# 1NC

## 1

### Shell

#### Interpretation: Debaters may not break new affirmatives without first disclosing the plan text, framing, and advantage area

#### Violation: this is a new aff



#### 1] Vote neg for Predictability & clash—breaking new affs that aren’t disclosed forces us to rely on generics rather than specific strategies tailored to the affirmative—that kills nuanced clash and turns their education arguments because we don’t get to discuss the aff in depth, instead we just have recycled T and Kant debates. They get infinite time to frontline their one aff, while I coming into the round guessing

#### 2] Encourages students to value new above good which is a bad educational model since it creates superficial learning. Counter-Interp offense isn’t competitive because you can still read new affs, they just have to be disclosed before the round. And, critical thinking is non-unique because people would still have to come up with answers to the aff before the round.

#### 3] Academic integrity – disclosing new afs is key to ensure that evidence isnt miscut or powertagged – 4 minutes of prep isnt enough especially since I need to save some for the 2nr and also construct a 1nc speech doc

#### Fairness – all args concede validity

#### Education – reason schools fund debate

#### DTD – a) dta doesn’t make sense in context, b) deters abuse

#### No rvis – a) logic, b) baiting, c) topic ed

#### CI – a) collapses, b) arbitrary invited judge intervention

## 2

### Framework

#### The meta ethic is practical reason-

#### Ethics must be derived a priori

#### 1] Uncertainty – experiences are locked within our own subjectivity and are inaccessible to others, however a priori principles are created in the noumenal world and are universally applied to all agents. Outweighs because founding ethics in the phenomenal world allows people to justify atrocities by saying they don’t experience the same.

#### 2] Is/Ought Gap – experience in the phenomenal world only tells us what is, not what ought to be. But it’s impossible to derive an ought from descriptive premises, so there needs to be additional a priori premises within the noumenal world to make a moral theory.

#### Practical reason is inescapable - Any moral rule faces the problem of regress – I can keep asking “why should I follow this.” Regress collapses to skep since no one can generate obligations absent grounds for accepting them. Only reason solves since asking “why reason?” requires reason to do in the first place which concedes its authority.

#### Morality means we must treat others as ends in themselves.

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

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

#### Practical reason means we must be able to universalize our maxims—our judgements are authoritative and can’t only apply to ourselves any more than 2+2=4 can be true only for me. The only constraint is noncontradiction.

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

#### Prefer additionally –

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

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

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

#### [2] Performativity – freedom is the key to the process of justification of arguments. Willing that we should abide by their ethical theory presupposes that we own ourselves in the first place. Thus, it is logically incoherent to justify the aff standard without first willing that we can pursue ends free from others.

#### [3] Inclusion – analytical philosophy is most inclusive to all debaters especially small school debaters who don’t have big carded util files and big coaching staffs because all arguments under my framework can be made analytically – impacts to accessibility

### Offense

#### [1] The process of strike uses patients or beneficiaries of work as a means to an end

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

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

**The** possible **disadvantage to** patients highlights the crux **of** the moral issue of physician **strikes. In** Immanuel **Kant’s** *Groundwork for the Metaphysics of Morals*, one formulation of **the categorical imperative is to “Act in such a way as to treat humanity, whether in your own person or in that of anyone else, always as an end and never merely as a means**.”24 **When patient care is leveraged** by physicians during strikes, **patients serve as a means to the union’s ends**. Unless physicians act to improve *everyone’s*care, union action—if **it jeopardizes** the **care of some hospitalized patients**, for example—cannot be ethical. It is for this reason that, in the case of **physicians looking to form a new union**, the argument can be made that unionization should be used only as a last resort. Physician union **members must be prepared to utilize collective action and accept its risks to patient care, but every effort should be made to avoid actions that risk harm to patients.**

#### [2] Going on strike isn’t universalizable – a) if everyone leaves work then there will be no concept of a job b) everyone means the employer even leaves which is a contradiction in contraception

#### [3] No aff offense – no unique obligation of the state to give ability to strike – if a workplace is coercive you can use legal means or just find another job

#### [4] Neg contention choice – otherwise they can concede all of our work on framework and just read 4 minutes of turns which moots the four minutes of framework debate that the 1NC did giving them a massive advantage. It also kills phil education since it allows them to escape the framework lbl which outweighs since phil ed is unique to LD.

## 3

#### CP Text: A just government should recognize an unconditional right to strike except for healthcare workers

#### Physicians must use legal means and philosophy to solve any issues concerning strike.

**Maware 11** [Mawere, M. (2011). Are physicians’ strikes ever morally justifiable? A call for a return to tradition. Pan African Medical Journal, 6(1). doi:10.4314/pamj.v6i1.69081 // LEX JB]

* Article written in the context of philosophy
* Preserve virtue
* African communalism

One of the concerns of **philosophers** of medicine/medical ethicists has been to **reflect on the rights, entitlements and obligation of physicians in relation to patients and members of the public**. Scientists such as physicians inclined to dealing with factual judgments have failed to convincingly address the issue of strike using the ‘old version’ of the Hippocratic Oath which is the bedrock of the medical profession the world over. **Whilst the argument from African communalism** are philosophically plausible as **has been demonstrated by this work**, it is paramount **to reiterate that the question of physician strike is too complex to be epitomized in a word**. While there are shades of truth in each of the arguments raised in the prior discussion, they are all debatable. One can still argue that physician strikes are morally justifiable since physicians are people with families who need to be financially supported and cared for. Nevertheless, **I remain supremely confident that physicians strike is always morally unjustifiable. Like Plato in The Republic, and like Aristotle, Aquinas and Dewey, I believe that physicians should through practice, by example, and by the study of ethics learn what it is to be a good physician qua physician, and to practice and value the virtues requisite for good medicine as I have spelled them out in this paper**. If any problem, **physicians should negotiate peacefully through their associations, courts of law, patients committees, moralists, academics and other stakeholders without contravening the virtues of medicine**. They should **convince the government or responsible authority for their salaries and conditions of services by arguments and not strike as the latter is detrimental not only to the government/responsible authority, but to patients and members of the public**. It is therefore the contention of this paper that to argue that **physicians strike is morally unjustifiable is not to say that physicians have no moral rights and entitlements. They** do **have** as they are also human **beings who feel, desire and need to be loved and respected by their fellow comrades. However, if problems arise with the employer these should be resolved amicably without losing the essential values of medicine by harming the society** (which they are part). In fact, even if it means the revision of medicine’s past to meet its future, this should be done without sacrificing their (physicians) traditional ethical values and causing harm to the patients and the public. By staging a strike the **medical fraternity, thus, loses legitimacy and public confidence**. After all, when striking the real people who suffer most are the patients and the public, and not the government or the body responsible for their plights and grievances. Physicians are indeed called to work for the people and strikes shrink their professional latitude and diminish them as professionals; hence the need to go back to tradition.

#### Nurse unionization and strikes destroy community hospitals and significantly reduce the quality of care – they’re just a business ploy and not even represented by actual nurses – that causes hospitals closing which means people can’t have access to healthcare

Burke 20 [Alene Burke et al 20, master of science in nursing, registered nurse, 3/1/20, “Do Unions Benefit or Harm Healthcare & Nursing Industries?”, [https://www.registerednursing.org/do-unions-benefit-harm-healthcare-nursing //](https://www.registerednursing.org/do-unions-benefit-harm-healthcare-nursing%20//) LEX JB]

In **spite of overall** union **membership decreasing** in the U.S. **over the past 30 years**, the field of **healthcare has seen a steady increase in representation. Organized labor has targeted the field of healthcare to increase membership dues even in right-to-work states**. As **registered nurses are an important cornerstone of the healthcare industry and provide the preponderance of direct patient care, one must ask the question if unions, or collective bargaining units, are benefiting or harming healthcare**? While many **industries are leaving their union roots in the past as globalization and technological advances outpace the represented worker, nursing union membership is steadily rising. According to the Bureau of Labor Statistics, 20.4% of nurses belonged to a collective bargaining unit, which is significantly higher than the national average of 13.1% across the U.S. Nurses** and **healthcare workers were granted the right to unionize by the National Labor Relations Act nearly 40 years ago, a controversial move considering the "essential" public nature of nurses to provide care in various settings**. Since that time, **numerous labor unions have targeted nurses to unionize under the guise of improving patient outcomes**. There is **no** single **labor union that represents nurses across the nation**. Unions such as Service Employees International Union represent nurses as well as many employee groups such as janitors and airport workers. Unions such as **National Nurses United and state organizations like the California Nurses Association encourage nurses to join as they claim to be nurse-focused.** However, **most of these unions are neither organized nor led by nurses. Many union business representatives are labor lawyers who are unfamiliar with nursing practice or healthcare. This reflection of the leadership can cause the assumption that so-called nursing unions, or those representing nurses, are more interested in the power of membership dues**. Nurses in a collective bargaining unit pay as much as $90 per month for union representation. Given **the number of nurses working in represented organizations, unions are a lucrative business**. The power of having a union negotiate for the nurses can be appealing to many nurses, considering that nurses in union roles are paid 20% higher than nurses in non-union facilities. **However, when a union decides to go on strike, many nurses are faced with losing significant wages during the strike as well as their own personal ethical dilemma of leaving their patients to replacement nurses who are unfamiliar with their patient population. Patient outcomes decline significantly during a nursing strike and the cost to the organization can be detrimental. Organizations have reported losses of over $46 million to train and replace the nurses for large strikes. These costs, even the deaths reported during strikes, are worn like a badge of honor** for some nursing unions who boast of these outcomes to their constituents. Some smaller **community hospitals have had to close their doors to serving their communities, never recovering from the cost of the nursing strike**.

#### Rural hospital closures destroy local economies and communities

**Herman 18** Bob Herman, 5/10/2018 (Health care business reporter) "When a rural hospital shuts down," <https://www.axios.com/when-a-rural-hospital-shuts-down-1525876422-a6074394-91c3-4f96-827d-b008750bb53b.html> ach

**When** rural **hospitals close, their communities** often **lose** their biggest **employers and closest access to health care, struggling to stay afloat in the aftermath**. And that's happening a lot as the health care industry keeps consolidating — 83 rural hospitals have closed since 2010, according to the North Carolina Rural Health Research Program

The impact: This is happening now in rural Missouri, where Community Health Systems is shuttering a 116-bed hospital. Axios spoke with some of the hospital employees who are losing their jobs. They are sad, angry and concerned about what will happen to their community.

Driving the news: CHS said it is "consolidating" the services of the 116-bed Twin Rivers Regional Medical Center in Kennett, Missouri, with another facility 50 miles away. That means Twin Rivers won't deliver babies, have an open emergency room, or offer other inpatient services after July 1. **Roughly 300 people are losing their jobs**.

Kennett is a farming community in Dunklin County, whose residents are poor and have some of the worst health outcomes in the state. (The area overwhelmingly voted for President Trump in 2016.)

Twin Rivers used to be part of Health Management Associates, which CHS acquired in 2014. CHS is mired in debt and other problems, and its CEO has since said he would not have done the HMA deal again.

The company did not respond to a list of questions, including whether it attempted to sell Twin Rivers.

What they're saying: Axios spoke with Twin Rivers employees, who asked to remain anonymous because they said their severance packages require them not to talk to media. They expressed deep frustration and concern for the future.

"That's how they treat us, like we are nothing," a longtime employee said about CHS terminating their positions.

Many people are worried **residents won't get care at all or will suffer from having to drive long distances for hospital care**.

"We have two nursing homes, and people are already talking about pulling their loved ones out because there's not a hospital close enough," another worker said.

"This little town just lost its biggest employer...financially, **a lot of businesses are going to suffer**," an employee said.