## AC – Framing

#### Ethics must begin a priori:

#### [A] Naturalistic fallacy—experience only tells us what is since we can only perceive what is, not what ought to be. But it’s impossible to derive an ought from descriptive premises, so there needs to be additional a priori premises to make a moral theory.

#### [B] Empirical uncertainty—evil demon could deceive us, dreaming, simulation, and inability to know others’ experience makes empiricism an unreliable basis for universal ethics. Outweighs since it would be escapable since people could say they don’t experience the same.

#### [C] Action Theory—only evaluating action through reason solves since reason is key to evaluate intent, otherwise we could infinitely divide actions. For example: If I was brewing tea, I could break up that one big action into multiple small actions. Only our intention to brew tea unifies these actions. If we were never able to unify action, we could never classify certain actions as moral or immoral since those actions would be infinitely divisible.

#### [D] Constitutive Authority—practical reason is the only unescapable authority because to ask for why we should be reasoners concedes its authority since it uses reason – anything else is nonbinding and arbitrary.

#### Next, the relevant feature of reason is universality—any non-universalizable norm justifies someone’s ability to impede on your ends i.e. if I want to eat ice cream, I must recognize that others may affect my pursuit of that end and demand the value of my end be recognized by others which also means universalizability acts as a side constraint on all other frameworks. It’s impossible to will a violation of freedom since deciding to do so would will incompatible ends since it logically entails willing a violation of your own freedom.

#### Thus, the standard is consistency with the categorical imperative. Prefer:

#### [A] Practical identities—we find our lives worth living under practical identities as a student but that presupposes agency. This highjacks the roles of the ballots since the judge is one such practical identity, and other frameworks implies first valuing ourselves to value other normative judgements.

#### [B] Ethical frameworks must be theoretically legitimate. All frameworks are functionally topicality interpretations of the word ought so they must be theoretically justified: prefer on resource disparities—a focus on evidence and statistics privileges debaters with the most preround prep which excludes small schools who lack huge evidence files. A debate under my framework can be easily won without impossible amounts of prep since only analytical arguments are required. That controls the internal link to other voters because a pre-req to debating is access to the activity itself.

#### [C] 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.

#### [D] Consequentialism fails:

#### [1] moral culpability: double bind, either [1] we can never evaluate the ethicality of an action until after we observe the effects of the action, making consequentialism not action guiding or [2] people can claim they acted justly based on a subjective prediction even if they committed a blatantly immoral act. outweighs–ethics cannot function absent a system that holds people accountable.

#### [2] Every action has infinite stemming consequences, because every consequence can cause another consequence.

#### [3] Consequences are empirically impossible to predict.

#### Menand 05, Louis Menand (the Anne T. and Robert M. Bass Professor of English at Harvard University) “Everybody’s An Expert” The New Yorker 2005 <http://www.newyorker.com/magazine/2005/12/05/everybodys-an-expert//> FSU SS “Expert Political Judgment” is not a work of media criticism. Tetlock is a psychologist—he teaches at Berkeley—and his conclusions are based on a long-term study that he began twenty years ago. He picked two hundred and eighty-four people who made their living “commenting or offering advice on political and economic trends,” and he started asking them to assess the probability that various things would or would not come to pass, both in the areas of the world in which they specialized and in areas about which they were not expert. Would there be a nonviolent end to apartheid in South Africa? Would Gorbachev be ousted in a coup? Would the United States go to war in the Persian Gulf? Would Canada disintegrate? (Many experts believed that it would, on the ground that Quebec would succeed in seceding.) And so on. By the end of the study, in 2003, the experts had made 82,361 forecasts. Tetlock also asked questions designed to determine how they reached their judgments, how they reacted when their predictions proved to be wrong, how they evaluated new information that did not support their views, and how they assessed the probability that rival theories and predictions were accurate. Tetlock got a statistical handle on his task by putting most of the forecasting questions into a “three possible futures” form. The respondents were asked to rate the probability of three alternative outcomes: the persistence of the status quo, more of something (political freedom, [e.g.] economic growth), or less of something (repression, [e.g.] recession). And he measured his experts on two dimensions: how good they were at guessing probabilities (did all the things they said had an x per cent chance of happening happen x per cent of the time?), and how accurate they were at predicting specific outcomes. The results were unimpressive. On the first scale, the experts performed worse than they would have if they had simply assigned an equal probability to all three outcomes—if they had given each possible future a thirty-three-per-cent chance of occurring. Human beings who spend their lives studying the state of the world, in other words, are poorer forecasters than dart-throwing monkeys, who would have distributed their picks evenly over the three choices.

#### [4] Probability doesn’t solve

#### [A] because probability is improvable, as it relies on inductive knowledge, but induction from past events can’t lead to deduction of future events and

#### [B] probability assumes causation, we can’t assume every act was actually the cause of tangible outcomes

#### [5] Every action is infinitely divisible, only intents unify action because we intend the end point of an action—but consequences cannot determine what step of action is moral or not.

#### [6] There’s no objective arbiter to evaluate consequences.

#### [E] Answering my framework concedes it.

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]

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 [their] 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.

#### [F] Oppression is caused by arbitrary exclusion of others – only universalizability makes sure that everyone is equally included.

**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. … 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**.

## Advocacy

#### I defend the resolution: a just government ought to recognize an unconditional right of workers to strike.

#### [1] Capitalists are using workers as a commodity and use coercive tactics to limit their freedom.

**Gourevitch 18** Alex Gourevitch, July 2018, “A Radical Defense of the Right to Strike,” (Alex Gourevitch is an associate professor of political science at Brown University and the author of From Slavery To the Cooperative Commonwealth: Labor and Republican Liberty in the Nineteenth Century.) https://jacobinmag.com/2018/07/right-to-strike-freedom-civil-liberties-oppression

C[lass-based oppression](https://www.jacobinmag.com/2016/03/working-class-capitalism-socialists-strike-power/) is inextricable from liberal capitalism. While meaningful variation exists across capitalist societies, one of the fundamental unifying facts is this: the majority of able-bodied people are forced to work for members of a relatively small group, who dominate control over productive assets and who, thereby, enjoy control over the activities and products of those workers. There are [workers](https://www.jacobinmag.com/2018/07/turning-to-the-working-class), and then there are owners and their managers. Workers are pushed into the labor market because they have no reasonable alternative to looking for a job. They cannot produce the goods they need for themselves, nor can they rely on the charity of others, nor can they count on adequate state benefits. Depending on how we measure income and wealth, about 60 to 80 percent of Americans [fall into this category](https://thenewpress.com/books/after-new-economy) for most of their adult lives. This structural compulsion is not symmetric. A significant minority of the population has enough wealth — whether inherited or accumulated or both — that they can avoid entering the labor market. They might happen to work, but they are not forced to do so. The oppression, then, stems not from the fact that some are forced to work. After all, if socially necessary work were shared equally, then it might be fair to force each to do their share. The oppression stems from the fact that the forcing is unequal —that only some are made to work for others, producing whatever employers pay them to produce. This structural inequality feeds into a second, interpersonal dimension of oppression. Workers are forced to join workplaces typically characterized by large swathes of uncontrolled managerial power and authority. This oppression is interpersonal because it is power that specific individuals (employers and their managers) have to get other specific individuals (employees) to do what they want. We can distinguish between three overlapping forms that this interpersonal, workplace oppression takes: subordination, delegation, and dependence. Subordination: Employers have what are sometimes called “[managerial prerogatives](https://books.google.com/books/about/Managerial_Prerogative_and_the_Question.html?id=NQLEBAAAQBAJ)” — legislative and judicial grants of authority to owners and their managers to make decisions about investment, hiring and firing, plant location, work process, and the like. Managers may change working speeds and assigned tasks, the hours of work, or, as Amazon currently does, force employees to spend up to an hour going through security lines after work [without paying them](https://www.oyez.org/cases/2014/13-433). They can fire workers for [Facebook comments](https://www.huffingtonpost.com/2011/10/17/facebook-firings_n_1003789.html), [their sexual orientation](https://www.sgvtribune.com/2011/10/08/fired-gay-water-polo-coach-and-supporters-protest-at-charter-oak-board-meeting/), [for being too sexually appealing](http://www.slate.com/blogs/xx_factor/2013/07/29/borgata_babes_lawsuit_new_legal_cases_assess_discrimination_based_on_sex.html), or for not being appealing enough. They can [give](https://www.penguinrandomhouse.com/books/71431/the-big-squeeze-by-steven-greenhouse/9781400096527/) workers more tasks than can be performed in the allotted time, lock employees in the workplace overnight, [require employees to labor](http://latimesblogs.latimes.com/money_co/2011/09/amazon-warehouse-employees-overheated-ahead-of-holiday-season.html) in extreme heat and [other physically hazardous conditions](https://www.nytimes.com/2013/03/31/us/osha-emphasizes-safety-health-risks-fester.html), or [punitively isolate](https://www.dissentmagazine.org/article/caring-on-stolen-time-a-nursing-home-diary) workers from other coworkers. They can [pressure](https://www.jacobinmag.com/2018/03/labor-law-corporations-workers-political-influence) employees to take unwanted political action, or, in the case of nurses, force employees to [work for twenty-two different doctors](https://socialistworker.org/2018/07/03/nurses-are-set-to-strike-uvm). What unifies these seemingly disparate examples is that, in all cases, managers [are exercising](https://www.jacobinmag.com/2017/06/private-government-interview-elizabeth-anderson) legally permitted prerogatives. The law does not require that workers have any formal say in how those powers are exercised. In fact, in nearly every liberal capitalist country (including social democracies like Sweden), employees are defined, in law, as “subordinates.” This is subordination in the strict sense: workers are subject to the will of the employer. Delegation: There are additional discretionary legal powers that managers enjoy not by legal statute or precedent but because workers have delegated these powers in the contract. For instance, workers might sign a contract [that allows managers to require employees](https://www.aclu.org/issues/criminal-law-reform/drug-testing?redirect=workplace-drug-testing) to submit to random drug testing or unannounced searches. In the United States, 18 percent of current employees and 37 percent of workers in their lifetime [work under noncompete agreements](http://equitablegrowth.org/why-its-time-to-rethink-non-compete-agreements/). These clauses give managers the legal power to forbid employees from working for competitors, in some cases reducing these workers to near indentured service. The [contract](https://www.jacobinmag.com/2016/04/verizon-wireless-strike-bernie-sanders-cwa/) that the Communications Workers of America had with Verizon until 2015 included a right for managers to force employers to perform from ten to fifteen hours of overtime per week and to take some other day instead of Saturday as an off-day. While workers have granted these prerogatives to employers voluntarily, in many cases it’s only technically voluntary because of the compulsion to work. This is especially true if workers can only find jobs in sectors where these kinds of contracts proliferate. Which leads to the third face of oppression: the *distributive effects*of class inequality. The normal workings of liberal capitalism elevate a relatively small group of owners and highly paid managers to the pinnacle of society, where they accumulate most of the wealth and income. Meanwhile, most workers do not earn enough to both meet their needs and to save such that they can employ themselves or start their own businesses. The few that do rise displace others or take the structurally limited number of opportunities available. The rest remain workers. *Dependence*: Finally, managers might have the material power to force employees to submit to commands or even to accept violations of their rights because of the worker’s dependence on the employer. A [headline example](https://jacobinmag.com/2018/06/heres-how-much-money-americas-biggest-corporations-have-stolen-from-their-own-workers) is [wage theft](https://www.epi.org/blog/wage-theft-by-employers-is-costing-u-s-workers-billions-of-dollars-a-year/), which affects [American workers](https://www.nelp.org/wp-content/uploads/2015/03/WinningWageJusticeSummaryofResearchonWageTheft.pdf) to the tune of $8 to $14 billion per year. Employers [regularly break](http://www.jwj.org/free-and-fair-how-labor-law-fails-u-s-democratic-election-standards) labor law, by disciplining, threatening, or firing workers who wish to organize, strike, or otherwise exercise supposedly protected labor rights. In other cases, workers have been [refused bathroom breaks](https://www.oxfamamerica.org/livesontheline/) and resorted to wearing diapers, [denied legally required lunch breaks](https://www.sfgate.com/business/article/Employers-must-pay-if-they-deny-lunch-breaks-2474407.php) or [pressured to work through them](https://www.huffingtonpost.com/2012/08/14/indiana-att-technicians-class-action-lawsuit-lunch-breaks_n_1777166.html), [forced to keep working](https://www.nytimes.com/2012/07/08/business/media/ads-for-mcdonalds-and-las-vegas-aimed-at-harried-workers.html) after their shift, or denied the right to read or turn on air conditioning during break. In [particularly egregious examples](https://www.buzzfeed.com/jessicagarrison/the-new-american-slavery-invited-to-the-us-foreign-workers-f#.nmJN7Yg27), employers have forced their workers to stay home rather than go out on weekends or to switch churches and alter religious practices on pain of being fired and deported. There are also the many cases of systematic [sexual harassment](https://www.jacobinmag.com/2018/03/metoo-workplace-discrimination-sexual-harassment-feminism), in those wide regions of the economy where something more than a public shaming is needed to control bosses. In all these instances, employers are not exercising legal powers to command. Instead they are taking advantage of the material power that comes with threatening to fire or otherwise discipline workers. This material power to get workers to do things that employers want is in part a function of the class structure of society, both in the broad sense of workers being unequally dependent on owners, and in the narrower sense of workers being legally subordinate to employers. The oppression lies not just in the existence of these powers, nor in some capitalist bad apples, but in how these powers are typically used. Managers tend to use these powers “rationally,” to exploit workers and extract profits. Each of these different faces of oppression — structural, interpersonal, and distributive — is a distinct injustice. Together they form the interrelated and mutually reinforcing elements of class domination that are typical of capitalist societies. Defenders of liberal capitalism insist that it provides the fairest way of distributing work and the rewards of social production. They often speak in the idiom of freedom. Yet liberal capitalism fundamentally constrains workers’ liberty, generating the exploitation of one class by another. It is this oppression that explains why workers have a right to strike and why that right is best understood as a right to resist 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] Autonomy first – refusal to recognize strikes means workers are coerced into working in terrible conditions

**Chima 13** Sylvester C Chima, 12-19-2013, "Global medicine: Is it ethical or morally justifiable for doctors and other healthcare workers to go on strike?," BMC Medical Ethics, <https://bmcmedethics.biomedcentral.com/articles/10.1186/1472-6939-14-S1-S5> [Apart from being a qualified Pathologist, in 2006 Professor Chima received a Master of Laws in Medical Law from Northumbria University, Newcastle-upon-Tyne in England. Professor Chima has worked around the globe in various prominent institutions such Yale-New Haven Hospital in Connecticut, the National Institute of Health in Bethesda, Maryland and Mount Sinai Medical Center in New York, USA. Prior to joining UKZN, he was Professor of Pathology and Medical Law at the International American Medical University in St Lucia, West Indies. Professor Chima is also featured on the “Who’s Who in the 21st Century” list 2007 and has published papers in International journals such as BMJ, Journal of General Virology, Human Biology, BMC Medical Ethics, and is an author/co-author of two books on Medical Law and Ethics. Currently, Professor Chima is Associate Professor and Head, Programme of Bio & Research Ethics and Medical Law, School of Public Health, Nelson R Mandela School of Medicine, University of KwaZulu-Natal, Durban, South Africa]

Philosophical and moral arguments for and against strikes 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]. 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]. 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]. 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]. 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, 64]. 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, 10, 12, 51]. 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]:

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.

One can argue based on utilitarian principles that the short term suffering induced by doctor and HCW strikes can be mitigated by the long-term benefits such as improvement of healthcare services for the greatest number of people over time [2]. Even if the immediate gains are improved wages and conditions of employment for HCWs alone, in the long-term these will translate into better healthcare service delivery to the local community and society-at-large. Similarly a rights based approach to the issue of strikes, would suggest that even though the goal of bringing about the better healthcare for individual patients or the public at large is a major ethical duty. There is an equally compelling moral duty to protect and enhance individual rights. Protection of individual rights in employment helps to ensure that no group of citizens, are unfairly discriminated against in the quest for equal rights for all in a democratic society.

#### [3] An unconditional right to strike allows workers to speak out in defense of their own freedom and interests.

**Lim 19** Woojin Lim, December 11 2019, “The Right to Strike,” https://www.thecrimson.com/article/2019/12/11/lim-right-to-strike/

On April 9, 1969, roughly 500 student activists [took over](https://news.harvard.edu/gazette/story/2019/04/event-commemorating-1969-harvard-strike-to-include-current-student-activists/) University Hall to protest Harvard’s role in the Vietnam War. City and state police armed with riot gear, clubs, and mace were [called](https://www.thecrimson.com/article/1994/4/22/police-raided-university-hall-pithe-following/) to remove all protesters who had vowed nonviolent resistance. In the early morning hours of April 10, over 400 police officers [stormed](https://www.thecrimson.com/article/2019/5/27/university-hall-1969/) University Hall, between 250 and 300 arrests were made, and 75 students were injured. In response, by April 11, thousands of Harvard students, teaching fellows, and faculty had gathered in Harvard Stadium to strike. Fifty years later, the Harvard Graduate Students Union-United Automobile Workers [declared](https://www.thecrimson.com/article/2019/12/3/grad-union-strikes/) a strike, fighting [for](https://www.thecrimson.com/article/2019/11/21/grad-student-strike-proposals/) increased compensation, health benefits, and neutral third-party arbitration for sexual harassment and discrimination. On December 3, over 500 demonstrators, wearing on their shoulders large blue-and-white “UAW on Strike” placards, [marched](https://news.harvard.edu/gazette/story/2019/12/unionized-harvard-students-go-on-strike/) routes throughout the Yard. In the strike of 1969, strikers fought for social justice; in the HGSU-UAW strike of 2019, strikers press on the fight for fair wages and working conditions. The right to strike is a [right](https://jacobinmag.com/2018/07/right-to-strike-freedom-civil-liberties-oppression) to resist oppression. The strike (and the credible threat of a strike) is an indispensable part of the collective bargaining procedure. Collective bargaining (or “agreement-making”) provides workers and employees with the opportunity to influence the establishment of workplace rules that govern a large portion of their lives. The concerted withdrawal of labor allows workers to promote and defend their unprotected economic and social interests from employers’ unilateral decisions, and provide employers with pressure and incentives to make reasonable concessions. Functionally, strikes provide workers with the bargaining power to drive fair and meaningful negotiations, offsetting the inherent inequalities of bargaining power in the employer-employee relationship. The right to strike is essential in preserving and winning rights. Any curtailment of this right involves the risk of weakening the very basis of collective bargaining. Strikes are not only a means of demanding and achieving an adequate provision of basic liberties but also are themselves intrinsic, self-determined expressions of freedom and human rights. The exercise of the power to strike affirms a quintessential corpus of values akin to liberal democracies, notably those of dignity, liberty, and autonomy. In acts of collective defiance, strikers assert their freedoms of speech, association, and assembly. Acts of striking, marching, and picketing command the attention of the media and prompt public forums of discussion and dialogue. The question of civic obligations, however, remains at stake. Perhaps those disgruntled with the strike might claim on a whiff that the strike impedes upon their own freedom of movement, educational rights, privacy, and so forth. Do strikers, in virtue of expressing their own freedoms, shirk valid civic norms of reciprocity they owe to members of the community, for instance, to students? No. The right to strike stems from the premise of an unjust flaw in the social order, that is, the recognition that the benefits from shouldering the burdens of social cooperation are not fairly distributed. Strikes and protests publicize this recognition and demand reform. No doubt, work stoppages from teaching fellows, course assistants, and graduate research assistants — no sections, no office hours, no labs, no grades — may pose [inconvenience](https://www.thecrimson.com/article/2019/11/26/barham-quesada-protest/) and perhaps hardship in our present lives. Strikes may also impose a serious financial [cost](https://harvardmagazine.com/2019/11/a-harvard-graduate-student-union-strike) on both the employer and the employees. These costs and inconveniences, however, should not be ridiculed as outrageous, for they rightfully [invite](https://jacobinmag.com/2018/07/right-to-strike-freedom-civil-liberties-oppression) disruption.

#### [4] Preventing a worker from striking is immoral because it is preventing them from pursuing their own ends—they cannot carry out an action which they reasonably desire to perform.

## Underview

#### 1] Presumption affirms because of the time skew—the neg gets seven minutes to respond to the 1AC and 6 to respond to the 1AR—this is a structural skew which outweighs because it controls access to the ballot.

#### 2] Aff gets 1AR theory and RVIs—otherwise the neg can be infinitely abusive and there is no way for me to check it. 1AR theory is drop the debater, competing interps, and the highest voter in the round because it is impossible to rectify abuse while also covering substance in the short AR.