# 1AC

#### Ethics must solve the internalism-externalism paradox—either reasons for action are based on an agent’s internal motivation, or on a priori objective reasons. However, both of these accounts fail since internal motivations are contingent and arbitrary, while external reasons beg the question of a source for these reasons. The solution is constitutivism, or the idea that ethics must be based on the nature of agency. Only this can solve the paradox—concerns derived from the nature of agents are objective and non-optional, yet are motivational for all agents.

#### Thus, the meta ethic is constitutivism.

#### [1] Agency is the only non-optional enterprise—everything is part of it. Every action part of an optional enterprise is part of agency. This round is part of my identity as a debater, but it’s also engagement in agency.

#### Prefer

#### [2] Regress—trying to escape agency necessitates using rational reflection about what I ought to do, which is part of agency.

#### Next, reason is constitutive of action

#### [1] Decision making—Agents have infinite ends available to pursue but have a limited means to pursue them—that requires reason to choose which ends to pursue.

#### [2] Action theory—any action can be divided into infinite states of affairs—only intent can unify our action into intended means and ends. Takes out util—there would be infinite states of affairs we would have to evaluate.

#### Only reasons that can be universalized across all actions can be constitutive of agency since agency is the ability to set and pursue ends—that means reasons that can’t be universalized can’t be applied to all instances of agency. There’s no prior distinction between agents so everyone must be able to will a maxim universally.

#### Coercion isn’t universalizable—willing your own freedom while violating someone else’s is a conceptual contradiction.

Engstrom [Stephen Engstrom, (Professor of Philosophy @ the University of Pittsburgh) "Universal Legislation as the Form of Practical Knowledge" http://www.academia.edu/4512762/Universal\_Legislation\_As\_the\_Form\_of\_Practical\_Knowledge, DOA:5-5-2018 // WWBW]

Given the preceding considerations, it’s a straightforward matter to see how **a maxim of action that assaults the freedom of others** with a view to furthering one’s own ends results in a contradiction when we attempt to will it as a universal law in accordance with the foregoing account of the formula of universal law. Such a maxim **would lie in a practical judgment that deems it good on the whole to act to limit others’ outer freedom**, and hence their self-sufficiency, their capacity to realize their ends, **where doing so augments, or extends, one’s own outer freedom** and so also one’s own self-sufficiency.  Now on the interpretation we’ve been entertaining, applying the formula of universal law involves considering whether it’s possible for every person—every subject capable of practical judgment—to share the practical judgment asserting the goodness of every person’s acting according to the maxim in question. Thus in the present case the application of the formula involves considering whether it’s possible for every person to deem good every person’s acting to limit others’ freedom, where practicable, with a view to augmenting their own freedom. Since here **all persons are** on the one hand **deeming good both the limitation of others’ freedom and the extension of their own freedom, while** on the other hand, insofar as they agree with the similar judgments of others, **also deeming good the limitation of their own freedom and the extension of others’ freedom, they are all deeming good both the extension and the limitation of both their own and others’ freedom. These judgments are inconsistent** insofar as the extension of a person’s outer freedom is incompatible with the limitation of that same freedom.

#### **But, rights claims are not enforceable in the state of nature because of the problem of assurance—without the state, there is nothing that can ensure rights will be enforced. Exempting yourself from the state is impossible since any disagreement would be willing 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 [the law’s] its enforcement do 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 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 Calculus—

#### 1] Side-constraint – a just government may only protect the rights of its agents and nothing else. Other moral problems aren’t obligatory

#### A] is-ought gap – even if something is bad, it doesn’t logically follow that we ought not do it – that’s why we do immoral things even though we know its bad.

#### B] Logic – the omnilateral will is inescapable which means that a government that violated the side-constraint wouldn’t even be a just government.

#### **2] Actor spec**

#### A] Solipsism problem – governments aren’t experiential subjects and lack intentions which means that other ethical frameworks aren’t binding. Only the omnilateral will can carry binding moral obligations toward the protection of freedom because of its constitutive purpose. And, bindingness outweighs because binding theories are the only ones that can guide action which is the only purpose of ethics.

#### B] Topic specificity – the topic asks what a just government ought to do which means that ethical frameworks must define the role of the government, means material consequences and empirical contingencies don’t link.

#### 3] Yes intent-foresight distinction – you’re not culpable for moral violations that you didn’t intend.

#### A] Fallibility – Consequences cause infinite other consequences which we can’t perfectly predict which means that foresight isn’t binding but intention is because it is constitutively moral or immoral

#### B] Action Freeze – agents could always abuse freedom which would justify never guaranteeing rights in the first place which is incoherent. The FW solves because it establishes a method for preventing coercive actions.

#### Prefer additionally:

#### 1] In setting an end, any agent must regard freedom as a necessary good. This is a side constraint on ends-based theories—if freedom is not a necessary good, then other agents can impede on the ends you set.

Gewirth 84 bracketed for grammar and gendered language [Alan Gewirth, () "The Ontological Basis of Natural Law: A Critique and an Alternative" American Journal Of Jurisprudence: Vol. 29: Iss. 1 Article 5, 1984, https://scholarship.law.nd.edu/ajj/vol29/iss1/5/, DOA:9-10-2018 // WWBW]

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 [t]he[y] regards as good. Hence, [t]he[y] must regard as necessary goods the freedom and well being that [is] 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 rights to these conditions.** For **if he were to deny that he has these rights, then he would have to admit that it is permissible for other persons to remove from him the very conditions of freedom** and well-being **that, as an agent, he 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 have the same general characteristics of agency on which he must ground his 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.

#### 2] The Kantian subject is the opposite of abstract and embraces an embodied subject—universalizability is essential to mutual recognition of others.

Farr 1 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.

#### 3] Performativity—freedom is the key to the process of justification of arguments. Willing that we should abide by their ethical theory presupposes that we own ourselves in the first place. Thus, it is logically incoherent to justify a standard without first willing that we can pursue ends free from others.

#### 4] Isolating unconditional worth within the other is uniquely liberatory and the basis from which other theories begin, so my offense turns and outweighs yours.

Farr 2 [Arnold Farr [Professor of philosophy at University of Kentucky, 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.]

Whereas most criticisms are aimed at the formulation of universal law and the formula of autonomy, our analysis here will focus on the formula of an end in itself and the formula of the kingdom of ends, since we have already addressed the problem of universality. The latter will be discussed ﬁrst. At issue here is what Kant means by “kingdom of ends.” Kant writes: “By ‘kingdom’ I understand a systematic union of different rational beings through common laws.”32 The above passage indicates that Kant recognizes different, perhaps different kinds, of rational beings; however, the problem for most critics of Kant lies in the assumption that Kant suggests that the “kingdom of ends” requires that we abstract from personal differences and content of private ends. The Kantian conception of rational beings requires such an abstraction. Some feminists and philosophers of race have found this abstract notion of rational beings problematic because they take it to mean that rationality is necessarily white, male, and European.33 Hence, the systematic union of rational beings can mean only the systematic union of white, European males. I ﬁnd this interpretation of Kant’s moral theory quite puzzling. Surely another interpretation is available. That is, the implication that in Kant’s philosophy, rationality can only apply to white, European males does not seem to be the only alternative. The problem seems to lie in the requirement of abstraction. There are two ways of looking at the abstraction requirement that I think are faithful to Kant’s text and that overcome the criticisms of this requirement. First, the abstraction requirement may be best understood as a demand for intersubjectivity or recognition. Second, it may be understood as an attempt to avoid ethical egoism in determining maxims for our actions. It is unfortunate that Kant never worked out a theory of intersubjectivity, as did his successors Fichte and Hegel. However, this is not to say that there is not in Kant’s philosophy a tacit theory of intersubjectivity or recognition. The abstraction requirement simply demands that in the midst of our concrete differences we recognize ourselves in the other and the other in ourselves. That is, we recognize in others the humanity that we have in common. Recognition of our common humanity is at the same time recognition of rationality in the other. We recognize in the other the capacity for selfdetermination and the capacity to legislate for a kingdom of ends. This brings us to the second interpretation of the abstraction requirement. To avoid ethical egoism one must abstract from (think beyond) one’s own personal interest and subjective maxims. That is, the categorical imperative requires that I recognize that I am a member of the realm of rational beings. Hence, I organize my maxims in consideration of other rational beings. Under such a principle other people cannot be treated merely as a means for my end but must be treated as ends in themselves. The merit of the categorical imperative for a philosophy of race is that it contravenes racist ideology to the extent that racist ideology is based on the use of persons of a different race as a means to an end rather than as ends in themselves. Embedded in the formulation of an end in itself and the formula of the kingdom of ends is the recognition of the common hope for humanity. That is, maxims ought to be chosen on the basis of an ideal, a hope for the amelioration of humanity. This ideal or ethical commonwealth (as Kant calls it in the Religion) is the kingdom of ends.34 Although the merits of Kant’s moral theory may be recognizable at this point, we are still in a bit of a bind. It still seems problematic that the moral theory of a racist is essentially an antiracist theory. Further, what shall we do with Henry Louis Gates’s suggestion that we use the Observations on the Feeling of the Beautiful and Sublime to deconstruct the Grounding? What I have tried to suggest is that instead of abandoning the categorical imperative we should attempt to deepen our understanding of it and its place in Kant’s critical philosophy. A deeper reading of the Grounding and Kant’s philosophy in general may produce the deconstruction35 suggested by Gates. However, a text is not necessarily deconstructed by reading it against another. Texts often deconstruct themselves if read properly. To be sure, the best way to understand a text is to read it in context. Hence, if the Grounding is read within the context of the critical philosophy, the tools for a deconstruction of the text are provided by its context and the tensions within the text. Gates is right to suggest that the Grounding must be deconstructed. However, this deconstruction requires much more than reading the Observations on the Feeling of the Beautiful and Sublime against the Grounding. It requires a complete engagement with the critical philosophy. Such an engagement discloses some of Kant’s very signiﬁcant claims about humanity and the practical role of reason. With this disclosure, deconstruction of the Grounding can begin. What deconstruction will reveal is not necessarily the inconsistency of Kant’s moral philosophy or the racist or sexist nature of the categorical imperative, but rather, it will disclose the disunity between Kant’s theory and his own feelings about blacks and women. Although the theory is consistent and emancipatory and should apply to all persons, Kant the man has his own personal and moral problems. Although Kant’s attitude toward people of African descent was deplorable, it would be equally deplorable to reject the categorical imperative without ﬁrst exploring its emancipatory potential.

### 1AC – Advocacy

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

#### I’ll defend implementation but post-facto offense is irrelevant under the FW. Generalizations about non-existent entities refer to idealizations and require specification. Aspec - The Omnilateral will

Drewery 98 “Generics, Laws and Context” Alice Drewery [PhD The University of Edinburgh] 1998 <https://era.ed.ac.uk/handle/1842/21210> SM

But what is the status of the other generalisations here? And moreover, is this a grammatical matter, or a matter of interpretation? My suggestion is that in fact most lawlike generalisations are ambiguous between the two kinds of readings described above. We have two ways of stating laws: we can state them about ideal objects, for example, mathematical objects, or kinds, such as ‘the tiger’. These generalisations do not carry presuppositions of existence. We can also make generalisations about the members of classes, from observations about their behaviour. This is more likely to happen if the class does not form a natural kind, such as ‘students in Edinburgh’ or ‘tigers with three legs’. These generalisations do carry presupposi- tions of existence. An example here will help to show what I mean. Dinosaurs were cold-blooded creatures which became extinct many millions of years ago. Which of the following two sentences would we use to state their cold-bloodedness? (1.44) Dinosaurs are cold-blooded. (1.45) Dinosaurs were cold-blooded. Most people seem to go for (1.45), since dinosaurs existed in the past. But would this mean that in our sad tiger situation above, if all the tigers were male, say, and thus could not breed, we should say ‘tigers had four legs’ instead of ‘tigers have four legs’? Perhaps: but there seems to be a sense in which we are still able to say the latter. Similarly, there is a sense in which (1.44) is fine. A palaeontologist describing the dinosaur as a kind might well say this, along with other facts about the timeless kind ‘dinosaurs’ which now no longer has instantiations, but which still has certain properties. With examples involving kinds, which, one might say, have a life independently of their instances, we can either take the idealised interpretation, and make statements like (1.44), or we can take the (for want of a better word) individualised interpretation, generalising over actual and possible individuals of the kind, and make statements like (1.45). The examples above which can have more than one reading are (1.35), (1.42) and (1.43). Some generalisations, of course, will only have one reading. Those which refer to ideal objects, such as (1.39) and (1.41), will never carry presuppositions of existence. Those which refer to classes which do not form a kind, in the sense described above, such as (1.36), will always carry presuppositions of existence. This leaves examples such as (1.33), (1.34) and (1.40). These examples are not empirical but are rules or conventions, stipulated or laid down by some authority. While clearly they need not refer to kinds, they are clearly idealised statements of some form, since they do not (usually) depend on facts about particular individuals, but make a prescription about something which falls into a certain class. In case this seems rather ad hoc, it is actually possible to get individualised readings for these examples. If I meet two students leaving the exam hall long after everyone else has finished, I may discover the reason for their lateness is that they are dyslexic, and that they spend extra time on their exams. I then know (1.33) as a rule I have discovered empirically, rather than as a conditional statement about some class about whose members I have no knowledge. But since examples such as (1.33) and (1.34) are usually not conceived of in this way, the idealised reading is the preferred one. Tense plays an interesting role in these cases. Since there are fewer laws whose scope is limited in time, there are fewer cases in which an idealised generalisation would be made in anything other than the present tense. However, there are examples, such as (1.46) Dyslexic students got no extra time in the past. This is idealised, and so carries no presupposition of existence. But usually when a lawlike generalisation is made in the past or future tense, it is because individuals are being generalised about, as in (1.37) or Moravcsik’s example: (1.47) All furniture brought into Kuwait will be subjected to intense heat.14 We can think about the presuppositions in time by considering the following diagram: F (?) T T T F no cats exist yet cats come to exist short period when all the cats which exist have three legs cats become extinct Figure 1.1: Change in truth value of ‘Cats have four legs’ over time (left to right) When there have never been any cats, the generalisation makes no sense, and is therefore false, or meaningless. Once cats come into existence (given they are quadrupeds) the generali- sation is true. This continues despite short periods when all the cats fail to satisfy it, and even periods when there might be no cats actually existing. Imagine that all the cats are dying out but that some fertilised eggs from a female are frozen and stored by scientists. At some time, after all the cats have died, they manage to implant the eggs into a carrier mother who subse- quently gives birth to kittens. These kittens survive and breed and cats come to be common again. Throughout this time, it is plausible that the generic would be true. However, should cats actually become extinct, permanently, then gradually the generic will become false. People will continue to think of it as true for a while, but eventually will instead hold the truth of “cats had four legs”. We do not say that dinosaurs eat kelp, but that dinosaurs ate kelp. Finally, a word about generalisations about non-existent entities. Generalisations about unicorns, round squares and so on, clearly fall into the idealised generalisation class. The only way to discuss such things is via a specification of the class, exactly analogous to the rule/convention examples. Having claimed this, the following example might seem to be a counterexample: (1.48) In the fourteenth century, unicorns wore gold chains. There are two approaches to this. One is to say that ‘unicorns’ here is merely denoting pictures of unicorns in books, manuscripts and so on, and this is a generalisation about representations of unicorns, rather than unicorns. The other is to say that since ‘unicorn’ is a concept derived culturally from literature, art and so on, this concept might change over time, and quite possibly the communal concept of unicorns in the fourteenth century is noticeably different from the one we have now. Perhaps these two approaches come down to the same thing. In any case, (1.48) is an example of a past tense idealised generalisation, exactly as (1.46) is.

### 1AC – Contention

#### [1] Right to Strike defends liberty for workers to both set and pursue their own ends and resist coercion from others, Gourevitch ’18:

Gourevitch, Alex. “A Radical Defense of the Right to Strike.” *Jacobin* 2018. https://jacobinmag.com/2018/07/right-to-strike-freedom-civil-liberties-oppression

Workers have an interest in resisting the oppression of class society by using their collective power to reduce, or even overcome, that oppression. Their interest is a liberty interest in a double sense. First, resistance to that class-based oppression carries with it, at least implicitly, a demand for freedoms not yet enjoyed. A higher wage expands workers’ freedom of choice. Expanded labor rights increase workers’ collective freedom to influence the terms of employment. Whatever the concrete set of issues, workers’ strike demands are always also a demand for control over portions of one’s life that they do not yet enjoy. Second, strikes don’t just aim at winning more freedom — they are themselves expressions of freedom. When workers walk out, they’re using their own individual and collective agency to win the liberties they deserve. The same capacity for self-determination that workers invoke to demand more freedom is the capacity they exercise when winning their demands. Freedom, not industrial stability or simply higher living standards, is the name of their desire. Put differently, the right to strike has both an intrinsic and instrumental relation to freedom. It has intrinsic value as an (at least implicit) demand for self-emancipation. And it has instrumental value insofar as the strike is an effective means for resisting the oppressiveness of a class society and achieving new freedoms. But if all this is correct, and the right to strike is something that we should defend, then it also has to be *meaningful*. The right loses its connection to workers’ freedom if they have little chance of exercising it effectively. Otherwise they’re simply engaging in a symbolic act of defiance — laudable, perhaps, but not a tangible means of fighting oppression. The right to strike must therefore cover at least some of the coercive tactics that make strikes potent, like sit-downs and mass pickets. It is therefore often perfectly justified for strikers to exercise their right to strike by using these tactics, even when these tactics are illegal. Still, the question remains: why should the right to strike be given moral priority over other basic liberties? The reason is not just that liberal capitalism produces economic oppression but that the economic oppression that workers face is in part created and sustained by the very economic and civil liberties that liberal capitalism cherishes. Workers find themselves oppressed *because* of the way property rights, freedom of contract, corporate authority, and tax and labor law operate. Deeming these liberties inviolable doesn’t foster less oppressive, exploitative outcomes, as its defenders insist — quite the opposite. The right to strike has a stronger claim to be protecting a zone of activity that serves the aims of justice itself — coercing people into relations of less oppressive social cooperation. Simply put, to argue for the right to strike is to prioritize democratic freedoms over property rights.

#### 2] The omnilateral will necessitates the recognition of the right to strike

#### A] An agent can constitutively set and pursue ends which means that recognition of those rights are key to protect agency – anything else would mean that strikes are impermissible which would be coercive.

#### B] Right to strike is key to prevent coercion – employer disputes justify state intervention to arbitrate and decide who is correct.

### 1AC – Underview

#### Climate Strikes are illegal and threaten the employment and wages of strikers – legal recognition solves

Chilton 19 [Sarah Chilton; an employment, discrimination and partnership lawyer qualified in England and Wales, Scotland and Ireland, and a partner at CM Murray LLP in London; 9/16/19; "Climate Strike: The End Of Your Employment?"; Forbes; https://www.forbes.com/sites/sarahchilton/2019/09/16/extinction-rebellion-the-end-of-your-employment/?sh=ef8e0eb3ad82; 10-21-2021] //Miller

This is not a strike in response to a particular workplace issue, making it quite different to the strikes we are used to seeing. Over the years we have seen strikes by train drivers, junior doctors and pilots, usually in relation to pay, conditions and health and safety. This strike would be quite different. It is not a protest against the conditions imposed by a particular employer, but a strike about an issue much bigger than any one employer or industry. Is there a right to strike in the U.K.? Strikes are almost always unlawful as they involve employees breaching their employment contracts, by withdrawing their work from the employer. The law in the U.K. provides that, as long as certain strict conditions are met, employees will not be dismissed, and the trade union organizing the strikes would not be sued for inducement to breach the employee contracts (which action could otherwise be taken if the strike was not in compliance with the legal requirements). Strikes complying with these conditions are typically called “lawful strikes.” Before the trade union can organize a “lawful strike” it needs to ballot the members in compliance with strict rules, and needs a majority to vote in favor of the industrial action. If it does not comply with these requirements the strike will be unlawful, meaning that the employer can take legal action against the union, either to seek an injunction from the courts to prevent the strike, or to seek financial damages. The individual employees participating in an unlawful strike could be dismissed for breaching their employment contracts . Any employee participating in a strike, even a lawful one, is not entitled to be paid for the time they are on strike and therefore withholding their labor from the employer. Longer strikes can therefore have a significant impact on an employee’s earnings in the relevant period. What are the consequences of an “unlawful strike”? The Climate Change Strike is not organized by a union, there has been no ballot or compliance with any requirements. Employees who choose to strike and not turn up to work on September 20 or 27 will most likely breach their employment contracts and will not be entitled to pay for the time on strike and, perhaps more importantly, they may be dismissed by their employers. It doesn’t matter the reason, not turning up to work in this way is an unauthorized absence and can be treated by an employer in the same way as an employee not turning up to work for any other reason without permission, including, for example, faking a sick day. So, for those keen to make their voices heard, is there a way for employees to participate without running the risk of dismissal? An employee could take part in the strike by seeking an authorized absence from the employer, i.e. taking it as holiday or as agreed unpaid leave. The practical issue for employees in this situation will be that, if many of their colleagues also want to participate in a strike, and also seek approval for the time off, the employer will have a difficult decision to make and may only sanction some employee requests, to ensure adequate staffing cover. An employee does not have a right to take a particular day as holiday, and there is no general right to unpaid leave. Some employees may also have used up all their holiday entitlement for the year, especially those who have a holiday year running to end December, and at a time when the summer holidays have just come to an end. What can employers do if they want to support the Global Climate Strike? Many employers will be supportive of raising awareness of the serious issue of climate change. Environmental policy is increasingly moving up the agenda for businesses. Intelligent Hand Dryers, a company based in Sheffield, England, announced recently that employees may receive disciplinary warnings and could ultimately be dismissed if they use disposable coffee cups with plastic linings, plastic water bottles and sandwich packets with plastic windows at work. If employers want to support the Global Climate Strike, they could organize an agreed walkout, to allow employees to participate in protests or other activities at a particular time, or they could organize an event with employees, which involves doing something to help the environment or raise awareness of the issues. An employer could also review or implement a new workplace environmental strategy which seeks to put in place some measures within the workplace to reduce the impact of the business' and employees’ behavior on the environment. If employers are implementing or changing policies, they must do so in accordance with the law which may in some cases require consultation with employees about any changes before they can be implemented. It will be a risk for employees to strike on September 20 or 27 without permission from their employers, but, if an employer is facing such a strike, working with employees in advance, to take action over climate change as opposed to threatening disciplinary action, may, in the longer term, be more beneficial both for the environment and wider staff morale.

#### Internal Action by workers solves emissions, green tech, lobbyists, and the largest causes of climate change

Sax 20 [Sarah Sax; A journalist based in Brooklyn, NY, who reports on climate change and environmental justice; 4-23-2020; "Employees Are Fighting For A New Cause At Work: The Climate"; HuffPost; https://www.huffpost.com/entry/employee-activism-climate-change\_n\_5ea04b1ac5b6a486d082480d; 10-26-2021] //Miller

At the end of February, thousands of cleaning workers in Minneapolis marched in what's believed to have been the first union-authorized climate strike in the United States. The protesters, many of them immigrants and people of color who have seen their communities harmed by everything from air pollution to drought, wanted their employers to take action on climate change. Employed by more than a dozen subcontractors, these workers clean corporate buildings that are home to major companies like Wells Fargo and United Health Group. Their demands ranged from a guarantee of more environmentally friendly cleaning products to funding for a "green technician janitorial training program," which could help them push for more substantial changes during their day-to-day operations rather than wait for top-down measures. Employee activists like those in Minneapolis are on the rise. And unlike the traditional union focus on better pay, benefits and working conditions, they're pushing for something even bigger ― for companies to align with their values when it comes to one of the world's biggest issues. Namely, climate change. As public concern about global warming has risen, companies had already come under pressure from investors, shareholders and consumers to adopt more ambitious climate-related targets for their operations and products. But now that pressure is also coming from within. A recent survey of 375 global executives found that 4 out of 5 companies expect an "unprecedented rise in workplace activism" over the next three to five years ― with sustainability and climate change an increasing concern. While strikes and walkouts may still be the most high-profile forms of employee protest, workers are also taking their efforts online and connecting with those in other departments to amplify their voices. In November, thousands of Google employees signed a letter circulated online demanding that the company take more aggressive action on climate change. Physical protests with signs and chanting workers are obviously not wise during the COVID-19 crisis ― and more immediate concerns like health and job security are likely taking priority ― but employees' climate demands have not disappeared. "I don't think [the coronavirus pandemic] will halt employee activism. Not being prepared for a major crisis like COVID-19 has demonstrated how ill-prepared we will be for extreme weather events due to climate change," said David Levine, co-founder and president of the American Sustainable Business Council. Climate activists and advocacy organizations hope this new wave of activism from inside companies, driven largely by millennials, could be the key to getting businesses to do more than just "green" their operations. It could force companies to support ― rather than oppose ― serious government action on climate change or else risk losing valuable employees. "We need companies to be really ambitious in what they're doing in their operations. And we need employees to push them to be more ambitious in that work," said Bill Weihl, a former Facebook and Google sustainability executive who now runs the nonprofit advocacy group ClimateVoice, which pushes companies to go "all in" on climate change issues. "But the thing that we really need them to step up and do," Weihl said, "is add their voice on the side of science-based climate policy everywhere." Corporations Speaking Out Advocates like Levine and Weihl argue that in the absence of U.S. leadership on the federal level, companies need to step to the front on climate change. In 2015, nations agreed to limit temperature rise this century to below 2 degrees Celsius (3.6 degrees Fahrenheit) under the Paris climate accord. Since then, the number of Fortune 500 companies pledging to reduce their carbon emissions has quadrupled, according to a 2019 report from the consultancy firm Natural Capital Partners ― with employee demands identified as a key driver behind much of this corporate action. Microsoft and Google parent company Alphabet, for instance, recently made climate pledges in part prompted by employees demanding more action. But according to Weihl, the **companies leading on climate** tend to **focus on** their **own operations**, while remaining almost entirely **silent on** the bigger public **policy changes that are needed**. There is a political risk in speaking out. **Without** public **policy changes**, however, "**we are not going to decarbonize** anywhere near fast enough," he said. And if other companies don't get involved, Weihl added, "that means the energy companies that are pushing in the wrong direction will continue to dominate the discussion." Over the next decade ― the timeframe that the U.N. Intergovernmental Panel on Climate Change says is crucial for avoiding catastrophic global warming ― corporate action will need to focus not only on operational measures like installing more solar panels but also on pushing for smart, science-based climate policy. Fred Kruger, president of the nonprofit Environmental Defense Fund, implored CEOs in an open letter last year to "unleash the most powerful tool they have to fight climate change: their political influence." Employee activism is critical to driving this shift, Weihl said. He contrasts it with consumer activism. "If a company has 10 million customers, you have to move a lot of people before the company really notices and cares," he said. But most companies have far fewer employees than that ― which means smaller numbers of workers speaking up can have a big impact. Throw in the need for companies to recruit and retain employees, and workers' voices become that much more powerful. Engaging With Employees Perhaps no company's employee activism has been more in the spotlight recently than Amazon's. Last September, along with several other corporations, Amazon made its "climate pledge," committing to net zero carbon by 2040 and 100% renewable energy by 2030, ahead of a massive planned employee walkout. Then in February, the online giant announced a $10 billion fund to fight climate change. While broadly supportive of CEO Jeff Bezos' pledge and the climate fund, employees continue to push Amazon to embrace climate action across its entire business, protesting its role in providing oil companies with the technology to find drillable oil faster and in funding climate change denial groups. The relationship between Amazon and its employees remains contentious, as criticism rises over its response to both climate change and working conditions during the pandemic. In April, the company reportedly fired two employees who had been outspoken about climate change. During a virtual webcast organized by Amazon Employees for Climate Justice on April 16 ― which the company reportedly tried to thwart ― the two urged their former co-workers to stage a virtual walkout to protest their firings and the treatment of warehouse workers amid the COVID-19 crisis. Some companies have been proactive in accommodating their employees ― such as Patagonia and Ben & Jerry's, which closed their shops for the Global Climate Strike last September ― but Amazon has done the opposite. It recently introduced a policy barring employees from publicly criticizing the company without prior approval. When asked about the rise in employee activism and the firing of the two workers, an Amazon spokesperson told HuffPost that "we support every employee's right to criticize their employer's working conditions, but that does not come with blanket immunity against any and all internal policies. "The price of ignoring or dismissing employee activism could be huge. According to a survey by law firm Herbert Smith Freehills, employee activism could cost organizations up to 25% of their global revenue each year due to the disruptive nature of strikes and reputational damage leading to lost business. "Today the purpose of a company has to align with climate change and employees are calling really strongly for that," said Farid Baddache, the CEO and co-founder of the sustainability consulting and impact investing firm Ksapa. The Future Workforce Figuring out how to navigate a world in which employees expect businesses to operate with a purpose beyond the bottom line may not be easy for companies, but it is critical because this new wave of activism is connected to the shifting demographics of the workforce. Millennials now make up over a third of the U.S. workforce, constituting the largest share of any generation. They are more likely than older generations to be employee activists, according to one survey by Weber Shandwick. And according to LinkedIn's 2018 Workplace Report, 86% of millennials would consider taking a pay cut to work for companies whose values aligned with their own. For Jake Elliott, 34, who specifically chose to work for Vermont solar power company SunCommon because the firm shared his values, climate change is "the number one most important thing." "When you look at global carbon emissions, the majority of carbon emissions are coming from businesses, so it is an obligation and requirement of business to address the climate crisis," he told HuffPost. Younger generations "don't want to commit to work for a company that is contributing to climate change," said Baddache, "or if they believe that the company is part of the problem rather than the solution." Corporate America is increasingly aware of this. "The talent Adobe wishes to recruit and retain expects us to set meaningful climate goals and work to meet them," Vince Digneo, sustainability strategist at Adobe has said previously. "Our employees want to see us take good action but not just among a flurry of other companies doing the same thing ― it has to have a meaningful impact." This sentiment is true not just among current employees but also future ones. A group of law students at Yale and Harvard, for example, are boycotting internships with Paul, Weiss, Rifkind, Wharton & Garrison because it represents Exxon Mobil. They're accusing the law firm of enabling the destructive impact of the world's largest oil company in the climate crisis. "Companies need to hire people and they need to retain people," Weihl said. This will all become more difficult "if they are on the wrong side of an issue that many of their employees see as an existential threat to their future."

#### 1] 1AR theory is legit – anything else means infinite abuse

#### – drop the debater – 1AR is too short to make up for the time trade-off

#### – no RVIs – 6 min 2NR means they can brute force me every time

#### – competing interps – reasonability narrows the theory debate to one issue of brightline, making it easy for the Neg to collapse to the issue in the long 2NR

#### 2] Ideal Theory Best- A] Sequencing- We need an ideal world to envision in order for us to work and move towards so only ideal theory can guide action B] Is-ought gap- we cannot create prescriptive statements based of non-ideal descriptive claims of the world i.e. saying the sky is blue does not translate to the sky ought to be blue C] Commonality- Movements have to have a common goal to move towards, anything else fractures valuable alliances since everyone only cares about their particular condition.