## Framework

I affirm the resolution resolved: a just government ought to recognize an unconditional right of workers to strike

#### The meta-ethic is practical reason:

#### A – Action theory – any action can be infinitely subdivided into smaller actions. For example, my walk to the door can be split into steps or moments in time. Only practical reason, my intention to walk to the door, can unify these pieces into a single, coherent action.

#### B – Bindingness – external accounts of the good cannot motivate action since we can always ask *why* we should care about that thing. Only practical reason solves regress since ‘why should I follow reason’ is asking for a reason, conceding its authority – proves my framework is inescapable and that others collapse.

#### Next, actions must be willed freely from the choices of others. Otherwise, that would violate practical reason since you cannot will your unfreedom while also relying on your freedom to act to begin with. But, agents can’t individually secure their own freedom since they can’t wholly control what others do.

#### Instead, they must jointly will the freedom of all, so that no one can subject another to their choice. Only a state, with power deriving from the participation of all, can enforce spheres of mutual independence while remaining impartial to each agent.

#### Thus, the standard is protecting equal outer freedom. Impact calc—only intents matter—

#### A] Induction is wrong – since induction describes the empirical world, it can only be justified by empirical evidence. However, using examples to prove induction relies on an inductive step, which is circular.

#### B] No aggregation – freedom is a property of action and not a countable object. Saying that two free actions are “more free” than one actions is like saying two circles are more “circular” than one.

#### Prefer—

#### 1] Universalizability – Maxims are based on situations and not on agents. If an action is rational for me, then it must be rational for all, since nothing about me taking the action makes my situation morally unique. Violating freedom is not universalizable because you presuppose your own independence in taking the action.

#### 2] Epistemology – Ethics must be a-priori –

#### A] Is/ought gap – empirical facts only describe how the world *is*, not why it *ought* to be that way. For example, just because I *do* pursue pleasure doesn’t mean I *ought* to pursue pleasure.

#### B] Noumena/phenomena distinction – we can’t discover any genuine properties of objects through experience alone, only how they appear.

#### C] Uncertainty – we don’t know others’ experiences so empiricism is unreliable for universal ethics. People would just say they don’t experience the same, which outweighs since it would be escapable.

#### D] Circular – Using experiences to prove that moral facts can be derived from experiences causes regress.

#### 3] Oppression – the categorical imperative is the only way to recognize necessary worth of all agents.

Farr 02 Arnold Farr (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.

“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.

#### 4] Performativity – communication presupposes self-ownership.

Hoppe [Hoppe, Hans-Hermann (Hans-Hermann Hoppe is Professor Emeritus of Economics at the University of Nevada,). “A Theory of Socialism and Capitalism: Economics, Politics, and Ethics.” Chapter 7, pg. 159, 1989. 2/17/18 \*\*BRACKETED FOR GENDERED LANGUAGE] PZ

Thus it can be stated that whenever a person claims that some statement can be justified, [s]he at least implicitly assumes the following norm to be justified: Nobody has the right to uninvitedly aggress against the body of any other person and thus delimit or restrict anyone’s control over h[er]~~is~~ own body.” This rule is implied in the concept of justification as argumentative justification. Justifying means justifying without having to rely on coercion. In fact, if one formulates the opposite of this rule, i.e., “everybody has the right to uninvitedly aggress against other people” (a rule, by the way, that would pass the formal test of the universalization principle!), then it is easy to see that this rule is not, and never could be, defended in argumentation. To do so would in fact have to presuppose the validity of precisely its opposite, i.e., the aforementioned principle of nonaggresslon.

#### 5] TJFs

1. **Critical thinking – my FW forces you to think critically about the resolution. People may not remember various facts and statistics about strikes, and it is unlikely that any of us will be lawmakers in the future. However, the ability to generate and respond to ideas about ethics will benefit all of us in the future for years to come**
2. **Small schools – when we focus debate on empirics and statistics, that automatically benefits debaters from big schools who have better access to more preround prep and resources. Huge amounts of prep are not needed to win a debate about Kant, since you can easily make analytical arguments and responses, thus avoiding unfairness due to resource disparities.**

## Advocacy:

#### I defend the resolution as a general principle. PICs affirm since they don’t deny my advocacy. CX checks all theory: (A) I have to take stances on bidirectional interps. (B) Frivolous theory debates kill substantive education. Also, spec interps are irreciprocal since there’s no stable neg advocacy for aff prep.

#### Enforcement through International Framework Agreements is normal means - but it’s irrelevant under our framework.

Neill 12 [Emily CM; “The Right to Strike: How the United States Reduces it to the Freedom to Strike and How International Framework Agreements can Redeem it,” 1/1/12; Labor & Employment Law Forum Volume 2 Issue 2 Article 6; <https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1047&context=lelb>]

IFAs open the door to collective bargaining by creating a space that alters the traditionally antagonistic employer-employee engagement and is more hospitable to the organizing process.83 MNC commitment to respect the core ILO principles of freedom of association and the rights to organize and collectively bargain through IFAs are instrumental to realizing that purpose.84 1. The Creation and Proliferation of International Framework Agreements An IFA is an agreement negotiated between an MNC and typically85 a global union86 to establish an ongoing relationship between the signatories and ensure adherence to uniform labor standards by the MNC in all countries in which it operates.87 IFAs are the first and only formally-negotiated instruments between unions and corporations at the global level and a significant development in labor relations.88 Since the signing of the first IFA in 1988, they have spread at a steadily increasing rate. 89 Their proliferation since 2000 has been especially dramatic—with the number of IFAs signed in 2003-2006 nearly doubling the number signed in the first fifteen years.90 By 2008, approximately sixty-five agreements had been concluded.91 At the end of 2010, that number had jumped to seventy-six.92 2. Context of Framework Agreements: Corporate Social Responsibility While both corporate codes of conduct and IFAs can be traced to a consumer driven push for corporate social responsibility, a key difference separates the two: credibility. In the late 1980’s, MNCs in the United States began to respond to campaigns by non-governmental organizations accusing MNCs of international human rights abuses by elaborating internal codes of conduct.93 These codes, unilaterally written and implemented, tend to be vague and provide for no enforcement mechanism.94 The voluntary, self-enforcing nature of these commitments has led critics to conclude that they are mere marketing ploys lacking in credibility or having any real social impact.95 IFAs were developed, in part, as an alternative to corporate codes of conduct to raise labor standards.96 Unlike unilateral codes, IFAs are negotiated between the two principal actors—employers and workers—in the employment relationship.97 Involvement of the very party the agreement is meant to protect attaches greater meaning and significance to the instrument.98 The purpose of IFAs is to promote fundamental labor rights by regulating corporate conduct on a global level.99 This brings us to another key distinction between corporate codes of conduct and IFAs: their concrete normative content. 3. Core ILO Principles as the Substantive Content of IFAs Whereas codes tend to be vague in their commitments, MNCs commit themselves to concrete international labor norms through framework agreements. The key areas of IFAs are the acceptance of the four core labor standards, as articulated in the 1998 ILO Declaration.100 The Declaration itself is typically not mentioned, but rather the four rights are referred to in IFAs by their convention numbers.101 Thus, apart from a very few exceptions, IFAs refer explicitly to ILO Conventions 87 and 98 on freedom of association and the right to organize and collective bargaining, respectively.102 As previously discussed, ILO standards are the principal source of international labor norms.103 ILO Conventions 87 and 98 are perhaps the most important of ILO principles since the right to organize and bargain collectively is essential to the defense of working conditions like wages, hours, and health and safety through the collective bargaining process.104 4. Scope of IFAs, MNCs and Supply Chains One of the most important features of IFAs is their goal of addressing behavior not only within the signatory MNC, but along their supply chains as well.105 According to one study, of the IFAs in existence as of 2008, eighty eight percent explicitly indicated that the norms of the agreements applied to their subsidiaries and seventy-three percent contained provisions defining their application to suppliers and subcontractors.106 These provisions contain varying degrees of commitment on behalf of the signatory MNC. Some MNCs agree to place very concrete obligations on supply chain parties, going so far as to detail sanctions to be imposed upon non-compliant suppliers.107 Others contain provisions that are less mandatory, limiting the MNC’s obligation to informing or encouraging its suppliers and subsidiaries to respect the principles of the agreement. For instance, the PSA Peugeot Citroen IFA was amended in 2010, changing its once relatively firm language by which suppliers are “required” to make similar commitments to a much weaker provision in which the MNC agrees to “request” that its suppliers a similar commitment in respect of their own suppliers and sub-contractors.108 III. ANALYSIS The principal weapon workers have to leverage their bargaining power is the strike.109 The permanent strike replacement policy renders [strikes] this weapon almost meaningless by subjecting workers that employ it to a risk of job loss. This practice deviates from international norms on freedom of association, the right to organize, and bargain collectively, as enunciated in Conventions 87 and 98, and reaffirmed in the ILO 1998 Declaration to the point of rendering the right to strike a mere freedom to strike.110 Fortunately, IFAs have the potential to bring many U.S. operating companies into compliance with international standards on the right to strike, which prohibits the use of permanent replacements. This Section first addresses the effect of the permanent replacement doctrine on the right to strike in the United States. It next argues that as a member of the ILO, the U.S. is obligated to amend this policy to guarantee workers protection in their right to strike. Finally, it argues that even if the U.S. permits permanent strike replacements, certain U.S. companies are bound to IFAs that prohibit them from taking advantage of the policy. A. Interference with the Right to Strike is an Abridgement of ILO Principles Collective bargaining is the mechanism through which workers present their demands to an employer and, through negotiations, determine the working conditions and terms of employment.111 The right to strike arises most often in the context of collective bargaining, though as a weapon of last resort.112 The employment relationship is an economic one—with most workers’ demands encompassing improved pay or other working conditions.113 To bring balance to the employment relationship at the bargaining table, one of the primary weapons available to workers in defending their interests is the threat of withholding labor to inflict costs upon the employer.114 The principle of the strike as a legitimate means of action taken by workers’ organizations is widely recognized in countries throughout the world, almost to the point of universal recognition.115 The ILO Committee on Freedom of Association holds the position that the right to strike is a basic consequence of the right to organize.116 Interference or impairment of the right to strike is inconsistent with Articles 3, 8, and 10 of Convention 87 guaranteeing workers freedom of association and the right to take concerted actions to further their interests. Article 3 recognizes the right of workers’ organizations to organize their activities and to formulate their programs.117 Article 10 states that the term “organization” means any organization for furthering and defending the interests of workers.118 When read together with Article 10, Article 3 protects activities and actions that are designed to further and defend the interests of workers. Recall that strikes are recognized as an essential means through which workers further and defend their interests.119 Article 8 declares that no national law may impair the guarantees of the Convention.120 Because strike action falls under the activities protected by Article 3, which are aimed at furthering and defending workers’ interests, limitations on the right to strike may contravene Conventions 87 and 98.121 This subsection addresses the lawful practice of hiring of permanent replacements for striking workers in the United States as it relates to ILO principles. 1. The Use of Permanent Strike Replacements Reduces the ‘Right’ to Strike to the Unprotected ‘Freedom’ to Strike In refraining from ratifying ILO Conventions 87 and 98, the United States government has insisted that U.S. law sufficiently guarantees workers protections of the principles of freedom of association, the rights to organize, and bargain collectively.122 While Section 13 of the NLRA addresses the right to strike,123 in reality, enforcement of the NLRA falls short of its goals and departs from international norms, which afford the right to strike fundamental status.124 The Mackay doctrine, permitting permanent replacement of strikers renders the right a mere privilege, or freedom, because it removes meaningful protection of the right by stripping employers of a duty to refrain from interference with striking.125 Wesley Hohfeld’s famous account of legal rights provides a useful analytical framework for distinguishing between the colloquial uses of the “rights” and their implications.126 Under this framework, rights are distinguished from what he calls privileges, or freedoms, by the existence or inexistence of a corresponding duty. All rights have a corresponding duty, or a legal obligation to respect the legal interest of the right-holder and refrain from interfering with it.127 In the example of the right to strike, the correlative is the employer’s duty to not interfere with the employees’ right.128 On the other hand, a ‘freedom’ is the liberty to act, but without the imposition of a duty upon others.129 When one has the freedom to act, others simply do not have a right to prevent her from acting.130 In the strike context, if employees enjoy the freedom to strike, an employer does not have the right to stop the employees from striking, but does not have a duty to not interfere with the act of striking.131 In establishing the Mackay permanent strike replacement Doctrine, the Supreme Court reasoned that the ‘right’ to strike does not destroy an employer’s right to protect and continue business by filling the vacancies of the strikers.132 In so holding, the Court actually transformed the ‘right’ to strike it into the ‘freedom’ to strike by removing a corresponding affirmative duty not to interfere with the exercise of the right from the employer.133 The hire of permanent replacements interferes with strike action by inflicting substantial repercussions upon the employees that undertake the action, loss of employment opportunities.134 The Mackay doctrine forces an employee to choose to strike—at the risk of losing the very job that is the object of the gains and benefits sought— rendering the act virtually useless.135 The threat of being permanently replaced has, in fact, discouraged workers from exercising their ‘right’ to strike.136 Application of the Mackay doctrine produces results that are inconsistent with the NLRA’s provisions regarding protected activity, making the diminution of protection for striking employees even more apparent. In recognizing an employer right to hire permanent replacements, the Mackay Court created a loophole for employers who otherwise are prohibited from firing striking employees under the Section 8(a)(3) of the NLRA, which proscribes retaliation against employees that engage in protected union activity.137 While the act of permanently replacing strikers is lawful, firing strikers is unlawful, although both acts produce the same result: loss of a job as a consequence of striking.138 The result renders the NLRA’s protections for striking workers a dead letter. Although employers have a duty to refrain from retaliation against workers engaged in union activity in the form of firing, employers do not have a duty to refrain from reaching the same result through a different tactic—permanent replacement.139 Thus, this removal of a duty to refrain from interference renders the ‘right’ to strike, an unprotected ‘freedom’ to strike that yields to an employer’s corresponding freedom to replace strikers.140 In other words, the Mackay doctrine preserves the NLRA Section 13 reference to strike action as a lawful recourse for workers, but not one afforded the status of a protected right.

## offense

#### Workers rely on their employers for money, security, and all other additional benefits. This means that the relationship between the two is inherently coercive since there is a massive power disparity.

Bowie 98: [Norman E., professor emeritus at the University of Minnesota "A Kantian Theory of Meaningful Work."  Springer, 01 July 1998.] LADI

**The overwhelming number of people need to work to survive**, at least for a large portion of their live. There is a sense in which people are forced to work. **When an assailant says, “Your wallet or your life,**” you technically have a choice. However, for many **this situation is the paradigm of coercion.** How close is the analogy between the assailant and **the requirements of the employer**? Admittedly, in good times the balance of power shifts somewhat, but in hard times the balance of power is with the employer. Most people have to take the terms of employment a they get them (Manning 2003). Someone wanting employment does not negotiate about whether or not to be tested for drugs, for example. If drug testing is the company policy, you either submit to the test or forfeit the job. **If you want a job, you agree to employment** at **will and to layoffs** if management believes that they are necessary. **Survival for yourself and any dependents requires it.** As with the assailant, you technically have a choice, but **most employees argue they have little choice about multiple important terms of employment.** A Kantian, in common with the pluralist school of industrial relations, maintains that **the imbalance between employer and employee ought to be addressed.** Otherwise, industrial relations rests on an unethical foundation.

#### Workers are treated as means to an end, because their individual desires are ignored for the purpose of benefiting their employers and society as a whole.

**Chima 13** (Sylvester Chima, Programme of Bio & Research Ethics and Medical Law, Nelson R Mandela School of Medicine & School of Nursing and Public Health, College of Health Sciences, University of KwaZulu-Natal, Durban, South Africa, 11-18-2013, accessed on 6-22-2021, BMC Medical Ethics, "Global medicine: Is it ethical or morally justifiable for doctors and other healthcare workers to go on strike?", https://bmcmedethics.biomedcentral.com/articles/10.1186/1472-6939-14-S1-S5)

Some philosophers have described moral obligations or duties, which ought to guide ethical behavior, such as the duty of fidelity or the obligation to keep promises, and beneficence - the obligation to do 'good' [[10](https://bmcmedethics.biomedcentral.com/articles/10.1186/1472-6939-14-S1-S5#ref-CR10)]. However, it has been suggested that some other equally compelling moral duties or ethical obligations may conflict with the above duties, such as the right to justice. Justice is the right to fair treatment in light of what is owed a person [[63](https://bmcmedethics.biomedcentral.com/articles/10.1186/1472-6939-14-S1-S5#ref-CR63)]. For example, it may be argued that *everybody is equally entitled to a just wage for just work*. The philosopher Immanuel Kant based his moral theory on a categorical imperative which encourages moral agents to act, based on a principle, which they would deem to become a universal law [[64](https://bmcmedethics.biomedcentral.com/articles/10.1186/1472-6939-14-S1-S5#ref-CR64)]. One can argue that the decision by any HCW to go on strike may not be universalisable. However, looking at this decision from the principle of respect for autonomy, or freedom of choice, one can conclude that individual autonomy is a sentiment which is desirable for all human beings. Accordingly, every worker should be free to choose whether to work or not, based on a whether any specific set of conditions of their own choosing have been met. Kant argues further that moral agents or individuals should be treated, "whether in your own person or in that of any other, never solely as a means, but always as an end" [[64](https://bmcmedethics.biomedcentral.com/articles/10.1186/1472-6939-14-S1-S5#ref-CR64)]. This idea that individuals should be treated as ends in themselves has influenced political philosophy for centuries, and stresses the libertarian ideology that people should not have their individual freedoms curtailed either for others or for the good of society in general [[10](https://bmcmedethics.biomedcentral.com/articles/10.1186/1472-6939-14-S1-S5#ref-CR10), [64](https://bmcmedethics.biomedcentral.com/articles/10.1186/1472-6939-14-S1-S5#ref-CR64)]. From this axiomatic considerations, one can conclude that it would be unethical for people to be used as slaves or be forced to work for inadequate wages or under slave-like conditions [[4](https://bmcmedethics.biomedcentral.com/articles/10.1186/1472-6939-14-S1-S5#ref-CR4), [10](https://bmcmedethics.biomedcentral.com/articles/10.1186/1472-6939-14-S1-S5#ref-CR10), [12](https://bmcmedethics.biomedcentral.com/articles/10.1186/1472-6939-14-S1-S5#ref-CR12), [51](https://bmcmedethics.biomedcentral.com/articles/10.1186/1472-6939-14-S1-S5#ref-CR51)]. The issue of HCW strikes can also be analyzed from utilitarian principles as formulated by one of its major disciples JS Mills as follows [[65](https://bmcmedethics.biomedcentral.com/articles/10.1186/1472-6939-14-S1-S5#ref-CR65)]:*The creed which accepts as the foundation of morals, utility, or the greatest happiness principle, holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness*.

**This power imbalance can be corrected through strikes via labor unions, which allow workers to engage in collective bargaining.**

**Bowie 99:** [Norman E., professor emeritus at the University of Minnesota “Business Ethics: A Kantian Perspective” Wiley Blackwell.<http://www.wiley.com/WileyCDA/WileyTitle/productCd-063121173X.html>] LADI rct st

Although I emphasize meaningful work as a means to gain respect and grow as a human being by exercising one’s talents, Ciulla reminds me that there is much in the work environment that undermines negative freedom (freedom from coercion), and that the decision to work itself requires a giving up of freedom in some respects. This latter point does not overly concern me because all choice forecloses other choices. Moreover, **having a job provides income, and income expands choices because it opens up possibilities. This is especially true when one has an adequate wage**, and that is why I have emphasized the role that **an adequate wage plays in meaningful work.** Of course, Ciulla is well aware of all this and in her analysis she points out that **for the unskilled their range of options is extremely limited, that the demise of unions has given much more power to manage- ment**, and that **there is a correlation between higher-paying jobs and the amount of freedom one has.** All these points are well taken. I especially agree with Ciulla that **unions provide a means for enhancing employee freedom.** In this case I practiced what I now preach. I am a former president of the AAUP union at the University of Delaware. I also point out that the United States is the most anti-union country in the G-20. **Unionization is considered a human right by the United Nations.** Obviously **unions provide an opportunity for participation,** and I think Ciulla and I agree that **participation schemes are one way to limit coercion.** In response to trends over the past twenty years, in this edition of Business Ethics: A Kantian Perspective I pay more attention to adequate pay for the middle class, issues of inequality, and economic mobility. However, none of this requires a revision in my original account of meaningful work.

**Through strikes, workers are able to employ collective bargaining to ensure fair working conditions.**

**Chima 13** (Sylvester Chima, Programme of Bio & Research Ethics and Medical Law, Nelson R Mandela School of Medicine & School of Nursing and Public Health, College of Health Sciences, University of KwaZulu-Natal, Durban, South Africa, 11-18-2013, accessed on 6-22-2021, BMC Medical Ethics, "Global medicine: Is it ethical or morally justifiable for doctors and other healthcare workers to go on strike?", https://bmcmedethics.biomedcentral.com/articles/10.1186/1472-6939-14-S1-S5)

It has been suggested that doctor and HCW strikes can create a tension between the obligation on doctors and other HCWs to provide adequate care to current patients versus the need to advocate for improved healthcare services for future patients and for society in general [[2](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3878318/#B2),[31](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3878318/#B31)]. There is also a potential conflict between doctors' role in advocating for improved healthcare service for others versus the need to advocate for justifiable wages for self and the fulfilment of basic biological needs like all humans [[4](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3878318/#B4),[32](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3878318/#B32)]. **It has been suggested that since strikes are considered a fundamental right or entitlement during collective bargaining and labour negotiations [**[**33**](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3878318/#B33)**]. Therefore to deny any employee the right to strike would be an argument for enslavement of such an employee, because this would simply mean that whatever the circumstances-such an individual must work!** A situation deemed to be both ethically and morally indefensible [[4](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3878318/#B4)]. It is pertinent to observe that there is an on-going paradigm shift in the organization of healthcare services and doctors' employment options with a change in the role of doctors from self-employment, and medical practice based on benevolent paternalism, to consumer rights and managed healthcare [[2](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3878318/#B2)]. Historically, doctors had the sole responsibility within the doctor-patient relationship, to determine the costs of medical care to their patients, however, current trends show that doctors are increasingly becoming employees of managed healthcare organizations (HCOs) or employees of public health services [[2](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3878318/#B2),[34](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3878318/#B34)-[36](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3878318/#B36)].

#### The government has a moral obligation to ensure and protect the universal right to strike. Since employers have domination over workers, workers are frequently treated as means to an end. Governments must prevent employers from using their employees as mere means.

Gourevitch 16 Gourevitch, A. (2016). Quitting Work but Not the Job: Liberty and the Right to Strike. Perspectives on Politics, 14(02), 307–323. doi:10.1017/s1537592716000049

We now have a way of explaining the right to strike as something decidedly more modern than just residual protection of some feudal guild privilege. The right to strike springs organically from the fact of structural domination. Striking is a way of resisting that domination at the point in that structure at which workers find themselves—the particular job they are bargaining over. It is not that workers believe they have some special privilege but quite the opposite. It is their lack of privilege, their vulnerability, that generates the claim. Structural domination makes its most immediate appearance in the threat of being exploited by a particular employer, even though the point of structural domination is that workers can be exploited by any potential employer. The sharpest form that the structural domination takes is through the threat of being fired, or of never being hired in the first place. The claim that strikers make to their job is therefore, in the first instance, a dramatization of the fact that their relationship is not voluntary, it is not accidental and contingent. They are always already forced to be in a contractual relationship with some employer or another. The refusal to perform work while retaining the right to the job is a way of bringing to the fore this social and structural element in their condition. It vivifies the real nature of the production relationship that workers find themselves in. Quitting the work but not the job is a way of saying that this society is not and cannot be just a system of voluntary exchanges among independent producers. There is an underlying structure of unequal dependence, maintained through the system of contracts, that even the “most voluntary” arrangements conceal.

### Method:

The role of the ballot is *evaluate the normative desirability of the resolution*. The neg burden is to prove that a just government ought to not recognize an unconditional right of workers to strike

#### Prefer—

#### Competing worlds is constitutive, fair, and educational.

Nelson ‘08 Adam F., J.D.1. Towards a Comprehensive Theory of Lincoln-Douglas Debate. 2008. <http://ldtheoryjournal.blogspot.com/2008/04/towards-comprehensive-theory-of-ld-adam.html>. MBPZ \*modified for language

But the NFL’s new Lincoln Douglas Debate Event Description explicitly repudiates such a model by placing parallel burdens amongst one of the hallmarks of the activity: No question of values can be determined entirely true or false. This is why the resolution is desirable. Therefore neither debater should be held to a standard of absolute proof. No debater can realistically be expected to prove complete validity or invalidity of the resolution. The better debater is the one who, on the whole, proves [their] ~~his/her~~ side of the resolution more valid as a general principle.2 And the truth-statement model of the resolution imposes an absolute burden of proof on the affirmative: if the resolution is a truth-claim, and the afﬁrmative has the burden of proving that claim, in so far as intuitively we tend to disbelieve truthclaims until we are persuaded otherwise, the afﬁrmative has the burden to prove that statement absolutely true. Indeed, one of the most common theory arguments in LD is conditionality, which argues it is inappropriate for the afﬁrmative to claim only proving the truth of part of the resolution is sufﬁcient to earn the ballot. Such a model of the resolution also gives the negative access to a range of strategies that many students, coaches, and judges ﬁnd ridiculous or even irrelevant to evaluation of the resolution. If the negative need only prevent the affirmative from proving the truth of the resolution, it is logically sufficient to negate to deny our ability to make truth-statements or to prove normative morality does not exist or to deny the reliability of human senses or reason. Yet, even though most coaches appear to endorse the truth-statement model of the resolution, they complain about the use of such negative strategies, even though they are a necessary consequence of that model. And, moreover, such strategies seem fundamentally unfair, as they provide the negative with functionally inﬁnite ground, as there are a nearly inﬁnite variety of such skeptical objections to normative claims, while continuing to bind the afﬁrmative to a much smaller range of options: advocacy of the resolution as a whole. Instead, it seems much more reasonable to treat the resolution as a way to equitably divide ground: the affirmative advocating the desirability of a world in which people adhere to the value judgment implied by the resolution and the negative advocating the desirability of a world in which people adhere to a value judgment mutually exclusive to that implied by the resolution. By making the issue one of desirability of competing world-views rather than of truth, the affirmative gains access to increased flexibility regarding how [they] ~~he or she~~ choose~~s~~ to defend that world, while the negative retains equal flexibility while being denied access to those skeptical arguments indicted above. Our ability to make normative claims is irrelevant to a discussion of the desirability of making two such claims. Unless there is some significant harm in making such statements, some offensive reason to reject making them that can be avoided by an advocacy mutually exclusive with that of the affirmative such objections are not a reason the negative world is more desirable, and therefore not a reason to negate. Note this is precisely how things have been done in policy debate for some time: a team that runs a kritik is expected to offer some impact of the mindset they are indicting and some alternative that would solve for that impact. A team that simply argued some universal, unavoidable, problem was bad and therefore a reason to negate would not be very successful. It is about time LD started treating such arguments the same way. Such a model of the resolution has additional benefits as well. First, it forces both debaters to offer offensive reasons to prefer their worldview, thereby further enforcing a parallel burden structure. This means debaters can no longer get away with arguing the resolution is by definition true of false. The “truth” of the particular vocabulary of the resolution is irrelevant to its desirability. Second, it is intuitive. When people evaluate the truth of ethical claims, they consider their implications in the real world. They ask themselves whether a world in which people live by that ethical rule is better than one in which they don’t. Such debates don’t happen solely in the abstract. We want to know how the various options affect us and the world we live in. This does not, however, mean this “worldview comparison” model would necessarily remove the ability of debaters to argue values or philosophy in the abstract. We have long recognized that purely deontological arguments have offensive impacts that can be compared against other such implications. This model would simply require debaters to more directly compare, for example, the importance of avoiding treating people as means to an end or protecting rights with the importance of saving lives or maximizing economic efficiency, for reasons I will explore shortly.