

dominate

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2012

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2012

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Preface

Welcome to Dominate LD 2012! You've made one of your best purchases for the debate season.

This year, I've streamlined Dominate LD, eliminating sections that were resolution-specific or less than impressive and retaining others that were well-received. We've made arguments clearer while ensuring they retain their argumentative soundness. The most valuable section of Dominate LD has always been the resolitional analysis, and we continue that this year by bringing all new analysis to the resolution. You'll also find that the briefs will come in handy not only at every tournament, but also in your pre-tournament preparation to help you formulate your arguments.

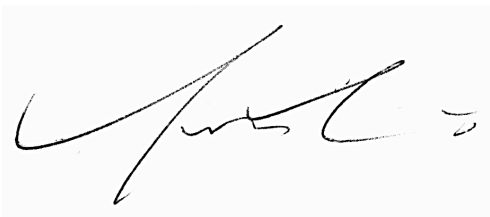
This book is meant as a concise companion guide to the resolution. You *will* have to take these ideas and make them your own. We'll give you strategies, but you'll have to develop new ones for yourself. We'll analyze the resolution, but so will you. You'll have to read through, understand, and customize the cases yourself before you can run them.

We've put a lot of thought into this book, because we know how important a good start to the year can be. Dominate LD strives to be the best resource on the resolution, and we hope you think so too. Read it several times at different points in the tournament season. You'll find different insights each time.

As with anything you read, read this publication with a grain of salt. We're unfortunately, only human, and we can't anticipate everything that will present itself this year. Our analysis may not apply to every situation. If something doesn't make sense to you, you are always better off going with your instincts than following this book. You can also ask us your question on Facebook at [facebook.com/dominatedebate](https://www.facebook.com/dominatedebate). Chances are, someone else has the same exact question.

As always, if you have anything to say about Dominate LD, send it to us at mail@dominatedebate.com. We personally read and respond to every email.

Debate has benefitted each of us authors immensely, and we hope the same for you in the coming year.

A handwritten signature in black ink, appearing to read 'Jon Chi Lou', is displayed on a light gray rectangular background.

Jon Chi Lou
Chief Editor

Resolutional Analysis

Overview

We've been blessed this year by the Stoa board demigods with a resolution vastly improved over last year's idea medley.¹ We have received a resolution with clear conflict, clearly defined sides, and clear direction. As much as we may try to make a bad resolution work well, it is ultimately nothing like starting fresh with a great resolution. If last year we had to make lemonade, this year we can make pulp-free orange juice. So kick back and slowly sip the not-from-concentrate goodness of this year's resolution: **When in conflict, personal freedom ought to be valued above economic security.**

Pedigree of This Resolution

If you've been around for a couple of years, you might have noticed a trend in resolution topics. The homeschool circuit really does have a penchant for individual vs. collective topics, with discussions of utilitarianism idealism year, discussions of capitalism cooperation year, and discussions of majority rule last year. This year, we continue the trend with a topic that asks us to compare the relative importance of personal freedom and what is implied to be economic security on a wider scale. This iteration of the individual vs. collective debate is somewhat refreshing in that it limits the scope of the discussion to only sacrifices of the individual for the greater economic good.

Freeze-Dried Ideas

Resolutions take real-world scenarios that share similar philosophical questions lurking beneath the surface and distill those core conflicts into one pithy phrase. The process of resolutorial analysis expands that pithy phrase back into those real-world scenarios. Resolutorial analysis, thus, has to be the first step in any debater's exploration of a topic. Circumventing analysis of the resolution for more exciting tasks like researching or casewriting (exciting only in our world) sets one up for more work ahead when he or she discovers that the basis of that research or casewriting is, in fact, flawed; this has happened to me more than once.

Definitions

"It depends on what the meaning of the word 'is' is."

There are only two terms in this resolution that aren't self-evident in their meaning: personal freedom and economic security.

Personal Freedom

Personal freedom in this resolution can be approached two ways: a narrowed-down version of personal freedom that refers only to personal *economic* freedom, or just straight up personal freedom. Here are definitions for each from academic journals, with supporting context.

¹ The frankenstein of political science topics. If you never had to endure pangs of pain from last year's resolution, consider yourself doubly blessed.

Personal Freedom – lack of coercion and the ability to do as one pleases

Pavlos Elefthenadis (PhD, Lecturer in the Faculty of Law and Fellow and Tutor in Law at Mansfield College, teaches and publishes in the philosophy of law, European Union law and constitutional law), "REVIEW ARTICLE: Freedom as a Fact", Reviewed work(s): Freedom, Volume One: Freedom in the Making of Western Culture by Orlando Patterson (PhD, historical and cultural sociologist), The Modern Law Review, Vol. 56, No. 6 (Nov., 1993), pp. 897-905, www.jstor.org/stable/1096800

Personal freedom 'gives a person the sense that one, on the one hand, is not being coerced or restrained by another person in doing something desired and, on the other hand, the conviction that one can do as one pleases within the limits of other persons' desire to do the same' (Zoc cit). Both negative and positive liberty should be included here, 'whatever philosophers may think' (Zoc cit). Patterson criticises Isaiah Berlin for his attempt to draw a clear line between negative and positive freedom and especially for 'his attempt to confine [freedom] to a purely negative meaning' (Zoc cit). He praises Bertrand Russell, on the other hand, for seeing that a meaningful freedom entails 'the attainment of a condition for the satisfaction of desires' (Zoc cit). Personal freedom, then, has both a negative and a positive dimension.

Economic freedom – voluntary exchanges without interference

Mushfiq us Swaleheen and Dean Stansel (Assistant Professors of Economics in the Lutgert College of Business at Florida Gulf Coast University), "ECONOMIC FREEDOM, CORRUPTION, AND GROWTH", The Cato Journal, 2007, www.cato.org/pubs/journal/cj27n3/cj27n3-3.pdf

By economic freedom we mean the freedom to enter into voluntary exchanges without government interference, which means the protection of one's property rights.

Economic Security

Economic security is probably the tougher of the two terms to nail down in terms of finding definitions. There are two categories into which definitions of economic security fall: general and specific, which you can also call principle-based and effect-based. A principle-based definition allows for debate over whether a given example fits the definition of economic security, but is more flexible and covers more examples. An effect-based definition describes signs of a certain principle of economic security. Its weakness is its strength: its specificity allows opponents to wiggle out of what would otherwise be knockout examples or eliminate link debates. In other words, definitions of economic security can either be general or specific. The following definitions are all general, principle-based definitions.

Ability to obtain basic goods and services

George Reisman (Professor Emeritus of Economics at Pepperdine University), "CAPITALISM: A Treatise on Economics", 1996, <http://mises.org/books/capitalism.pdf>

It should be realized that in its most fundamental, physical sense, economic security means the ability to obtain the goods and services on which one's life and well-being depend. It means that when one is hungry, one can obtain food, that when it is cold and raining, one has a warm, dry house to stay in; and so on. In its fundamental, physical sense, economic security obviously depends on the ability to produce. The ability to produce and physically have goods depends on the freedom of competition. The freedom of competition is thus a fundamental basis of physical economic security.

Relatively certainty that an individual can satisfy basic needs

Robert L. Brown (PhD, Department of Statistics and Actuarial Science, University of Waterloo, Fellow and former President of the Canadian Institute of Actuaries), "ECONOMIC SECURITY FOR AN AGING CANADIAN POPULATION: 1) Economic Security and Insecurity", Society of Actuaries, 1999, <http://www.soa.org/news-and-publications/publications/other-publications/monographs/m-rs99-2-toc.aspx>

Rejda defines economic security as "a state of mind or sense of well-being by which an individual is relatively certain that he or she can satisfy basic needs and wants, both present and future" (1994, p. 2). The definition, which is used throughout this book, is dependent upon the individual: what provides economic security to one individual may not to another. A person who is wealthy may have different criteria for economic security than someone who is poor. Someone who grew up during the Depression may require less material wealth for a sense of well-being than someone from the post-World War II era. Hence, one's personal perception is an important part of economic security. In other words, economic security is relative. The requirements for economic security will vary from time to time, place to place, culture to culture, and person to person. According to Rejda (1999), for any individual there are two key criteria for economic security. First, one must be assured of some basic level of support to satisfy the needs and wants common to all. Second, one hopes that one's standard of living will not be changed drastically by the normal events of life.

Protecting the national economy

Kristina Cole, Marshini Chetty, Christopher LaRosa, Frank Rietta, Danika K. Schmitt, Seymour E. Goodman, "Cybersecurity in Africa: An Assessment", April 25, 2008, Sam Nunn School of International Affairs, Georgia Institute of Technology, Atlanta, GA US

Economic security is a term that brings to mind many different things. To the average person, economic security generally means their own personal economic well-being; that is to say, job security and a stable income. However, this definition does not extend particularly well to the national level simply because the economic well-being of the individual may have little bearing on that of the state as a whole. Because the individual perspective of economic security is not sufficient for policy prescription on the national level, we turn to the definition of economic security developed by the RAND Corporation in 1994. This definition is given as relating only to the United States, as the project was sponsored by the U.S. Secretary of Defense. However, we believe that the general definition is applicable to any nation in the world; therefore, the U.S. specific language was removed. The definition of economic security is as follows:

Protection and advancement of economic interests in such a way as to ensure a prosperous and secure national economy

Absence of the threat of deprivation

Joseph Samuel Nye (PhD, Harvard, cofounder of the international relations theory neoliberalism), "Collective Economic Security", *International Affairs (Royal Institute of International Affairs 1944-)*, Vol. 50, No. 4 (Oct., 1974), pp. 584-598, <http://www.jstor.org/stable/2615925>

We find it more useful, however, to define economic security in terms of values rather than instruments. Economic security in this sense refers to the absence of threat of severe deprivation of economic welfare.

Putting It All Together: Conflict

Why is there sometimes a disconnect between personal freedom and economic security? Why is there that conflict? The overarching conflict scenario this year is simple. There is a disconnect between the two sides of the debate because in certain situations, to collectively have economic security, individual people cannot make the choices to which they have the natural right. People can either make these sacrifices out of willingness or as a result of coercion. The first result of the “when in conflict” clause is that **all debates this year will center around the willing or unwilling sacrifices that individuals make, or don’t make, for the sake for some greater economic good.**

Finding Conflict

It’s fairly easy to find conflict this year. Conflict occurs whenever people’s choices lead to the detriment of the economy as a whole. Any number of motivating factors can be involved: stupidity, short-sightedness, or selfishness.

Conflict and Balanced Negatives

What is the role of balanced negatives in a resolution with a “when in conflict” clause? Well, the second result of the “when in conflict” clause is that there shouldn’t be any balanced negatives at all.

Balanced negatives are usually self-disproving. The many mutant strains of balanced negatives include ones that argue both sides of the resolution should be held in equal regard (a practical impossibility) and ones that argue conflict does not exist (one example of personal sacrifice disproves this), but the most serious type of balanced negative this year is perhaps the one that argues that there simply shouldn’t be a *precedence* of personal freedom over economic security. When this happens, ask the debaters what “conflict” means to them: does it mean happiness and love, or a serious disagreement? “Conflict” by definition means two things or people are at serious disagreement, making a Zen-like “oh we’ll just be equals” absolutely impossible, *by definition*. The negative might retort that it is their burden to negate the “conflict” part of the resolution, but it is clear from the grammar of the sentence that “when in conflict” modifies the rest of the sentence. Take the sentence, “when in office, politicians break their promises” for example. Negation would be “when in office, politicians keep their promises,” not “when not in office, politicians keep their promises.”

Actor and Scope

One of the first assumptions of this resolution is the actor. Policy debaters are well aware of the role of actors in a resolution; the actor is the person or organization that carries out the stipulations within their policy plans. In value debate, the role of the actor is to figure out to whom the question is posed, and from whose moral perspective we are answering the question. There can be a huge difference in the way we answer a question if perspective and responsibilities shift. Recognizing what the actor of the resolution is allows for responsibility and consistency in the debate. The act of simply recognizing the role of actors in the debate already provides added clarity.

Closely related to actor is scope, which dictates the breadth of allowed discussion. While actor somewhat dictates scope, there can be variability in scope after the actor is determined. For example if the actor of the resolution is the government, the scope of the round could still be narrowed down to local economies rather than the national economy. The scope of the resolution is derived from observing context: the terms of the resolution in context of each other, the historical context of the topic, and the current usage of the terms.

The “personal freedom” aspect is primarily determined through who the actor is, and the “economic security” part is determined through scope.

Actors

Governmental Actors

When discussing the actor of the resolution, the gut response is that it primarily points to the government, and that’s usually correct. We as debaters are used to talking about government whether or not we have a policy debate background, because most resolutions allow us to discuss governmental topics. This resolution is no different. Most debates this year will center around a discussion of whether government should force citizens to sacrifice personal freedoms for the good of the country’s economic stability.

The discussion of governmental responsibility usually defaults to discussion of the U.S. Federal Government, but consider the difference in responsibilities for governments of a different composition. Should democratic monarchies, which don’t have to go through the same legislative process as democracies, be subject to the same restrictions as democracies?

Societal Actors

While society is categorized as being lower in hierarchy to the government, the flexibility of the term “society” means that it may eclipse government as having the broadest scope of all, depending on what debaters choose to define as “society.” Societal actors are entities like corporations, organizations, and people in society that have ready influence over the economic climate. These actors allow us to discuss the social responsibilities of those entities towards the economy. Do they, in a semi-capitalistic economy, have any intrinsic responsibility towards anyone except their shareholders?

You might question whether “personal freedom” in the resolution allows us to discuss such collective entities. I’d have responses in three forms:

- 1) Personal freedom *rarely* applies just to one person, except in the case of personal actors. Ideas of limited government and personal freedom always apply to *groups* of people at a time. What would personal freedom be if it only applied to a select few?
- 2) People run these organizations. It is their personal freedom that allows them to make decisions that may not be good for the economy as a whole.
- 3) The Supreme Court says that corporations are people. Disagree as you may, that’s case law.

Personal Actors

While we can discuss what government and society should do, there’s nothing we can really do beyond *talk* about what they should do. Personal actors refer to the people within the room who *do* have control over their own actions, and this is what discussion of the personal actor strives to target—what can be changed rather than what can only be discussed. With personal actors, we can discuss what each person in the room should be doing in terms of making sacrifices for the sake of economic stability.

Scope

The circle of economic influence that actors have extends out towards their surroundings and internally towards their own economic situation.

Government Actors

Consider the different areas of influence a government can have. The modern economy is global, which is easily be proven through the domino effect that the 2008 crash had throughout the world. A powerful government like the United States Federal Government can influence economies on a scope far beyond its own territory.

What could become a popular topic for discussion on the homeschool circuit is a discussion of the economic security of the government itself. While national GDP is unlikely to change regardless of whether the U.S. Government exists, government itself is vulnerable to economic turmoil—something we're all familiar with through recent events.

Societal Actors

The scope of discussion for societal actors provides for very engaging debates. The two main arenas in which societal actors have influence are their parent economies and their own micro-economies. Here, we can discuss the tension between, say, a corporate executive's responsibility to maintain comfortable profit margins and the effect that would have on the company's surrounding economy.

Personal Actors

As individuals, we interact with government and societal entities every day, so this perceptually smaller stage for discussion really incorporates elements of both governmental and societal actors. For example, as personal actors, we could responsibly choose not take on subprime mortgages even though Fannie and Freddie hand them out, which would be an example of personal and governmental actors intertwined.

Alternatively, we could discuss the security of our individual economic situations: by limiting our personal freedom to spend money as we earn it, we could save the money and bolster our economic security.

Forming Your Own Resolutonal Analysis

I can't emphasize enough how important it is for you to develop your own take on the resolution. Your analysis may end up incorporating analysis from this book or analysis from debaters around you. Forming your own take on the resolution is important because you can then defend your analysis of the resolution in round. Additionally, analyzing the resolution yourself means that you can develop unique strategies based on that interpretation of the resolution.

Take a blank sheet of paper or open a new document in the text-editing program you have the most love for.

- Reconstitute the resolution yourself. What real-world scenarios did the resolution get distilled from?
- What are personal freedom and economic security, *to you*?
- Are there any more actors and scopes that the resolution applies to?

Strategies

Rather than forming the core of your attack, creative strategies this year take a backseat to argumentation because the resolution is clear enough to allow for straight-up debating. Despite that creative strategies take a backseat to argumentation, strategies can give you an important leg up in the game. As always, these strategies are not one-size-fits-all. They will not work for every debater's style; they will not work for every round. Many of the strategies this year focus on improving argumentative skills.

1. Undermine Assumptions

Within every English statement, there are fundamental assumptions about reality and language. Anything beyond a basic statement contains even more assumptions. A statement like "personal freedom ought to be valued above economic security" is thus, assumption-laden. Question these assumptions.

The resolution juxtaposes personal freedom and economic security in a way that implies that freedom and security are the bee's knees. Are they really? If we don't specify whose personal freedom we are talking about, personal freedom could be used for good or evil. Personal freedom is thus neutral and not necessarily an inherently positive trait. Similarly, we can question whether economic security really deserves such praise and glory. When people feel secure, they tend to stick with the status quo. In economies, this can mean no new trading relationships are formed, cultural exchange stagnates, and innovation ceases.

Especially since so many debaters argue using claims and not warrants, identifying and taking out those assumptions is all the more central to winning.

Another example can be found in a common affirmative argument along the lines that people have the freedom to control their finances and that government shouldn't interfere even if that is necessary for economic stability. But do people really have the freedom to control their finances? Do you and I really have a choice over whether we get to keep our money if the government passes a law that takes it away from us? If we go with the affirmative's position of so-called preserving personal freedom at the cost of losing economic security, do people really get their freedom "back"? Here, the answer would be no. Regardless of which world we choose, it is still up to the government whether people can keep their money.² Personal freedom in the resolution must refer to freedoms that people actually hold, not hypothetical freedoms people want or think they have.

As with any position, the side that we defend will have assumptions that needs evaluation for consistency. If they don't seem to work, we can choose to adjust our position, find a way to make that assumption work, or delink the assumption from our position.

A final example of an assumption that, when debunked, can bring home a victory, is the idea that freedom is moral and economics is merely pragmatic. Here's how you could present it in-round:

Many people will tell you the choice between personal freedom and economic security is a choice between whether you want to follow morals or follow the pragmatic path, but they're assuming the conclusion of the question were supposed to be debating. We are *debating* whether following personal freedom or economic security would be the more moral thing to do. To argue that

² Discussions of democracy and popular sovereignty are largely irrelevant here. Government in our world today follows less of an instructed-delegate model of bureaucracy and follows more of a trustee model.

following economic security in no circumstance could ever represent the moral stance is a denial of intellectual honesty.

2. Keep Fundamentals Strong

Because the resolution this year encourages clear debate, keeping fundamentals sharp will be the most important consideration for successful debaters.

Maintain a Working Knowledge of Fallacies

At its core, debate is a logical activity. All argumentation can be reduced to formal, structured, logic. Formal fallacies make the rounds in high school debate, but informal fallacies really take the cake. Informal fallacies are flaws in logical reasoning that are rooted in language, which explains their regular appearances in debate and political rhetoric. A knowledge of logical fallacies becomes useful far beyond a debate career because it helps to identify propaganda and misinformation.

Most of us intuitively know a fallacy when we see one, but archetypes of informal fallacies help us break them down into component parts and take them down. The best resource I've come across regarding informal fallacies is [*The Fallacy Detective*](#), by Nathaniel Bluedorn and Hans Bluedorn, which is highly recommended for personal study or for club discussion.

Ask “Why?” Prolifically

Many high school debaters lack justifications for their positions beyond one or two levels deep, making “why?” one of the most powerful questions one can ask his or her opponents. “Why?” probes the core of argumentation and debate: what is your fundamental justification, or warrant, for claiming that your position is true?

Asking this key question not only serves to weaken your opponent's resolve and credibility, but also serves to provide constructive self-criticism of your own positions when you're working on them at home.

Never Become Complacent

The affirmative clearly has the upper hand in this debate, whether from the general attitudes of the league we're in, through the personal beliefs that we hold, or general cultural and historical inclinations towards freedom.³ So on the negative, we're fighting an uphill battle. But because everyone realizes this, debaters would be well advised to prepare diligently for affirmative as well.

3. Frame the Debate

Public relations departments are created to spin stories. Drilling for oil? Energy exploration. Corporate personhood? Free speech. Agricultural subsidies? Job creation. *They are not wrong*. They are simply presenting the same issue from a different perspective. Anything can be seen in a completely different light given enough of a change in perspective.

Every debate case in some way frames the issue. Every issue has pros and cons—upsides and downsides. The purpose of a debate case is to maximize the importance of what benefits your position and to minimize the weight of what damages it.

³ “Give me liberty or give me death”; “he who gives up freedom deserves neither freedom nor security.”

Here's an example of reframing the affirmative focus on freedom.

One of the central questions in this resolution is the brightline that determines whether a moral issue needs to be legislated. We all know that personal freedom needs to be restricted at some point when it affects others in a significant and undesirable way. What is to say that issues of economy don't hold the same moral significance? Issues of economic security should have as much significance as laws against parental neglect and assault because economic security has everything to do with basic survival.

Here, we examine the background of economic development in our society's history. We don't tend to think of economic issues as issues of life and death, because traditionally, thoughts of economics as life and death have been relegated to subsistence economies, but as society transitions to a capitalist market economy, capital *is* life and death. Economics is life and death.

How to Frame the Debate

There are two steps to framing any debate.

1. Develop the argument.

In the example above, the argument is "Economic issues hold just as much moral weight as freedom because economics deals with basic survival. Survival is important because our society, through laws against neglect and violence, values life."

2. Adopt the mindset.

Simply making the argument, however, isn't enough to frame the debate. Framing the debate requires that you adopt the language of the side you're defending. *What would a true defender of [X position] say?* Would a social security defender call the system a bureaucracy? Would an defender of military action in Libya call it a war? Would a defender of waterboarding call it torture?

Language is part of the way people think—it helps them form their conclusions and develop their arguments—and adopting the language of the side you are trying to defend allows you to fully demonstrate a new perspective on the topic.

Successfully frame the debate, and you control the round.

Resolutional Analysis: Framer's Intent

by Joe Laughon

This year people always debate on the meaning of the resolution. Each side claims that they have the correct version. This is utilized in a variety of ways. Usually each side seeks to exclude some arguments that the opposing side brings up. Sometimes these debates are in fact warranted, while often they are not. This resolution makes this debate inevitable due to the sometimes vague and variant interpretations of the key terms. Often each side will appeal to a variety of standards as to why their interpretation is correct and their opponents is not. These are often standards such as "more educational," "more clash," "common person" and, most often I feel, "framers intent." Due to the conservative nature of this league, it is common for many debaters to appeal to a standard that will ring familiar and authoritative to many of the parent and community judges; that is framer's intent. This is often a poor standard (like "common person") due to the fact it is often unverifiable. Often the framer is some unnamed debater or parent who submitted the topic.

However this year, our readers and those whom they hit in round have a unique resource in this quest for topicality (or "resolutionality" as Lincoln-Douglas debaters so bizarrely term it); they have the actual intent of the framer. Unlike past years where the framer's identity is unknown, this year it is simple. I wrote and submitted the resolution. So here is my take on the key terms of the resolution, the conflict between them and reasons for and against using framer's intent as a standard in determining the topical nature of some arguments.

The Key Terms

Personal freedom is obviously a key term in the debate this year. What exactly did I mean when I wrote "personal freedom" into the resolution? To be honest, it is fairly simple. The ability for an individual to act in a manner that he or she feels fit. The self-qualifying definition of freedom or liberty that some, frankly timid, debaters go for is not only limiting to the debate, but shows me as the judge that you don't really believe in your own value. If it truly is the end all and be all of philosophical concepts, then go for it. To paraphrase an old debate meme, "If thou has self-qualifying values, thou art a yellow-hearted fool." This year I wanted to see a red-blooded defense of woman and man's ability to direct their lives as they see fit. Furthermore, and more importantly, I think proposing a definition of freedom that allows the caveat of "Oh but not unless it hurts anyone!" shows me not only the weakness of the value but also deprives the debate of the clash, and thus its fairness and education in the round.

Economic security is naturally the second key term and is a bit more ambiguous. It puts LD debaters into a disadvantage due to the fact that there isn't a philosophy that specifically promotes "economic security"; or rather John Locke doesn't specifically write about it. To me it seems that historically this term refers to the simple desire for material, financial well being. Is the people's economic quality of life high? Is employment up? Are wages high? Does the economic climate allow people to climb the socio-economic ladder? These would all be signs of economic security. Do people go hungry? Is there pervasive inequality? Is the economy contracting? To me these would be all signs of a lack of economic security.

The contrast is simple; the ability of people to do as they wish on one hand, and the general economic well being of society on the other.

Whither is Clash, good sir?

The major issue when determining the topical nature of people's arguments is where the clash lies. To me the "When in conflict" clause demands that there is a level of conflict that must be shown by both sides, in both their arguments and examples. On a side note, I did not anticipate at the time that the "When in conflict" clause could be taken to mean "When in a state of military conflict" as opposed to the traditional meaning of "When these two ideas stated in the resolution clash with each other." This could be a very interesting debate that I'd prefer the debaters to hash out themselves throughout the year, on the basis that I think it could be very edifying and also because I have no preference for one or the other.

But assuming most debaters will take the latter interpretation of the conflict clause, the question arises, "What does each key term mean if it's taken to mean a zero-sum game between the two ideas?" Well, the term "economic security" I do not think changes in nature. However I do think that the term "personal freedom" does become narrowed. When placing it in conflict with a purely economic concept, I feel that it should refer to personal economic freedom. That is, one's ability to act on the market against the economic well being of society. The question before us in the resolution today is "Should we ever restrict the actions of economic actors for the sake of the well being of society? Do we actually harm society that way? Or is the freedom of economic actors too sacrosanct?"

Why should I believe you?

I could just declare the above with infallibility akin to the successor of St. Peter or Muhammad, peace be upon him. Frankly, that could work in a few rounds. I'm the framer, and that's my intent. Deal with it. I'll deal with that specific rationale later, but for now I will address the other laudable reasons beyond how enamored I am with my own reasoning.

First, I think that this is the most educational interpretation. I'm not sure if you've been living in an area cut off from all human activity and methods of information dissemination, but it seems to me that anyone with a decent Internet connection, local newspaper or within distance of a local town crier, would know that this clash between economic freedom and economic security is an incredibly contentious political issue today. Since the 2007 financial crisis, the oncoming worldwide recession and the current economic sluggishness and sovereign debt crisis, we have been engaged in an increasingly heated debate of how much should the government restrict or regulate the actions of people in the market.

Not only is it an incredibly current debate and discussion but it's been something that has been discussed from St. Thomas More's *Utopia* and the issue of enclosure in 15th century England all the way to the Great Depression. Some of the greatest minds have devoted themselves to this topic, from Frederic Hayek and Milton Friedman to John Keynes and Karl Marx. This specific interpretation of the resolution, that is referring to economic clash only, forces debaters to not only get inside the minds of some of the greatest thinkers and writers of the western world, but also forces them to engage in the debate of our age that determines the lives and livelihoods of billions.

Secondly, I think it allows for the most amount of clash. I can see it now. The affirmative strides up, quotes Ronald Reagan, buzzes off a few definitions, proclaims a value of freedom, bulked up by a founding father quotation, and then proves the resolution with a list of blistering rhetorical questions. "Do we all want to live in prison or in slavery, giving up our freedoms, as long as we would be economically secure? Is that what you want? Do you hate freedom? Huh, judge?" With an interpretation that narrows our understanding of personal freedom to the market only, it saves this kind of affirmative strategy from being inflicted upon us, judge and competitor alike. Gone are the tropes regarding slavery and prison.

What about Framer's Intent?

To me, it's clear that this interpretation gives us the most amount of clash and educates us the most, but it also clearly jibes with the framer's intent the most. By this I am not referring to just my intent. It's clear how I feel about this topic and the correct interpretation. By this I am referring to what other resolution committee members likely thought this resolution meant when they voted for it to be submitted to an overall vote. There is some proof of this. The mini-essay I wrote in defense of this topic to the resolution committee referenced the need for Lincoln-Douglas debaters to know economics throughout. One such reference:

“Economics regardless of our interest in it, determines not only the material well being of our lives but also often the cultural, political and even spiritual lives of the entire nation. There is a wealth of literature that shows how economics combines with all of these things. To paraphrase Dr. Joseph Nye, ‘We may not be interested in economics but economics is certainly interested in us.’”

The consensus of the committee was that the clash and meat of the topic would be economic in nature. Kaitlin Nelson, member of the resolution committee, noted, “My only concern would be that students wouldn't interpret ‘personal freedom’ as economic, even though it's implied.” Committee member Susan Johnson also referred to it as an “economic” resolution. You can rest assured this was not only the intent of the author, but also the general, consensual intent of the committee.

My defense of framer's intent is simple and it is that of resolitional integrity. The resolution, like any document was written by only a certain number of people. When referring to the inherent meaning of what a document means, the clearest way to do so is to look to what the author meant by it. This is why for instance, people comb through the writings of the authors of the Constitution or the framer's of the 14th Amendment, in order to gain a better understanding of what those documents actually mean. It is a clear falsehood to claim that a document means one thing, when those who wrote it made it plain as day that it means another. To use framer's intent protects resolitional integrity and thus ensures accuracy in a topicality debate.

But what if I think you are wrong?

You may have written your own cases that would not withstand my own intent behind this resolution. You may personally enjoy yelling, “Slavery” to win the ballot. You may just dislike the allegedly imperious tone I am taking. But while I'm adjusting my monocle and tapping the ashes out of my pipe, I can admit that there are good arguments that framer's intent is a bad standard to apply to a topicality debate. Now most of the arguments as to why framer's intent is unverifiable don't obviously link to this year by any means. However many feel that this kind of involvement in the debate on the part of a non-competitor and judge, is wrong. By me telling you what my intent is and assuming that is the best interpretation of the resolution (it is, but I digress), many will argue that I have needlessly intervened and intertwined myself in a debate that is not mine to have. This is often called judicial intervention on the collegiate circuit. There are many good reasons why it is horrendous in principle. For this I refer you to an article entitled “Judicial Intervention is Academic Colonialism” published by SoCal-LD written by David Saulet, a Lincoln-Douglas and parliamentary debater for El Camino College and now Concordia University. Saulet makes extensive use of an article called “The Last of the Flohicans” by policy debate coach Scott Phillips published on The 3NR. Anyone who is serious about arguing why judges should accept arguments that are won and dropped should take the time to read these articles in depth. I will however leave you with the relevant quotation directed at those coaches who would intervene in debate.

“No matter how smart you think you are, I guarantee you are actually substantially less smart than that. To assume that you know a better way of debate than the debaters and should therefore decide the debate for yourself is a pernicious form of academic colonialism. What you are doing when you decide to

intervene is a calculated political act- you are choosing to set aside the arguments made within the debate and instead decide based upon a criteria decided by you before the debate takes place. It is my contention that no goal- whether it be the promotion of education, diversity, or tolerance- can justify such a move. This move in and of itself compromises the competitive integrity of the game.”

One can argue to those defending this interpretation of the round using the standard of framer’s intent (this argument does nothing to the standards of clash and education, but I digress), “Frankly a coach and sourcebook author should butt out. Even if they wrote the resolution, they are not the debaters in this room. Only those who are actually competitively involved should determine, in the round using the arguments accessible to them, the interpretation of the resolution. Joe needs to get a life, stop interfering in the arguments of high school debaters and move on. 2008 Nationals Octafinals was 3 years ago.”

You can argue this and believe it or not, these arguments have some merit and validity to them. To make it more explicit, while I think that framer’s intent can be a good standard and that my intent is the overall best interpretation of the debate for many reasons, if I were to serve on a panel, I could easily see myself voting on these arguments. Feel free to make them. On some level this criticism is correct (not only the 2008 Nationals part, that is still too soon). This is not my year of debate. This is what I know I meant the resolution to mean and why I think that’s best, but at the end of the day it is your debate to have.

Values

Rather than provide you with a list of values to use or draw inspiration from, this year, it will be more helpful to provide you with a guide to the role of values in the resolution.

The Purpose Of Values

A value is an ultimate benefit. The value for drinking water could be life; the value for music could be enjoyment; the value for education could be self-actualization. Of course, there can be debate over whether a given value really is the ultimate benefit, but that's part of the value debate.

In most cases the values can overlap—in other words, things can achieve multiple values—but a well constructed value resolution will force clash between values so that you have to defend one single, ultimate benefit.

The value, therefore, needs to be something that answers the question, “My side is good because_____.” That benefit must satisfy several requirements:

1. It must be external

If you're asked to take the side of multivitamins, you could conceivably use Vitamin C as a value. However, that is not the ultimate benefit. The ultimate benefit is something outside of the pill itself—quality of life, for example. To explain why something is good, you usually have to find an external justification for it. Finding a desirable quality within the position you're defending is a first step, but it does not garner you a usable value. The little bumps on Lego bricks aren't the value; the fact that you can use those bumps to assemble an infinite number of bricks together, is.

2. It must be terminalized

The value you come up with should be the ultimate benefit—if someone asks you why that value is good, there should be no more values beyond your value that can justify it. This shouldn't be an excuse for not coming up with a warrant for why your value is good and saying “My value is good. Because.” It simply means that the value should be as far along in the “why?” chain as possible.

A simplified test for whether a value is terminalized is the “intrinsic” test. Does the value have value in itself, without external justification?

Thus, the two requirements for a good value are that 1) it must be a justification outside of the position you are defending, and 2) it must have value in itself.

Argument As Value

The resolution this year contains the concepts of personal freedom and economic security. You could conceivable point to these as values—benefits. What then, is the role of a value in a resolution like this? We turn to arguments as values. Take a look at Joe's market anarchy affirmative case. His entire argument is that economic intervention leads to the destruction of self-ownership. Because the resolution provides concepts that could already be considered values, we don't have to go much further—we don't have to ask “why?” a whole lot of times—before we reach the ultimate benefit, the terminalized value.

In Joe's market anarchy aff, his value is simply self-ownership. Note that because the resolution provides two values as a starting point, the justifications for those values, or the value clash, becomes the ultimate benefit. The arguments become the values.

Pitfalls to Avoid

1. Making Sound Argumentation Secondary

With a resolution so closely linked to conservative and libertarian viewpoints, the resolution at times encourages preaching to the choir. That's good and bad, because while it allows for a deeper examination of the general beliefs of the community, it also makes it incredibly easy to become lazy in argumentation.

A word of caution when running arguments pertaining to government: it's easy to make persuasive-sounding claims like "by taxing citizens and removing their freedom, the government was able to spend recklessly and jeopardize its own financial situation," but I'd encourage debaters to prioritize soundness of argument, even over winning a debate. The arguments that we run in debate always influence us at some level, even if we don't believe those arguments, because we have to at least feign belief for the length of the round. Run only sound arguments and sound justifications, because you, and others, will be changed by the arguments you run.

Debate lasts seven years at most. The knowledge you gain and the positions that you form as a result of debate last far longer.

2. Not Establishing A Framework of Intellectual Honesty

First and foremost, in every debate, debaters must establish as grounds for the debate a framework of intellectual honesty. In other words, we must be open to all ideas, and without proof, we cannot indict an idea as good or bad. It's the same principle that produced innocent until proven guilty. If this is academic debate, we have the burden to prove what we say, and if we don't, even though an idea may make sense, it should not be accepted until it has been proven.

This framework is important both in and out of round. In round, it reduces the potential for debaters to become lazy in argumentation. Out of round, it forces debaters to seek out new viewpoints and broaden their horizons. Both are critical to fostering a healthy environment for academic debate.

3. Using Values From the Resolution

In more rounds than you would like, personal freedom and economic security will be used as values. There's really no point in doing that. Saying that personal freedom leads to personal freedom is just about as circular as it gets. Instead, take the justification for the value of personal freedom, usually located under "Contention 1: Personal Freedom is paramount," and expand that justification into the new value.

Using a position as the value itself is the ultimate example of circular reasoning in value debate. There's nothing to prove in a tautology. And because there's nothing to prove with "personal freedom leads to personal freedom," substantive, productive debate is harder to access.

Values need to be external and intrinsic.

Break It Down

Marxism and The Negative Stance

This year it will be inevitable for the words “*socialism*”, “*communism*”, and “*Marxism*” bandied about. These words, like John Locke’s name are thrown around in Lincoln-Douglas without much thought to their context, their meaning or history. Hopefully this will straighten out some misconceptions regarding Marxism, what it is and what it is not. Scholar Hal Draper once noted, “...*there are few thinkers in modern history whose thought has been so badly misrepresented, by Marxists and anti-Marxists alike.*”

Marx and Engels

Karl Marx was born into wealthy Prussian family and attended the University of Bonn and the University of Berlin, where he became interested in Hegelian philosophy. Becoming a journalist in Cologne, he soon became involved in radical politics. Eventually in the aftermath of the 1848 revolutions, he became a leading figure in the First International Workingman’s Association, often called simply the First International. From there he began to elucidate and formulate his theories on history, class struggle and economics.

Fredreigh Engels is often ignored in a discussion of Marxism, leaving Karl Marx all the glory or notoriety. Engels met Marx in 1844 and set about co-authoring and developing the philosophy, historical theory and economic theory we know today as “Marxism”. Engels helped co-author *The Communist Manifesto* and after Marx’s death became the chief editor and translator of Marx’s works.

Marx’s Critique of Capitalism

There are several major themes in Marxism, such as socialist revolution, dictatorship of the proletariat and Marx’s theory of history. However the theme in Marxist economics that stands out in relevance to this resolution is the critique of capitalism.

"Fine freedom, where the proletarian has no other choice than that of either accepting the conditions which the bourgeoisie offers him, or of starving, of freezing to death, of sleeping naked among the beasts of the forests! A fine "equivalent" valued at pleasure by the bourgeoisie!"

— Fredrieich Engels

Labor Theory of Value

Marx promoted the concept of the labor theory of value. A commodity is worth however much socially necessary work was required to create it. This is differentiated from a market capitalist’s way of finding value in a commodity. A commodity in a capitalist system is worth what the consumer is willing to spend on it. Thus value is subjective, not objective. In Marxist economic theory, a commodity has objective worth. Marx uses this theory of value to explore his concepts of exploitation and alienation. A person finds themselves exploited when the value of the goods they produce exceeds the value of the goods they consume. Thus a miner of rare earth minerals who works in incredibly difficult circumstances who lives on modest means would be considered exploited. A person finds themselves to be an exploiter when the value of the goods they consume exceeds the value of the goods they produce. Thus a hedge fund manager who lives off of steak, caviar and expensive French wine would be considered an exploiter.

Marx’s theory of value can be used in round and in cases to determine if personal freedom in the market truly allows someone to be compensated for what one’s work is worth. It allows the negative argument for

objective value of a commodity, rather than an individualistic, subjective value of a commodity. From there one can see if a free market system promotes values such as equality, justice, or well being if it measures up to the criterion of equal compensation. If not then one can use Marx's theory of value to criticize personal freedom on a deeper level than a simple value clash. It is important to note as well that classical economists such as Adam Smith and Prof. David Ricardo also support a labor theory of value.

Exploitation

Exploitation occurs when a worker produces a certain level of value for his or her boss, but when the worker does not receive the full level of compensation for the value that he or she created. A modern example would be like this, my father was once a salesman for Dunn-Edwards Paint. I remember one year my father being rewarded by his company for having a very successful year, selling nearly 2 million dollars worth of merchandise for the company. I was confused at my age, because I uncertain why my father therefore did not receive 2 million dollars in salary that year. Marx would argue that my father was exploited by the fact that he did not control the means of production; that is the physical means of storing, selling and manufacturing the paint. After the owners of the company gave my father his salary, they kept for the company the rest of the 2 million dollars in profit, which is what Marx calls the surplus value. By pocketing this surplus value, Marx argues that the capitalist maintains control over the means of production and thus maintains the cycle of exploitation.

Marx argues that this cycle of exploitation creates economic inequality that does a number of things. First and foremost it creates a system in which an economic system that promotes "personal freedom" is really only "free" for the rich and upper-middle class, while maintaining a system of serfdom for those unfortunate enough to be born poor. This can create a strong argument that in reality the clash between economic security and personal freedom is an illusion because there is no such thing as a truly 'free' market. This concept of labor exploitation is also promoted by labor historian Immanuel Wallerstein and Prof. Marcel van der Linden. Secondly, this also creates a system where individuals are forced in a perpetual state of poverty which violates both the values of general welfare and justice/equality. A modern example of this is the pervasive income inequality in many western, industrialized countries such as the United States. According to the Center for Economic Policy and Research in 2006, *"The United States economy has grown at a reasonably healthy pace over the last quarter century, with GDP growth averaging 3.1 percent annually from 1980 to 2005. However, the benefits of this growth have gone overwhelmingly to the richest 10 percent of families, and among this group, disproportionately to the richest 1 percent."*

Debate Strategy and Marxism

Like anarchism, I'm hardly calling any negative to start donning a hammer and sickle in rounds and calling oneself a Marxist. Lets just be honest. That is not going to win any rounds, certainly not in this league. However becoming more educated on what Marxism is and what Marxism is not, allows for some major advantages in round. First and foremost when the affirmative labels every criticism of capitalism as socialist, communist, Marxist whatever "ism" seems ready and available, one can easily refute their accusation by explaining why those "isms" actually mean. Also several themes borrowed from Marxist theory, such as growing inequality, chaos in the free markets, exploitation of low income workers, low socio-economic mobility are all themes that find themselves repeated outside of Marxist theory and can easily be applied in round successfully without being accused of being a radical subversive bent on undermining our freedoms. The key is to out research your opponents on what Marxism actually is and is not, find more empirical examples that back the themes of exploitation and inequality and find different (read: not as frightening) sources such as David Ricardo, Immanuel Wallerstein and van der Linden as sources for the themes in your case. Done correctly and done delicately, using Marxist themes and economic analysis can put the affirmative on the defense in a manner that few affirmatives are truly ready for.

Anarchy and the Resolution

Anarchy is, in essence, statelessness. A world without government ruling over us. There are in fact many factions and trends with anarchism but the most relevant to this resolution is anarcho-capitalism, which is quite possibly the purest affirmation of the resolution. While there are many forms of anarchism that have set themselves up against the state and private property, anarcho-capitalism affirms this resolution entirely, arguing to the point that to promote personal economic freedom, one must oppose the existence of the State.

Anarcho-capitalism

"I define anarchist society as one where there is no legal possibility for coercive aggression against the person or property of any individual. Anarchists oppose the State because it has its very being in such aggression, namely, the expropriation of private property through taxation, the coercive exclusion of other providers of defense service from its territory, and all of the other depredations and coercions that are built upon these twin foci of invasions of individual rights."
-Murray Rothbard in *Society and State*

The above quotation from famous American anarcho-capitalist Murray Rothbard provides a great summary of anarcho-capitalist thought. It is probably the purest affirmation of this year's resolution. Anarcho-capitalism has a few major tenets that distinguish it from social forms of anarchism.

Self Ownership and the Non-Aggression Principle

The concept of self-ownership, also termed by James Dale Davidson and William Rees-Mogg as promoting "sovereign individuals", comes from John Locke's *Second Treatise of Government*, where he argues that every man has in their own person. The principle argues that each person owns themselves completely and no one possesses the right to dictate their will forcibly on another person. Just as a nation that completely has ownership and jurisdiction over their territory are described as sovereign, so individuals who completely have ownership and jurisdiction over their lives are described as sovereign.

Self-ownership would be a helpful tool for the affirmative to win the moral and value side of the debate quickly. By affirming the necessity and moral primacy of arguing that each person has the right to rule and own themselves, which is critical to human rights theory, one can quickly dismiss nearly every attempt to regulate the market for economic security. To me this points itself as a simple, compelling, intrinsic value argument that can, if done correctly, make a great case for the affirmative.

Coupled with self-ownership is the non-aggression principle, while sounding similar to pacifism, does not discount the use of violent force. Instead the principle holds that the initiation of violent force is aggression and thus is immoral. The response to aggression however is entirely moral and is encouraged. This principle would thus ethically outlaw murder, rape, and all sorts of various crimes, including burglary and fraud, as these are all forms of coercive aggression. Anarcho-capitalists list this principle as the foundation of an any anarchist society and an intrinsic moral principle.

The non-aggression principle answers the simple question of how far the value of self-ownership or personal freedom go in an affirmative world. The answer is simple, it can go as far as the individual wishes it goes until it runs into the freedom and self ownership of another individual. To initiate an attempt to deny the self ownership of another human being through force, as the state does, is thus immoral while responding to that attempt is in fact the only moral use of force. This coupled with self-ownership can easily make a very cohesive value argument that together can put a negative at an uphill battle.

Private Property

"For, apart from ruling out as unjustified all activities such as murder, homicide, rape, trespass, robbery, burglary, theft, and fraud, the ethics of private property is also incompatible with the existence of a state defined as an agency that possesses a compulsory territorial monopoly of ultimate decision-making (jurisdiction) and/or the right to tax"

-Murray Rothbard

Anarcho-capitalism's stance on private property is what distinguishes it from other forms of anarchism, especially social anarchism. Instead of private property and the market being viewed as yet another authority that holds people down, the anarcho-capitalist views the private ownership of property and resources to be key to anarchy. The State, is in fact incompatible with private property. Those who originally appropriate property have the right to do whatever they wish with it due to the fact that they have mixed their intellect, their work, their faculties with their property, thus mixing themselves with it. The anarcho-capitalist view of property goes right hand in hand with the view on self ownership. To deny the right of property is to deny an individual's rightful rule over themselves.

This leads to an unrestricted form of capitalism with no state to regulate, tax, subsidize or hamper the economic activity of others in any way. This would be what is referred to as a contractual society, where individuals form voluntary contracts with other individuals or association of individuals. These contracts would not be enforced or regulated by a state, be it corporatist, socialist, or statist of any fashion.

The strength of the anarcho-capitalist position is that by winning the value of self ownership and winning the link between self ownership and private property, one basically wins the debate, period. However also the anarcho-capitalist position can also make the argument that only is it the only moral organization of the economy but also the utilitarian organization of the economy. For instance the Cato Institute notes, "... *we do not observe perpetual world war in the absence of global government, shriveling international commerce in the absence of supranational commercial law, or even deteriorating standards of living in Somalia. On the contrary, peace overwhelmingly prevails between the world's countries, international trade is flourishing, and Somali development has improved under statelessness.*" The counterintuitive strength of the anarcho-capitalist position is that you get to argue that life generally is better in a world where you leave people alone.

Critique of anarchism

Naturally anarchism is not without it's critics. The first major strain of criticism is that anarchy is a completely utopian notion that cannot be achieved. The first style of this argument comes from the idea that truly powerful associations of individual's - that is companies - would create a monopoly, which would turn itself into the state. While anarcho-capitalists deny that the free market of competition would allow this to happen, Randall Holcombe in his book, *Government: Unnecessary but Inevitable*, explains that defense companies contracted for law and order could operate without fear of competition due to their use of force. The second style of attack, argues that humanity naturally organizes itself. As human history moves from individuals to clans, to monarchy and democracy the natural tendency of man is to organize ourselves in more and more intricate systems of governance. Even if we were to truly tear down the state, it would reappear inevitably.

The second major argument against anarchism is that anarchy would quickly develop into violence, which is why the word anarchy itself has chaotic, violent connotations. Statists and those who oppose anarchism cite a few cases of how statelessness promotes violence. The classic example is Somalia, often held as an example of how violence and statelessness go hand in hand. Since the collapse of the Somali government after the outbreak of the Somali Civil War in 1991, much of Somalia exists without any governing authority. Bronwyn E. Bruton of the Council of Foreign Relations in her report, *Somalia: A New Approach* lists Somalia as one of the poorest and most violent countries in the world.

The nature of this criticism argues from the viewpoint of a darker view of humanity. This criticism believes that at humanity at its heart is morally bankrupt. This is a common theme in Judaism, Christianity, especially of a Calvinist variant, and Hobbesian philosophy. English philosopher Thomas Hobbes argued that life in a "state of nature", that is without a socially contracted government to restrain humanity, would be violent and chaotic.

Defense of anarchy

However there is obviously a response to these arguments otherwise anarchism wouldn't exist long as a political philosophy. The first response is that in reality a society without the state is in fact very possible. In Spain much of the territory out of the hands of the government or Franco's nationalists was under the control of anarchist communes, which flourished. George Orwell in his *Homage to Catalonia*, noted,

"Many of the normal motives of civilized life--snobbishness, money-grubbing, fear of the boss, etc.--had simply ceased to exist. The ordinary class-division of society had disappeared to an extent that is almost unthinkable in the money-tainted air of England; there was no one there except the peasants and ourselves, and no one owned anyone else as his master."

The Icelandic Free State, existing from the 900s to the 1600s, is also an oft-cited example of a successful minarchist, if not completely anarchist society that did in fact exist. In the *Journal for Legal Studies*, economist David Friedman notes that the Free State, "...might almost have been invented by a mad economist to test the lengths to which market systems could supplant government in its most fundamental functions." Professor Jared Diamond, author of *Collapse and Guns, Germs and Steel*, also found that,

"Medieval Iceland had no bureaucrats, no taxes, no police, and no army. ... Of the normal functions of governments elsewhere, some did not exist in Iceland, and others were privatized, including fire-fighting, criminal prosecutions and executions, and care of the poor."

In addition to this anarchists agree that in reality an anarchist society would not plunge into chaotic, violent darkness. For instance, Lt. Col. Grossman (USMC), in his study *Hope on the Battlefield* argues that most people are incapable or very reluctant to kill other people. In this he cites a study from the British experience in the Second World War which found that at most 20% of soldiers in combat would fire their weapons. Grossman argues that, *"Military leaders know a secret: The vast majority of people are overwhelmingly reluctant to take a human life."* The Old American West is also an interesting example cited by anarchists. Long seen culturally as a backward and violent region of the United States, the American West was not the violent haven for criminals and desperadoes that John Wayne and Clint Eastwood movies have painted it to be. Studies from both the Von Mises Institute and Stanford University have shown that the American West was relatively peaceful when it came to violent crimes and property crimes.

How to Apply Anarchism to this year's resolution?

One may be thinking, "Well this is all very (or not very) interesting, but I have no idea how I am viably going to use this in a round, especially in this league." However there are some ways I think this can be done very effectively. First of all, understand that while this league we compete in is very competitive its is becoming more and more receptive to unorthodox ideas and philosophies. Secondly, the libertarian tradition this league will make the message of anarcho-capitalism a well received one depending on your judge. Furthermore I am not arguing one should outright advocate for anarchism as the affirmative. However being familiar with the arguments for and against anarcho-capitalism can aid in you a variety of ways. Firstly, the philosophical concepts such as self-ownership, property and the non-aggression

principle can beef up your value clash and justification. Secondly, the applications of how market anarchy has actually provided a better society can be used to affirm this resolution fairly well. By taking themes from anarcho-capitalism one can build a decent affirmative without being labeled a bomb thrower and scarred with a black "A" on your clothing. Lastly, if one accuses the affirmative stance of being anarchist in nature, which could be a very possible negative strategy, one can know anarchism well enough to argue, that firstly, that is not true and secondly, that may be a good thing. All in all, I think by taking themes from anarchism one can make it a very interesting and quite possibly successful year with this resolution.

Kritiks in Lincoln Douglas Debate

by Patrick Shipsey

As an alleged "policy interloper" in the realm of Lincoln-Douglas debate, I walked into the activity a bit skeptical of LD norms and practices. I very quickly found that, despite the ostensibly significant differences between value and policy debate, debate's debate, and the two are simply two sides of the same coin. However, there was one thing about LD debate that I found particularly odd. Given the unique positions which one takes in the course of an LD debate, I found it to be ripe for a rather underutilized level of debate: the kritikal. In this article, I make the case for debaters participating in LD—yes, that means you—to learn the kritikal level of debate, and utilize it in tournament rounds.

The reason for this is simple: Kritikal strategies dominate. In the study of game theory, a strategy can be said to "dominate" another when it achieves an outcome at least equal to the other strategy in every scenario, and an outcome greater than the other strategy in at least one scenario. In other words, if one strategy gets you, to use arbitrary units, ten points the first time you play it, five points the second time, and fifteen points the third time, we can say that's a pretty good strategy. However, if another strategy exists which gets you ten points, five points, and twenty points, the second strategy "dominates" the first one. I bring this up to make a point: this book is about teaching you how to dominate. A kritikal debater has doors opened to him which are left closed to more limited debaters. Kritikal debate is dominant debate. With that in mind, we'll explore the three primary aspects of the kritik: What, Why, and How.

If you're confused thus far as to what a kritik (or criticism) is, don't worry. You aren't alone. There's a great deal of popular confusion as to the exact nature of a criticism, so here's a clarification: a criticism is an argument which indicts the language or assumptions held by the opposition. This can take a great many forms—nearly any philosophical argument could potentially be turned into a kritik, especially if it has to do with actions of the state, since debate so often touches upon such matters. The German spelling of the word "kritik" (pronounced "critique") comes from Immanuel Kant, the philosopher whose work inspired it. Kant pioneered a concept in ethical philosophy called the "moral imperative", which stated, among other things, that the ethical status of an action could not be evaluated without first applying the axioms behind it to any and all applicable situations. In other words, you can't tell whether an action is moral without infinitely multiplying out the mindset behind it. This will become a little clearer when you get to the sample criticism at the end of this chapter.

The nature of what the kritik indicts—the language and ontology of the opponent—means that it can often operate on an "a priori" level. In practical application, this means that the kritik is usually evaluated above any other argument, and the win goes to whichever debater won the kritik. It can also, however, operate on the level of the actual resolutional value debate. The criticism could be applied to indict nearly any underlying assumption held by the opposition. For instance, one somewhat popular kritik draws upon the work of Giorgio Agamben, who critiqued the idea of human rights. Human rights, in Agamben's view, were really just Western moral norms placed in a universal guise in order to justify the subjugation of other cultures. In this view, Western attempts to export human rights to non-Western cultures such as those in Africa, Asia, and the Middle East were simply attempts by Europeans to turn those peoples into miniature black and brown Europeans. The latitude which is afforded to the kritikal debater allows for debates on a wide range of subject matter.

Now that you more or less understand what a kritik is, let's look at why you would want to do it.

- The LD judging pool is, at this point in time, ripe for the kritik. Too many LD rounds are simply filled to the brim with unproven assumptions that never get addressed, which can make rounds intellectually stifling. I've talked to a great many judges, especially in LD, who are tired of debaters getting a free pass and want to see them called out. The kritik was specifically designed to fill that niche.

- Value constructs make the perfect target. Let's say your opponent has a value of security. It sounds pretty good, but let's hold on a second. Valuing security above anything else? Let's multiply that axiom out. Would it really be moral to hunt down and question any suspect of a crime, without habeas corpus, probable cause, or due process, in the name of "security"? And aren't there gross violations of ethics and human rights conducted every single day in the name of nebulous "security"? LD debate is essentially already kritikal debate. Kritiks simply add rigor, structure, literature, freedom, and imagination to the kinds of arguments that your judges already like to hear.
- It's important. Instead of debating one example mindlessly back and forth, how about we talk about something that really matters?
- It makes you think. Kritikal debate stretches you as both a person and a debater and forces you to consider things that you probably hadn't previously. It also affords you greater latitude when thinking on the spot against a new case.
- IT WORKS. The sample kritik included at the end of this chapter went undefeated the year it was used, including one outround at NITOC and a preliminary round against one of the NITOC finalists in LD that year. Kritikal debate can be extremely powerful when correctly executed, and we want you to harness that power.

Now let's go to the "how". This is important—criticisms are often complex, involved arguments, and the worst thing you can do in a critical debate is muddy the issue. You need crystal clarity, and that means having structure. This is a communication activity, but if you sacrifice the structure of the argument in order to oversimplify it, you'll get muddled and communicate nothing. With that said, here are the four parts of the criticism. (Those of you who have done policy debate might find the structure similar, as it shares strong common elements with a disadvantage/counterplan combination).

First is the framework. The framework sets up how the criticism should be evaluated within the debate. Typically, a framework will include a few common elements. Most notably, a framework will mention that debate is fundamentally imaginary. After all, the real world doesn't pay attention to our debate rounds. It's not as if the government will change its view of economics to match whoever wins a Stoa debate round. However, the words that we use and the ideas we espouse in a round do affect the real world. Therefore, it makes sense that we would evaluate those above the imaginary issues of the debate round. This isn't necessarily to say that we should totally disregard the case debate, since the criticism can also affect the truth or falsity of claims made in the context of the case. For instance, if I were to read a criticism on how the concept of capitalism is inherently destructive and shouldn't be endorsed, it would operate on multiple levels. Not only would it operate outside of the debate, since our personal endorsement or indictment of capitalism within the discussion we're having has effects on the real world, but it also operates within the debate—if capitalism should be rejected, that naturally means that the debater endorsing capitalism would lose the value debate. Look for this in the sample debate. The framework is arguably the most important part of the criticism—after all, if the criticism shouldn't be weighed, it shouldn't factor into the judge's decision, and it doesn't matter in the real world.

Next is the link. The link simply identifies the language or ontology that the criticism indicts. In the example of the critique of capitalism, the link would identify exactly how the affirmative endorses capitalism, fails to indict it, feeds into it in some special way, masks the problem, or some other link story. The link story of a criticism will, ideally, be strong enough that the opposition's attacks on it are basically futile. Since the vast majority of debaters only really know how to attack the link on arguments such as the criticism, having a strong link has the potential to make your argument impenetrable to many opponents.

After the link come the implications. The implications look at what the mindset or language identified in the link would do if multiplied out to their logical conclusion. In short, they are what is implied by the link.

The implications should flow inevitably from the link—that is, with every instance of the link happening, the implications happen as well. To illustrate this point, let's continue the example of the critique of capitalism. In such a scenario, a bad impact would be something like "capitalism costs jobs." This is so because there's nothing inherent to capitalism that costs jobs—in fact, there's a lot of compelling evidence that capitalism is in fact a very useful tool for job creation. A much better impact would be to call into question the very idea of a "job" by saying that what we refer to as a "job" is simply the mechanism used by the ruling class to ensure that the human chattel that they use for their own devices stay alive long enough to make them more money, dehumanizing them in the process. Such an impact is better because it is systemic—any iteration of capitalism will by necessity include the concept of a "job", as specialization of labor is key to any understanding of capitalism. Moreover, it adds a moral dimension, saying that capitalism, while potentially useful, is immoral as currently formulated. To understand this in a less controversial and abstract way, refer to the sample criticism.

The final part of the criticism is the alternative. The alternative is essentially the way to be "un-critiqueable". After all, if there's no alternative to capitalism, it hardly makes sense to punish a team for being capitalistic. However, if there is an alternative which we can enact or work towards, then there's no excuse for the opposition not to be penalized. In some cases (such as certain language criticisms), the alternative can be as simple as "rejection", or the refusal of the judge to endorse the discourse indicted by the critique with a ballot in their favor. Whatever your alternative is, you should have strong solvency arguments for what exactly your alternative is intended to achieve.

A Winning Kritik: Morality vs. Legitimacy

To understand this criticism, you should understand a little context first. I did a few tournaments in LD during the 2010-2011 season. The resolution at the time was "That a government's legitimacy is determined more by its respect for popular sovereignty than individual rights." It became very much in vogue in certain parts of the league for affirmatives to attempt to frame legitimacy and morality as divorced concepts in order to dodge arguments about tyranny of the majority. This was one tactic that rubbed a lot of debaters and judges the wrong way, so I finally sat down and wrote the following criticism against debaters running "amoral" affirmatives. Included are some cross-examination questions for setting up the criticism.

Cross-Ex:

So, let's say a boy opens a door for a girl. Would you say that's a good action?

Now let's say that the boy opened the door because he thought to himself, "Oh, she's a woman, so she won't be able to figure out how to work the doorknob." Is THAT a good action?

So, would you say then that a person's mindset matters when deciding whether something is "moral" or not?

You're a debater, right?

Have you ever been standing in a circle of friends and heard somebody use the word "Legit"?

Okay, and when somebody used that word "legit", was it ever to refer to something that they thought was bad? Like, "Did you hear about all the ethnic cleansing in the Sudan? SO LEGIT."

So, the word "legit" denotes approval, would you say?

And, just to clarify, "legit" is short for "legitimate," right?

Language K NC

My opponent would have you believe that legitimacy is not the same as morality. In fact, he believes it so strongly that it's a contention in the 1AC. I think that's a dangerous mindset to be going off of, and because of that, I propose a Kritik. This is the only argument that I'll be making in response to my opponent's Affirmative case, but I think it's the most important one. I think that saying that morality and legitimacy are two divorced concepts is a bad thing, and I'll show that through three points.

The A point is the Framework. In debate, we're used to framework arguments, I'm just going to tell you how I think you should weigh this argument in today's debate round. My first point here, **Framework point one**, is that **language matters**. The language that we use intimately affects the way that we think. For instance, to call someone who is male a "boy" has very different connotations from calling him a "man", and that affects the way that we think. The language that we're using RIGHT NOW affects everybody in this room in a material way, RIGHT NOW. **Point two** is that **the ballot is key**. To vote for a mindset or certain kind of language is to signal your approval of it. Therefore, I think if I can prove that the mindset or language that my opponent uses here is undesirable, you should refuse to endorse that with your ballot and say, "Yeah, no. I'm not voting for that." I think if I win this Kritik and prove the mindset bad, that's enough for you to vote on.

With that in mind, let's move to the **B point, which is the Link**. The link here is pretty simple. My first argument here, **point one**, is that **the word "legitimacy" connotes approval. That's "legitimacy" connotes approval**. We talked in cross-ex about the word "legit", and how debate nerds and other people use "legit" to say something's cool or good or whatever. Furthermore, a government that is "legitimate" is by definition one that should be allowed to remain in place. If I say, "A legitimate

government was overthrown today”, that’s a bad thing. But if an “illegitimate government” was overthrown, that’s a good thing. This shows how the word “legitimate” denotes approval. My second argument under the link, **point two**, is that the Affirmative tells you that immoral governments that slaughter the innocent can be, in fact, “legitimate”. The word “legitimate” always connotes approval. So point two under the link is **approval of immoral governments**.

Now let’s look at why connoting approval of immoral governments is a bad thing under the **C point, which is the Impacts**. I think there are a whole bunch of impacts, but I’m going to focus on 3. The first, **impact one**, is that **language is made meaningless**. If the Affirmative is allowed to redefine “legitimate” in ways that it is never used in the language, like, ever, the word “legitimate” ceases to have, you know, any actual meaning. I like language, I think we should preserve its meaning. **Impact two** is that **the resolution is made meaningless**. If we are to accept that legitimacy is not a question of value judgments and morality, the resolution becomes an utterly pointless thought exercise. What, practically and ethically speaking, does it matter if a government is legitimate when there’s no VALUE judgment behind that? There isn’t. The Affirmative’s interpretation makes the resolution a pointless and sterile “fact debate” without any truly important implications, and I think you should reject that. But the most important one, this is the really big one, **Impact three** is that it **paralyzes political action**. If we say that xyz government is “legitimate”, it removes our ability to condemn that government. It is political nihilism of the most dangerous kind, in which a government capable of brainwashing its populace is one which should be allowed to stand and against which no case can rightfully be made, removing all ground for real people in the real world to stand up and say “This is WRONG.” How are we to condemn injustice, slavery, persecution, and genocide, except by saying that they are illegitimate? How are we ever to stop these evils if we cannot look at their perpetrators and say, “You, you are not legitimate, and we will not stand for this”? We can’t, and I don’t think you should vote for that. Now that we’ve established that an amoral framework for the round is just terrible, let’s examine it from a moral perspective with my Negative case.

The Cases

Market Anarchy Aff

There are two key ways this affirmative can help someone get ahead. First and foremost it predicts and moots much of the negative strategy. The negative this year will try and pin affirmatives to some kind of market anarchy. Instead of trying to squirm out of it, you will surprise them by taking it head on and defending it. Much of the arguments that the negative will be prepping will be to pin you to anarchy and then make some straw man arguments against it. By actually giving empirical evidence and analysis to defend a world without governmental regulation of the economy, one can leave the negative on the losing end of the debate. Furthermore the strength of the case is the value. By listing individual self ownership as the prerequisite to the highest moral consideration it allows the negative to win the application debate, which becomes irrelevant as long as the value is won.

Market Anarchy Aff

“A man is none the less a slave because he is allowed to choose a new master once in a term of years.”
-- Lysander Spooner

It is because of the truth stated in this quotation, that I am proud to stand affirmative in today’s resolution:
A government’s legitimacy is determined more by its respect for popular sovereignty than individual rights.

Observation: What Does the Resolution Mean or Resolutinal Analysis

a. Definitions

“**When in conflict**” is when two objects enter into a zero-sum game and one or the other must be chosen.

“**Personal freedom**” is the idea that each person belongs to themselves alone and is free to do as she or he pleases without compulsion.

“**Economic security**” is defined as the economic well being, welfare and stability of a nation’s citizens.

Thus the resolution restated is, “**When a zero sum choice is placed between the idea that each person belongs to themselves alone and is free to do as he or she pleases without compulsion and the economic well being, welfare and stability of a nation’s citizens, the former is more valuable.**”

b. My value. The value I will upholding is that of self ownership. Philosopher G. Cohen explains that self ownership is defined as the idea that “Each person enjoys, over himself and his powers, full and exclusive rights of control and use, and therefore owes no service or product to anyone else that he has not contracted to supply.”

c. How to decide today’s round. My job as the affirmative is to prove to you today that my value is the most valuable value in today’s round and thus should be the lens by which we decide the question of today’s resolution. If my value is the premier value that we should uphold and the upholding of that value demands an affirmative ballot, then you should vote affirmative today. If you are not convinced that self-ownership is the premier value or that it is better protected by the negative side of today’s resolution, then a negative ballot is warranted.

Contention 1: Self-Ownership is the most valuable concept.

a. It is the foundation of all human rights. The concept that human beings own themselves and are not beholden to other human beings without their consent is the philosophical foundation for all the human rights we cherish. John Locke, arguably the architect of modern rights theory, argued in his Two Treatises on Government that, “...every man has a property in his own person.” Clearly the concept that a person owns herself or himself is critical to the concept that people are entitled the rights of life, liberty and property. Without the foundation that each person owns themselves, these rights would mean nothing.

b. Human rights are moral considerations that override all others. The fact that self ownership and human rights are philosophically inseparable becomes notable when we find that human rights morally override every other consideration that humanity faces. Brian Orend, in Human Rights: Concept and Context,

explains, “In general, the objects of human rights are those fundamental benefits that every human being can reasonably claim from other people, and from social institutions, as a matter of justice. Failing to provide such benefits, or acting to take away such benefits, counts as rights violations. The violation of human rights is a vicious and ugly phenomenon indeed, and it is something we have overriding reasons to resist and ultimately, to remedy.”

c. Thus Self-Ownership will be the lens by which we look at the resolution and by which we analyze this resolution.

Contention 2: An negative ballot harms self-ownership.

Now that we’ve established that self-ownership is the lens by which we view this resolution, we must determine which side of this resolution affirms the value of self ownership. We will look to how the negative side undermines and ultimately destroys the concept of self ownership, demanding an affirmative ballot.

a. Economic security as a value leads to economic interventionism. To believe that the economic well being of citizens is the first and foremost is to encourage any and all actions to achieve this method, including economic interventionism. A government intervention is defined by the Internet Encyclopedia of Philosophy as, “ Interventionism is characterized by the use or threat of force or coercion to alter a political or cultural situation ...”

b. Economic interventionism denies self-ownership. To intervene in the market dealings between private individuals and dictate the outcome of these dealings is to deny that these individuals in fact own themselves. For instance Austrian economist Ludwig von Mises in his book *Planned Chaos*, lists a minimum wage as one of these interventionist policies. The justification of a government enforced minimum wage is entirely that of economic security as noted by Congressman Russ Carnahan, “6.6 million people will benefit from a rise in the minimum wage.” However this practice dictates what one private individual, the employer, pays another private individual, the employee, thus denying the self-ownership of both individuals. Furthermore denying this principle is the fact that any employer who convinces other individuals to work for less than the arbitrary wage demanded by the government, will be arrested and fined with coercion and force.

c. Economic security collapses in on itself. While denying the self-ownership of free individuals, economic security falls in on itself as the policies promoted on it’s behalf cannot even bring economic security, especially for the more underprivileged and disadvantaged of society. On the issue of minimum wage, Dr. Burt Folsom of Mackinac Center, notes, “The bias of minimum wage laws against disadvantaged minorities has been conspicuous ever since 1956, when the minimum wage shot up from 75 cents to \$1.00 an hour. During the next two years, nonwhite teenage unemployment spiralled from 14 to 24 percent. The recent 1996 hike in the minimum wage to \$5.15 an hour had a similar effect: unemployment among black male teenagers jumped from 37 to 41 percent almost immediately, at a time when the economy was doing well for almost everyone else. That’s why Milton Friedman, the Nobel Prize winning economist, once called the minimum wage ‘the most anti-black law on the books.’”

d. Conclusion: Vote Affirmative

Thus it is clear that the value of self-ownership, the bedrock of human rights and moral action, can only be safeguarded as we steer clear of economic interventionism in the name of elusive ‘economic security’ and vote today for personal freedom and thus affirmative in today’s resolution.

Market Anarchy Neg

This is in essence the direct response to the anarchy case. While a lot of negative cases will flounder against a well prepped affirmative who is well read on a literature base of Rothbard, Friedman, Bastiat and Hayek. This however instead can challenge the affirmative on two instances. For one, it offers one of the few coherent value challenges to the otherwise strong value of individual rights. The strength of the value challenge lies in that one can outweigh by weighing the well being society over the well being of the individual and by outright subsuming the affirmative value. Secondly, it allows for a serious empirical challenge to a well prepped affirmative. With the fairly compelling empirical narrative of financial regulation, I think one can easily tie the negative ballot to society's general well being.

Market Anarchy Neg

“Capitalism is the fullest expression of anarchism, and anarchism is the fullest expression of capitalism.”
-- Murray Rothbard, libertarian economist.

“The welfare of the people is the true wealth of nations.” -- Arthur Griffith, Irish statesman.

It is because of the revealing nature of these two, opposed, quotations that I stand in negation of today’s resolution, “When in conflict, personal freedom ought to be valued above economic security.”

Observation: Resolutational Analysis or “What does the Resolution Mean?”

a. Definitions

“**When in conflict**” is when two objects enter into a zero-sum game and one or the other must be chosen.

“**Personal freedom**” is the idea that each person belongs to themselves alone and is free to do as she or he pleases without compulsion. In the context of this particular resolution, personal freedom is referring to freedom in economic matters.

“**Economic security**” is defined as the economic well being, welfare and stability of a nation’s citizens.

Thus the resolution restated is, “**When a zero sum choice is placed between the idea that each person belongs to themselves alone and is free to do as he or she pleases without compulsion and the economic well being, welfare and stability of a nation’s citizens, the former is more valuable.**”

b. The value. My value that I present to counter my opponent’s value will be that of general welfare, defined as upholding the overall, material well being of people.

c. How to decide today’s round. My job as the negative is to prove to you today that my value is the most valuable value in today’s round and thus should be the lens by which we decide the question of today’s resolution. If my value is the premier value that we should uphold and the upholding of that value demands a negative ballot, then you should vote negative today. If you are not convinced that general welfare is the premier value or that it is better protected by the affirmative side of today’s resolution, then an affirmative ballot is warranted.

Contention 1: General Welfare is the highest value.

a. Universal Morality. One of the main strengths of general welfare is that it comes with the highest of authorities; moral authority. The principle that we should uphold the material well being of others is found in what is called in ethics as the “Golden Rule” Philosophers and theologians alike have argued that humanity’s main duty on earth is to promote the well being of our fellow human beings. We see this message in nearly every religion—monotheistic or otherwise—and in secular philosophy. Antony Flew in his Dictionary of Philosophy notes, “The maxim ‘Do unto others as you would have them do unto you.’ Various expressions of this fundamental moral rule are to be found in tenets of most religions and creeds through the ages, testifying to its universal applicability.” While various philosophies of the purpose of

government or ethics often come from one culture - Western or Eastern - in origin, the concept of general welfare speaks to every human being regardless of our social history or cultural background.

b. The cornerstone of society. Without a proper understanding of how valuable general welfare is, it is impossible to have a properly functioning society. Everything that helps make a society function in a manner that benefits all of its members; be it equality, prosperity, human rights or justice - falls under this banner of "general welfare". Why do we value these individual concepts? Because we recognize that a society that is tolerant prosperous, free or just is a better society and is a society we would rather live in. In conclusion, general welfare is the summation of the aspirations of humanity. Thus as members of this human race, it is clear that general welfare is the highest value today in this debate.

Contention 2: An affirmative stance harms general welfare.

a. An understanding of the affirmative stance. It is important to understand that the resolution does not demand that the negative oppose all forms of economic freedom. In fact the resolution implies with its conflict clause that in many, if not most instances, the negative can agree with personal economic freedom as it often, if not usually, upholds economic security as well. However the affirmative must uphold that in all instances, economic freedom must not be imposed on, even for economic security. It is in the opinion of negative, that there remain instances where impulses of economic and market actors must be checked in some way.

b. Total personal economic freedom is market anarchy. Taken at its face value, to uphold one's ability to act in a market or do what one wishes with their economic decisions with no restrictions of any kind is, in essence, anarchism. This is admitted as much by Murray Rothbard, who was a consistent champion of the affirmative stance on today's resolution.

c. Market anarchy harms our general welfare. Freedom, as with most things, is beneficial and a social good, until it reaches extreme levels. Personal economic freedom is no exception. To promote total personal economic freedom is in essence to promote a no-rules-barred, anarchic, economic free for all, with disastrous consequences. The key example of this is the introduction and repeal of the Glass Steagall Act of 1933. It was introduced in the aftermath of the 1929 Stock Market Crash and the resulting Great Depression. One of the main culprits was the merger of commercial and investment banks, which allowed the crash to spread beyond what was normal for the market. The Congressional Research Service explains, "In the nineteenth and early twentieth centuries, bankers and brokers were sometimes indistinguishable. Then, in the Great Depression after 1929, Congress examined the mixing of the "commercial" and "investment" banking industries that occurred in the 1920s. Hearings revealed conflicts of interest and fraud in some banking institutions' securities activities. A formidable barrier to the mixing of these activities was then set up by the Glass Steagall Act." The act did in fact restrict personal economic freedom by restricting individual's freedom to create and merge companies as they choose. However it kept us from repeating the mistakes of the 1920s and 1930s. However in 1999 the Glass Steagall Act was repealed in the name of personal economic freedom. The consequences were nothing less than horrendous. The housing bubble of 2007 soon grew into the financial crisis of 2008 which led to a massive, international economic downturn. British economist Liam Halligan notes, "...we need desperately to re-impose the split between commercial banks (where you and I deposit money, and which then lend to ordinary businesses) and investment banks (which carry out higher risk strategies). The removal of the "Glass-Steagall" firewall in both the US and UK is the prime reason for the current crisis. By merging with commercial banks, leveraging their taxpayer-guaranteed deposits and using them to place reckless bets, the investment banks have destroyed the financial strength of the Western world. Any schoolboy economist can see that." The cost of this mistake cannot be understated. The International Monetary Fund undertook a study in 2010 which noted that, "Recessions leave scars on the labor market; the Great Recession of 2007-09 has left gaping wounds. Over 200 million people across the globe are estimated to be unemployed at present. Among countries with unemployment data in the IMF's World

Economic Outlook (WEO) database, there has been an increase of over 20 million unemployed people since 2007.” This becomes especially problematic for our general welfare when we realize the consequences of unemployment goes beyond the economic. Virginia Tech Institute in 2007 found that with an increase of 900,000 unemployed people, that 24,000 people will die of suicide, disease and crime. Thus we can assume that over 533,000 died as a result this costly mistake. It’s clear that our general welfare cannot afford total and unrestricted personal freedom in the market.

Capitalism Kritik

The arguments for and against capitalism are many and varied, with far-reaching repercussions. As such, the criticism that follows is by no means the be-all-end-all of capitalism critiques. However, we feel that it works well enough for this topic.

The core of this capitalism kritik is simple. Essentially, capitalism is marked by an ironic logical twist. Though it claims to be an individualist, democratic creed, capitalism in fact requires the individual's life to be dictated by the caprices of the collective known as the "market". But since that collective is made up of, as cartoonist Scott Adams once put it, "several billion weasels trying to hose each other", that collective's will is most akin to that of a gluttonous and destructive individual. This leads to the degradation, not only of specific individuals both as schoolchildren being shaped to perform within the market and as adults desperately trying to avoid the pain and suffering of unemployment, but also of the human race as a collective as we degrade and deplete natural resources in service to the market. All of this comes about because of the concept of "property rights", which form the core of capitalism.

Here are the key concepts that you'll need to really understand in order to argue this criticism effectively:

"Property rights are a myth"—a core concept to this criticism, as written, is that there is no fundamental basis for "property rights". The argument goes like this: First, all private property is predicated on honest exchange. That is, all legitimate property is gotten through me exchanging something of mine (such as my goods or my labor) for something of yours (such as your money). However, money is worthless except for its ability to buy material things, whether that be food, shelter, or some consumer good. Now, let's look at that a bit more closely: Everything which money can buy had to, at some point, have been a part of nature. Every iPod that Apple makes is made up of gold, silicon, copper, aluminum, and petroleum that was mined out of the ground and processed to make circuits, plastics, and casings. While the rich man may be able to prove that he came by his wealth and resources through honest exchange and enterprise, *how did those resources come to be private property in the first place?* At one time, they were nobody's property. Which guy in the precapitalist societies was magically given the right to claim nature for his very own, conferring upon him permanent, bequeathable, and exclusive rights to it? The answer, simply put, is nobody. Nobody was given the right to claim nature for their own, because that was nobody's right to give. Instead, somebody decided that they could simply take it. Under this conception, then, there's no such thing as a "property right". Think of it in the same way that it's illegal to own stolen property. Let's say you were to buy something from me, such as car. One day, the police come to your house and inform you that this car is stolen property. You bought the car from me fair and square, and I transferred over to you the rights to use that car however you pleased. However, since I didn't have the right to sell you the car to begin with, we say that the car is not, in fact, yours. You may have purchased the rights from me, but those rights were not mine to give. In the same way, the idea that all property is, in at least one sense, "stolen" would seem to indicate that all subsequent transactions have been effectively null and void.

"The goal of a capitalist firm..."—Under this criticism (and, indeed, essentially all economic theory), it is accepted that the primary goal of any company is to make money. This makes sense: a company is a commercial enterprise; they would never have been founded if not to make money. The theory behind capitalism states that capitalist firms end up providing for the needs of people, not because they want to, but because they won't make money if they don't. In a capitalist system with rigorous competition, a firm that can't provide for the needs of its customers will go out of business and be replaced by a firm that can. However, were it possible for them to make money without filling a need, it seems to make sense that they would do so, since the primary goal is the making of money and not the filling of needs.

"The world contains finite resources."—It's an accepted tenet of economics that there exists in the world a limited quantity of resources. Capitalism is a system of developing (or exploiting) and distributing (or hoarding) those resources. When we speak of "poverty", we speak of resource scarcity in a specific

geographic area, whether that is a house in Chicago, a neighborhood in New York, a city in Texas, or a country in Africa. Economic systems, then, should be judged (at least in part) on how well they develop, distribute, and preserve resources.

All of the key concepts of this criticism flow out of these three. Should you read this argument, I recommend you read extensively on the various criticisms of capitalism so you can understand it as deeply as possible.

On a strategy side, I've italicized a hidden spike in the third point under the link. If your opponent tries to link out of the criticism without addressing the spike, he's in big trouble.

NOTE: This criticism is not ready to read in a round as it is currently written. Some of it is put in somewhat esoteric language, and it's *far* too long. If you want to use it, you should read it, know it, and rewrite it so that it contains all the necessary points at a reasonable length. Mazel tov.

Capitalism Kritik

My opponent has chosen to affirm the resolution, saying that “When in conflict, personal freedom ought to be valued over economic security.” However, I think there are some pretty serious problems with this, and my objections come down to objections to the system of capitalism itself. I’m going to be discussing in this speech how my opponent’s advocacy feeds specifically into capitalism, and why and how we should pursue an alternative. I ask you to keep your mind open for this discussion, as it’s precisely these kinds of discussions that debate is meant to equip us for.

The A point under the kritik is the Framework. In debate, we’re used to framework arguments, I’m just going to tell you how I think you should weigh this argument in today’s debate round. Now, this criticism is going to deal with the mindsets held by both my opponent and by the status quo, so my first point here, **Framework point one**, is that **mindsets matter most**. Any time we’re evaluating a question of what we should value, whether in a debate round or in the real world, we need to first ensure that our framework for viewing the world is correct. If our lens contains a flaw, our image is going to come out off as well. Therefore, we can’t even have the debate about the case until we have this debate about mindsets. My second point here, **Framework point two**, is that **debate is imaginary**. If my opponent wins this debate, it’s not like governments are going to say, “Oh, the affirmative debater won, we’d better start valuing personal freedom over economic security.” However, the mindsets and language that we use and endorse within this debate round affect how we’re going to act and think in the real world, and that effect is both material and immediate. These two combined bring us to **Framework point three**, which is **your ballot is an endorsement**. If I can prove to you that capitalism has implications you’d never want to endorse, and that there’s an alternative which you would want to endorse, you would logically give the vote on your ballot to the side which gives you a vision of the world that you can vote for.

Now that we know how to evaluate the kritik within the round, let’s go to **the B point under the kritik, the Link**. There are a lot of points here. The first point here, **Link point one**, is that **my opponent advocates a capitalist sense of “property rights”**. Every time he talks about “personal liberty” in an economic sense, he’s referring to the ability of each person to utilize their economic resources, such as money, in the way that they choose. This is the core of capitalism, that property belongs to certain private people, and it’s theirs to use how they please. However, I would like to observe in my next point, **Link point two**, that there is **no basis for property rights**. All wealth is only valuable in the sense that it entitles its possessor to material things, such as food, shelter, or consumer goods. However, all of those things must have come originally from the earth. Sure, a railroad company might buy steel from a steel mill fair and square, but who gave any human being the right to establish permanent, transferrable, and exclusive rights to something which was once *nobody’s* “private property?” In short, the earth is filled with resources, and there’s no reason why some slice of them should be “yours” or “mine”, when no singular human being can ever have a truly legitimate right to them to begin with.

Logically, this takes us to **Link point three**, that **self-interested economic systems conflict with the communal good**. After all, the goal of a capitalist firm isn’t to fill a need, it is to make money. Similarly, the false idea of a “right” to certain resources indicates that the bearer of such a “right” intends to exercise it in a way in accordance with his interests, to the exclusion of the interests of others. I would note here that *the “personal liberty” that my opponent espouses is meaningless if it is not used. Since an appeal to liberty would never be needed unless the individual’s will was against the will of society, we must assume that the actions of the individual will conflict with the communal good. If my opponent denies this, he will have made the debate meaningless, which is enough reason to vote against him immediately.* **The fourth and final Link point** is that **capitalism feeds a “growth spiral”**. As technology improves and production capacity increases in a capitalist system, a firm can increase their production of goods, and thus make more money. **Given that the mission of such firms is to make as much money as possible, regardless of whether it’s a good thing, they will do this as much as they are able to, with the aim of growing to theoretically infinite size.** As they start to produce more things than people need, they

rely on advertising and greed to keep up demand for more and more consumer products. This is because the goal of a capitalist firm is not to fill legitimate needs, but to make money. This leads to a vicious circle—the more that a firm sells, the more that they can afford to advertise and create newer and ever more absurd markets, so that they can sell more. This is what's referred to as a “consumer culture”, in which false needs and planned obsolescence make a constant stream of maximized consumption necessary in order to sustain the existence of the economy.

Now that we have all this in mind, let's go down to the **C point** under the kritik, the **Implications**, or all the massive damage which this consumer culture wreaks.

The first Implication is human misery. As the Rockefellers have the resources and profit motivation to ensure that the Smiths have to keep up with the Joneses, we are placed on a treadmill chasing success. **Lives are wasted as people chase happiness in the form of a Mercedes that becomes obsolete as soon as your neighbor gets one with the sport option.** The problem with this constant treadmill of consumption is that some people fall off, and when they do, the market has no capacity to allow them back on, as they are no longer profitable economic actors.

The second Implication is the frustration of labor. While it may be tempting to say that capitalism is still an efficient allocator of resources, that's empirically untrue. Look back to the analysis about the goals of a capitalist firm—it's not to fill needs that a company exists, it's to make money. **Planned obsolescence and gluts of consumer goods create oversupplies of things that we don't need.** **Meanwhile,** development technologies are denied to poverty-stricken nations because of emissions and resource scarcities. **Millions of pounds of food are allowed to rot in the United States as millions of people starve.** Thousands are homeless and in need of work as thousands of builders are in need of work. This creates a massive frustration of human ingenuity and power as the market dictates the use of resources whether its prescriptions make sense or not.

The third Implication is the Education Death-Trap. In a capitalist society, all governmental apparatus naturally function in preservation of the markets. This includes education. The content of a child's education is determined by the needs of the market and what kind of labor is required to keep the economic machine ticking. **This creates a school system which is fundamentally a factory designed to create obedient worker drones**—each new generation is viewed as an abundant source of labor, and the success or failure of their education is measured in whether they get jobs, not whether their talents and faculties are cultivated and they are made into good people. Every possible measure is taken to break down difference in the name of standardization. **If you want your child to grow up happy, fulfilled, freely thinking and autonomous, your only recourse is to hope that's what the market needs him to be.** If you are not what the market needs, that's tough—difference is dehumanized and you are annihilated through assimilation. **There's another word for a system which views people fundamentally as robots intended to be refined for the purpose of labor—it's “slavery”.**

The fourth and final Implication is the tragedy of the commons. Capitalism empirically uses “personal liberty” to push for deregulation of action, leading to disaster for society. For examples, just witness the irresponsible investing leading up to the financial crisis. It made sense for bankers and loan institutions to write predatory loans, because it wouldn't be them who took the heat. Similarly, it made sense for BP to skimp on environmental protections to protect their bottom line. **The growth spiral of a consumer culture makes the tragedy of the commons inevitable as the demand for natural resources for businesses to sell outstrips the earth's supply.** This forces a choice between two outcomes: The first possibility is that of a repugnant level of inequality in the distribution of resources as the rich get richer and the poor can't eat due to the unsustainable lifestyles of the consuming class. The second possibility is that we continue to deplete natural resources in an attempt to expand this unsustainable standard of living to all of humanity, which (1) is impossible, since such a lifestyle requires an underclass to do the dirty work that makes it possible, and (2) makes an ecological holocaust inevitable. **This creates an economic system which forces us to choose between the starvation of billions and the destruction of the biosphere and making the earth unlivable. We think that's a morally repugnant**

choice, and since the growth spiral of a capitalist consumer culture makes it inevitable, that's something you'd never want to vote for.

The final argument on the Kritik, the D point, is the Alternative. I'll present the alternative in four points. **First, rethink property.** If we critically re-evaluate our conceptions of property, what it is, and whence it came, we will come to the conclusion that natural resources are the property of collectives and not individuals, and that joint stewardship is key. **Second, this solves for the consumer culture.** The growth spiral which is the root of the problems with capitalism becomes impossible when absurd, unsustainable growth is no longer needed or encouraged. When resources are utilized in order to fill human needs, to misallocate resources will be viewed as theft rather than "just business". Exploitative behavior is made impossible when we acknowledge the lack of justification of somehow "owning" the earth. If it becomes joint property, it must necessarily be accounted for jointly. **Third, this solves education.** The destruction of the market through the destruction of private property means that the development of human faculties outside of the context of the market must again be seen as naturally valuable. This solves the dehumanization of difference within the school system and allows for human autonomy. **Fourth, no social change is impossible.** Chinese scholars of the 15th century would have scoffed at the idea that footbinding would ever leave China, yet given the right circumstances, it was eradicated within a generation. History is filled with scholars claiming that we would never be rid of the slave trade or dueling or the feudal system. When you're trapped within a monolithic system, it's easy to think that there's no way out, but historical examples speak against such pessimism.

dominate

lincoln douglas

2012

Brief Package

joshua mirth
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2012

Brief Package

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Affirmative Briefs

Free Markets Good

Summary: Four reasons capitalism and personal economic freedom should be supported on moral grounds: 1) It is amoral, but it allows people to be moral. When freedom is restricted, we risk forcing people to act immorally. 2) It justly distributes wealth, unlike welfare systems which would grant people unearned money. 3) It promotes religious freedom and equality, which are considered moral goals. 4) Freedom is the most important value, so limiting it in favor of another is immoral.

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Freedom prevents immoral laws

Capitalism a necessary condition for morality

Edward W. Younkings (Professor of Accountancy at Wheeling Jesuit University, author of "Capitalism and Commerce: Conceptual Foundations of Free Enterprise"), no date given, [http://rebirthofreason.com/Articles/Younkings/Capitalism The Only Moral Social System.shtml](http://rebirthofreason.com/Articles/Younkings/Capitalism%20The%20Only%20Moral%20Social%20System.shtml)

No economic system can make good men or make men good. The best that an economic system can do is allow men to be good. Morality requires the freedom to be immoral. Capitalism, the system that maximizes this freedom, cannot guarantee a moral society; however, it is a necessary condition for one. Only when an individual has choice and bears responsibility for his actions can he be moral. Choice (i.e., free will) is the foundation of virtue. Morality involves choice and the use of practical reason in making that choice.

Freedom prevents lawmakers making people do "what's good for them"

Milton Friedman (Nobel Prize winning economist, statistician, academic, and author who taught at the University of Chicago), "Economic Freedom, Human Freedom, Political Freedom", address given on November 1, 1991, <http://calcuemus.org/lect/07pol-gosp/frlect.html>

Free societies restrain power. They make it very hard for bad people to do harm, but they also make it very hard for good people to do good. Implicitly or explicitly, most opponents of freedom believe that they know what is good for other people better than other people know for themselves, and they want the power to make people do what is really good for them.

Freedom makes it hard for people to do evil

Milton Friedman (Nobel Prize winning economist, statistician, academic, and author who taught at the University of Chicago), "The Social Responsibility of Business is to Increase its Profits", *The New York Times Magazine*, September 13, 1970

In a free society, it is hard for "evil" people to do "evil," especially since one man's good is another's evil.

Provides for moral distribution of wealth

Criterion for moral economic system

Gennady Stolyarov II (actuary, independent philosophical essayist, composer, amateur mathematician, and editor-in-chief of The Rational Argumentator), "ENABLING ETHICAL BEHAVIOR THROUGH FREE MARKETS", Wheeling Jesuit University Institute for the study of Capitalism and Morality, www.wju.edu/academics/bus/iscm/StolyarovEnabling.pdf

Bastiat notes, "[S]ince man is naturally inclined to avoid pain – and since labor is pain in itself – it follows that men will resort to plunder whenever plunder is easier than work."² Thus, all human societies face the challenge of establishing incentives whereby individuals will always perceive work as easier than plunder. Individuals of diverse moral persuasions will agree that earning one's wealth via honest production is superior to seizing it from another. Hence, a system that enables honest production to prevail over plunder would accomplish tremendous moral improvement relative to alternatives.

Free markets only good option + only non-zero-sum system + only way to earn own wealth

Gennady Stolyarov II (actuary, independent philosophical essayist, composer, amateur mathematician, and editor-in-chief of The Rational Argumentator), "ENABLING ETHICAL BEHAVIOR THROUGH FREE MARKETS", Wheeling Jesuit University Institute for the study of Capitalism and Morality, www.wju.edu/academics/bus/iscm/StolyarovEnabling.pdf

Virtually all real-world societies contain some "mixture" of all three elements – private crime, government control, and free markets – but the free-market element alone creates wealth in every society, while private crime and government control result in zero-sum transfers of wealth from those who created it to those who did not. There is widespread agreement that earning one's wealth is moral, whereas expropriating it is immoral. Only free markets can ensure that people benefit from the fruits of their own labor. The more prevalent free markets are in a society, the more honest production and commerce will predominate over theft, coercion, wealth redistribution, and victimization.

Free markets encourage good for everyone

Gennady Stolyarov II (actuary, independent philosophical essayist, composer, amateur mathematician, and editor-in-chief of The Rational Argumentator), "ENABLING ETHICAL BEHAVIOR THROUGH FREE MARKETS", Wheeling Jesuit University Institute for the study of Capitalism and Morality, www.wju.edu/academics/bus/iscm/StolyarovEnabling.pdf

But free markets go far beyond ensuring that each individual has the right to keep what he has earned. They channel individuals toward providing goods and services that other people want. If only voluntary persuasion is a permitted means of acquiring another person's association, patronage, or property, then providing services that others value is the primary free-market path to personal gain. Whole Foods founder John Mackey notes that "the most successful businesses put the customer first, ahead of the investors," but Milton Friedman recognizes that this is truly "the way to put the investors first." No dichotomy exists between the well-being of a business's investors and that of its consumers; what is good for one benefits the other.

Free markets solve for religious freedom and equality

Free markets caused religious freedom in England

Gennady Stolyarov II (actuary, independent philosophical essayist, composer, amateur mathematician, and editor-in-chief of The Rational Argumentator), "ENABLING ETHICAL BEHAVIOR THROUGH FREE MARKETS", Wheeling Jesuit University Institute for the study of Capitalism and Morality, www.wju.edu/academics/bus/iscm/StolyarovEnabling.pdf

Most people will agree that a society that tolerates various religious and non-religious persuasions is ethically superior to a society that does not. The advent of religious toleration in the West illustrates free markets' indispensable role in broadening civilized human interactions. The bloody religious wars and political persecutions of the 16th and 17th centuries resulted from attempts by European governments to centrally plan their subjects' beliefs. "Traditionally, France (along with most other European nations) had attempted to enforce a homogeneous system of values upon its people in the belief that common values were necessary to ensure peace and harmony."¹¹ But, in the early 18th century, a different pattern began to emerge in England – despite official protections for Anglicanism as the established state religion. The growth of commercial freedom in England triggered an unprecedented degree of religious toleration. Voltaire, in his "Letters Concerning the English Nation," observed this phenomenon: Go into the Exchange in London, that place more venerable than many a court, and you will see representatives of all the nations assembled there for the profit of mankind. There the Jew, the Mahometan, and the Christian deal with one another as if they were of the same religion, and reserve the name of infidel for those who go bankrupt.¹²

Free markets encourage religious freedom

Gennady Stolyarov II (actuary, independent philosophical essayist, composer, amateur mathematician, and editor-in-chief of The Rational Argumentator), "ENABLING ETHICAL BEHAVIOR THROUGH FREE MARKETS", Wheeling Jesuit University Institute for the study of Capitalism and Morality, www.wju.edu/academics/bus/iscm/StolyarovEnabling.pdf

In free markets an atheist's money is as good as a Christian's or a Hindu's; prudent businessmen recognize this.

Free markets solve for equality

Gennady Stolyarov II (actuary, independent philosophical essayist, composer, amateur mathematician, and editor-in-chief of The Rational Argumentator), "ENABLING ETHICAL BEHAVIOR THROUGH FREE MARKETS", Wheeling Jesuit University Institute for the study of Capitalism and Morality, www.wju.edu/academics/bus/iscm/StolyarovEnabling.pdf

Similarly, any individual's money is good, irrespective of that individual's race, gender, or country of origin. Thus, Wilson observes, free-market capitalism "will find racial discrimination burdensome, thus helping put an end to it... [Bigotry] shuts a firm off from many potential customers and... potential workers, thus lowering sales and raising labor costs."²⁰ Once laws upholding segregation in the American South were repealed, racism's social incidence plummeted – just as once state-sanctioned religious mandates and prohibitions were removed, social toleration quickly emerged. As free-market commerce encourages individuals to treat one another with kindness and respect, people begin to actually deem one another worthy of such treatment. What may begin as a prudential policy for cultivating more customers and sales becomes ingrained into people's habits and worldviews; Wilson observes that free-market incentives to treat customers with respect "produce more than mere pretense; they actually change behavior."²

Freedom outweighs other values

Freedom is the core human value

Conor McLoughlin, NQA, "Anarchism and the love of Freedom," 1999, p. np. Accessed May 24, 2003, http://flag.blackened.net/revolt/ws99/ws57_freedom.html

Without freedom there is no growth, no creativity, no dignity - a revolution without freedom is simply a change of rulers. To be dominated is to be oppressed and denied the chance and the time to think. Domination stifles individuality and initiative and leads inevitably to conformity, mediocrity and misery. You only have to look to the former Stalinist countries to see how a revolution without freedom at it's core would disintegrate.

Liberty most important

Samuel Issacharoff (Assistant Professor, The University of Texas School of Law), "REVIEW ESSAY: Contractual Liberties in Discriminatory Markets. FORBIDDEN GROUNDS: THE CASE AGAINST EMPLOYMENT DISCRIMINATION LAWS. By Richard A. Epstein", *Texas Law Review*, April, 1992, p. 1219+, Accessed via Lexis-Nexis.

Even in the criminal context, the risk of "loss of liberty is rated as so weighty that two, three, five, or ten guilty persons do go free so that one innocent person is not falsely convicted."

Freedom inherently valuable

Amartya Sen, Nobel Economics Laureate, Lament University Professor of Economics and Philosophy at Harvard, 1999, *Development as Freedom*, p. 6-7.

The freedom to exchange words, or goods, or gifts does not need defensive justification in terms of their favorable but distant effects; they are part of the way human beings in society live and interact with each other (unless stopped by regulation or fiat). The contribution of the market mechanism to economic growth is, of course, important, but this comes only after the direct significance of the freedom to interchange— words, goods, gifts—has been acknowledged. As it happens, the rejection of the freedom to participate in the labor market is one of the ways of keeping people in bondage and captivity, and the battle against the unfreedom of bound labor is important in many third world countries today for some of the same reasons the American Civil War was momentous. The freedom to enter markets can itself be a significant contribution to development, quite aside from whatever the market mechanism may or may not do to promote economic growth or industrialization.

Intervention Bad

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Links: Econ Security is Redistribution

Economic security must come from redistribution

Diane Delaney, Coordinator, PATHS, and James P. Mulvale, PhD, "Advancing Economic Security for Women Through Basic Income: Soundings in Saskatchewan", PATHS (Provincial Association of Transition Houses and Services of Saskatchewan) March 2006, www.abusehelplines.org/economic_security.pdf

Environmentalists are telling us that we can no longer sustain an ever-expanding economy in order to ensure that those at the bottom have enough. As awareness of environmental problems increases and as ecological crises become more acute, the argument is advanced that economic security must come from the redistribution of existing wealth rather than from expanding wealth. Redistribution will mean that we can make environmental protection a priority and produce at a level and in ways that will not destroy the earth, even if that means a lower standard of living for those who are the most well-off.

Economic security based on income maintenance

Robert L. Brown (PhD, Department of Statistics and Actuarial Science, University of Waterloo, Fellow and former President of the Canadian Institute of Actuaries), "ECONOMIC SECURITY FOR AN AGING CANADIAN POPULATION: 1) Economic Security and Insecurity", Society of Actuaries, 1999, <http://www.soa.org/news-and-publications/publications/other-publications/monographs/m-rs99-2-toc.aspx>

In a modern industrial or post-industrial society, the key to economic security is income maintenance. This income must be continuous. If it is temporary, or if it can be significantly reduced, economic security will not be achieved. Real income and purchasing power are what matters.

Impact: Regulations Bad

Regulations replace responsibility

Shawn Klein, senior writer for The Objectivist Center, "Responsibility, Not Regulation," The Objectivist Center, July 30, 2002, p. np. Accessed May 22, 2003, http://www.objectivistcenter.org/articles/sklein_responsibility-not-regulation.asp

Instead of regulation, we need responsibility. New regulation and laws make it harder for a business, and its executives, to accept responsibility. The business executive only needs to comply with regulations or laws; he [or she] doesn't need to be truly responsible. If criticized, he [or she] can reply that he [or she] has not broken any laws. Regulations, instead of responsibility, encourage the attitude: if something isn't illegal, then it must be okay to do.

Regulations are dangerous

Shawn Klein, senior writer for The Objectivist Center, "Responsibility, Not Regulation," The Objectivist Center, July 30, 2002, p. np. Accessed May 22, 2003, http://www.objectivistcenter.org/articles/sklein_responsibility-not-regulation.asp

Every time we discover some improper behavior or activity, we regulate it or criminalize it. People develop a false sense of security; for example, when they assume that the products they buy at the drug store are safe because the government wouldn't allow them to be sold if they were dangerous.

Impact: Planning is Dictatorial

Friedrich Hayek (20th century Austrian economist and political philosopher, 1974 Nobel Prize winner in economics, <http://www.youtube.com/watch?v=d0nERTFo-Sk>), "The Road to Serfdom", 1944

Planning leads to dictatorship because dictatorship is the most effective instrument of coercion and, as such, essential if central planning on a large scale is to be possible. There is no justification for the widespread belief that, so long as power is conferred by democratic procedure, it cannot be arbitrary; it is not the source of power which prevents it from being arbitrary; to be free from dictatorial qualities, the power must also be limited. A true 'dictatorship of the proletariat', even if democratic in form, if it undertook centrally to direct the economic system, would probably destroy personal freedom as completely as any autocracy has ever done.

Impact: Redistribution Bad

Redistribution undermines incentives

Henry Hazlitt ((1894–1993) served as a founding board member of the Mises Institute. He was a libertarian philosopher, economist, and journalist for *The Wall Street Journal*, *The New York Times*, *Newsweek*, and *The American Mercury*) "Can the State Reduce Poverty?", from "The Conquest of Poverty", *The Ludwig von Mises Institute*, Tuesday, May 01, 2007, <http://mises.org/daily/2526/store/>

All schemes for redistributing or equalizing incomes or wealth must undermine or destroy incentives at both ends of the economic scale. They must reduce or abolish the incentives of the unskilled or shiftless to improve their condition by their own efforts; and even the able and industrious will see little point in earning anything beyond what they are allowed to keep. These redistribution schemes must inevitably reduce the size of the pie to be redistributed. They can only level down. Their long-run effect must be to reduce production and lead toward national impoverishment.

Redistribution → poverty, doesn't expand real savings

Frank Shostak (adjunct scholar of the Mises Institute), "Unemployment and Economic Recovery", *Ludwig von Mises Institute*, Thursday, June 16, 2011, <https://www.mises.org/daily/5382/>

As we have seen, the key for an enhanced and expanded infrastructure, and thus improvements in well-being, is an increase in the pool of real savings. But government and central-bank policies aim at lowering unemployment through stimulus policies. This amounts to redistribution, which leads to economic impoverishment: it undermines the living standards of most individuals. Again, such policies do not expand the pool of real savings but rather result in the weakening of the growth of this pool.

Redistribution based on envy

Art Carden (assistant professor of economics and business at Rhodes College in Memphis, Tennessee, adjunct fellow with the Oakland, California–based Independent Institute, former research fellow at the Ludwig von Mises Institute, and visiting research fellow at the American Institute for Economic Research), "Has State Action Reduced Inequality in the US.?", *Ludwig von Mises Institute*, Monday, June 02, 2003, <http://mises.org/daily/1231>

Let's go ahead and assume that income inequality is the proper metric by which we gauge true material inequality. Let's also assume that we have a non-egalitarian outcome produced by the unhampered market in which the outcome is the result of peaceful exchange between consenting parties. First, we have to consider the grounds on which we propose to redistribute goods. If, in fact, all property is justly acquired, then the only criterion by which we can justify intervention and redistribution is simple envy.

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Government-granted Economic Security Fails

Government does not have an interest in providing for individuals' security

George Reisman (Professor Emeritus of Economics at Pepperdine University), "CAPITALISM: A Treatise on Economics", 1996, <http://mises.org/books/capitalism.pdf>

These results have proceeded from the essential nature of the case, which is that while private individuals have an interest in their long-run future economic security, and will provide for it if they are left free to do so, the government does not have such an interest. The interest of government officials is to get by in their term of office and leave the problems of the future to their successors. Thus the violation of economic freedom necessarily results in making individuals less economically secure. Indeed, having been deprived of the existence of actual savings to provide for their future economic security, individuals are now in the position of having to depend on the largesse of future legislators, who will have to turn to future taxpayers for the necessary funds. This arrangement has much more in common with the gross insecurity of living as a beggar than it has with any actual economic security.

Granting some groups security decreases others'

Friedrich Hayek (20th century Austrian economist and political philosopher, 1974 Nobel Prize winner in economics, <http://www.youtube.com/watch?v=d0nERTFo-Sk>), "The Road to Serfdom", 1944

In England and America special privileges, especially in the form of the 'regulation' of competition, the 'stabilization' of particular prices and wages, have assumed increasing importance. With every grant of such security to one group the insecurity of the rest necessarily increases. If you guarantee to some a fixed part of a variable cake, the share left to the rest is bound to fluctuate proportionally more than the size of the whole. And the essential element of security which the competitive system offers, the great variety of opportunities, is more and more reduced.

Redistribution does not have a guiding principle

Friedrich Hayek (20th century Austrian economist and political philosopher, 1974 Nobel Prize winner in economics, <http://www.youtube.com/watch?v=d0nERTFo-Sk>), "The Road to Serfdom", 1944

For when a government undertakes to distribute the wealth, by what principles will it or ought it to be guided? Is there a definite answer to the innumerable questions of relative merits that will arise? Only one general principle, one simple rule, would provide such an answer: absolute equality of all individuals. If this were the goal, it would at least give the vague idea of distributive justice clear meaning. But people in general do not regard mechanical equality of this kind as desirable, and socialism promises not complete equality but 'greater equality'.

Welfare has not reduced inequality

Art Carden (assistant professor of economics and business at Rhodes College in Memphis, Tennessee, adjunct fellow with the Oakland, California–based Independent Institute, former research fellow at the Ludwig von Mises Institute, and visiting research fellow at the American Institute for Economic Research), "Has State Action Reduced Inequality in the US.?", Ludwig von Mises Institute, Monday, June 02, 2003, <http://mises.org/daily/1231>

There is a clear positive correlation between social spending and inequality (see note 19, above), which suggests one of three things: the state's efforts to reduce inequality have been ineffective, increasing inequality is inspiring additional (and still ineffective) state action to combat it, or additional social spending is causing more inequality (unlikely). No matter what conclusion one draws, it is clear that the U.S.'s "Great Society" welfare programs have not reduced income inequality. It is not clear from the data that greater increases in social spending will alleviate income inequality.

Security Dependent on Freedom

Freedom to compete a precondition to economic security

George Reisman (*Professor Emeritus of Economics at Pepperdine University*),
“*CAPITALISM: A Treatise on Economics*”, 1996, <http://mises.org/books/capitalism.pdf>

The belief that the freedom to compete is a threat to economic security is completely wrong. The freedom to compete is a precondition of economic security. The belief that it is a threat is an illusion based largely on the lack of the freedom to compete. Furthermore, it is this belief that is a real source of economic insecurity, precisely because it leads to the restriction of competition.

Freedom allows individual choice

George Reisman (*Professor Emeritus of Economics at Pepperdine University*),
“*CAPITALISM: A Treatise on Economics*”, 1996, <http://mises.org/books/capitalism.pdf>

Freedom is the precondition of economic security, along with personal safety, because it is an essential requirement for individuals being able to act on their rational judgment. When they possess freedom, individuals can consider their circumstances and then choose the course of action that they judge to be most conducive to their economic well-being and thus to their economic security. In addition, they can benefit from the like choices of those with whom they deal.

A2: Corporate Responsibility

Businesses cannot hold responsibility

Milton Friedman (Nobel Prize winning economist, statistician, academic, and author who taught at the University of Chicago), "The Social Responsibility of Business is to Increase its Profits", *The New York Times Magazine*, September 13, 1970

The discussions of the "social responsibilities of business" are notable for their analytical looseness and lack of rigor. What does it mean to say that "business" has responsibilities? Only people have responsibilities. A corporation is an artificial person and in this sense may have artificial responsibilities, but "business" as a whole cannot be said to have responsibilities. even in this vague sense. The first step toward clarity in examining the doctrine of the social responsibility of business is to ask precisely what it implies for whom.

Giving businesses social responsibilities makes them government

Milton Friedman (Nobel Prize winning economist, statistician, academic, and author who taught at the University of Chicago), "The Social Responsibility of Business is to Increase its Profits", *The New York Times Magazine*, September 13, 1970

The whole justification for permitting the corporate executive to be selected by the stockholders is that the executive is an agent serving the interests of his principal. This justification disappears when the corporate executive imposes taxes and spends the proceeds for "social" purposes. He becomes in effect a public employee, a civil servant, even though he remains in name an employee of a private enterprise. On grounds of political principle, it is intolerable that such civil servants--insofar as their actions in the name of social responsibility are real and not just window-dressing--should be selected as they are now. If they are to be civil servants, then they must be elected through a political process. If they are to impose taxes and make expenditures to foster "social" objectives, then political machinery must be set up to make the assessment of taxes and to determine through a political process the objectives to be served.

A2: Balanced Negatives

Summary: In any resolution comparing two goals, the balanced neg will inevitably be tried. Here some cards to support simple responses: 1) There is an inherent conflict between the two sides. Therefore, we must choose; they cannot be balanced. 2) Freedom is too important to sacrifice it for economic security.

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Inherent Conflict

Freedom can only be had at a price

Friedrich Hayek (20th century Austrian economist and political philosopher, 1974 Nobel Prize winner in economics, <http://www.youtube.com/watch?v=d0nERTFo-Sk>), "The Road to Serfdom", 1944

There can be no question that adequate security against severe privation will have to be one of our main goals of policy. But nothing is more fatal than the present fashion of intellectual leaders of extolling security at the expense of freedom. It is essential that we should re-learn frankly to face the fact that freedom can be had only at a price and that as individuals we must be prepared to make severe material sacrifices to preserve it.

Full security inseparable from restrictions on liberty

Friedrich Hayek (20th century Austrian economist and political philosopher, 1974 Nobel Prize winner in economics, <http://www.youtube.com/watch?v=d0nERTFo-Sk>), "The Road to Serfdom", 1944

The conflict with which we have to deal is a fundamental one between two irreconcilable types of social organization, which have often been described as the commercial and the military. In either both choice and risk rest with the individual or he is relieved of both. In the army, work and worker alike are allotted by authority, and this is the only system in which the individual can be conceded full economic security. This security is, however, inseparable from the restrictions on liberty and the hierarchical order of military life – it is the security of the barracks.

Capitalism founded on insecurity

Boštjan Udovič, "Economic security: Large and small states in enlarged European Union", University of Ljubljana Centre of International Relations

At this point it is our duty to call the reader's attention to the discussion wrote by Buzan (1991: 236 – 240), where it says that discussing about economic security in the capitalistic system is aggravating because "competitive capitalism is founded on a considerable degree of permanent insecurity for all the units within it (individuals, firms, states), making the idea of economic security within capitalism seem a contradiction in terms." Buzan follows explaining, that "although security for the units is elusive, capitalism does offer some important systemic security benefits (ibid.)."

Politics and economics inseparable

Milton Friedman (Nobel Prize winning economist, statistician, academic, and author who taught at the University of Chicago), "Capitalism and Freedom", 1962, The University of Chicago Press, Accessed via Google Books

It is widely believed that politics and economics are separate and largely unconnected; that individual freedom is a political problem and material welfare an economic problem; and that any kind of political arrangements can be combined with any kind of economic arrangements. The chief contemporary manifestation of this idea is the advocacy of "Democratic socialism" by many who condemn out of hand the restriction on individual freedom imposed by "totalitarian socialism" in Russia, and who are persuaded that it is possible for a country to adopt the essential feature of Russian economic arrangements and yet to ensure individual freedom through political arrangements. The thesis of the chapter is that such a view is a delusion, that there is an intimate connection between economics and politics, that only certain combinations of political and economic arrangements, and that in particular, a society which is socialist cannot also be democratic, in the sense of guaranteeing individual freedom.

Freedom too important

Difference between delaying freedom and replacing for planning

Friedrich Hayek (20th century Austrian economist and political philosopher, 1974 Nobel Prize winner in economics, <http://www.youtube.com/watch?v=d0nERTFo-Sk>), "The Road to Serfdom", 1944

The fashionable phrases about doing for the purposes of peace what we have learned to do for the purposes of war are completely misleading, for it is sensible temporarily to sacrifice freedom in order to make it more secure in the future, but it is quite a different thing to sacrifice liberty permanently in the interests of a planned economy.

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Guilds / Unions

Summary: Ostensibly, the purpose of a union or guild is to provide economic security for its members. History shows, however, that such attempts fail when they restrict the free-market.

Application – Medieval Guilds

George Reisman (Professor Emeritus of Economics at Pepperdine University), "CAPITALISM: A Treatise on Economics", 1996, <http://mises.org/books/capitalism.pdf>

This point can be highlighted by a brief consideration of the medieval guild system, whose absurdity it makes manifest. The guilds existed in order to give their members economic security. The means chosen by the guilds for achieving economic security was the prohibition of all economic competition both by outsiders and among their own members. Thus, the bakers' guild sought security by prohibiting improvements in the production of bread; the cobblers' guild, by prohibiting improvements in the production of shoes; the tailors' guild, by prohibiting improvements in the production of clothing, and so on, industry by industry, occupation by occupation. The effect of all this misguided seeking of security was that everyone remained much poorer and therefore much less physically secure than he needed to be. People were deprived of bread and made insecure against hunger because of the activities of the bakers' guild. They were deprived of shoes and clothing and made insecure against the elements because of the activities of the cobblers' and tailors' guilds, and so on. And those so deprived included the members of all of the guilds. Each guild operated to perpetuate the poverty and insecurity of the whole society—that of the population standing outside the guild system, that of the members of all other guilds, and even that of its own members (for it should be recalled how people benefit even from the improvements that initially displace them). Thus, the guilds operated in a veritable self-contradiction: they professed a desire for security and yet in fact perpetuated insecurity. Much the same, of course, is true of modern-day labor unions, which are similar to the guilds in essential respects.

Unions Lower Wages

Henry Hazlitt ((1894–1993) served as a founding board member of the Mises Institute. He was a libertarian philosopher, economist, and journalist for *The Wall Street Journal*, *The New York Times*, *Newsweek*, and *The American Mercury*) "Can the State Reduce Poverty?", from "The Conquest of Poverty", *The Ludwig von Mises Institute*, Tuesday, May 01, 2007, <http://mises.org/daily/2526/store/>

As a result of union exclusiveness, of deliberate inefficiency, of featherbedding, of disruptive strikes and strike threats, the long-run effect of customary union policies has been to discourage capital investment and to make the average real wage of the whole body of workers lower, and not higher, than it would otherwise have been.

Unions/exculsion → less security

Friedrich Hayek (20th century Austrian economist and political philosopher, 1974 Nobel Prize winner in economics, <http://www.youtube.com/watch?v=d0nERTFo-Sk>), "The Road to Serfdom", 1944

If, as has become increasingly true, the members of each trade in which conditions improve are allowed to exclude others in order to secure to themselves the full gain in the form of higher wages or profits, those in the trades where demand has fallen off have nowhere to go, and every change results in large unemployment. There can be little doubt that it is largely a consequence of the striving for security by these means [unionism] in the last decades that unemployment and thus insecurity have so much increased.

Social Security

Summary: Like unions, the nominal purpose of social security is to provide economic security for those in the system, at the expense of the freedom to dispose of their money as they see fit. Reisman argues that this actually makes the whole economic system worse off.

Social Security harms freedom and economic security

George Reisman (Professor Emeritus of Economics at Pepperdine University), "CAPITALISM: A Treatise on Economics", 1996, <http://mises.org/books/capitalism.pdf>

The harmony between freedom and security that this book upholds is, of course, in direct opposition to the prevailing view that in order to achieve economic security, one must violate economic freedom and establish a welfare state. The existence of the social security system, in the United States and other countries, both represents a leading consequence of this mistaken belief and provides essential evidence about what is wrong with it. In the name of economic security, the freedom of individuals to dispose of their own incomes has been violated as they have been forced to contribute to the social security system. A major consequence of this has been that an enormous amount of savings has been diverted from private individuals into the hands of the government. Had these savings remained in the possession of the individuals, they would have been invested and would thus have helped to finance the construction and purchase of new housing, new factories, and more and better machinery. In the hands of the government, these savings have been dissipated in current consumption. This has resulted from the fact that the government has an overwhelmingly greater interest in its own immediate financial needs than in the future economic security of any private individuals and thus has spent the funds in financing its current expenditures. This has meant the dissipation of these savings and thus the serious undermining of the wealth and productive ability of the entire economic system.

Hong Kong

Summary: Hong Kong is one of the freest economies in the world. It makes sense to analyze it to see how successful laissez-faire really is. Milton Friedman argues that the answer is, “very.”

Hong Kong has economic freedom

Milton Friedman (Nobel Prize winning economist, statistician, academic, and author who taught at the University of Chicago), “Economic Freedom, Human Freedom, Political Freedom”, address given on November 1, 1991, <http://calcuemus.org/lect/07pol-gosp/frlect.html>

Hong Kong has had an extraordinary degree of economic freedom: no tariffs and no import or export quotas, except as we in our wisdom have forced such quotas on Hong Kong in order to protect our industries from its efficiency. (It is truly absurd for the United States to force Hong Kong to limit the output of textiles so that our textile industry will not be bothered. That is no way for a great nation to behave.) Taxes have been very low, 10 to 12% of the national income. (In the United States today, government spending is 43% of the national income.) There are few regulations on business, no price controls, no wage controls.

Very economically successful

Milton Friedman (Nobel Prize winning economist, statistician, academic, and author who taught at the University of Chicago), “Economic Freedom, Human Freedom, Political Freedom”, address given on November 1, 1991, <http://calcuemus.org/lect/07pol-gosp/frlect.html>

Hong Kong's completely free economy has achieved marvels. Here is a place with no resources except a magnificent harbor, a small piece of land, an island off peninsula, a population of 500,000 after World War II that has grown to a population close to six million over ten times as large and at the same time, the standard of life has multiplied more than fourfold. It has been one of the most rapidly growing countries in the world, a remarkable example of what free markets can do if left unrestricted.

No suppression of other freedoms

Milton Friedman (Nobel Prize winning economist, statistician, academic, and author who taught at the University of Chicago), “Economic Freedom, Human Freedom, Political Freedom”, address given on November 1, 1991, <http://calcuemus.org/lect/07pol-gosp/frlect.html>

In addition to economic freedom, Hong Kong has a great deal of human freedom. I have visited many times and I have never seen any evidence of suppression of freedom of speech, freedom of the press, or any other human freedom that we regard as important.

Free Trade

Description of trade freedom

Terry Miller (Director of the Center for International Trade and Economics (CITE) and the Mark A. Kolokotronis Fellow in Economic Freedom at The Heritage Foundation) and Anthony B. Kim (researches international economic issues with a focus on economic freedom and free trade at The Heritage Foundation, Policy Analyst in Heritage's Center for International Trade and Economics), "Defining Economic Freedom", The Heritage Foundation, 2011, www.heritage.org/Index/PDF/2011/Index2011_Chapter2.pdf

Trade freedom reflects an economy's openness to the import of goods and services from around the world and the citizen's ability to interact freely as buyer or seller in the international marketplace. Trade restrictions can manifest themselves in the form of tariffs, export taxes, trade quotas, or an outright trade ban. However, trade restrictions also appear in more subtle ways, particularly in the form of regulatory barriers. The degree to which government hinders the free flow of foreign commerce has a direct bearing on the ability of individuals to pursue their economic goals and maximize their productivity and well-being.

Security policies can leave everyone worse off

Joseph Samuel Nye (PhD, Harvard, co-founder of the international relations theory neoliberalism), "Collective Economic Security", International Affairs (Royal Institute of International Affairs 1944-), Vol. 50, No. 4 (Oct., 1974), pp. 584-598, <http://www.jstor.org/stable/2615925>

Often the policy measures by which one government attempts to control transnational economic relations depend for their success upon the policy measures taken by other governments. Competitive tariffs, export subsidies, or exchange rate policies, for example, can lead to beggar-my-neighbour cycles of retaliation, which leave everyone worse off.

Negative Briefs

Free Markets Bad

Summary: Economic freedom is an important aspect of freedom. Therefore, in defending freedom, the affirmative must deal with the economic aspects. Three impacts are highlighted: 1) Empirical evidence and economic analysis show that freer markets encourage corruption. 2) Claims of capitalism's morality are based on equivocating efficiency with morality. 3) They encourage the continuation of discrimination. 4) Poverty benefits the advantaged in a capitalist system, so it is implicitly encouraged.

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Links

Economic freedom an extremely important part of freedom

Milton Friedman (Nobel Prize winning economist, statistician, academic, and author who taught at the University of Chicago), "Capitalism and Freedom", 1962, The University of Chicago Press, Accessed via Google Books

Clearly, economic freedom, in and of itself, is an extremely important part of total freedom.

Free markets essential to liberty

Kim R. Holmes, Ph.D. and Matthew Spalding, Ph.D., "Why Does Economic Freedom Matter?", The Heritage Foundation, April 7, 2011, <http://www.heritage.org/research/reports/2011/04/why-does-economic-freedom-matter>

Economic freedom—free markets at home and free trade in the world—is essential to human liberty. Without it, people are unable to improve the conditions under which they and their posterity will live. Worse, they are vulnerable to oppression, especially by the state. We only need recall the human toll of slavery and Soviet Communism to understand what Friedrich Hayek meant when he noted that "to be controlled in our economic pursuits means to be always controlled," and that if all economic decisions require the approval of government, then "we should really be controlled in everything." In the end, liberty is whole and universal: The world will not be free politically if it is not free economically.

No difference between economic and political freedoms (example)

Milton Friedman (Nobel Prize winning economist, statistician, academic, and author who taught at the University of Chicago), "Capitalism and Freedom", 1962, The University of Chicago Press, Accessed via Google Books

The citizen of Great Britain, who after World War II was not permitted to spend his vacation in the United States because of exchange control, was being deprived of an essential freedom no less than the citizen of the United States, who was denied the opportunity to spend his vacation in Russia because of his political views. The one was ostensibly an economic limitation on freedom and the other a political limitation, yet there is no essential difference between the two.

Impact: Corruption

Freedom + corruption = growth

Mushfiq us Swaleheen and Dean Stansel (Assistant Professors of Economics in the Lutgert College of Business at Florida Gulf Coast University), "ECONOMIC FREEDOM, CORRUPTION, AND GROWTH", *The Cato Journal*, 2007, www.cato.org/pubs/journal/cj27n3/cj27n3-3.pdf

Using a panel of 60 countries, we find that for countries with low economic freedom (where individuals have limited economic choices), corruption reduces economic growth. However, in countries with high economic freedom, corruption is found to increase economic growth. Our results contradict the generally accepted view that corruption lowers the rate of growth.

Bribery is economically efficient when choice is high

Mushfiq us Swaleheen and Dean Stansel (Assistant Professors of Economics in the Lutgert College of Business at Florida Gulf Coast University), "ECONOMIC FREEDOM, CORRUPTION, AND GROWTH", *The Cato Journal*, 2007, www.cato.org/pubs/journal/cj27n3/cj27n3-3.pdf

These findings suggest that the growth consequence of corruption depends on the choices open to the people. If people have many choices (economic freedom high), they reach the most efficient allocation possible (given the few government restrictions that do exist) by bribing officials to look the other way rather than diligently enforce those restrictions.

Impact: Efficiency and Morality Confused

Efficient != right

Samuel Issacharoff (Assistant Professor, The University of Texas School of Law), "REVIEW ESSAY: Contractual Liberties in Discriminatory Markets. FORBIDDEN GROUNDS: THE CASE AGAINST EMPLOYMENT DISCRIMINATION LAWS. By Richard A. Epstein", *Texas Law Review*, April, 1992, p. 1219+, Accessed via Lexis-Nexis.

Even Judge Richard Posner, one of the doyens of the law and economics movement, has cautioned that there is no necessary equation between the economic insight into the efficient and the philosophical claim as to the good: "To say that discrimination is often a rational and efficient form of behavior is not to say that it is socially or ethically desirable. 'Efficient' must never be confused with 'good' or 'right.'"

Impact: Promotes Discrimination

Prior discrimination prevents equal opportunity

Samuel Issacharoff (Assistant Professor, The University of Texas School of Law), "REVIEW ESSAY: Contractual Liberties in Discriminatory Markets. FORBIDDEN GROUNDS: THE CASE AGAINST EMPLOYMENT DISCRIMINATION LAWS. By Richard A. Epstein", *Texas Law Review*, April, 1992, p. 1219+, Accessed via Lexis-Nexis.

A critical failure here concerns the acquisition of what economists call human capital. Epstein's focus on the moment of exchange, the spot market for labor, yields a shockingly static view of how the individual gets to the labor market in the first place. His belief that even in the presence of discrimination there are ample opportunities for exchange on the labor market rests on the assumption that prior patterns of discrimination and their festering current manifestations have no impact on the acquisition of the human capital necessary for a fully robust trading economy. Thus, Epstein concerns himself with the condition of "free entry" that must govern in any legitimate employment market. This condition requires only that there be no fraud in the market and no state or private coercion enforcing undesirable employment choices. Epstein is decidedly unconcerned with, and does not address, the question of where the point of entry will be for various members of the society.

Bigotry can foreclose opportunity

Samuel Issacharoff (Assistant Professor, The University of Texas School of Law), "REVIEW ESSAY: Contractual Liberties in Discriminatory Markets. FORBIDDEN GROUNDS: THE CASE AGAINST EMPLOYMENT DISCRIMINATION LAWS. By Richard A. Epstein", *Texas Law Review*, April, 1992, p. 1219+, Accessed via Lexis-Nexis.

Once this aspiration is injected, however, the force of the argument begins to unravel. What happens if there is not ample opportunity for all? One need only look to the pre-1964 South to see that bigotry can indeed dominate an entire local economy and foreclose opportunity not just at the margin but in the aggregate.

Markets perpetuate discrimination, justifying legal intervention

Cass Sunstein, Karl N. Llewellyn Professor of Jurisprudence, University of Chicago School of Law and Department of Political Science, Duke Law Journal, June, 1991, p. 761.

Any generalization relied on in the labor market will have a signaling effect that will shift investments in human capital. It is not easy to develop a model to explain which of those signals produce suboptimal investments. Often, then, markets will perpetuate discrimination for reasons that are unrelated to the market failures that provide traditional economic grounds for legal intervention. More importantly, each of these effects reinforces the others in potentially powerful ways. If there is ordinary prejudice, it will interact with statistical discrimination to produce more of both. People tend to notice events consistent with their prejudice and to disregard events that are inconsistent with them, thus resulting in more prejudice and more statistical discrimination. If third parties attempt to promote discrimination, they will increase both prejudice and statistical discrimination. Employers will hire fewer members of disadvantaged groups, who will in turn appear less frequently in desirable positions, with consequent reinforcing effects on both prejudice and statistical discrimination. In addition, if there is prejudice and statistical discrimination, and if third parties promote discrimination, there will be decreased investments in human capital and increasing adaptation of preferences and beliefs to the status quo. These will be perfectly reasonable responses.

Impact: Causes Poverty

Unemployment disempowers workers, causing poverty

Barbara Harriss-White (Department of International Development, Queen Elizabeth House, Oxford), "Poverty and Capitalism", Economic and Political Weekly, April 1, 2006, Vol. XLI, no. 13 (pp. 1241-6), http://origin-www.unicef.org/socialpolicy/files/Poverty_and_Capitalism.pdf

The result is the creation of pools of unemployed labour. Some people float in and out of work while others are seasonal migrants and a particularly stagnant pool is filled by those without work for long periods. These reserves of unemployed people are functionally useful to capital since their very existence disciplines and disempowers those in work, discouraging them politically from struggles over the distribution of wages and profits – which might result in their being deprived of livelihoods – and depressing the wages of workers by their mere existence. In the absence of state intervention, they reproduce a system which is self-reinforcing.

Inequality necessary under capitalism

Howard M. Wachtel (Professor Emeritus of Economics at American University Washington DC, Fellow at the Transnational Institute, Amsterdam, and author), "Capitalism and Poverty in America: Paradox or Contradiction?", *The American Economic Review*, Vol. 62, No. 1/2 (Mar. 1, 1972), pp. 187-194, Published by: American Economic Association, <http://www.jstor.org/stable/1821542>

Poverty and inequality have an important role to play in capitalism; these conditions are by no means entirely dysfunctional.¹ First, extreme wage and income inequality is necessary to induce workers to perform alienating work for external rather than internal rewards under job conditions they do not control (R. C. Edwards and A. MacEwan, pp. 354-355).

Non-poor have incentive to retain poverty

Howard M. Wachtel (Professor Emeritus of Economics at American University Washington DC, Fellow at the Transnational Institute, Amsterdam, and author), "Capitalism and Poverty in America: Paradox or Contradiction?", *The American Economic Review*, Vol. 62, No. 1/2 (Mar. 1, 1972), pp. 187-194, Published by: American Economic Association, <http://www.jstor.org/stable/1821542>

Fourth, the non-poor's real income is substantially increased by poverty (especially the working poor) since commodities and services can be obtained at lower prices so long as wages are depressed by the existence of the poor and capital retains its power to extract profits. In this way, we all benefit from the existence of poverty, though usually one only hears of the direct beneficiaries of poverty-slumlords, exploiting factory owners and the like. In large part, the tenacity of poverty in the face of wars against it can be explained by these important functional attributes of poverty in a capitalist society.

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Link: Competition

Competitive capitalism provides economic freedom

Milton Friedman (Nobel Prize winning economist, statistician, academic, and author who taught at the University of Chicago), "Capitalism and Freedom", 1962, The University of Chicago Press, Accessed via Google Books

The kind of economic organization that provides economic freedom directly, namely, [is] competitive capitalism, also promotes political freedom because it separates economic power from political power and in this way enables the one to offset the other.

Liberty = competition

Frederic Bastiat (French Economist), *The Law*, 1850, http://bastiat.org/en/the_law.html

We understand that liberty means competition. But according to Mr. Louis Blanc, competition is a system that ruins the businessmen and exterminates the people. It is for this reason that free people are ruined and exterminated in proportion to their degree of freedom. (Possibly Mr. Louis Blanc should observe the results of competition in, for example, Switzerland, Holland, England, and the United States.)

Internal Link: Freedom Includes Corporations

Corporations have rights as legal persons

Frank van Dun (Professor of Philosophy of Law at the University of Ghent, Belgium), "Personal Freedom versus Corporate Liberties", *the Libertarian Alliance*, Tuesday, 29 November 2005, www.libertarian.co.uk/lapubs/philm/philm076.pdf

As artificial persons, corporations enjoy most but not all of the legal rights, and have most but not all of the obligations that natural persons have as citizens, including many so-called human rights. That is why corporations are called legal persons. Thus, they legally can sue and be sued; own property; buy and sell and generally enter into contracts with natural persons or other corporations; form associations; publish opinions; and the like. In many countries, recent developments on the legal front have seriously weakened the erstwhile dogma that corporations cannot commit crimes or intentional torts, thereby making corporations even more like individual persons than they were supposed to be only a few decades ago.

Business freedom about individual's rights

Terry Miller (Director of the Center for International Trade and Economics (CITE) and the Mark A. Kolokotronis Fellow in Economic Freedom at The Heritage Foundation) and Anthony B. Kim (researches international economic issues with a focus on economic freedom and free trade at The Heritage Foundation, Policy Analyst in Heritage's Center for International Trade and Economics), "Defining Economic Freedom", The Heritage Foundation, 2011, www.heritage.org/Index/PDF/2011/Index2011_Chapter2.pdf

Business freedom is about an individual's right to establish and run an enterprise without interference from the state. Burdensome and redundant regulations are the most common barriers to the free conduct of entrepreneurial activity.

Business legally a fundamental individual freedom

13 *California Jurisprudence 3d Constitutional Law* § 216, Cited in: "Frequently Asked Questions Regarding Proposed Changes to Los Angeles County Code Title 10 – Animals", http://animalcare.lacounty.gov/cms1_154287.pdf

"The right to engage in a legitimate employment or business is a fundamental individual freedom protected by the due process provisions of both the state and federal constitutions. . . The legislature may not, under the guise of protecting the public interest, arbitrarily interfere with private business, or impose unusual and unnecessary restrictions on lawful occupations."

Impacts: Competition

Competition → Corruption

Andrei Shleifer, "Does Competition Destroy Ethical Behavior?", Harvard University, January 12, 2004.

Relative to the regime with no corruption, corruption without theft raises costs, but corruption with theft reduces costs. As a consequence, the latter kind of corruption spreads when markets are competitive. When a firm's competitor can reduce his taxes through corruption, or can import by paying lower bribes rather than higher tariffs, he can pass on his savings to consumers. In a competitive market, then, every firm must itself pay bribes or go out of business. Even if the proprietor has some rents, his willingness to pay for ethical conduct declines as his profits do, leading him to bribe. The keener is the competition, the higher is the pressure to reduce costs, and the more pervasive is corruption.

Competition → Child Labour

Andrei Shleifer, "Does Competition Destroy Ethical Behavior?", Harvard University, January 12, 2004.

Under many plausible scenarios, the pressures of competition bring children into the labor force. If hiring children is cheaper than hiring adults (even taking into account differences in productivity), and if one firm hires children, it can reduce prices. Its competitors must then hire children also, or be driven out of business (or, in a less extreme world, their willingness to pay for not hiring children declines when profits fall). On the other side of the market, if parents in one family can compel their children to work and thereby advantage themselves in competition with other families (for food or for status), then competition among families forces more children into the labor force. Either of these two forces of competition – on the demand side or on the supply side – would bring children into the labor force.

Impact: Social Irresponsibility

Businesses lack incentive to be responsible

Deborah Doane, "The Myth of CSR: The problem with assuming that companies can do well while also doing good is that markets don't really work that way", Stanford Social Innovation Review, Fall 2005, http://www.ssireview.com/pdf/2005FA_Feature_Doane.pdf

Yet, there is little if any empirical evidence that the market behaves in this way. In fact, it would be difficult to prove that incentives like protecting natural assets, ensuring an educated labor force for the future, or making voluntary contributions to local community groups actually help companies improve their bottom line. While there are pockets of success stories where business drivers can be aligned with social objectives, such as Cisco's Networking Academies, which are dedicated to developing a labor pool for the future, they only provide a patchwork approach to improving the public good. In any case, such investments are particularly unlikely to pay off in the two- to four-year time horizon that public companies, through demands of the stock market, often seem to require. As we all know, whenever a company issues a "profits warning," the markets downgrade its share price. Consequently, investments in things like the environment or social causes become a luxury and are often placed on the sacrificial chopping block when the going gets rough.

Businesses get good PR without acting

Deborah Doane, "The Myth of CSR: The problem with assuming that companies can do well while also doing good is that markets don't really work that way", Stanford Social Innovation Review, Fall 2005, http://www.ssireview.com/pdf/2005FA_Feature_Doane.pdf

A further myth of CSR is that competitive pressure amongst companies will actually lead to more companies competing over ethics, as highlighted by an increasing number of awards schemes for good companies, like the Business Ethics Awards, or Fortune's annual "Best Companies to Work For" competitions. Companies are naturally keen to be aligned with CSR [Corporate Social Responsibility] schemes because they offer good PR. But in some cases businesses may be able to capitalize on well-intentioned efforts, say by signing the U.N. Global Compact, without necessarily having to actually change their behavior.

BP received both fines and awards for its environmental impacts

Deborah Doane, "The Myth of CSR: The problem with assuming that companies can do well while also doing good is that markets don't really work that way", Stanford Social Innovation Review, Fall 2005, http://www.ssireview.com/pdf/2005FA_Feature_Doane.pdf

BP was fined a record \$1.42 million for health and safety offenses in Alaska in 2004, for example, even as Lord John Browne, chief executive of BP, was establishing himself as a leading advocate for CSR, and the company was winning various awards for its programs.

Investors prefer money to good labor practices (Wal-Mart/Costco)

Deborah Doane, "The Myth of CSR: The problem with assuming that companies can do well while also doing good is that markets don't really work that way", Stanford Social Innovation Review, Fall 2005, http://www.ssireview.com/pdf/2005FA_Feature_Doane.pdf

At the same time, class-action lawsuits may be brought against Wal-Mart over accusations of poor labor practices, yet the world's largest and most successful company is rewarded by investors for driving down its costs and therefore its prices. The market, quite frankly, adores Wal-Mart. Meanwhile, a competitor outlet, Costco, which offers health insurance and other benefits to its employees, is being pressured by its shareholders to cut those benefits to be more competitive with Wal-Mart.³ CSR can hardly be expected to deliver when the short-term demands of the stock market provide disincentives for doing so. When shareholder interests dominate the corporate machine, outcomes may become even less aligned to the public good.

Intervention Good

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Capitalists Accept Regulation For Security

Minimum security can be secured by the state

Friedrich Hayek (20th century Austrian economist and political philosopher, 1974 Nobel Prize winner in economics, <http://www.youtube.com/watch?v=d0nERTFo-Sk>), "The Road to Serfdom", 1944

But there are two kinds of security: the certainty of a given minimum of sustenance for all and the security of a given standard of life, of the relative position which one person or group enjoys compared with others.

There is no reason why, in a society which has reached the general level of wealth ours has, the first kind of security should not be guaranteed to all without endangering general freedom; that is: some minimum of food, shelter and clothing, sufficient to preserve health. Nor is there any reason why the state should not help to organize a comprehensive system of social insurance in providing for those common hazards of life against which few can make adequate provision. It is planning for security of the second kind which has such an insidious effect on liberty. It is planning designed to protect individuals or groups against diminutions of their incomes.

Security key in Adam Smith

Emma Rothschild (Professor of History; Director, Center for History and Economics, Harvard University), "Social Security and Laissez Faire in Eighteenth-Century Political Economy", *Population Council, Population and Development Review*, Vol. 21, No. 4 (Dec., 1995), pp. 711-744, <http://www.jstor.org/stable/2137772>

The idea of security is at the heart of Adam Smith's theory of economic progress. The "liberty and security of individuals" were for Smith the condition for the growth of commerce in early medieval Europe, and its "most important" consequence as well.

Smith accepted government regulation in favor of workers

Emma Rothschild (Professor of History; Director, Center for History and Economics, Harvard University), "Social Security and Laissez Faire in Eighteenth-Century Political Economy", *Population Council, Population and Development Review*, Vol. 21, No. 4 (Dec., 1995), pp. 711-744, <http://www.jstor.org/stable/2137772>

It is interesting that Smith was prepared, even, to countenance government regulation in favor of workers: "Whenever the legislature attempts to regulate the differences between masters and their workmen, its counsellors are always the masters. When the regulation, therefore, is in favour of the workmen, it is always just and equitable; but it is sometimes otherwise when in favour of the masters."

Securing integrity of banks an elementary duty

Francis Amasa Walker, *The Wages Question: A Treatise on Wages and the Wages Class* (1876), cited in R. Daniel Wadhvani (Assistant Professor of Management and Fletcher Jones Professor of Entrepreneurship, University of the Pacific), "Protecting Small Savers: The Political Economy of Economic Security", *Journal of Policy History*, Volume 18, Number 1, 2006, pp. 126-145 Published by Penn State University Press, Accessed via Project Muse, <http://muse.jhu.edu/journals/jph/summary/v018/18.1wadhvani.html>

Admitting, then, that it is eminently desirable to reduce the action of the organized public force to the minimum . . . shall we not say that government can not relieve itself from the necessity of frequent and minute interferences with industry in any other way to so great an extent as by, 1st, insisting on the thorough primary education of the whole population; 2d, providing a strict system of sanitary administration; 3d, securing by special precautions the integrity of banks of savings for the encouragement of the instincts of frugality, sobriety, and industry? Each of these things is contrary to the doctrine of Laissez faire; yet I, for one, can not find room to doubt that, on purely economical grounds, the action of the State herein is not only justifiable but a matter of elementary duty.

Markets Fail

1) Lack of information

CASS R. SUNSTEIN (Karl N. Llewellyn Professor of Jurisprudence, University of Chicago Law School; Professor of Political Science, University of Chicago), "ADMINISTRATIVE SUBSTANCE", Duke Law Journal p. 607, June 1991, Accessed via Lexis-Nexis.

Sometimes markets fail simply because consumers lack necessary information. For example, the market often fails to provide enough information about the risks posed by carcinogens in the workplace, in food, and in drugs. Economic markets often underproduce information, because information has some of the characteristics of a public good. In such cases, regulation might remedy the problem. Through supplying information, the government also bolsters the democratic process and promotes public education. Government programs can simultaneously encourage freedom of choice and protect health and lives.

2) Cost offloading

CASS R. SUNSTEIN (Karl N. Llewellyn Professor of Jurisprudence, University of Chicago Law School; Professor of Political Science, University of Chicago), "ADMINISTRATIVE SUBSTANCE", Duke Law Journal p. 607, June 1991, Accessed via Lexis-Nexis.

Markets also fail when they do not take full account of the costs that private conduct imposes on other people. Pollution is an obvious example. Environmental damage imposes severe costs, and these costs fall on numerous people. But the persons injured (not just living adults, but children and members of future generations as well) lack the knowledge and organization to bring suit or otherwise seek redress. In these situations, a regulatory response, which forces those who produce harm to pay for it and ultimately to eliminate or to reduce it, is entirely justified.

3) Market-impossible desires

CASS R. SUNSTEIN (Karl N. Llewellyn Professor of Jurisprudence, University of Chicago Law School; Professor of Political Science, University of Chicago), "ADMINISTRATIVE SUBSTANCE", Duke Law Journal p. 607, June 1991, Accessed via Lexis-Nexis.

Somewhat more subtly, government controls can sometimes facilitate an outcome that people want but cannot obtain in the marketplace. For example, people may want a recycling program provided that everyone participates. They may not, however, be willing to recycle on their own unless they know that everyone will participate. A world in which everyone recycles can thus be obtained only with governmental help. A governmentally mandated recycling program can satisfy private wishes far better than the market, which is of course incapable of mandating universal recycling.

Regulations Work

Welfare Successful

Sar A. Levitan (economist widely known for his analysis of social policy and influence on government programs as diverse as employment training and rural development), "How the Welfare System Promotes Economic Security", *Political Science Quarterly*, Vol. 100, No. 3 (Autumn, 1985), pp. 447-459, Published by: The Academy of Political Science, <http://www.jstor.org/stable/2151067>

Viewed in the context of societal goals first articulated half a century ago, the welfare system has nearly achieved its fundamental objectives. Most of the destitute have been assured at least a meager stipend to meet basic needs, and the percentage of Americans living in poverty declined dramatically during the three decades following World War II. Social security and Medicare have removed the greatest threats to solvency in old age. Workers forced into idleness have gained temporary support through unemployment compensation programs, and disabled workers are protected by insurance that provides medical care and basic income. Tax expenditures and federally-sponsored financial institutions have enabled unprecedented numbers to purchase their own homes. Favorable tax policies have spurred the growth of private health insurance, and government regulations have guaranteed employees that their private pensions will be available upon retirement. Finally, substantial public investments in education, training, and employment have enabled millions to enter or remain in the mainstream of the U.S. economy, and thereby reaffirmed the promise of opportunity which lies at the heart of American society.

Auto regulations successful

CASS R. SUNSTEIN (Karl N. Llewellyn Professor of Jurisprudence, University of Chicago Law School; Professor of Political Science, University of Chicago), "ADMINISTRATIVE SUBSTANCE", *Duke Law Journal* p. 607, June 1991, Accessed via Lexis-Nexis.

Several other regulatory programs impressively accomplished their goals. For example, the automobile safety regulations promulgated in the late 1960s and early 1970s have prevented numerous injuries and saved lives. According to one estimate, automobile fatalities would have been about forty percent higher in 1983 if not for governmental controls. In addition, an estimated 34,000 lives were saved between 1966 and 1974 as a result of occupant safety standards. The annual benefits of automobile regulation are extremely high -- estimated at over \$10 billion. Moreover, there is a favorable ratio of benefits to costs in this area.

Regulation improved air pollution

CASS R. SUNSTEIN (Karl N. Llewellyn Professor of Jurisprudence, University of Chicago Law School; Professor of Political Science, University of Chicago), "ADMINISTRATIVE SUBSTANCE", *Duke Law Journal* p. 607, June 1991, Accessed via Lexis-Nexis.

A notable example is the effort to reduce air pollution. Since 1970, both the levels and emissions of all major pollutants in the United States -- including sulfur dioxide, carbon monoxide, and lead -- have substantially decreased. n63 In addition, the vast majority of counties in the United States now comply with national air quality goals with respect to [*623] all major pollutants. n64 Although substantial room remains for improvement, air in the United States is much cleaner and healthier than it would have been without regulatory controls.

And water pollution

CASS R. SUNSTEIN (Karl N. Llewellyn Professor of Jurisprudence, University of Chicago Law School; Professor of Political Science, University of Chicago), "ADMINISTRATIVE SUBSTANCE", *Duke Law Journal* p. 607, June 1991, Accessed via Lexis-Nexis.

Water pollution control has also achieved significant gains. The Great Lakes are much cleaner than they were in 1965, when hundreds of beaches had to be closed. The reductions in levels of DDT, PCB, and dieldrin contaminants in Great Lake fish have been especially dramatic. A number of harmful nutrients have been reduced by nearly fifty percent in national rivers. Lead levels in our waters have also been significantly reduced. As a result, many rivers are much cleaner on balance, including the Potomac, the Hudson, and parts of the Mississippi.

Recessions worse before New Deal regulations

Sar A. Levitan (economist widely known for his analysis of social policy and influence on government programs as diverse as employment training and rural development), "How the Welfare System Promotes Economic Security", *Political Science Quarterly*, Vol. 100, No. 3 (Autumn, 1985), pp. 447-459, Published by: The Academy of Political Science, <http://www.jstor.org/stable/2151067>

He ignores the fact that economic recessions were much deeper before the enactment of the New Deal regulatory agencies and that the Great Depression provided the initial impetus for welfare legislation when one of every four Americans was forced into idleness.

Legal coercion okay, example: vaccines

Robert Veatch (Ph.D., Professor of Medical Ethics and the former Director of the Kennedy Institute of Ethics at Georgetown University), "In Search of the Good Society: The Work of Daniel Callahan", *The Hastings Center Report*, Vol. 26, No. 6, (Nov. - Dec., 1996), pp. 42-43, <http://www.jstor.org/stable/3528762>

President Clinton persuaded Congress to establish the program in his first year in office by arguing that vaccine manufacturers were pursuing "profits at the expense of our children." But a report by the auditors of the General Accounting Office clearly indicated that "vaccine cost is not an important barrier" to the immunization of children. Indeed, the report stated, most children who are vaccinated "are eligible for free vaccine under the present system." The experience with polio vaccine in New York many years earlier had indicated that vaccination against polio would only be effectively complete when compelled by threat of law. There is something immoral about spending millions, even hundreds of millions, of dollars on programs to "educate" people to change their behavior when we know that what is necessary is either intimidation or coercion.

Government's can interfere in instances of public harm

Friedrich Hayek (20th century Austrian economist and political philosopher, 1974 Nobel Prize winner in economics, <http://www.youtube.com/watch?v=d0nERTFo-Sk>), "The Road to Serfdom", 1944

The successful use of competition does not preclude some types of government interference. There are, too, certain fields where the system of competition is impracticable. For example, the harmful effects of deforestation or of the smoke of factories cannot be confined to the owner of the property in question. But the fact that we have to resort to direct regulation by authority where the conditions for the proper working of competition cannot be created does not prove that we should suppress competition where it can be made to function. To create conditions in which competition will be as effective as possible, to prevent fraud and deception, to break up monopolies - these tasks provide a wide and unquestioned field for state activity.

Coercion a Matter of Degree

Danger of coercion a matter of degree, not absolute.

Stephen Gardbaum, Assistant Professor, Northwestern University School of Law, "Why The Liberal State Can Promote Moral Ideals After All," Harvard Law Review, April, 1991, p. 1369.

Whether coercion is justified must be determined contextually, depending on such factors as the ideals in question, what is at stake, the consequences of acting or not acting in a given situation, and the amount of coercion involved. Within liberal societies, the amount of coercion generally involved in promoting such "domestic" moral ideals as autonomy, equality, and human dignity is not always great, and often much less than that involved in importing "foreign" ideals into a previously homogeneous moral culture. The model of the Bolshevik Party implanting and fostering the value of communism in Czarist Russia should not tyrannize our minds on this issue.

Turn: The libertarian critique trivializes freedom

Evan Tsen Lee, Professor, University of California, Hastings College of the Law, San Diego Law Review, Winter, 1994, p. 209-210.

It is governmental interference with our associational freedom. It is Big Brother telling us with whom we must spend time. It is philosophically indistinguishable from Big Brother telling us with whom we may not associate. It is totalitarianism. I do not know how to respond to this except to say that I do not share that view, and I know virtually no one who does. It is true that one of the traits of totalitarianism is the substitution of central planning for voluntaristic action, in the realm of interpersonal association, as elsewhere. It is also true that Title VII represents centralized restrictions on associational freedom. And yet the law that requires me to drive on the right side of the road represents a centralized restriction on my freedom to associate with those on the left side of the road in the exact manner I may wish. The law that empowers health authorities to quarantine those with extremely communicable diseases represents a centralized restriction on associational freedom. If this is "totalitarianism," then the concept has been trivialized beyond the point of usefulness.

Security Doesn't Mean Egalitarianism

Basic standards, not egalitarianism

CASS R. SUNSTEIN (Karl N. Llewellyn Professor of Jurisprudence, University of Chicago Law School; Professor of Political Science, University of Chicago), "ADMINISTRATIVE SUBSTANCE", *Duke Law Journal* p. 607, June 1991, Accessed via Lexis-Nexis.

The first is a belief in freedom from desperate conditions. No one should be deprived of adequate food, shelter, police protection, or medical care. This principle allows for enormous variations in living standards; it can hardly be classified as egalitarian. It does, however, protect people from falling below a specified floor.

Benefits of Regulation

Regulations allow citizenship to overrides consumerism

CASS R. SUNSTEIN (Karl N. Llewellyn Professor of Jurisprudence, University of Chicago Law School; Professor of Political Science, University of Chicago), "ADMINISTRATIVE SUBSTANCE", Duke Law Journal p. 607, June 1991, Accessed via Lexis-Nexis.

For example, people often desire political outcomes that are different from and even inconsistent with their preferences as consumers. Some people favor stringent environmental laws even though they rarely venture outdoors; others support the protection of endangered species even though they do not personally benefit from the existence of those species; still others seek laws that forbid race and sex discrimination even though their own behavior is hardly race- or gender-neutral. As citizens, people frequently support government regulation that diverges from their behavior as consumers.

Regulation needed so that desires aren't constrained by unjust conditions

CASS R. SUNSTEIN (Karl N. Llewellyn Professor of Jurisprudence, University of Chicago Law School; Professor of Political Science, University of Chicago), "ADMINISTRATIVE SUBSTANCE", Duke Law Journal p. 607, June 1991, Accessed via Lexis-Nexis.

Similarly, political action can and sometimes should overcome existing private preferences and beliefs. Preferences, desires, and beliefs do not exist in a vacuum; they often adapt to existing legal rules and social practices. Without the possibility of government action, current practices sometimes seem intractable, and people resign themselves to them. People adapt their behavior and even their desires and beliefs to the status quo. In such cases, there is a serious obstacle to political freedom. Freedom consists not merely in satisfying one's desires, but also in ensuring that desires are not formed under unjust conditions, or under circumstances that impede their free development. This concept of freedom is highly congenial to American public law.

Government regulation is vital to freedom, democracy, and the market

CASS R. SUNSTEIN (Karl N. Llewellyn Professor of Jurisprudence, University of Chicago Law School; Professor of Political Science, University of Chicago), "ADMINISTRATIVE SUBSTANCE", *Duke Law Journal* p. 607, June 1991, Accessed via Lexis-Nexis.

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Regulation Efficient When Consumers Uninformed

Marc T. Law, University of Vermont, "History of Food and Drug Regulation in the United States". *EH.Net Encyclopedia*, edited by Robert Whaples. October 11, 2004. <http://eh.net/encyclopedia/article/Law.Food.and.Drug.Regulation>

From an economic perspective, regulations like these may be justified in markets where producers know more about product quality than consumers. As Akerlof (1970) demonstrates, when consumers have less information about product quality than producers, lower quality products (which are generally cheaper to produce) may drive out higher quality products. Asymmetric information about product quality may thus result in lower quality products – the so-called “lemons” – dominating the market. To the extent that regulators are better informed about quality than consumers, regulation that punishes firms that cheat on quality or that requires firms to disclose information about product quality can improve efficiency. Thus, regulations governing what can or cannot be added to products, how products are labeled, and whether certain products can be safely sold to consumers, can be justified in the public interest if consumers do not possess the information to accurately discern these aspects of product quality on their own. Regulations that solve the asymmetric information problem benefit consumers who desire better information about product quality, as well as producers of higher quality products, who desire to segment the market for their wares.

Freedom Not Intrinsic

Freedom should only exist in service of genuine goods

CHRISTOPHER TOLLEFSEN (Professor of Philosophy, University of South Carolina.), "FREEDOM AND EQUALITY IN MARKET EXCHANGE: SOME NATURAL LAW REFLECTIONS", *Harvard Journal of Law & Public Policy* Vol. 33 No.2, Spring 2010, www.harvard-jlpp.com/33-2/487.pdf

These principles can serve as the basis for an account of “the market” and its moral justifications. The market essentially consists of a practice of exchange, the creation of capital, and the existence of credit. The most fundamental justification of the market is fairness. Fairness justifies a moderately free market, but it also justifies—morally, socially, and, again, legally—the regulation of that freedom. The structure of the natural law approach here mirrors that of the approach to private property: There is no unregulated freedom, no freedom for its own sake anywhere in a natural law account of anything. Freedom should exist only in service of genuine human goods. Freedom is instrumentally good not simply, and not even primarily, because it enables a group of people to pursue the good more efficiently than they could as individuals. The efficiency of a free market is important, and invisible hand mechanisms are likewise necessary for an accurate assessment of a reasonable allocation of goods. But freedoms, including market freedoms, are essential primarily because they enable the fulfillment of obligations and the self-constituting activity of reasonable agents.¹⁰ In short, market freedom is an instrument that enables the pursuit of one’s personal vocation. It is this vocational obligation, rather than freedom, that should ultimately be protected by, or in spite of, a free market.

A2 “Economic freedom needed for any freedom”: Equivocation

Friedrich Hayek (20th century Austrian economist and political philosopher, 1974 Nobel Prize winner in economics, <http://www.youtube.com/watch?v=d0nERTFo-Sk>), “The Road to Serfdom”, 1944.

To allay these suspicions and to harness to its cart the strongest of all political motives – the craving for freedom – socialists began increasingly to make use of the promise of a ‘new freedom’. Socialism was to bring ‘economic freedom’ without which political freedom was ‘not worth having’. To make this argument sound plausible, the word ‘freedom’ was subjected to a subtle change in meaning. The word had formerly meant freedom from coercion, from the arbitrary power of other men. Now it was made to mean freedom from necessity, release from the compulsion of the circumstances which inevitably limit the range of choice of all of us. Freedom in this sense is, of course, merely another name for power or wealth. The demand for the new freedom was thus only another name for the old demand for a redistribution of wealth.

Freedom depends on security: Civil rights meaningless without economic security

Jon D. Michaels, "To Promote the General Welfare: The Republican Imperative To Enhance Citizenship Welfare Rights", Yale Law Journal, April, 2002, [Accessed via Lexis-Nexis].

Our failure to recognize the intuitive connections between social welfare and civic participation is largely a function of the fact that those who were permitted to take part in governmental and political affairs in the eighteenth century were men of land, wealth, and education. Participation in public affairs was essentially limited to those for whom economic security was never a concern. Yet, even though participatory rights have expanded over time to include all adult members of our population, economic security's relation to citizenship continues to be taken for granted or is altogether disregarded. Today, every adult American has the right to vote and to hold office irrespective of economic status. But those rights may be meaningless if their bearer lacks the basic resources to make informed political choices.

See also Applications: Reconstruction.

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Slavery

Summary: the best way to respond to moral appeal examples? Turn them. Here are a few cards supporting a straight link-turn: slavery was justified on the basis of personal freedoms!

Personal Freedom justified slavery

Rick Halpern and Enrico Dal Lago (Chair of American Studies and professor of history at the university of Toronto and lecturer in American History at the National University of Ireland, Galway, respectively), "Slavery and Emancipation", 2002 [Accessed via Google Books].

By contrast, slavery['s] expanded in the South. Its existence was increasingly sanctioned through law, and the holding of slaves was important for southern whites' definition of personal freedom...

Slavery depended upon property rights

James L. Huston (professor of history at Oklahoma State University), "Property Rights in Slavery and the Coming of the Civil War", *The Journal of Southern History*, Vol. 65, No. 2 (May, 1999), pp. 249-286, Published by: Southern Historical Association, <http://www.jstor.org/stable/2587364>

Thus wealth, income, and a host of social values in the southern states hinged on slaveholding, and the legal existence of slaveholding depended on a set of laws that defined certain people as property and allowed others to own those people. Property rights in slaves was absolutely crucial to the existence of the peculiar institution.

Slavery meant liberty under the U.S. Constitution

James L. Huston (professor of history at Oklahoma State University), "Property Rights in Slavery and the Coming of the Civil War", *The Journal of Southern History*, Vol. 65, No. 2 (May, 1999), pp. 249-286, Published by: Southern Historical Association, <http://www.jstor.org/stable/2587364>

The issue of property rights was also the core of southern constitutional doctrines. Most of the expostulations proclaiming southern liberty, southern rights, and constitutional rights can be reduced to a few elementary propositions: liberty, in the Anglo-American tradition, meant the freedom to accumulate property and to dispose of it as the possessor saw fit; the purpose of government was to protect property; the constitutional agreement of 1787-1789 secured property in slaves to those states that had the institution and lodged all power over its continuation and regulation in the states.

Reconstruction

Summary: Pairs well with the “freedom depends on security” brief. Slaves in the American south were given their freedom during the Civil War, but that freedom did not markedly improve their lives until they also found economic security.

Freedom did little to reduce slave owners' dominance

Samuel Issacharoff (Assistant Professor, The University of Texas School of Law), “REVIEW ESSAY: Contractual Liberties in Discriminatory Markets. FORBIDDEN GROUNDS: THE CASE AGAINST EMPLOYMENT DISCRIMINATION LAWS. By Richard A. Epstein”, *Texas Law Review*, April, 1992, p. 1219+, Accessed via Lexis-Nexis.

Under the regime of liberty of contract, the class of slave owners transformed itself from "laborlords to landlords," leaving the slaves in the position of still very much subjugated sharecroppers.

Freedom did little to help slaves

Samuel Issacharoff (Assistant Professor, The University of Texas School of Law), “REVIEW ESSAY: Contractual Liberties in Discriminatory Markets. FORBIDDEN GROUNDS: THE CASE AGAINST EMPLOYMENT DISCRIMINATION LAWS. By Richard A. Epstein”, *Texas Law Review*, April, 1992, p. 1219+, Accessed via Lexis-Nexis.

To hold out the freedom to contract as the highest aspiration for blacks misses the point of the historical experience. Freedom to contract did little to protect blacks in the postwar South from the continued subjugation brought about by poverty, lack of education, and woefully inferior socioeconomic standing. Freedom of contract left intact a society whose white wealth was based on the legal subjugation of blacks.

Freedom worthless alone (reconstruction)

Samuel Issacharoff (Assistant Professor, The University of Texas School of Law), “REVIEW ESSAY: Contractual Liberties in Discriminatory Markets. FORBIDDEN GROUNDS: THE CASE AGAINST EMPLOYMENT DISCRIMINATION LAWS. By Richard A. Epstein”, *Texas Law Review*, April, 1992, p. 1219+, Accessed via Lexis-Nexis.

But while the Civil War amendments and the Emancipation Proclamation promised the same liberties for the freedmen that the Glorious Revolution and the French Revolution had delivered to a post-feudal Europe, the reality was otherwise. When freed from slavery, American blacks did not possess even the minimum holdings or claims to land that the serfs had when emerging from feudalism. Thus, while the Civil War concluded with blacks' being given the full formal democratic rights of citizenship, these newly won liberties were decidedly limited

19th Century Savings Banks

Summary: 19th century lawmakers are usually considered to have pursued policies favoring laissez-faire and big business, but when it came to individual savers they turned all those goals around in favor of economic security above all else.

Lawmakers usually pursued growth

R. Daniel Wadhvani (Assistant Professor of Management and Fletcher Jones Professor of Entrepreneurship, University of the Pacific), "Protecting Small Savers: The Political Economy of Economic Security", *Journal of Policy History*, Volume 18, Number 1, 2006, pp. 126-145 Published by Penn State University Press, Accessed via Project Muse, <http://muse.jhu.edu/journals/jph/summary/v018/18.1wadhvani.html>

During the nineteenth century, various governmental institutions—including, above all, state legislatures and courts—designed an enduring and effective regulatory regime to protect small savers from the risks of the financial market. By crafting and implementing legal rules for savings banks that favored stability over competition and security over high returns, lawmakers enshrined the economic security of the household as a paramount policy goal. This conclusion differs markedly from most traditional accounts of nineteenth-century American economic policy. Political and legal historians have long contended that governmental institutions in this period were preoccupied not with economic security but with dynamic growth. Economic historians have reached a similar conclusion. Both presume that lasting regulatory safeguards for small savers emerged in response to twentieth-century financial crises, most notably the Great Depression of the 1930s, rather than to formative nineteenth-century concerns over the economic security of households in a market economy.

Competition encouraged in commercial banks but not savings banks

R. Daniel Wadhvani (Assistant Professor of Management and Fletcher Jones Professor of Entrepreneurship, University of the Pacific), "Protecting Small Savers: The Political Economy of Economic Security", *Journal of Policy History*, Volume 18, Number 1, 2006, pp. 126-145 Published by Penn State University Press, Accessed via Project Muse, <http://muse.jhu.edu/journals/jph/summary/v018/18.1wadhvani.html>

The lawmakers' aversion to competition in the savings bank market contrasted markedly with their endorsement of competition between commercial banks.

This contrast is illustrated by the history of banking policy in New York. In 1838, the New York legislature enacted a free banking act—a watershed in the history of commercial banking. Henceforth, any group of investors could incorporate a commercial bank by meeting a few basic requirements. By eliminating barriers for new entrants, the act enshrined competition as a cornerstone of state banking policy—a principle that lawmakers would extend after the Civil War to the federal government. When the New York legislature turned its attention to savings banks, however, it explicitly rejected competition as a policy goal. The “salutary influence of competition,” a legislative committee declared in 1848, that was “usually found so corrective” in all enterprises “undertaken for gain,” did not extend to savings banks. This was because these institutions had been designed exclusively as a “safe place for the poor man to deposit his surplus earnings”—rather than, like a commercial bank, as a “receptacle for the funds of the rich or man of business.” The charters regulating savings banks, the committee further explained, gave them an “indorsement” that the people had a “right to regard”: “The sphere of action of such institutions should be made a legitimate one, and the regulation of deposits and of investments can be varied by the legislature, in keeping with the peculiar circumstance of the locality from which the application may proceed.”

Savings banks limited in contract opportunities

R. Daniel Wadhvani (Assistant Professor of Management and Fletcher Jones Professor of Entrepreneurship, University of the Pacific), “Protecting Small Savers: The Political Economy of Economic Security”, *Journal of Policy History*, Volume 18, Number 1, 2006, pp. 126-145 Published by Penn State University Press, Accessed via Project Muse, <http://muse.jhu.edu/journals/jph/summary/v018/18.1wadhvani.html>

Just as lawmakers limited competition between savings banks, so too they prescribed the contracts that savings banks could enter into. Here, too, lawmakers justified these regulations by stressing that saving banks had a special obligation to protect small savers. The range of contracts that lawmakers monitored was quite broad, and extended from employee compensation and operating expenses to depositor services.⁴¹ Nothing imperiled a depositors' savings more than the investment decisions of bank officials; not surprisingly, it was in this realm that regulatory constraints were the most extensive.

Economic Security the goal of savings banks

R. Daniel Wadhvani (Assistant Professor of Management and Fletcher Jones Professor of Entrepreneurship, University of the Pacific), “Protecting Small Savers: The Political Economy of Economic Security”, *Journal of Policy History*, Volume 18, Number 1, 2006, pp. 126-145 Published by Penn State University Press, Accessed via Project Muse, <http://muse.jhu.edu/journals/jph/summary/v018/18.1wadhvani.html>

For lawmakers, economic security was from the first the most important of the bundle of services that savings banks provided. The small savers for whom the institutions were established, lawmakers reasoned, could ill afford to lose the nest eggs they had accumulated for unemployment, hardship, and old age.