# 1NC

### 1-Libertarianism NC

The universality of freedom justifies a libertarian state.

Otteson James R. Otteson (professor of philosophy and economics at Yeshiva University) “Kantian Individualism and Political Libertarianism” The Independent Review, v. 13, n. 3, Winter 2009 12/31/14 JW

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

The government cannot force charitable action-2 warrants.

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Poor relief and charitable activities, however, cannot be supported on these grounds because such state activities violate Kant’s law of equal freedom in at least two ways. The first way involves the people to whom such aid is provided. Kant has argued that each rational being must be allowed the freedom to make his own decisions about how best to lead his own life and how to achieve happiness. This freedom presumably includes the freedom to make even poor decisions because Kant’s claim that freedom is necessary for progress to occur implies that people make and learn from their mistakes. But if the state steps in when one has made a mistake and protects him from the consequences of that mistake, as may happen in cases of state-sponsored poor relief, foundling hospitals, and so on,9 then the state robs those citizens of the opportunity for the moral progress that the law of equal freedom is supposed to protect. Such state-sponsored activities, however well intentioned and whatever good they in fact may do, seem to be instances of the kind of paternalism that Kant elsewhere repeatedly rejects. The paternalism he disallows seems especially evident in the case of state-endorsed “church activities.” The second way such state activities violate the law of equal freedom involves those whom the state calls on to provide the money, goods, and services in question. The alternative to having the state sponsor these activities is to allow them to occur (or not) according to private initiative, allowing individuals to decide on their own how much time or money to contribute, which people or charities to support, and so on. When Kant calls on the state to take over such activities, however, he is calling on the state—or the “supreme commander”—to substitute its judgment about such matters for individuals’ judgment. He thus grants to some a scope of freedom and authority that is denied to others, which would seem to violate the law of equal freedom.10 Moreover, because the people now required to provide the goods and services did not freely choose to do so—which, by hypothesis, is the case because we are not considering private provision—a Kantian might then consider the state’s requiring them to provide such support [is] as tantamount to the state’s forcing them to labor against their will: they must work either in a way they would not have chosen or to an extent they would not have chosen or for an end they would not have chosen. But each of these possibilities again seems a violation of the law of equal freedom, which, for Kant, is unacceptable: “For a human being can never be manipulated just as a means of realizing someone else’s intentions. . . . He is protected against this by his inherent personality” (Metaphysics of Morals, 1991, 155).

The resolution is an extension of this-forcing people to pay a living wage is forcing them to donate a certain part of their income to a group of people-regardless the policy violates the standard since it is an external requirement aimed at forcing people to help the poor-still bad for the above two reasons.

### 2-Negative Income Tax CP

CP Text: the aff actors ought to implement a negative income tax.

Sorman 11 Why Not a Negative Income Tax? Guy Sorman, 2011. http://www.city-journal.org/2011/21\_1\_income-tax.html

Republicans would do well to revisit Friedman’s alternatives. The most familiar is the school voucher, which students could use as tuition at any school, public or private, willing to accept them. But one of the most inventive and potentially effective of Friedman’s alternatives to statist bureaucracy receives far less attention than vouchers do. Liberals tend to dismiss Friedman as an extremist libertarian, a blind advocate of selfishness, an enemy of any kind of social help. This was always an absurd charge. In his 1962 book *Capitalism and Freedom*, Friedman acknowledged that some form of welfare was necessary in capitalist societies and that the state would likely play a role in its provision. The trick was to imagine a very different, radically improved, and more efficient form of welfare—what Friedman’s son, David, also an economist, calls “libertarian redistributionism.” **What** kind of **program could** help **protect every citizen from destitution** **without** granting excessive power to bureaucrats, **creating disincentives to work**, and clogging up the free-market economy, as the modern welfare state has done**?** Friedman’s answer was **the negative income tax**, or NIT. The NIT is easy to describe. “The basic idea,” Friedman wrote in a 1968*Newsweek* column, “is to use the mechanism by which we now collect tax revenue from people with incomes above some minimum level to provide financial assistance to people with incomes below that level.” Already, he pointed out, no one pays taxes on the first few thousand dollars of income, thanks to personal exemptions and deductions. **Most earners pay a fraction of their “positive taxable income”—**that is, the amount by which their earnings exceed that first few thousand dollars. **In Friedman’s plan, the poor would** similarly ***receive* a fraction of their “negative taxable income”—the amount by which their earnings fell short of that level.** **This** direct **cash grant would replace all other welfare programs** for the poor, which, Friedman rightly observed, were generating a huge bureaucracy and extensive welfare dependency.

The AC’s redistribution policy forces employers to pay extra wages. While this might increase the employee’s freedom, it decreases the employers’ ability to set and pursue ends as they see fit, which is a violation of freedom. The CP is net preferable because it distributes through the government and avoids that violation by bracketing these issues entirely under public right.

Glaeser 7 Coercive Regulation and the Balance of Freedom. By Edward Glaeser Response Essays May 11, 2007

With this lengthy preamble, let me switch to the minimum wage and related restrictions on the ability to contract. **The minimum wage reduces the options** available **to the employer, who must pay** his **workers more. It also reduces the freedom of both employer and employee**, both of whom **lose the ability to contract at a lower wage.** Opposing this loss of freedom is an increase in the options available to workers who remain employed and now earn a higher wage. While I am no fan of higher minimum wages, I can imagine settings in which the increase in the freedom of the still-employed workers could be more important than the offsetting losses to individual liberty. we cannot get to a clear answer on the minimum wage on the basis of an axiomatic desire to increase the range of choices available to individuals, because **we are trading one person’s choices against the** choices of an**other.** Perhaps one might come to a clear view on the minimum wage by hewing to an uncompromising belief in freedom to contract. While I certainly have sympathies for that belief, there are cases where freedom to contract is and should be imperfect. For example, many contracts rely on expensive government enforcement, and it is reasonable to set limits on the scope of government action in this, as in every, setting. An employment contract with a lifetime non-compete clause, for example, relies on governmental agents enforcing a prohibition against a worker for decades. I’m okay with the idea that the government doesn’t need to spend its resources, which are, after all, *our*resources, enforcing every extreme contract. I am also in favor of limits on contracts that encourage highly anti-social activities, like murder. Support for the freedom to contract is a good maxim, but it cannot be an axiom. The case against the minimum wage or other related restrictions on contracting does not, in my view, come from clear anti-coercion axioms or even maxims, but from other more technical reasons that have been emphasized for decades. **If we want the state to redistribute income, we have sensible means for doing that like** Friedman’s negative income tax or **the Earned Income Tax Credit.** These **tax-based approaches** are also coercive, but **they can increase the choice set of the poor with less of a reduction in the freedom of others.** Obviously, **these tax-based solutions don’t restrict the set of available contracts and that is a great plus.** The fact that American minimum wages are too low to create large-scale unemployment shouldn’t blind us to the fact that, across the Atlantic, far more aggressive minimum wages are accompanied by vast numbers of unemployed youths. **The minimum wage is** also bad redistribution policy because it **imposes the costs of redistribution on the employers of the poor, and on their customers who will have to pay higher prices to make up for higher wages. If we want to redistribute income** to the poor, **then it is appropriate that everyone with resources pay, not just employers in sectors that employ the less fortunate.**

This outweighs. A. Avoids a violation of freedom, which is the employer’s ability to spend money that they have earned as they see fit-solves the entirety of the aff by making workers self-sufficient, risk of a net benefit is sufficient to negate. B. Since the government pays the cash grant that they receive through other taxes, the burden of helping the poor is placed equally on everybody that is wealthy rather than arbitrarily on the employer, which ensures reciprocity. C. Ensures everyone is not forced to work, which would be coercive and deny their freedom. You need to be able to deny being drawn into a working relationship.

Ripstein Beyond the Harm Principle. Arthur Ripstein [University of Toronto].

I can use you in other ways as well. Suppose that you are opposed to the fluoridation of teeth on what you believe to be health-related grounds. You are mistaken about this, but committed to campaigning against fluoridation. As your dentist, I use the opportunity created by filling one of your (many) cavities, to surreptitiously fluoridate your teeth, proud to have advanced the cause of dental health, and privately taking delight in doing so on you, the vocal opponent of fluoridation. In this example, I don’t harm you, and there is even a sense in which I benefit you. I still wrong you because I draw you into a purpose that you do did not choose. You remain free to use your other powers to pursue other purposes. But **part of being free to use your powers to set and pursue your *own* purposes is having a veto on the purposes you will pursue. You need more than the ability to pursue purposes you have set; you also need to be able to *decline* to pursue purposes unless you have set them. When I usurp your powers, I violate your sovereignty** precisely because I deprive you of that veto. I am like the despot who uses his office for personal gain.

Even if a working relationship, so long as it’s voluntary cooperation there is no coercion.

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The sovereignty principle’s focus on voluntary cooperation also explains why other harms fall outside its scope. **Voluntary cooperation enables people to use their powers together to pursue purposes they share.** **It can be made to look as though potential co-operators are always subject to each other's choice**: unless you agree to cooperate with me, I can’t use my powers in the way I want to. **But this is an example of our respective independence**. Cooperation only contrasts with domination when it is voluntary on both sides. **You get to decide whether to cooperate with me because you get to decide how your powers will be used. I can no more demand that you make your powers available to accommodate my preferred use of my powers** than you can make that demand of me. **Each of us is sovereign over our powers**, and the power to decide who to cooperate with is a basic expression of that sovereignty.

### 3-LW Mechanism Spec

A. Interpretation: if the affirmative defends the implementation of a living wage policy they must specify in the AC a method by which they calculate what a living wage is.

BSR 11 “Why Is Living Wage So Complex?” August 2nd 2011 <http://www.bsr.org/en/our-insights/bsr-insight-article/why-is-living-wage-so-complex>

Calculation methodology: There are a variety of ways to calculate a living wage, including costing out a market basket of goods and services that are normally consumed by residents in a particular area. These items typically include housing, transportation, food, energy, education, and health care. From a per capita basis, the cost is then scaled up to reflect the average household size. Another approach is referential: A living wage is equivalent to 125 percent of the official poverty line or 50 percent of the average wage in manufacturing. And some calculations (the “London Living Wage”) rely on a mix of the market basket and reference approaches. More complex is to base the calculation on the cost of a model food diet across two expenditure groups (the Anker methodology). Finally, some stakeholders argue that living wage figures should be established through negotiation among the relevant parties at the appropriate operational level.

B. Violation:

C. Standards

1. Advocacy shift-there are multiple ways to implement a living wage-BSR 11 just discusses four of them-not specifying allows you to pick one and delink my turns by saying your calculation methodology doesn’t cause certain harms-impacts A. strongest internal link to fairness-you can be shifty and delink literally all my offense-even if it is potential -the gravity of abuse that could occur is so massive you have to be punished B. I’m forced to read turns to every single methodology to ensure I still have 2NR offense-that skews neg strat and kills fairness since I have to waste time reading turns that won’t actually apply-you can pick what you want and moot my time. Saying you defend all methods of calculation is impossible since they are mutually exclusive-you can’t have a living wage that is 125 percent of the poverty line and based on food dieting-a living wage can only be *one* number not two for a given person. This also means you negate on presumption since they can garner literally no offense if they don’t have an actual method of implementing the aff.

2. Weighing ground-can’t discuss your policy if we don’t know what the policy actually is-all the cards we read could contradict or discuss certain things-that’s problematic since we can never have a productive discussion of the aff advocacy with no way to adjudicate between differing pieces of offense-two impacts-A. Kills fairness-we don’t get access to ground if we can’t weigh between them-also causes judge intervention because there is no mechanism by which the judge to choose who had more comparative offense to the standard-ensures a random decision not based on the better debater

This is preferable to CX-A. nobody flows CX-unlike a written text which we can reference so it’s more verifiable. B. outweighs time reading your advocacy in the 1AC-that takes seconds whereas a line of questioning can last minutes C. I coopt your offense-we can still ask clarification questions but CX is primarily for strategy so I shouldn’t have to ask. D. preptime skew-most of my strategic decisions happen during the AC and cross-ex. Shifting during CX kills 9 out of my 14 minutes of prep.

D. Voters. Vote on fairness, debate’s a competitive activity-no debater ought to have a structural advantage.

Drop the debater 1. To rectify time lost running theory and 2. To deter future abuse—empirically proven by shells like a prioris bad. 3. Drop the arg skews my strat since debaters will read lots of unfair args in the AC and force me to waste time with lots of theory killing substantive education.

Competing interps since 1. Any brightline is arbitrary and bites judge intervention 2. Reasonability causes a race to the bottom to see who can be the most abusive under the given brightline 3. Competing interps forces a race to the top-an offense defense paradigm fosters good norms for the activity.

## Case

### Overview

1. People don’t HAVE to work. There are always other options. Means it’s not dependency.

2. Merely retaining ones property right does not entail any violation of outer freedom at all, because it doesn’t entail taking action on another person in any sense, so even if the person loses their means to pursue their ends in some way, that isn't a violation of outer freedom (ex. if I buy something you want to buy, I impede your pursuit of your aims, but I haven’t violated your outer freedom, because I haven’t restricted your capacity for choice at all, I’ve just prevented you from satisfying one of your objectives)

3. T-living wage makes people dependent on their employers to pay them more money in order to live which is net worse under your standard.

4. T-the employer can choose to break the law (and employers do i.e. paying undocumented workers illegally) which means that the employee is STILL at the whim of the employer.

### Property rights first

The NC is preferable to the aff’s conception of freedom:

A. irrespective of its rightness there are no grounds to legislatively require a minimum wage to be paid. It is immoral not to give to charity, but that does not mean I can steal 20 % of your income and donate it for you. You cannot subject another’s means even to good ends, just as slavery is no less repugnant if one sets their slaves to humanitarian projects, which means the aff is still a form of slavery.

B. libertarian rights are derived from self ownership, which is a precondition to the possession of any other rights, since all other rights are realized through one's actions, which take place through one's body.

### A2 Hindering a Hindrance

1. You can’t hinder a hindrance, since that means violating someone's freedom for the sake of preserving the freedom of another, which represents the freedom of the first as a means to the maintenance of the freedom of the other.

2. Hindering a hindrance violates inner freedom to secure outer freedom of others, which is impermissible because inner freedom is the condition of all value, which is used as a means to achieve the freedom of others.