# 1NC

## 1 – T

#### Interpretation: The affirmative debater must defend that a just government ought to recognize an unconditional right of workers to strike.

#### Violation: They defended the Chinese government, which is unjust.

Human Rights Watch 21 Human Rights Watch, "China: Crimes Against Humanity in Xinjiang," 19 April 2021, Human Rights Watch accessed 6 November 2021, https://www.hrw.org/news/2021/04/19/china-crimes-against-humanity-xinjiang

(New York) – The Chinese government is committing crimes against humanity against Uyghurs and other Turkic Muslims in the northwest region of Xinjiang, Human Rights Watch said in a report released today. The Chinese leadership is responsible for widespread and systematic policies of mass detention, torture, and cultural persecution, among other offenses. Coordinated international action is needed to sanction those responsible, advance accountability, and press the Chinese government to reverse course.

#### Standards:

#### [1] Precision – The counter-interp justifies arbitrarily doing away with words in the res, which decks neg ground and prep because the aff is no longer bounded to a topical advocacy. The judge doesn’t have the jurisdiction to vote aff if there wasn’t a legitimate aff.

#### [2] Limits and ground – They can literally defend anything, which explodes my prep burden because there are infinite potential affs. Uniquely harms small school debaters who are incapable of cutting large backfiles which harms inclusion – that’s a voter since we have to make the debate space safe, and it’s a pre-requisite to debate.

#### [3] Inclusion – defending China as just is exclusionary to those who suffer from its violence – they try to hide authoritarianism in spite of clear systemic oppression. [Extemp] that comes first bc prereq to debate, cant access fairenss

#### TVA: use ideal theory – a) promotes philosophical clash unique to LD whereas we can debate policy in any other instance, b) solves their offense because they can argue these problems exist with a just government.

#### Voters:

#### Fairness – a) debate is a competitive activity that objective evaluation to function, and b) debaters quit if it’s unfair, which makes it an internal link to all other impacts.

#### DTD – a) deters future abuse so they won’t reviolate, and b) T indicts the entire aff.

#### Prefer competing interps – a) you can’t be “reasonably topical,” b) reasonability is arbitrary, and c) collapses because brightlines concede offense-defense paradigm.

#### No RVIs – a) you don’t win for being fair, b) people will bait theory to win on the RVI, which causes abuse, c) people will be scared to call out real abuse for fear of being out-teched on the RVI, and d) norming – I can’t concede the counterinterp if I realize I’m wrong, which forces me to argue for bad norms.

## 2 - Korsgaard

#### I negate, resolved: A just government ought to recognize an unconditional right of workers to strike.

### Framework

**The metaethic is non-naturalism.**

**[1] Is-ought gap – we only perceive what is, not what ought to be. It’s impossible to derive prescriptive obligation from descriptive premises.**

**[2] Transcendental idealism – we see our representations of reality – only a priori knowledge is a lane to truth. If we remove the subject, constitution would disappear as objects exist only in us and are unknown abstracted from sensibility.**

**[3] Uncertainty – a posteriori ethics is subject to uncertainty. We could be dreaming, hallucinating, or being deceived by an evil demon. Infinitely outweighs because it would be escapable and therefore pointless.**

**Next, ethics must begin with practical reason.**

**[1] Action theory – action is infinitely divisible. For example, the action of brewing tea could be broken into many small actions. The actions can’t be moral or immoral since it would be infinitely divisible, but intention to brew tea unifies action.**

**[2] Bindingness – experience is subjective; only practical reason unifies and creates a moral theory.**

**[3] Epistemology – all arguments appeal to reason; otherwise, they are baseless, so reason is a constraint on evaluating their arguments.**

**[4] Infinite regress – we can always ask “why should I follow this framework,” leading to infinite regress, but asking for a reason for reason concedes its authority. Only self-justified frameworks are epistemically sound.**

**[5] Knowledge interpretation – only reason can interpret a priori knowledge since it relies on abstract concepts.**

**That entails universal maxims.**

**[1] Arbitrariness – absent universal ethics, morality is arbitrary and can’t guide action, making it useless.**

**[2] Non-contradiction – there is no world in which p and ~p are both true. Acting recognizes the validity of others to take the action, which makes universal maxims a logical side constraint to other frameworks.**

**[3] Reason implies universalizability.**

Korsgaard 85 Christine M. Korsgaard, professor of philosophy at Harvard University, “Kant's Formula of Universal Law,” 1985, Pacific Philosophical Quarterly 66, no. 1-2: 24-47, accessed 6 September 2021, pg. 1, https://dash.harvard.edu/bitstream/handle/1/3201869/Korsgaard\_KantForumulaUniversalLaw.pdf?sequence=2&isAllowed=y //ACCS JM recut

A few lines later, Kant says that this is equivalent to acting as though your maxim were by your will to become a law of nature, and he uses this latter formulation in his examples of how the imperative is to be applied. Elsewhere, Kant specifies that the test is whether you could will the universalization for a system of nature "of which you yourself were a part" (C2 69/72); and in one place he characterizes the moral agent as asking "what sort of world he would create under the guidance of practical reason, . . . a world into which, moreover, he would place himself as a member." 2 But how do you determine whether or not you can will a given maxim as a law of nature? **Since the will is practical reason, and since everyone must arrive at the same conclusions in matters of duty, it cannot be the case that what you are able to will is a matter of personal taste, or relative to your individual desires. Rather, the question of what you can will is a question of what you can will without contradiction.**

**Thus, the standard is consistency with universal maxims.**

**Prefer additionally:**

**[1] Performativity – freedom is key to argumentation. Abiding by their ethical theory presupposes we own ourselves, making it incoherent to justify a standard without willing ours.**

**[2] Other frameworks collapse – they contain conditional obligations which derive authority from the categorical imperative.**

Korsgaard 96 Christine M. Korsgaard, professor of philosophy at Harvard University, introduction to “Groundwork of the Metaphysics of Morals,” 1996, Cambridge University Press, accessed 6 September 2021 pg. xvii-xviii, https://cpb-us-w2.wpmucdn.com/blog.nus.edu.sg/dist/c/1868/files/2012/12/Kant-Groundwork-ng0pby.pdf AG recut

This is the sort of thing that makes even practiced readers of Kant gnash their teeth. A rough translation might go like this: the categorical imperative is a law, to which our maxims must conform. But the reason they must do so cannot be that there is some further condition they must meet, or some other law to which they must conform. For instance, **suppose someone proposed that one must keep one's promises because it is the will of God that one should do so - the law would then "contain the condition" that our maxims should conform to the will of God**. This would yield only a conditional requirement to keep one's promises — if you would obey the will of God, then you must keep your promises - whereas the categorical imperative must give us an unconditional requirement. Since there can be no such condition, all that remains is that the categorical imperative should tell us that our maxims themselves must be laws - that is, that they must be universal, that being the characteristic of laws. There is a simpler way to make this point. What could make it true that we must keep our promises because it is the will of God? **That would be true only if it were true that we must indeed obey the will of God, that is, if "obey the will of God" were itself a categorical imperative. Conditional requirements give rise to a regress; if there are unconditional requirements, we must at some point arrive at principles on which we are required to act, not because we are commanded to do so by some yet higher law, but because they are laws in themselves. The categorical imperative, in the most general sense, tells us to act on those principles**, principles which are themselves laws. Kant continues:

#### [3] Resource disparities – focus on evidence and statistics puts small school debaters without huge files at a disadvantage, but my framework can be won without prep, which means it’s theoretically preferable.

#### Permissibility negates:

#### [1] The res says they have to prove obligation. Permissibility is sufficient to negate because you can’t be obligated and lack an obligation simultaneously.

#### [2] Moral statements are more often false than true since I can prove something false in infinite ways but true in only one.

### Offense

#### **[1] Striking intrinsically violates the contractual relationship workers agree to – it justifies employees’ ability to violate contract but enforces employers’ duty to uphold it.**

Gourevitch 16 Alex Gourevitch, assistant professor of political science at Brown University, “Quitting Work but Not the Job: Liberty and the Right to Strike,” 2016, American Political Science Association, accessed 20 October 2021, Pg. 309, <https://sci-hub.do/10.1017/S1537592716000049> ~ST~ Gourevitch does not agree with the terminal conclusion of the aff

The right to strike is peculiar. It is not a right to quit. The right to quit is part of freedom of contract and the mirror of employment-at-will. Workers may quit when they no longer wish to work for an employer; employers may fire their employees when they no longer want to employ them. Either of those acts severs the contractual relationship and the two parties are no longer assumed to be in any relationship at all. The right to strike, however, assumes the continuity of the very relationship that is suspended. Workers on strike refuse to work but do not claim to have left the job. After all, the whole point of a strike is that it is a collective work stoppage, not a collective quitting of the job. This is the feature of the strike that has marked it out from other forms of social action.

If a right to strike is not a right to quit, what is it? It is the right that workers claim to refuse to perform work they have agreed to do while retaining a right to the job. Most of what is peculiar, not to mention fraught, about a strike is contained in that latter clause. Yet, surprisingly, few commentators recognize just how central and yet peculiar this claim is.16 Opponents of the right to strike are sometimes more alive to its distinctive features than defenders. One critic, for instance, makes the distinction between quitting and striking the basis of his entire argument:

#### Breaking work contracts, which are promises of labor, is non-universalizable.

Lumen no date Lumen Learning, “Kantian Ethics (Main Concepts),” no date, Lumen Learning, accessed 20 October 2021, <https://courses.lumenlearning.com/sanjacinto-philosophy/chapter/kantian-ethics-main-concepts/> ~ST~

When someone acts, it is according to a rule, or maxim. For Kant, an act is only permissible if one is willing for the maxim that allows the action to be a universal law by which everyone acts.[15] Maxims fail this test if they produce either a contradiction in conception or a contradiction in the will when universalized. A contradiction in conception happens when, if a maxim were to be universalized, it ceases to make sense because the “…maxim would necessarily destroy itself as soon as it was made a universal law.”[16] For example, if the maxim ‘It is permissible to break promises’ was universalized, no one would trust any promises made, so the idea of a promise would become meaningless; the maxim would be self-contradictory because, when universalized, promises cease to be meaningful. The maxim is not moral because it is logically impossible to universalize—we could not conceive of a world where this maxim was universalized.[17]A maxim can also be immoral if it creates a contradiction in the will when universalized. This does not mean a logical contradiction, but that universalizing the maxim leads to a state of affairs that no rational being would desire. For example, Driver argues that the maxim ‘I will not give to charity’ produces a contradiction in the will when universalized because a world where no one gives to charity would be undesirable for the person who acts by that maxim.[18]

#### [2] A strike uses the employer and society as a means to an end.

Fourie 17 Johan Fourie, professor of Economics and History at Stellenbosch University, "Ethicality of Labor-Strike Demonstrates by Social Workers," 30 November 2017, accessed 19 October 2021, Other Papers, <https://www.otherpapers.com/essay/Ethicality-of-Labor-Strike-Demonstrates-by-Social-Workers/62694.html> JG recut

A further formula of the Categorical Imperative is "so, act as to treat humanity, whether in your own person or in that of any other context, never solely as a means to an end but always as an end within itself' (Parrott, 2006, p. 51). By this Kant meant people should be valued and respected as an individual and not used for the benefit of others. Participating in a labor-strike demonstration/action is a direct violation of this categorical perspective as it would not be ethically permissible because the severe dependence and well-being of clients, the effective functioning of the employer organization, and society is used to duly and unduly influence the bargaining process for better working conditions. In participating in the labor strike demonstration, the humanity, and well-being of clients and society is not seen as crucial and as an 'end', but rather used to demonstrate the undeniable need for the skills and expertise of social workers. Furthermore, through withholding services, social worker professionals demonstrate that the well-being and welfare of society have lost its inherent importance/value. Though the value of overall well-being is taught throughout the social work training process and is enshrined in the professional ethical codes.

#### Strikes specifically in essential services reduces society to a mere means.

Loewy 2000 Erich H. Lowey, professor of bioethics at University of California, "Of healthcare professionals, ethics, and strikes," Cambridge Q. Healthcare Ethics 9 (2000): 513. Accessed 19 October 2021, Pg. 516-517, sci-hub.se/10.1017/S0963180100904092 JG recut

In the medical setting, furthermore, workers are much more apt to deal with identified lives: they know their patients and often have known them for some time. Striking against their employer (even if it is done in part to benefit the patient) is denying meaningful and often essential services to some of these identified lives. We tend to relate differently with those lives we know and therefore call “identified” from those whom we consider “unidentified” or statistical lives, in part, because we have obligations as a result of relationships; in part because we fail to recognize that these so-called unidentified lives are not in fact unidentified but are merely not identified by us.4 When strikes are called by healthcare professionals, both types of lives are apt to be injured or, at least, severely inconvenienced.

Except in the pocketbook, strikes in the healthcare setting generally do not directly hurt the employer. The employer is hurt through the patient. The patient thus becomes a means toward the employees’ ends, a football being kicked between two contending parties—even if one of the employees’ goals is to serve the good of patients in general. Theoretically, patients will then bring pressure on the employer (be it the government or a managed care organization), thus, quite frankly, using the patient as a means toward the ends of the health professionals.5 The dilemma, of course, is that without significantly inconveniencing or even endangering patients, no pressure is likely to be brought and, therefore, no amelioration of working conditions is effected. To be effective, a strike of healthcare professionals has to “hurt” patients and often patients known to the healthcare professionals.

#### Using people as a means to an end ignores their intrinsic freedom as a rational agent and is therefore non-universalizable.