# 1NC

## 1

#### Interpretation: Debaters must specify how they enforce the unconditional right of workers to strike.

#### 1] Topic lit – enforcement is the core question of the topic and there's no consensus on normal means so you must spec. Weiss

Marley S. Weiss [Professor of Law, University of Maryland School of Law], 2000, “The Right To Strike In Essential Services Under United States Labor Law”, https://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=2189&context=fac\_pubs

2. Strikes, Lockouts, and Other Lawful Primary Weapons under the NLRA The parties, both labor and management, are under a duty to bargain in good faith with each other, “but such obligation does not compel either party to agree to a proposal or require the making of a concession”. The essential idea here is that both sides must genuinely try to reach mutual agreement. However, this simple concept is extremely difficult to enforce, and employers too often resort to bad faith bargaining, bargaining on the surface with no real intention of concluding an agreement, as part of a strategy to eliminate union representation from the workplace. In addition, the duty to bargain is limited to matters falling within the Section 8(d) statutory phrase, “wages, hours, and other terms and conditions of employment”, and the right to strike is similarly limited to issues falling within the scope of mandatory bargaining as defined by that phrase. Although the phrase has been broadly construed in many respects, as to certain issues, the contrary has been the case. Capital redeployment, that is, relocation of operations, disinvestment in unionized plants, subcontracting, and plant closure decisions, provide employers with a potent set of weapons against unions. While bargaining over the effects of such decisions is plainly mandatory, the extent to which bargaining is required over the decisions themselves have been hotly contested.

#### This acts as a resolvability standard. Debate has to make sense and be comparable for the judge to make a decision which means it's an independent voter and outweighs.

#### 2] Stable advocacy – 1AR clarification delinks neg positions that prove why enforcement in a certain instance is bad by saying it isn't their method of enforcement – wrecks neg ballot access and kills in depth clash – CX doesn't check since it kills 1NC construction pre-round since I don't know advocacy till in round, and judges do not flow cross ex so its not verifiable.

#### 3] Prep skew – I don't know what they will be willing to clarify until CX which means I could go 6 minutes planning to read a disad and then get screwed over in CX when they spec something else.

#### Fairness is a voter because the judge needs to evaluate the better debater

#### Drop the debater to deter future abuse since it’s the most severe form of punishment

#### No RVIs 1) its illogical you don’t win by proving that you’re fair 2) encourages theory baiting where good theory debaters bait the RVI to win

#### Use competing interps it creates a race to the top where we set the best norms

### 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 which outweighs since phil ed is unique to LD.

## Case

### UV

#### 1---1AR theory is skewed towards the aff – a] the 2NR must cover substance and over-cover theory, since they get the collapse and persuasive spin advantage of the 3min 2AR, b] their responses to my counter interp will be new, which means 1AR theory necessitates intervention. C] Timeskew---They get 7/6 time advantage D] Implications – a) reject 1AR theory since it can’t be a legitimate check for abuse, b) drop the arg and reasonability to minimize the chance the round is decided unfairly

#### 2---1AR theory shouldn’t have predetermined paradigm issues---A] punishment should be contextual to abuse – don’t give the death penalty for shoplifting that’s illogical – logic outweighs because it’s a metaconstraint on argumentation B] Incentivizes lots of friv shells that trade off with substance and skew the 2nr time allocation

#### 3---Negating is harder---A] Aff gets infinite prep and neg has to prep for each aff B] first and last word means they have a persuasiveness advantage C] Aff chooses the terms of the debate in the 1ac

#### Presumption and permissibility negate—

#### 1) they haven’t proven a moral obligation which is a distinction from an action being permissible—they must prove the res is permissible not the plan is permissible

#### 2) Statements are more often false than true because any part can be false. This means you negate if there is no offense because the resolution is probably false.

#### 3) the aff is a plan, meaning it is a change from the squo which means no obligation would be negate

#### 4) under a comparative-worlds paradigm it negates since it requires them to prove the statement that “the aff world is more desirable than the neg world”