# 1nc

### 1

#### “Affirm” means “assert as valid” and “negate” means “deny the … truth of.”[[1]](#footnote-1) The rules of debate can’t be changed from the inside.

**Shapiro** Shapiro, Tamar (Professor of Philosophy at Stanford University). “Three Conceptions of Action in Moral Theory.” Volume 35, Number 1, March 2001.

Whereas summary rules presuppose the existence of a well-defined context of application, the establishment **of a practice imposes a** new conceptual and normative **structure on the context** to which they are to apply. In this sense, a practice amounts to “the specification of a new form of activity,” along with a new order of status relations in which that activity makes sense.29 From the point of view of a participant, the establishment of **a practice transforms an expanse of grass into “playing field,**” bags on the ground into “bases,” and individuals into occupants of determinate “positions.” Universal laws come to hold a priori, for example that “three strikes make an out,” and that “every inning has a top and a bottom.” And within that new order people come to have special powers, such as the power to “strike out,” or to “steal a base.” The salient point for Rawls’ purposes is that there are **constitutive constraints** on the exercise of these new powers, constraints by which any participant must abide in order to **make** her **movements** **count** **as** **the** **moves** she intends them to be.

**Thus, the role of the ballot is *truth-testing*. Prefer—**

**[1] Education – Framework debates incentivize phil research. Outweighs since phil ed is (a) the reason why schools fund LD debate specifically, (b) most accessible to small schools that can’t keep up with util prep, and (c) key to good policymaking which impact turns their offense.**

**[2] Every statement implicitly asserts its own truth. Any other ROB appeals to mine which collapses.**

### 2

#### Presumption and permissibility negate—

#### [1] They have to prove the existence of an obligation to have an unconditional rts – permissibility flows neg.

#### [2] There’s an infinite number of other, mutually exclusive actions and one of them is probably better than the aff.

#### [3] Statements are more likely false than true since there’s infinite ways to deny a statement but only one way to prove it.

#### The metaethic is perspectivism – truth is not absolute but rather created by individuals based on their own individual perspective. Prefer it:

#### [1] Opacity – we can never access another person’s perspective because we can never fully understand who someone else is or what they think. Every truth I create cannot be universalized because I can’t guarantee that they will create the same truth because they do what they want.

#### [2] Linguistics – Truth is constructed by language, which is completely arbitrary. Nothing tells me that a chair is a chair; I only assign it that name arbitrarily because I want to. Meaning can’t be contained within language if we make it up ourselves, and truth doesn’t exist absent language.

#### But, the state of nature leads to infinite violence – competing truth claims means conflicts cannot be resolved. Two warrants:

#### [1] Ambiguity – everyone can assert their own claims to be true and refuse contestation – this means we always fight over who is correct. This is irresolvable because there is no mediator to adjudicate the dispute and tell who is correct – we just fight forever

#### [2] Self-Interest – everyone wants their truth claims to be true because it benefits them – this leads to conflict because we can’t divide limited resources and must compete with each other – terminates in death because neither of us want to concede to the other

#### This state of nature is brutish and has no conception of morality because we don’t have any unified truth to guide us, and thus outweighs on magnitude. The solution is the creation of the sovereign to mediate what is true and enforce the law; they are the ultimate ruler and arbitrator. It must eliminate all conflicts to bring peace to our violent natures. Thus, the standard is consistency with the will of the sovereign. Prefer it:

#### [1] Bindingness: Only the sovereign can get everyone to follow their rule and enforce the law, it creates motivations for any moral rules we create. Otherwise, the framework collapses and truth becomes impossible.

#### [2] All obligations are contingent on survival—“ought” implies “can” so my framework is prereq by definition.

Mearsheimer [John J. Mearsheimer is the R. Wendell Harrison Distinguished Service Professor of Political Science and codirector of the Program on International Security Policy at the University of Chicago. " The Tragedy of Great Power Politics (Updated Edition)" W. W. Norton & Company, 2003, https://books.google.com/books?id=lDzCD\_C\_ipoC, DOA:10-27-2017]

The fourth assumption is that survival is the primary goalof great powers**.** Specifically, states seek to maintain their territorial integrity and the autonomy of their domestic political order. Survival dominates other motives because, once a state is conquered, it is unlikely to be in a position to pursue other aims. Soviet leader Josef Stalin put the point well during a war scare in 1927: "We can and must build socialism in the [Soviet Union]. But in order to do so we first of all have to e~ist."~ States can and do pursue other goals, of course, but security is their most important objective.

#### [3] Infinite Regress- other moral theories fail since individuals can question why they follow them, but my framework escapes this since the sovereign is able to impose its will

#### [4] Actor spec– other moral theories might matter in the abstract but obligations differ based on the nature of the agent. For example, a janitor has different obligations than teachers, in the same vein the state has unique obligations that might be inconsistent with morality in general. Outweighs and comes first since different agents have different ethical standings.

### Contention

#### [1] The sovereign has absolute authority; strikes contest the rule of the authority of the sovereign which leads to infinite regress and freezes action.

Lloyd and Sreedhar (Sharon A. Lloyd and Susanne Sreedhar, Sharon Lloyd is Professor of Philosophy, Law, and Political Science at the University of Southern California. She co-founded the USC Center for Law and Philosophy, and directs the USC Levan Institute's Conversations in Practical Ethics Program., Susanne Sreedhar is an Associate Professor of Philosophy at Boston University. Sreedhar's work on social contract theory has been influential, and has mostly been aimed at the nature and scope of obligation within political systems, and the possibility of ethical civil disobedience within a Hobbesian system., 2-12-2002, accessed on 6-29-2021, The Stanford Encyclopedia of Philosophy (Fall 2020 Edition), "Hobbes’s Moral and Political Philosophy (Stanford Encyclopedia of Philosophy)", <https://plato.stanford.edu/entries/hobbes-moral/)//st>

Although Hobbes offered some mild pragmatic grounds for preferring monarchy to other forms of government, his main concern was to argue that **effective government—whatever its form—must have absolute authority.** Its powers must be neither divided nor limited. **The powers of legislation, adjudication, enforcement, taxation, war-making (and the less familiar right of control of normative doctrine) are connected in such a way that a loss of one may thwart effective exercise of the rest;** for example, **legislation without interpretation and enforcement will not serve to regulate conduct. Only a government that possesses all of what Hobbes terms the “essential rights of sovereignty” can be reliably effective**, since **where partial sets of these rights are held by different bodies that disagree** in their judgments as to what is to be done, **paralysis of effective government, or degeneration into a civil war to settle their dispute, may occur.** Similarly, **to impose limitation on the authority of the government is to invite irresoluble disputes over whether it has overstepped those limits. If each person is to decide for herself whether the government should be obeyed**, factional disagreement—**and war to settle the issue, or at least paralysis of effective government—are [is] quite possible**. **To refer resolution of the question to some further authority, itself also limited and so open to challenge for overstepping its bounds, would be to initiate an infinite regress of non-authoritative ‘authorities’** (where the buck never stops). To refer it to a further authority itself unlimited, would be just to relocate the seat of absolute sovereignty, a position entirely consistent with Hobbes’s insistence on absolutism. **To avoid the horrible prospect of governmental collapse and return to the state of nature, people should treat their sovereign as having absolute authority.**

#### [2] The sovereign hasn’t granted the unconditional right to strike in the squo - proves that it doesn’t want it. Passing the res blocks the sovereign’s will.

#### [3] The aff creates post-fiat obligations for the state – this is incoherent because it implies an authority higher than the state to constrain the sovereign. Only sovereign entities can create moral obligations, so the state can’t have an obligation to act

# Case

### Contention

#### Strikes shift away from care for others.

**Kemp 13** David Kemp 1-14-2013 "Can Health Care Providers Ethically Go on Strike?" <https://verdict.justia.com/2013/01/14/can-health-care-providers-ethically-go-on-strike> (David S. Kemp is the managing editor of Verdict and a professor of legal writing at UC Berkeley School of Law. He is also the managing editor of The Oyez Project. He received his B.A. in Psychology from Rice University and his J.D. from Berkeley Law.) JG

Applying a Framework to Strikes by Health-Care Providers The question before us is this: Is it ethical **for health-care providers to go on strike**? **Taking the virtue ethics approach**, we would ask whether going on strike is an action that a virtuous nurse/physician/surgeon/health-care worker would take. The medical community has widely accepted certain principles, first proposed by Thomas Beauchamp and James Childress, as the pillars of the code of the virtuous health care provider: beneficence, non-maleficence (“first, **do no harm**”), autonomy, and justice. To abide by these principles, a virtuous provider would strike only for the purpose of benefiting the patient. Assuming that a strike is based on the complaints previously described in this column—understaffing, underpay, and overwork—the goal of the strike may be aligned with keeping the patients’ best interests in focus. There are two broad categories of patient benefits, which I categorize as “hard” and “soft” benefits. If the concern is that there are not enough providers to care for the number of patients on the service, or if due to overwork the providers are too exhausted to perform their duties effectively, then the goal of negotiations would be a hard benefit to patients. In contrast, a soft benefit for patients would be having providers who are fairly compensated and content with their jobs. While the soft benefits may be a matter of subjective measurement, objective statistics such as clinical outcomes and provider-to-patient ratios are more easily classified as adequate or inadequate. There is concededly a limited circumstance in which a strike may be primarily for the purpose of something other than the benefit of the patient (such as for individual compensation) while still being ethical. In such a circumstance, the striking individuals must have preemptively ensured that patient care would not be negatively impacted by the strike. If such assurances have not been made before the strike, then the decision to strike would be ethically wrong because a strike **presents a risk of harm to the patient**. If the purpose of the strike satisfies the first prong of the value ethics framework—that is, if it is entirely or substantially for the benefit of patient—then the second question is whether the provider has exhausted all other avenues of negotiation before resorting to the strike. Because of the potential harms to patients that could be caused by striking, a virtuous provider must first **exhaust all other avenues of negotiation that do not present such a risk**. Some have advocated for the use of the symbolic 24-hour strike, which raises public awareness of the dispute, but has arguably fewer potential negative consequences for the patients due to its short duration. Another less drastic device to raise awareness of working conditions is the picketing protest, which may last anywhere from one hour to several. Part of the power of the worker strike lies in the potent message that the system **cannot function without those workers**. There is a widespread stigma among workers toward the replacement workers who are hired during a strike

#### All-out strikes endanger patients and violates moral duties to others AND hurts trust between patients and doctors – this culminates in the intrinsic inability to fulfil our obligation toward the other

**Campbell 16** Denis Campbell 4-9-2016 "All-out junior doctors’ strike unethical and reckless, says NHS chief" <https://www.theguardian.com/society/2016/apr/09/doctors-strike-nhs-chief-england> (Denis Campbell is health policy editor for the Guardian and the Observer. He has written about the NHS, public health and medicine since 2007 and shares health-writing duties with Sarah Boseley, the health editor) JG

A total withdrawal of labour, scheduled for later this month, **will threaten hospitals’ ability to deliver safe care** in areas such as A&E, childbirth and intensive care, according to Prof Sir Bruce Keogh, the national medical director of NHS England. In a strongly worded article in the Observer, Keogh writes that such an escalation of the dispute with the government would be **reckless, unethical**, a breach of the medical profession’s **fundamental duty to “do no harm**” and a move that will destroy the public’s trust in doctors. “Despite the fact that consultants will do their best to cover, the fact is that junior doctors are key to the safe and effective running of our NHS. So this new action will put additional, significant strain on A&E, intensive care and maternity services, particularly in smaller hospital,” Keogh explains. “I worry that withdrawal of emergency cover will put our sickest and most vulnerable patients at greater risk. This challenges the ethical framework on which our profession is founded and runs against the grain of our NHS and our personal and **professional values**”, he adds. Junior doctors are due to refuse to work in any medical setting at all between 8am and 5pm on 26 and 27 April as part of their campaign of industrial action in the bitter and long-running row with Jeremy Hunt, the health secretary, over the new contract he intends to impose on them from August. The British Medical Association reacted angrily to Keogh’s intervention. Johann Malawana, the BMA’s junior doctor chair, said: “No junior doctor wants to take this action but we have been left with no choice. They have already done everything else in their power to make their voices heard - protests, marches, petitions, emergency care only strikes. By continuing to ignore them, the government has left them left with no choice. “We regret any disruption caused to patients and have given trusts enough notice for them to plan ahead, and to ensure that senior hospital doctors, GPs and other NHS staff will continue to provide excellent care for patients. Please be assured that should someone need emergency care on a day of action, they will receive it. “It is disappointing that Bruce Keogh is attacking frontline doctors rather than echoing calls, from patients’ groups to senior NHS managers, for the government to get back around the table and end this dispute through talks. In his article, Keogh argues that the continuing series of strikes have caused too much “distress, anxiety and confusion” to patients already through the cancellation of almost 25,000 operations, as a result of four walkouts since January. He says an all-out strike would be “a watershed moment for the NHS”. Keogh is the first senior doctor to articulate in public the warnings that many leaders of the profession have recently given the BMA privately about the danger of patients dying because too few doctors were on duty. Many of the medical royal colleges, which represent different types of doctors professionally, are torn between support for their striking trainees and fear that doctors’ high standing with the public could be ruined if a total withdrawal of cover is seen as a step too far.

#### Strikes hurt everybody including innocent people not at the company

**McElroy 19** John McElroy 10-25-2019 "Strikes Hurt Everybody" <https://www.wardsauto.com/ideaxchange/strikes-hurt-everybody> <https://www.wardsauto.com/ideaxchange/strikes-hurt-everybody> (MPA at McCombs school of Business) JG

But **strikes don’t just hurt the people walking the picket lines or the company they’re striking against.** They **hurt suppliers, car dealers and the communities** located near the plants. The Anderson Economic Group estimates that 75,000 workers at supplier companies were temporarily laid off because of the GM strike. Unlike UAW picketers, those supplier workers won’t **get any strike pay** or an $11,000 contract **signing bonus**. No, most of them lost close to a month’s worth of wages, which must be financially devastating for them. GM’s suppliers also lost a lot of money. So now they’re cutting budgets and delaying capital investments to make up for the lost revenue, which is a further drag on the economy. According to CAR, the communities and states where GM’s plants are located collectively lost a couple of hundred million dollars in payroll and tax revenue. Some economists warn that if the strike were prolonged it could knock the state of Michigan – home to GM and the UAW – **into a recession.** That prompted the governor of Michigan, Gretchen Whitmer, to call GM CEO Mary Barra and UAW leaders and urge them to settle as fast as possible. So, while the UAW managed to get a nice raise for its members, the strike **left a path of destruction** in its wake. That’s not fair to the innocent bystanders who will never regain what they lost.

1. <https://www.merriam-webster.com/dictionary/affirm>, https://www.merriam-webster.com/dictionary/negate [↑](#footnote-ref-1)