# Scarsdale Round 3

## 1

#### Interpretation: the affirmative must defend that only just governments ought to recognize the right to strike

#### Just governments respect liberties

Dorn 12 James A. Dorn, Cato Journal, "The Scope of Government in a Free Society", Fall 2012, https://www.cato.org/sites/cato.org/files/serials/files/cato-journal/2012/12/v32n3-10.pdf

If laws are just, liberty and property are secure. The most certain test of justice is negative—that is, justice occurs when injustice (the violation of natural rights to life, liberty, and property) is prevented. The emphasis here is on what Hayek (1967) called “just rules of conduct,” not on the fairness of outcomes. No one has stated the negative concept of justice better than the 19th century French classical liberal Frederic Bastiat ([1850] 1964: 65): When law and force confine a man within the bounds of justice, they do not impose anything on him but a mere negation. They impose on him only the obligation to refrain from injuring others. They do not infringe on his personality, or his liberty or his property. They merely safeguard the personality, the liberty, and the property of others. They stand on the defensive; they defend the equal rights of all. They fulfill a mission whose harmlessness is evident, whose utility is palpable, and whose legitimacy is uncontested. In short, the purpose of a just government is not to do good with other people’s money, but to prevent injustice by protecting property and securing liberty.

#### US HR violations don’t secure liberties

Amnesty International, 4-14-2021, "Everything you need to know about human rights in United States of America," No Publication, https://www.amnesty.org/en/countries/americas/united-states-of-america/report-united-states-of-america/

UNITED STATES OF AMERICA 2020 The Trump administration’s broadly dismal human rights record, both at home and abroad, deteriorated further during 2020. The USA experienced massive demonstrations across the country with the backdrop of the COVID-19 pandemic, contested 2020 general elections and a widespread racist backlash against the Black Lives Matter movement. In response to thousands of public demonstrations against institutional racism and police violence, law enforcement authorities routinely used excessive force against protesters and human rights defenders and failed to constrain violent counter-protests against primarily peaceful assemblies. The administration also sought to undermine international human rights protections for women; lesbian, gay, bisexual, transgender and intersex (LGBTI) people; and victims of war crimes, among others. It also exploited the COVID-19 pandemic to target migrants and asylum-seekers for further abuses. Joe Biden was declared the winner of the November presidential election. Background Despite confirmation by the Electoral College that Joe Biden had won the November presidential election, President Trump continued to challenge the result, making repeated unsubstantiated claims of electoral irregularities. These continued allegations sparked a number of pro-Trump protests and raised concerns about the peaceful transfer of power in January. Discrimination The COVID-19 pandemic exacerbated long-standing inequalities in the USA. Inadequate and uneven government responses to the pandemic had a disproportionate and discriminatory impact on many people based on their race, socioeconomic situations and other characteristics. Systemic disparities dictated who served as frontline workers and who had employment and economic security and access to housing and health care.1 Incarcerated people were particularly at risk due to insanitary conditions in prisons and detention where they were unable to adequately physically distance and had inadequate access to hygienic supplies as facilities became hotspots for infection. Additionally, racially discriminatory political speech and violence risked increasing the number of hate crimes. Right to health Workers in health care, law enforcement, transportation and other “essential” sectors faced enormous challenges as the US government failed to adequately protect them during the pandemic. Shortages in personal protective equipment (PPE) meant that health and other essential workers often had to perform their jobs without adequate protection and in unsafe environments. In April, the National Nurses Union held a physically distanced protest in front of the White House against the lack of PPE for health workers. From March to December 2020, more than 2,900 health care workers died amidst the COVID-19 pandemic. The US Centres for Disease Control and Prevention (CDC) acknowledged that available figures were likely underestimates. Some health and other essential workers in the public and private sectors also faced reprisals, including harassment, disciplinary procedures and unfair dismissal, if they spoke out about the inadequate protective measures. Excessive use of force At least 1,000 people were reportedly killed by police using firearms. The limited public data available suggests that Black people are disproportionately impacted by police use of lethal force. The US government’s programme to track how many such deaths occur annually was not fully implemented. No state laws governing the use of lethal force by police – where such laws exist – comply with international law and standards regarding the use of lethal force by law enforcement officials.2 Freedom of assembly Law enforcement across the USA committed widespread and egregious human rights violations against people protesting about the unlawful killings of Black people and calling for police reform. Amnesty International documented 125 separate incidents of unlawful police violence against protesters in 40 states and Washington, D.C., between 26 May and 5 June alone.3 Thousands more protests took place in the remainder of the year. Violations were committed by law enforcement personnel at the municipal, county, state and federal levels, including by National Guard troops who were deployed by the federal government in some cities. The violence included beatings with batons or other devices, the misuse of tear gas and pepper spray, and the inappropriate and indiscriminate firing of “less lethal” projectiles. In numerous incidents, human rights defenders – including protest organizers, media representatives, legal observers and street medics – were specifically targeted with chemical irritants and kinetic impact projectiles, arrested and detained, seemingly on account of their work documenting and remedying law enforcement agencies’ human rights abuses. Right to life and security of the person The government’s ongoing failure to protect individuals from persistent gun violence continued to violate their human rights, including the right to life, security of the person and freedom from discrimination, among others. Unfettered access to firearms, a lack of comprehensive gun safety laws (including effective regulation of firearm acquisition, possession and use) and a failure to invest in adequate gun violence prevention and intervention programmes continued to perpetuate this violence. In 2018, the most recent year for which data was available, some 39,740 individuals died from gunshot injuries while tens of thousands more are estimated to have sustained gunshot injuries and survived. In the midst of the COVID-19 pandemic, with increased gun sales and shootings, the USA failed in its obligation to prevent deaths from gun violence, which could have been done through a range of urgent measures, including de-listing gun stores as essential businesses. As of 2020, expansive “Stand Your Ground” and “Castle Doctrine” laws, both of which provide for private individuals to use lethal force in self-defence against others when in their homes or feeling threatened, existed in 34 US states. These laws appeared to escalate gun violence and the risk of avoidable deaths or serious injuries, resulting in violations of the right to life. As protesters against the killing of Black people took to the streets in cities across the USA, there were instances where armed civilians in states where the open carrying of firearms is permitted engaged protesters, causing at least four deaths.

#### Prefer –

#### 1] Precision — anything else justifies the aff arbitrarily jettisoning words in the resolution at their whim which decks negative ground and preparation because the aff is no longer bounded by the resolution.

#### 2] Limits – there are 200 governments in the world – letting them pick an unjust ones explodes limits via infinite permutations of governments

#### 3] Phil ed – 1AR will claim no government is just but that just means that we defend ideal theory. That’s good –

#### A] forces philosophical contestation which can uniquely happen in LD debate whereas you can util debate on any topic

#### B] outweighs – framework debate allows to identify injustice which is a prereq to any other theory voter because they’re all philosophically grounded

#### Fairness – debate is a competitive activity that requires fairness for objective evaluation. Outweighs because it’s the only intrinsic part of debate – all other rules can be debated over but rely on some conception of fairness to be justified.

#### Drop the debater – a] deter future abuse and b] set better norms for debate.

#### Competing interps – [a] reasonability is arbitrary and encourages judge intervention since there’s no clear norm, [b] it creates a race to the top where we create the best possible norms for debate.

#### No RVIs – a] illogical, you don’t win for proving that you meet the burden of being fair, logic outweighs since it’s a prerequisite for evaluating any other argument, b] RVIs incentivize baiting theory and prepping it out which leads to maximally abusive practices

#### 1nc theory first – if the aff was abusive we had to be abusive to compensate.

## 2

#### Interpretation: “workers” is a generic bare plural. The aff may not specify a subset of workers.

Nebel 19. [Jake Nebel is an assistant professor of philosophy at the University of Southern California and executive director of Victory Briefs. He writes a lot of this stuff lol – duh.] “Genericity on the Standardized Tests Resolution.” Vbriefly. August 12, 2019. <https://www.vbriefly.com/2019/08/12/genericity-on-the-standardized-tests-resolution/?fbclid=IwAR0hUkKdDzHWrNeqEVI7m59pwsnmqLl490n4uRLQTe7bWmWDO_avWCNzi14> TG

Both distinctions are important. Generic resolutions can’t be affirmed by specifying particular instances. But, since generics tolerate exceptions, plan-inclusive counterplans (PICs) do not negate generic resolutions.

Bare plurals are typically used to express generic generalizations. But there are two important things to keep in mind. First, generic generalizations are also often expressed via other means (e.g., definite singulars, indefinite singulars, and bare singulars). Second, and more importantly for present purposes, bare plurals can also be used to express existential generalizations. For example, “Birds are singing outside my window” is true just in case there are some birds singing outside my window; it doesn’t require birds in general to be singing outside my window.

So, what about “colleges and universities,” “standardized tests,” and “undergraduate admissions decisions”? Are they generic or existential bare plurals? On other topics I have taken great pains to point out that their bare plurals are generic—because, well, they are. On this topic, though, I think the answer is a bit more nuanced. Let’s see why.

“Colleges and universities” is a generic bare plural. I don’t think this claim should require any argument, when you think about it, but here are a few reasons.

First, ask yourself, honestly, whether the following speech sounds good to you: “Eight colleges and universities—namely, those in the Ivy League—ought not consider standardized tests in undergraduate admissions decisions. Maybe other colleges and universities ought to consider them, but not the Ivies. Therefore, in the United States, colleges and universities ought not consider standardized tests in undergraduate admissions decisions.” That is obviously not a valid argument: the conclusion does not follow. Anyone who sincerely believes that it is valid argument is, to be charitable, deeply confused. But the inference above would be good if “colleges and universities” in the resolution were existential. By way of contrast: “Eight birds are singing outside my window. Maybe lots of birds aren’t singing outside my window, but eight birds are. Therefore, birds are singing outside my window.” Since the bare plural “birds” in the conclusion gets an existential reading, the conclusion follows from the premise that eight birds are singing outside my window: “eight” entails “some.” If the resolution were existential with respect to “colleges and universities,” then the Ivy League argument above would be a valid inference. Since it’s not a valid inference, “colleges and universities” must be a generic bare plural.

Second, “colleges and universities” fails the [upward-entailment test](https://plato.stanford.edu/entries/generics/#IsolGeneInte) for existential uses of bare plurals. Consider the sentence, “Lima beans are on my plate.” This sentence expresses an existential statement that is true just in case there are some lima beans on my plate. One test of this is that it entails the more general sentence, “Beans are on my plate.” Now consider the sentence, “Colleges and universities ought not consider the SAT.” (To isolate “colleges and universities,” I’ve eliminated the other bare plurals in the resolution; it cannot plausibly be generic in the isolated case but existential in the resolution.) This sentence does not entail the more general statement that educational institutions ought not consider the SAT. This shows that “colleges and universities” is generic, because it fails the upward-entailment test for existential bare plurals.

Third, “colleges and universities” fails the adverb of quantification test for existential bare plurals. Consider the sentence, “Dogs are barking outside my window.” This sentence expresses an existential statement that is true just in case there are some dogs barking outside my window. One test of this appeals to the drastic change of meaning caused by inserting any adverb of quantification (e.g., always, sometimes, generally, often, seldom, never, ever). You cannot add any such adverb into the sentence without drastically changing its meaning. To apply this test to the resolution, let’s again isolate the bare plural subject: “Colleges and universities ought not consider the SAT.” Adding generally (“Colleges and universities generally ought not consider the SAT”) or ever (“Colleges and universities ought not ever consider the SAT”) result in comparatively minor changes of meaning. (Note that this test doesn’t require there to be no change of meaning and doesn’t have to work for every adverb of quantification.) This strongly suggests what we already know: that “colleges and universities” is generic rather than existential in the resolution.

#### It applies to "workers" - 1] upward entailment test - "recognize the unconditional right of workers to strike" doesn't entail "recognize the unconditional right of people to strike" because it doesn't warrant why people who aren't workers (i.e. students) get a right to strike, 2] adverb test - adding "usually" to the res (i.e. "usually recognize the unconditional right of workers to strike" doesn't substantially change its meaning because the right is already unconditional.

#### Precision is an independent voter and outweighs – a) jurisdiction – the judge is contractually obligated to vote affirmative if the rez is proven true they can’t vote aff if you aren’t defending it, b) outweighs – anything else justifies the aff arbitrarily jettisoning words in the resolution at their whim which decks negative ground and preparation because the aff is no longer bounded by the resolution.

#### 1] Limits – they can specify anything from healthcare workers to teachers to government workers to workers at a specific company that they say is bad like amazon – there’s no unifying generics since each worker does a different job under different conditions and has different reasons to strike. That explodes neg prep and leads to random workers of the week affs, which makes cutting stable links for disads or counterplan competition impossible.

#### 2] TVA – read the aff as an advantage to a whole rez aff.

## 3

#### Interp: Debaters must disclose round reports on the 2021-2022 NDCA LD wiki for every round they have debated this season. Round reports disclose which positions (AC, NC, K, T, Theory, etc.) were read/gone for in every speech.

#### Violation: screenshot in the doc – they have none

A picture containing scatter chart

Description automatically generated

#### Standards:

#### 1] Level Playing Field – big schools can go around and scout and collect flows but independents are left in the dark so round reports are key for them to prep- they give you an idea of overall what layers debaters like going for so you can best prepare your strategy when you hit them. Accessibility first and independent voter – it's an impact multiplier.

#### 2] Strategy Education – round reports help novices understand the context in which positions are read by good debaters and help with brainstorming potential 1NCs vs affs – helps compensate for kids who can't afford coaches to prep out affs.

#### 3] Pre-round prep –1ARs gives especially give an idea of what type of debater someone is – they could go for 1AR theory every round– otherwise I enter every round unknowing whereas you have an idea of what you want to go for from the start.

### 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

#### 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”

### Aff Framework

#### Overview to FW –

#### Reject Consequentialism – [A] consequentialism condemns end states which means all actions are permissible till there consequences are analyzed [B] Each type of pleasure is qualitatively different, so we can’t quantify and compare pleasures which answers calculations. [C] There is no bright line to where consequences end. Ends will always trigger more ends. [D] Inductive reasoning fails since you justify induction based on what happened in the past because you know inductive reasoning worked before so its circular. [E] Infinite consequences of any action, if I drop my pen it could do an infinite amount of things meaning we cant tell an action

#### Reject consequentialism takes out extinction first – extinction is a consequence which proves it doesn’t link and isn’t an impact that can filters through my framework – it is logically and philosophically impossible for “extinction first” to have an impact if they don’t win their framework – reject extinction first under my framework because we don’t care about consequences it’s simple as that

#### The NC hijacks the AC framework –

#### A) the Bracey 06 evidence says consquences are intrinsic bad, but in order to distinguish between pain and pleasure and pursue pleasure, you need to be a rational reasoner to do that in the first place which presumes the validity of my framework – if I end up proving my framework syllogism then this means I win the framework debate

#### B) even if pleasure is good, only my framework contextualizes how much pleasure and what dictates what is and isn’t pleasure

#### Ethical frameworks must solve the is/ought fallacy, else the framework can’t guide action and triggers permissibility because you can take any action. Util fails because it only descriptively tells you what is, not what ought to be – my framework solves because it provides an ought statement for us to use. Is/ought fallacy is going to answer the majority of their framework justifications

#### This argument answers actor specificity because just because the state uses it doesn’t mean they ought to