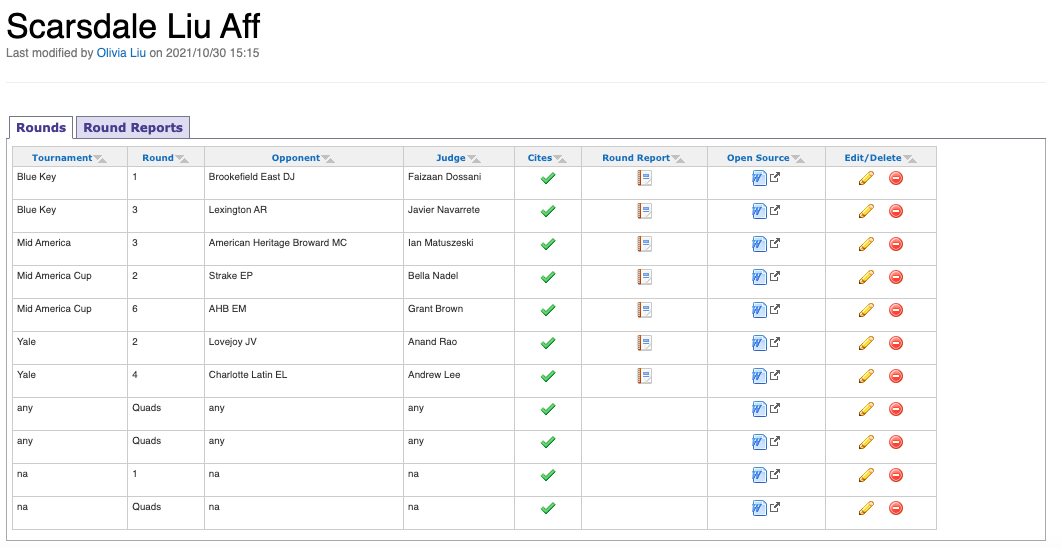
# 1NC

## 1 – Theory

**Interpretation: Debaters must disclose round reports for all past debates on the NDCA LD wiki prior to the round.**

**Violation: They didn’t disclose round 6 from this tournament**



**Standards:**

1. **Strat skew – they can see my round reports and tailor their case to my past strategies, but I can’t do the same. That destroys my ability to strategically engage in the round because I don’t have enough information to form a neg strategy based on possible 1ARs and 2ARs. Skews fairness because they will always have better strategy.**
2. **Critical thinking – if I know their past collapses, then I can think strategically to craft a 1NC. That’s good for education because strategic thinking is a useful skill.**

**Fairness is a voter because**

1. **The only way a judge can determine who’s better is if we enter the debate on an even playing field.**
2. **People quit if they lose to unfair arguments so fairness is a prereq to debate’s existence.**

**Education is voter because:**

1. **It’s the only portable benefit of debate.**
2. **It’s the only reason we get funding.**

**Theory is drop the debater:**

1. **Only DTD enables theory to deter bad behavior and be a tool for norm setting. Drop the Arg just lets them dodge whatever they did wrong with barley any consequences.**
2. **Dropping the arg can’t rectify past abuse because the 1AC was uniquely bad, so there should be a consequence.**

**No RVI’s:**

1. **they’re illogical – it doesn’t make sense to reward someone for not doing anything bad. People need to do good things to win.**
2. **RVI’s chill legitimate theory, justifying even more abuse.**

**Competing Interps:**

1. **Reasonability usually lacks a brightline and favors unnecessary judge intervention.**
2. **Reasonability lets them arbitrarily choose a brightline that favors their arguments – skews fairness.**

## 2 – Theory

**Interpretation: any arguments in the 1AC concerning fairness or education must be disclosed 30 minutes prior to the round**

**Violation: none of the spikes were on the wiki – you can check**

**Standards:**

1. **Strat skew - If I can’t prep out 1AC spikes, I’ll cover them insufficiently in the 1NC because of limited prep time. That means my opponent will at least have a major advantage in the theory debate, and possibly have access to auto-win arguments like evaluate after the 1AC. That robs me of my strategic tools and makes debates less fair.**
2. **Substance education – If I can deal with spikes more efficiently in the 1NC, then the debate won’t collapse to frivolous theory spikes and we can spend more time on substance.**

**Same paradigm issues as the last shell**

## 3 - NC

#### Philosophy is not an isolated, investigative project, but rather a way of life – we cannot allow ourselves to be assimilated by any given system, for this alienates us from our individual human nature, which constrains what our obligations are meant to be.

#### This brings us to the question of ethics as a way of life. Dominant theorization splits ethics between theories of facticity and transcendence – facticity attempts to ground normative truths in material reality – transcendence attempts to establish a unified, a priori system for ethics. Both approaches fail:

#### Facticity is too narrow – people confer value unto things external to them – for example, I might like video games and you might not, but video games aren’t objectively valuable – the capacity to choose comes before that which is chosen.

#### Transcendence cannot account for “i.” How everyone relates to the world differently and has varied moral circumstances – universalizability presumes one possesses the epistemic information to determine if their situations are similar and how the objects of our perception are situated within the material world, just as we are.

#### The solution to this dichotomy is existential phenomenology – a recognition that the individual is grounded in their perceptions of world around them, while also accepting the authority of freedom. Existence is inherently absurd, since when I commit an action, it becomes an aspect of the world and is no longer a “free action,” for it is a product of my consciousness – this means that in becoming myself, for existence is defined by choice, I must also be a “thing” of the world – we must face the absurd and embrace authenticity.

De Beauvoir 47 BRACKETED FOR GENDERED LANGUAGE [Simon de Beauvoir. a French writer, intellectual, existentialist philosopher, political activist, feminist and social theorist, “The Ethics of Ambiguity.” Webster University Philosophy Department. Translated by Bernard Frechtman. <https://www.marxists.org/reference/subject/ethics/de-beauvoir/ambiguity/ch01.htm>] TVS KK

The failure described in Being and Nothingness is definitive, but it is also ambiguous. Man, Sartre tells us, is “a being who makes himself a lack of being in order that there might be being.” That means, first of all, that his passion is not inflicted upon [one] ~~him~~ from without. [One] ~~He~~ chooses it. It is his very being and, as such, does not imply the idea of unhappiness. If this choice is considered as useless, it is because there exists no absolute value before the passion of man, outside of it, in relation to which one might distinguish the useless from the useful. The word “useful” has not yet received a meaning on the level of description where Being and Nothingness is situated. It can be defined only in the human world established by man’s projects and the ends he sets up. In the original helplessness from which man surges up, nothing is useful, nothing is useless. It must therefore be understood that the passion to which man has acquiesced finds no external justification. No outside appeal, no objective necessity permits of its being called useful. It has no reason to will itself. But this does not mean that it can not justify itself, that it can not give itself reasons for being that it does not have. And indeed Sartre tells us that man makes himself this lack of being in order that there might be being. The term in order that clearly indicates an intentionality. It is not in vain that man nullifies being. Thanks to him, being is disclosed and he desires this disclosure. There is an original type of attachment to being which is not the relationship “wanting to be” but rather “wanting to disclose being.” Now, here there is not failure, but rather success. This end, which man proposes to himself by making himself lack of being, is, in effect, realized by him. By uprooting [oneself] ~~himself~~ from the world, [one] ~~man~~ makes [oneself] ~~himself~~ present to the world and makes the world present to [them] ~~him~~. I should like to be the landscape which I am contemplating, I should like this sky, this quiet water to think themselves within me, that it might be I whom they express in flesh and bone, and I remain at a distance. But it is also by this distance that the sky and the water exist before me. My contemplation is an excruciation only because it is also a joy. I can not appropriate the snow field where I slide. It remains foreign, forbidden, but I take delight in this very effort toward an impossible possession. I experience it as a triumph, not as a defeat. This means that man, in his vain attempt to be God, makes himself exist as man, and if he is satisfied with this existence, he coincides exactly with himself. It is not granted him to exist without tending toward this being which he will never be. But it is possible for him to want this tension even with the failure which it involves. His being is lack of being, but this lack has a way of being which is precisely existence. In Hegelian terms it might be said that we have here a negation of the negation by which the positive is re-established. Man makes himself a lack, but he can deny the lack as lack and affirm himself as a positive existence. He then assumes the failure. And the condemned action, insofar as it is an effort to be, finds its validity insofar as it is a manifestation of existence. However, rather than being a Hegelian act of surpassing, it is a matter of a conversion. For in Hegel the surpassed terms are preserved only as abstract moments, whereas we consider that existence still remains a negativity in the positive affirmation of itself. And it does not appear, in its turn, as the term of a further synthesis. The failure is not surpassed, but assumed. Existence asserts itself as an absolute which must seek its justification within itself and not suppress itself even though it may be lost by preserving itself. To attain his truth, man must not attempt to dispel the ambiguity of his being but, on the contrary, accept the task of realizing it. He rejoins himself only to the extent that he agrees to remain at a distance from himself. This conversion is sharply distinguished from the Stoic conversion in that it does not claim to oppose to the sensible universe a formal freedom which is without content. To exist genuinely is not to deny this spontaneous movement of my transcendence, but only to refuse to lose myself in it. Existentialist conversion should rather be compared to Husserlian reduction: let man put his will to be “in parentheses” and he will thereby be brought to the consciousness of his true condition. And just as phenomenological reduction prevents the errors of dogmatism by suspending all affirmation concerning the mode of reality of the external world, whose flesh and bone presence the reduction does not, however, contest, so existentialist conversion does not suppress my instincts, desires, plans, and passions. It merely prevents any possibility of failure by refusing to set up as absolutes the ends toward which my transcendence thrusts itself, and by considering them in their connection with the freedom which projects them.

#### Authentic existence for one requires freedom of the other – for example, if I love someone, I assign to them the status of loveability, which makes them a thing in the world – however, for them to love you back, they must have that same freedom you have, so we must not see them as a loveable object but a loveable agent. Our projects can only be realized through cooperation of those involved, so subjugation is bad.

#### Thus, the standard is embracing authentic existential value construction. The standard is concerned with preserving freedom, for it is the source of all value – however, the standard is concerned with concrete, rather than abstract forms of freedom – to clarify, coercive practices are bad under the standard, but something like lying would generally not be, for the actual act of lying does not inhibit the other’s capacity to choose. Instead of doing the right thing because it’s your “duty,” authentic living entails doing the right thing because you commit yourself to it as your own project, solving the question of nihilism.

#### Independently prefer: Performativity – The individual is the source of all value, so our framework is a prereq to framework debate in the first place since it assumes you choose your framework as valuable.

#### Negate: Strikes cause loss of individuality – they give up their radical freedom to choose when forced to partake in union bargaining.

Hunter 99 Robert P. Hunter 8-24-1999 "Disadvantages of Union Representation" <https://www.mackinac.org/2313> (Robert P. Hunter served as the regional director of the Federal Labor Relations Authority in Washington, D.C., and was a senior fellow in labor policy for the Mackinac Center for Public Policy. Hunter was director of labor policy for the Mackinac Center from 1996 to 2003.) JG

Another disadvantage for unionized workers **is the loss of individuality**. When a union is certified as the exclusive employee representative in a workplace, employees become members **of an overall bargaining unit** in **which the majority rules**. The ruling majority may not be sympathetic **with each individual's specific employment needs** or aspirations. Individual agreements between employees and management **are not allowed** because the employer is under an obligation to deal exclusively with the union. The union leaders make decisions for all employees, which many may deem not to be in their best individual interest. Loss of individuality is of prime concern for many employees, as well as the loss of the opportunity to negotiate for themselves an individual arrangement.

**And, affirming a state-sanctioned right to strike presumes that an external phenomenon has the power to limit our agency. Agency comes from existence, so negate to reject external notions of rights.**

## Case

### Framework

**OV:**

1. **Intuition: Kant justifies actions that are intuitively immoral. Kant tells us to never lie, but lying may be justified in some cases. For example, someone hiding Jews in their basement in Nazi Germany would lie to SS officers even if lying is immoral. Kant would tell that person to work with the Nazis.**
2. **Tailoring Objection: I can tailor maxims to be specific and universalizable. For example, I can say “Only people named Noam can lie, but not to each other.” It’s universalizable, but still bad. Universalizability doesn’t prevent immoral action.**
3. **Shmagency Objection: Kantianism requires all people to be active moral agents. However, one can merely choose to act out of self-interest rather than moral reasoning. That takes out Kant because it relies on everyone being a moral actor.**
4. **Contradiction: Situations where one must violate the categorical imperative no matter what they choose to do. For example, one is given a choice where they can either lie or be pressured into hurting someone. Kant gives no solution, as one can’t weigh between maxims. That makes Kant non-action binding in many situations.**

#### Reason isn’t a priori:

1. **Some people can’t reason: young children and individuals with intellectual disabilities can’t use formal logic to make ethical choices,**
2. **No warrant for why truth just exists in the 1AC – that requires a real argument.**
3. **Peoples’ reasoning is influenced by their experiences and values. Parents teach their children how to think, peoples’ experiences lead them to make different decisions, and cultural differences lead to differing moral compasses. If reason was objective, a priori, and constitutive to humanity, then everybody would agree on ethics.**
4. **Cross apply the shmagency objection – not everybody chooses to reason**

#### A2 Infinite Regress:

1. **“A reason” isn’t the same as “reason.” reason is rationality, while “A reason” is a justification. Justification doesn’t ceded the authority of rationality. Justification can also be empirical rather than rational.**
2. **The argument is circular. “Reason is good because it is reasonable” just assumes that reason has authority. Using reason to justify reason doesn’t make reason inherently true.**

**A2 changing identity – no warrant for why we can’t change identity w/o rigorous rationale**

**A2 universalizability – Maxims can change depending on context: For example, “Don’t kill unless it is necessary in order to save a life” is a good maxim but doesn’t create 1 universal law.**

**Action can be unified with things other than reason like intuition.**

**A2 Performativity – freedom is also good under my framework**

### Offense

#### [1] Strikes fail to fulfill the duty of workers to help people

Fourie 17 Johan Fourie 11-30-2017 "Ethicality of Labor-Strike Demonstrates by Social Workers" <https://www.otherpapers.com/essay/Ethicality-of-Labor-Strike-Demonstrates-by-Social-Workers/62694.html> (Johan Fourie is professor of Economics and History at Stellenbosch University.) JG

Kantian Ethics Kantian ethics suggest that actions are morally permissible based on **whether it fulfils a person's duty** (Banks, 2006). To further the concept of duty, Kantian ethics held the notion of Categorical Imperatives which is believed to determine the morality of duties as it enforces and commands adherence, complicity and application. The Categorical Imperatives consist of three formulas. Once such a formula is to "act only on the maximum whereby at the same time you can will that it become a universal law" (Parrott, 2006, p. 51). Through this perspective, Kant held that persons are to engage in actions that they are willing to allow others to engage in as well without conditions and exceptions. Applying this formula to the ethicality of social workers **participating in labor strike** demonstrations, it becomes evident that such an action is **not morally permissible or executing its duty**. Arguably, as much as social workers are trained professionals and rendering services that are crucial to the functioning and well-being of society, they remain ordinary citizens who also at some point will **require crucial services**. Examples of these crucial services that may cause significant harm because of its absence due to labor strike action are **medical personnel, suicide watch centers, mental health care professionals, law enforcement, court systems**, municipal service delivery, etc. With these services not available, social workers will experience suffering, frustration, unhappiness, harm as the clients will do with their absence from the office. To this regard, participating and demonstrating labor strike action is not adhering to duty or morally permissible.

#### [2] Uses others as a mere means to an end

Fourie 17 Johan Fourie 11-30-2017 "Ethicality of Labor-Strike Demonstrates by Social Workers" <https://www.otherpapers.com/essay/Ethicality-of-Labor-Strike-Demonstrates-by-Social-Workers/62694.html> (Johan Fourie is professor of Economics and History at Stellenbosch University.) JG

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.

#### [3] Strikes in essential services hurt the patient but not the employer which reduces the patient to a mere means to an end.

Loewy 2K, Erich H. "Of healthcare professionals, ethics, and strikes." Cambridge Q. Healthcare Ethics 9 (2000): 513. (Erich H. Loewy M.D., F.A.C.P., was born in Vienna, Austria in 1927 and was able to escape first to England and then to the U.S. in late 1938. He was initially trained as a cardiologist. He taught at Case Western Reserve and practiced in Cleveland, Ohio. After 14 years he devoted himself fully to Bioethics and taught at the University of Illinois for 12 years. In 1996 he was selected as the first endowed Alumni Association Chair of Bioethics at the University of California Davis School of Medicine and has taught there since.) JG

“Essential” Work and Strikes Healthcare professionals, garbage collectors, and other “essential” workers have a responsibility that is considered to be different from, say, the responsibilities of workers in a supermarket chain. There are almost certainly other supermarkets, but there is generally only one municipal garbage collection service**, one police force, and one fire department; and in general, only one healthcare system available to us. 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.

#### [4] Violence is intrinsic to certain strikes and are uniquely unethical

Mlungisi 16, Ernest Tenza. The liability of trade unions for conduct of their members during industrial action. Diss. 2016. (lecturer in the field of Labour Law at the School of Law. He holds a LLM Degree) JG

When expressing themselves through one or more of these forms of expression, they are expected to be peaceful.20 However, over the past few years, workers attempted to heighten the impact of their industrial action by using various tactics during industrial action, tactics which have a negative impact on the **lives and property of other people**. These include the **trashing of cities, vandalising property**, forming picket lines **at supermarkets**, and preventing shoppers from doing business with their chosen businesses.21 There have been strike-related disruptions in almost every sector of the economy.22 There have been several incidents where industrial action resulted in violence and disruption of the public peace.23 Other examples include the torching of employers’ property, intimidation and even the killing **of non-striking workers**.24 During the truck drivers’ strike which took place in September 2012, a number of drivers were attacked and killed during violent demonstrations.25 During security workers’ strikes in 2006 and 2013, shops were looted and damage was caused to the property of innocent bystanders, street vendors, spaza-shop owners and employers.26 The Business Times reported that violent strikes in the country’s platinum sector resulted in the death of more than 50 people.27 In April 2016 SATAWU members on strike torched trains in Cape Town.28 These strikes are counter-productive and destructive not only because they are violent but the parties, namely the employer and employees take long to resolve their dispute(s) or reach settlement. This **create health hazards**. For example, a strike by municipal workers could lead to the non-collection of waste and this poses a serious health risk.29 The burning of tyres by demonstrators also leads to pollution and resultant health risks. The harmful conduct resulting from industrial action affects not only the strikers or picketers, but also innocent members of the public, non-striking employees, employers and the economy at large.30 In Garvis & Others v SATAWU & others, 31 it was held that the majority of the population was subjected to the tyranny of the state in the past and such practices should no longer be tolerated.