennial misinterpretation of Hobbes' mention of people as wolves, Paul Johnson argues that "one of the primary functions of the sovereign is to provide the necessary unity of meaning and reference for the primary terms in which men try to conduct their social lives."58 "**The whole [reason for]** raison d'être of **sovereign helmsmanship lies** squarely **in the** chronic **defusing of interpretive clashes,**"59 **without which humans would** "fly off in all directions" and **fall** inevitably **into the violence of the natural condition.** 26. It is not surprising that so many noted students of Hobbes have reached this conclusion, given how prominently he himself makes this claim. According to Hobbes, "in the state of nature, where every man is his own judge, and differeth from others concerning the names and appellations of things, and from those differences arise quarrels and breach of peace, it was necessary there should be a common measure of all things, that might fall in controversy."61 The main categories of the sovereign's tasks are "to make and abrogate laws, to determine war and peace, [and] to know and judge of all controversies,"62 but each of these duties is a subspecies of its ultimate duty to be the sole and ultimate definer in matters of public importance. **It is only through the sovereign's** effective continued **[exercise of authority]** accomplishment of this duty **that** the **people** of a commonwealth **avoid the** definitional problems that typify the **state of nature**. 27. Judging controversies, which Hobbes lists as the third main task of the sovereign, is the duty most obviously about being the ultimate definer. In fact, Hobbes declares it a law of nature that "in every controversy, the parties thereto ought mutually to agree upon an arbitrator, whom they both trust; and mutually to covenant to stand to the sentence he shall give therein."63 As I repeatedly alluded to above, this agreement to abide by the decision of a third party arbitrator, a sovereign in the commonwealth, is necessary because of the fundamentally perspectival and relative nature of persons' imputations of meaning and value into the situations they construct. Hobbes understands this problem, as evidenced by his claim that "seeing right reason is not existent, the reason of some man or men must supply the place thereof; and that man or men, is he or they, that have the sovereign power"64 to dictate meanings that will be followed by all. The sovereign is even protected from potential democratic impulses, by which a 'true' meaning would be that agreed upon by the greatest number of people. Because "no one man's reason, nor the reason of any one number of men, makes the certainty," they will still "come to blows . . . for want of a right reason constituted by nature"65 unless both the majority and the minority agree to abide by the meanings promulgated by the sovereign. 28. These meanings are usually created and promulgated by the sovereign in the form of laws, another of the tasks with which Hobbes charges it. In one of his clearest explanations of the law, Hobbes writes that "it belongs to the same chief power to make some common rules for all men, and to declare them publicly, by which every man may know what may be called his, what another's, what just, what unjust, what ho nest, what dishonest, what good, what evil; that is summarily, what is to be done, what to be avoided in our common course of life."66 The civil law is the set of the sovereign's definitions for ownership, justice, good, evil, and all other concepts that are important for the maintenance of peace in the commonwealth. **When everyone follows** the law (that is, when everyone follows **the sovereign**'s definitions) **there are far fewer conflicts among persons because everyone appeals to the same meanings**. This means that people know what meanings others will use to evaluate the actions of themselves and others, so the state of nature's security dilemmas and attempts to force one's own meanings upon others are overcome. 29. There is to be no question of the truth or falsity of the sovereign's definitions because "there are no authentical doctrines concerning right and wrong, good and evil, besides the constituted laws in each realm and government."67 In fact, Hobbes specifically says that one of the "diseases of a commonwealth" is that "every private man is judge of good and evil actions."68 Only when individual persons agree to follow the meanings promulgated by the sovereign, which of course includes refraining from trying to impose their own meanings on others, can persons live together in peace -- when they take it upon themselves to impose meaning on situations of public import, they descend into violence again.

**Thus, util collapses to a standard of consistency with the will of the sovereign.**

**That negates:**

1. **The state recognizing a universal right of workers means it gives up its sovereign power to control labor disputes, so they will no longer be solved by the will of the sovereign.**
2. **Strikers frequently contest sovereign power during encounters with the police and military. Recognizing a right to strike gives them more power to undermine the state.**

### Underview

**1AR theory – it’s the same layer because you can just win the theory debate not substance**

**New 2NR paradigm issues – not a 6 minutes dump because they don’t give me offense and it’s key to check frivolous theory**

**DTD on 1nc theory – efficiency solves ur 1ar arg – no BL for timeskew**

**ROTB: Vote for whoever respectively proves the truth or falsity of the resolution**

1. **inclusion**
2. **jurisdiction – dictionaries agree on affirm and negate – key to predictability**

**Frameworks don’t moot just win util**