# Apple valley r2 1ac

### FW

#### Ethics must be derived from the constitutive features of agents – ethics based internally fail because they can’t generate universal obligations and ethics based externally fail because they are nonbinding as agents could opt-out and have no motivation to follow them which means they fail to guide action.

#### Constitutivism solves – it allows for universal obligations among all agents but they are binding and cannot be opted out of.

#### Next, only practical reason is constitutive:

#### [1] Regress – to question why one should reason concedes its authority since it is an act of reasoning itself which proves it’s binding and inescapable

#### [2] Agents can shift between different identities but doing so requires reason - it unifies the subject and is the only enterprise agents cannot escape

#### Ferrero 09 (Luca Ferrero, [Luca Ferrero is a Philosophy professor at University of California, Riverside. His areas of interest are Agency Theory, including Intentionality and Personal identity; Practical Reasoning; and Meta-Ethics], “Constitutivism and the Inescapability of Agency”. Oxford Studies in Metaethics, vol. IV, Jan 12, 2009. <https://philarchive.org/archive/FERCATv1> BHHS AK recut

Agency is special in two respects. First, agency is the enterprise with the largest jurisdiction.¹² All ordinary enterprises fall under it. To engage in any ordinary enterprise is ipso facto to engage in the enterprise of agency. In addition, there are instances of behavior that fall under no other enterprise but agency. First, intentional transitions in and out of particular enterprises might not count as moves within those enterprises, but they are still instances of intentional agency, of bare intentional agency, so to say. Second, agency is the locus where we adjudicate the merits and demerits of participating in any ordinary enterprise. Reasoning whether to participate in a particular enterprise is often conducted outside of that enterprise, even while one is otherwise engaged in it. Practical reflection is a manifestation of full-fledged intentional agency but it does not necessarily belong to any other specific enterprise. Once again, it might be an instance of bare intentional agency. In the limiting case, agency is the only enterprise that would still keep a subject busy if she were to attempt a ‘radical re-evaluation’ of all of her engagements and at least temporarily suspend her participation in all ordinary enterprises.

#### That justifies universalizability - insofar as there is no a priori distinction between reasoners, a reason for one agent must also be a reason for another; if all agents cannot set and pursue an end, it is not constitutive of agency. Willing a maxim that violates freedom is a contradiction in conception – you cannot violate someone’s freedom without having your own freedom to do so.

#### **The right to freedom necessitates a state to enforce it – objections to the state are unjust under the framework because they would involve justifying coercion**

Ripstein 04 [Arthur Ripstein, (University Professor of Law and Philosophy, [University of Toronto](https://scholar.google.com/citations?view_op=view_org&hl=en&org=8515235176732148308)) "Authority and Coercion" Philosophy & Public Affairs, 32: 2–35, 2004, http://onlinelibrary.wiley.com/doi/10.1111/j.1467-6486.2004.00003.x/abstract, DOA:12-16-2017 // WWBW]

Kant explains the need for the three branches of government in Rousseau’s vocabulary of the “general will.” Kant finds this concept helpful, since it manages to capture the way in which the specificity of the law and the monopoly on its [the law’s] enforcement do [is] not thereby make it the unilateral imposition of one person’s will upon another. Instead, it is what Kant calls an “omnilateral” will, since all must agree to set up procedures that will make right possible. All must agree, because without such procedures, equal freedom is impossible, and so the external freedom of each is impossible. But the sense in which they must agree is not just that they should agree; it is that they [one] cannot object to being forced to accept those procedures, because any objection would be nothing more than an assertion of the right to use force against others unilaterally. Once the concept of the General Will is introduced, it provides further constraints on the possibility of a rightful condition, and even explains the ways in which a state can legitimately coerce its citizens for reasons other than the redress of private wrongs. Kant’s treatment of these issues of “Public Right” has struck many readers as somewhat perfunctory, especially after his meticulously detailed, if not always transparent, treatment of private right. He treats these issues as he does because he takes them to follow directly from the institution of a social contract. The details of his arguments need not concern us here, because he does not claim that these exhaust the further powers of the state. Instead, he puts them forward as additional powers a state must have if it is to create a rightful condition, and it is the structure of that argument that is of concern here.

#### Thus, the standard is consistency with the omnilateral will.

#### Impact calc: Intentions first – only the intention in pursuing a certain end is relevant when considering whether or not it is universalizable. Prefer for action theory - Any action can be split into infinite smaller actions. For example, when I’m taking a bite of food, I am making infinite movements of my hand and mouth – only the intention unifies the action. If we can’t unify action, we can’t call actions moral or immoral because they are made up of infinite parts. Prefer additionally:

**[1] Performativity - Arguing against my framework presupposes freedom because without freedom to reason you would not be able to make arguments and try to win – this means that contesting any of my arguments proves my framework true.**

#### [2] We must value freedom insofar as we value our ends which justifies valuing the freedom of agents setting and pursuing ends since anything else would be contradictory

Gewirth ’84 [Alan Gewirth, “The Ontological Basis of Natural Law: A Critique and an Alternative,” The American Journal of Jurisprudence, Vol. 29, No. 1 (1984), Pg. 95–121. Gewirth was professor of philosophy at the University of Chicago.] CHSTM \*\*Brackets for gendered language/grammar\*\* BHHS AK recut

Let me briefly sketch the main line of argument that leads to this conclusion. As I have said, the argument is based on the generic features of human action. To begin with, every agent acts for purposes he [they] regards as good. Hence, he [they] must regard as necessary goods the freedom and well-being that are the generic features and necessary conditions of his action and successful action in general. From this, it follows that every agent logically must hold or accept that he has [they have] rights to these conditions. For if he were to deny that he has [they have] these rights, then he [they] would have to admit that it is permissible for other[s] persons to remove from him the very conditions of freedom and well-being that, as an agent, he [they] must have. But it is contradictory for him to hold both that he must have these conditions and also that he may not have them. Hence, on pain of self-contradiction, every agent must accept that he has rights to freedom and well-being. Moreover, every agent must further admit that all other agents also have those rights, since all other actual or prospective agents [they] have the same general characteristics of agency on which [they] must ground his [their] own right-claims.¶ What I am saying, then, is that every agent, simply by virtue of being an agent, must regard his freedom and well being as necessary goods and must hold that he and all other actual or prospective agents have rights to these necessary goods. Hence, every agent, on pain of self-contradiction, must accept the following principle: Act in accord with the generic rights of your recipients as well as of yourself. The generic rights are rights to the generic features of action, freedom, and well-being. I call this the Principle of Generic Consistency (PGC), because it combines the formal consideration of consistency with the material consideration of the generic features and rights of action

#### [3] Humans have unconditional value since they have the power to confer value onto objects – means humans are ends in themselves and must not be treated as a mere means

**Korsgaard 83** (Christine Korsgaard, [Christine Marion Korsgaard is an American [philosopher](https://en.wikipedia.org/wiki/Philosopher) and Arthur Kingsley Porter Professor of Philosophy at Harvard University whose main scholarly interests are in moral philosophy and its history; the relation of issues in moral philosophy to issues in metaphysics, the philosophy of mind, and the theory of personal identity; the theory of personal relationships; and in normativity in general], “Two Distinctions in Goodness,” The Philosophical Review Vol. 92, No. 2 (Apr., 1983), pp. 169-195, JSTOR) BHHS AK recut

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] he or she 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 [are] 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 them.

#### [4] A posteriori ethics fail:

#### [a] Problem of induction

Vickers 14, John Vickers, 2014, The Problem of Induction, https://plato.stanford.edu/entries/induction-problem/

The original problem of induction can be simply put. It concerns the support or justification of inductive methods; methods that predict or infer, in Hume's words, that “instances of which we have had no experience resemble those of which we have had experience” (THN, 89). Such methods are clearly essential in scientific reasoning as well as in the conduct of our everyday affairs. The problem is how to support or justify them and it leads to a dilemma: the principle cannot be proved deductively, for it is contingent, and only necessary truths can be proved deductively. Nor can it be supported inductively—by arguing that it has always or usually been reliable in the past—for that would beg the question by assuming just what is to be proved.

[b] **Is/Ought Gap – experience just describes how the world is but doesn’t indicate how it ought to be which means there must be an a priori conception of good**

[c] **Inability to know each other’s experience makes it an unreliable basis for ethics because different experiences bring different concepts of truth – only a priori ethics solve since a priori truths are accessible to all agents**

#### [5] Consequentialism fails – A] Predictions assumes specific causes of past consequences which can’t be verified as the actual cause B] Butterfly effect - every action has infinite consequences so it is impossible to evaluate an action; one government policy could end up causing nuclear war in a million years. C] Aggregation is impossible – pleasure and pain are subjective – we have no idea how many headaches equal a migraine

#### [6] Ethics and normativity before ontology and epistemology – ethics normatively justify the inherent nature of “goodness” that allows us to know what a good role of the ballot could be – we function as an epistemic prerequisite as anything else is impact justified which a) begs the question as to why we should adopt their role of the ballot and b) means we function on the basis of unjustified assumptions – although things may seem true or good, we should always make sure from the normative level to ensure we verify the truth value of every complexity in their epistemology claims.

#### [6] Oppression is caused by arbitrary exclusion of others – only universalizability makes sure that we include everyone equally. Farr 02

Arnold Farr. [Arnold Farr is a Philosophy professor at the University of Kentucky. His research interests are German idealism, Marxism, critical theory, philosophy of race, postmodernism, psychoanalysis, and liberation philosophy. He has published numorous articles and book chapters on all of these subjects], “Can a Philosophy of Race Afford to Abandon the Kantian Categorical Imperative?”, 2002, blog.ufba.br/kant/files/2009/12/Can-a-Philosophy-of-Race-Afford-to-Abandon-the.pdf. /BHHS AK recut

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 empirical 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 individual 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.

[7] **Resolvability: Clarity of weighing under interpretation of Kantianism: perfect duties above imperfect duties, duties in right, etc. All other FWs are consequentialist that use unquantifiable prob, mag, or prob x mag. Resolvability is an independent voter because otherwise the judge can’t make a decision which means it’s a constraint on any ROB because otherwise the round is impossible**

#### Thus, the advocacy: Resolved: A just government ought to recognize an unconditional right of workers to strike. I’m willing to spec what you want as long as I don’t abandon my maxim.

#### Spec -

#### [1] Enforcement is through International Framework Agreements but it’s irrelevant under the fw.

#### [2] Definition of unconditional right to strike:

NLRB 85 [National Labor Relations Board; “Legislative History of the Labor Management Relations Act, 1947: Volume 1,” Jan 1985; <https://play.google.com/store/books/details?id=7o1tA__v4xwC&rdid=book-7o1tA__v4xwC&rdot=1>] Justin

\*\*Edited for gendered language

As for the so-called absolute or unconditional right to strike—there are no absolute rights that do not have their corresponding responsibilities. Under our American Anglo-Saxon system, each individual is entitled to the maximum of freedom, provided however (and this provision is of first importance), his [their] freedom has due regard for the rights and freedoms of others. The very safeguard of our freedoms is the recognition of this fundamental principle. I take issue very definitely with the suggestion that there is an absolute and unconditional right to concerted action (which after all is what the strike is) which endangers the health and welfare of our people in order to attain a selfish end.

### Offense

#### [1] The right to strike is necessary for workers to exercise their freedom over working conditions to ensure that they are not treated as a mere means

**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>) BHHS AK

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)]:

#### [2] Regardless of the effectiveness of strikes, they are a form of setting and pursuing ends and the omnilateral will has the obligation to protect the right to do so – anything else is a form of the government restricting freedom

#### [3] Employers coercively restrict bargaining rights of their workers in the interest of the corporation - that’s non-universalizable

**Wilson et al. 17** (Valerie Wilson, Josh Bivens, and Lora Engdahl, 8-24-2017, accessed on 7-4-2021, Economic Policy Institute, "How today’s unions help working people: Giving workers the power to improve their jobs and unrig the economy", <https://www.epi.org/publication/how-todays-unions-help-working-people-giving-workers-the-power-to-improve-their-jobs-and-unrig-the-economy/>) BHHS AK

Almost half (48 percent) of workers polled said they’d vote to create a union in their workplace tomorrow if they got the chance.[67](https://www.epi.org/publication/how-todays-unions-help-working-people-giving-workers-the-power-to-improve-their-jobs-and-unrig-the-economy/#_note67) But workers are being deprived of that opportunity. Because unions and collective bargaining are effective at giving workers power, they are opposed by corporate interests and policymakers representing the highest-earning 1 percent.[68](https://www.epi.org/publication/how-todays-unions-help-working-people-giving-workers-the-power-to-improve-their-jobs-and-unrig-the-economy/#_note68) For decades, fierce corporate opposition has suppressed the freedom to form unions and bargain collectively in the private sector by promoting anti-union campaigns in workplaces seeking to unionize and by lobbying lawmakers to pass laws depriving private-sector unions of funds needed to operate. This activity has tracked the dramatic, rapid increase of corporate political activity that began in the mid-1970s, with a specific “call-to-arms” for U.S. corporations that quadrupled the number of corporate PACs from 1976 to 1980.[69](https://www.epi.org/publication/how-todays-unions-help-working-people-giving-workers-the-power-to-improve-their-jobs-and-unrig-the-economy/#_note69) More recently, anti-union lobbyists have passed legislation weakening unions in states such as Indiana, Michigan, and Wisconsin that were once union strongholds.[70](https://www.epi.org/publication/how-todays-unions-help-working-people-giving-workers-the-power-to-improve-their-jobs-and-unrig-the-economy/#_note70) Outdated labor laws have failed to provide workers with protection from this employer onslaught against collective bargaining. And corporate lobbyists have blocked reforms to labor laws that would protect workers’ collective bargaining rights with meaningful penalties for violations and better processes for organizing. Employers are exploiting loopholes, including by misclassifying workers as independent contractors to get around labor laws that protect employees. By going after union funding, employer interests and their allied lawmakers can wipe out one of the crucial pillars of support for pro-worker candidates and causes. If unions have fewer members, or if the law hamstrings unions’ ability to collect administrative fees from the workers they represent, there will be less union money spent on advocating for workers in general. As Gordon Lafer, associate professor at the Labor Education and Research Center at the University of Oregon, notes, “The labor movement serves as the primary political counterweight to the corporate agenda on a long list of issues that are not per se labor-related. To the extent that unions can be removed as a politically meaningful force, the rest of the agenda becomes much easier to execute.”[71](https://www.epi.org/publication/how-todays-unions-help-working-people-giving-workers-the-power-to-improve-their-jobs-and-unrig-the-economy/#_note71)’

### That affirms – an unconditional right to strike grants workers the freedom to bargaicollectively without coercive tactics from employers

### UV

#### [1] Aff Theory – a] the aff gets it because otherwise the 1NC could engage in unchecked, infinite abuse which outweighs anything else, b] it’s drop the debater because the 2AR is too short to win a shell AND substance so theory can only check abuse for the aff if it’s a win condition, c] no neg RVI because otherwise they could dump in the 2n for 6 minutes and get away with anything by sheer brute force, d) competing interps because you have 6 minutes to respond to my 1ar arguments so you should have to prove a better model e) Aff theory first – it’s a much larger strategic loss because 1min is ¼ of the 1AR vs 1/7 of the 1NC which means there’s more abuse if I’m devoting a larger fraction of time.

#### [2] Permissibility affirms:

#### A] Dictionary.com defines “ought”: as a verb “used to express justice, moral rightness, or the like” and “wrong” as “not in accordance with what is morally right or good” – proving something isn’t wrong means it’s right.

#### B] Otherwise we’d have to have a proactive justification to do things like drink water.

#### C] If anything is permissible, then definitionally so is the aff since there is nothing that prevents us from doing it.

#### [3] Presumption affirms:

#### A] Statements are true before false since if I told you my name, you’d believe me.

#### B] Epistemics – we wouldn’t be able to start a strand of reasoning since we’d have to question that reason.

#### C] Illogical – presuming statements false is illogical since you can’t say things like P and ~P are both wrong.

#### [3] Aff gets RVI’s

#### 1] The 1AR has to over-cover since the NR is devastating which encourages them to under-develop theory in the NC and over-develop in the NR—need the RVI to develop good, in-depth theoryoffense

#### 2] 7-minute NC means you can brute force theory and I don’t have time to win both layers, and aff speaking in the dark means you get access to awful bidirectional interps – RVI’s solve since you’ll lose on bad shells