# 1NC

**I negate the resolution resolved: A Just Government ought to recognize the unconditional right of workers to strike**

**v. morality, because ought requires a moral obligation**

1. **Our fundamental identity as humans is as rational beings. All other human features and decisions are based on this because rationality is constitutive to humans. Mitchell-Yellin 2012**

The central idea of **Korsgaard’s view is that you impose reasons and obligations on yourself by valuing yourself under certain descriptions. Each particular descriptionn**\ under which you value yourself **is a** particular practical **identity** of yours—teacher, parent, citizen—and imposes a consistency constraint on candidate motivations for actions. You have reason to act on those motivations consistent with one of your practical identities and are obligated not to act on those motivations inconsistent with any of your practical identities. But **the fact that you have any practical identities** at all **means that you** value yourself under the description of one who **needs reasons to act** and to live. That you have contingent practical identities entails that you have the necessary practical identity of a human being. Your human identity is explained in the same way as all other practical identities: you value yourself under a certain description. But is is special in two ways. First, **your human identity is** implicitly **affirmed in the adoption** and maintenance of all **of your** particular **practical identities.** **It** “stands behind” them. Your particular identities are normative only given that it is normative. The normativity of any particular practical identities is parasitic on the normativity of your human identity. And your human identity requires that you have some particular practical identity or other. Without these particular identities you would not have reasons to do particular things. Your human identity **is necessary**, in other words, **because you** do **act for reasons,** and this presupposes that you value the need to do so. Second, your human identity is the source of all of your specifically moral reasons and obligations. Your human identity gives you reason to value others’ humanity, and it obligates you not to flout the value of others’ humanity.

This introduces a distinction between moral and non-moral reasons and obligations. One has a moral reason to act on those motivations consistent with one’s human identity and a moral obligation not to act on those motivations inconsistent with one’s human identity. One has a non-moral reason to act on those motivations consistent with one of one’s particular practical identities and a non-moral obligation not to act on those motivations inconsistent with one of one’s particular practical identities. This makes room for conflict between obligations. For example, a non-moral obligation may conflict with a moral obligation when it would be both inconsistent with one’s human identity to act on a given desire and inconsistent with some particular practical identity not to. The resolution of such conflicts is dictated by the structure of Korsgaard’s view. From the two special characteristics of your human identity, it follows that **morality is** both **rationally** **inescapable** **and** **overriding**. Morality is **rationally inescapable** **because** **your human identity**, the practical identity that underwrites moral reasons and moral obligations, is necessary. It **is not one that can be shed**. **Morality is** **overriding** because, in a case of conflict, the conflict must be resolved by shedding the source of one or the other conflicting reasons or obligations. But **since the source of your** **moral** **reasons cannot be shed**, it will always be the case that a conflict between a moral reason or obligation and a non-moral reason or obligation will be resolved in favor of the moral reason or obligation. Morality always wins the day because the source of its normative force is a necessary feature of human agency.

1. **Freedom is an innate right. As rational beings, freedom to question authority and to ask for reasons is at the core of our being. This right is central to Kantian theory. Hodgson 2010**

How might one establish that we have a right to freedom in the stark sense intended by Kant? As I mentioned at the outset, Kant has surprisingly little to say on the issue; what he does say, however, points in a promising direction. Consider first Kant’s claim that the right to freedom is an innate right. As I said above, this denotes a right that human beings have “by nature, independently of any act that would establish a right.” What is it about our nature that gives rise to the right to freedom? The passage I quoted at the beginning of the previous section holds the answer: **the right to freedom belongs “to every human being by virtue of his humanity.”** In other words, bearing in mind Kant’s idiosyncratic use of the term “humanity,” **we have a right to freedom in virtue of our rational nature, understood specifically as our rational agency—**our capacity to set ends for ourselves according to reason.11 The question is how exactly this capacity can ground the right to freedom. Two related characteristics of rational nature play a crucial role in 9. For an argument that supplements Hart’s by showing just how absurd a political theory would be that had no place for rights, see Hillel Steiner, “The Natural Right to Equal Freedom,” Mind 83 (1974): 194–210. 10. The same holds for Steiner’s argument. 11. For Kant’s conception of humanity, see notably Doctrine of Right, 6:392, and Groundwork, 4:428–29 and 437. See also Christine M. Korsgaard, “Kant’s Formula of Humanity,” in Creating the Kingdom of Ends (Cambridge: Cambridge University Press, 1996), 106–32, esp. 110–14 and 124; and Allen W. Wood, Kant’s Ethical Thought (Cambridge: Cambridge University Press, 1999), 118–22. 796 Ethics July 2010 the argument. First**, rational beings engage in full-fledged actions that contrast with the** merely **instinctual behaviors of nonrational** Creatures. Second, **rational beings can demand and give justifications for these actions.** Together, these two facts mean that having a rational nature [requires] puts one in the business of exchanging justifications for actions. By contrast, nonrational beings can neither exchange justifications nor behave in ways that could be rationally justified.12 Now, I want to suggest that rational agency gives rise to the idea of a right to freedom through a particular—and particularly stringent—ideal of justifiability to others.13 The thought is as follows: if we ask when the use of force against me can be justified from my point of view qua rational agent,

#### Practical reason is the only unescapable authority because to question it is to concede its importance.

Velleman (James David, “Ethics professor. Let's cut to the chase, this guy is THE man for Ethics.” – someone on ratemyprofessor, “Self To Self”, Cambridge University Press, 2006, pg 18-19)

As we have seen, requirements that depend for their force on some external source of authority turn out to be escapable because the authority behind them can be questioned. We can ask, “Why should I act on this desire?” or “Why should I obey the U.S. Government?” or even “Why should I obey God?” And as we observed in the **case** of the desire to punch someone in the nose, this question demands a reason for acting. The authority we are questioning would be vindicated, in each case, by the production of a sufficient reason. What this observation suggests is that any purported source of practical authority depends on reasons for obeying it—and hence on the authority of reasons. Suppose, then, that we attempted to question the authority of reasons themselves, as we earlier questioned other authorities. Where we previously asked “Why should I act on my desire?” let us now ask “Why should I act for reasons?” Shouldn’t this question open up a route of escape from all requirements? As soon as we ask why we should act for reasons, however, we can hear something odd in our question. To ask “Why should I?” is to demand a reason; and so to ask “Why should I act for reasons?” is to demand a reason for acting for reasons. This demand implicitly concedes the very authority that it purports to question—namely, the authority of reasons. Why would we demand a reason if we didn’t envision acting for it? If we really didn’t feel required to act for reasons, then a reason for doing so certainly wouldn’t help. So there is something self-defeating about asking for a reason to act for reasons.

1. **The relevant feature of reason is universalizability – ethics has to be universalizable to matter at all, otherwise not everyone can follow the necessary maxims.**

**Thus, my value criterion is respecting individual rationality. Prefer this for the following reasons—**

#### First, rational beings set their own, and we must allow them the freedom to do so.

Wood 07 [Allen W. Wood, (Stanford University, California) "Kantian Ethics" Cambridge University Press, 2007, https://www.cambridge.org/core/books/kantian-ethics/769B8CD9FCC74DB6870189AE1645FAC8, DOA:8-12-2020 // WWBW]

Kant holds that **the most basic act through which people exercise their practical rationality is that of setting an end** (G 4:437). To set an end is, analytically, to subject yourself to the hypothetical imperative that you should take the necessary means to the end you have set (G 4:417). This is the claim that you rationally ought to do something whether or not you are at the moment inclined to do it. It represents the action of applying that means as good (G 4:414) – in the sense of “good” that Kant explicates as: what is required by reason independently of inclination (G 4:413). Kant correctly infers that **any being which sets itself ends is committed to regarding its end as good in this sense, and also to regarding the goodness of its end as what also makes application of the means good – that is, rationally required independently of any inclination to apply it.** The act of setting an end, therefore, must be taken as committing you to represent some other act (the act of applying the means) as good. In doing all this, however, **the rational being must also necessarily regard its own rational capacities as authoritative for what is good in general.** For it treats these capacities as capable of determining which ends are good, and at the same time as grounding the goodness of the means taken toward those good ends. But **to regard one’s capacities in this way is also to take a certain attitude toward oneself as the being that has and exercises those capacities.** It is to esteem oneself – and also to esteem the correct exercise of one’s rational capacities in determining what is good both as an end and as a means to it. One’s other capacities, such as those needed to perform the action that is good as a means, are also regarded as good as means. But **that capacity through which we can represent the very idea of something as good both as end and as means is not represented merely as the object of a contingent inclination, nor is it represented as good only as a means. It must be esteemed as unconditionally good, as an end in itself.** To find this value in oneself is not at all the same as thinking of oneself as a good person. Even those who misuse their rational capacities are committed to esteeming themselves as possessing rational nature. It also does not imply that a more intelligent person (in that sense, more “rational”) is “better” than a less intelligent one. The self-esteem involved in setting an end applies to any being capable of setting an end at all, irrespective of the cleverness or even the morality of the end setting. Kant’s argument supports the conclusion, to which he adheres with admirable consistency throughout his writings, that all rational beings, clever or stupid, even good or evil, have equal (absolute) worth as ends in themselves. For Kantian ethics **the rational nature in every person is an end in itself whether the person is morally good or bad.**

#### Second, taking action concedes the importance of freedom.

Gewirth 84 [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.

## Offense

#### Negate:

#### [1] Strikes fail to fulfill duty

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

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

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

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A further formula of the Categorical Imperative is "so, act as to treat humanity, whether in your own person or in that of any other context, never solely as a means to an end but always as an end within itself' (Parrott, 2006, p. 51). By this Kant meant people should be valued and respected as an individual and not used for the benefit of others. Participating in a labor-strike demonstration/action is **a direct violation of this** categorical perspective as it would not be ethically permissible because the severe dependence and well-being of clients, the effective functioning of the employer organization, and society **is used to duly and unduly influence the bargaining process for better working conditions**. In participating in the labor strike demonstration, the humanity, and well-being of clients and society **is not seen as crucial** **and as an 'end'**, but rather used to demonstrate the undeniable need for the skills and expertise of social workers. Furthermore, through withholding services, social worker professionals demonstrate that the well-being and welfare of society have lost its inherent importance/value. Though the value of overall well-being is taught throughout the social work training process and is enshrined in the professional ethical codes.

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

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

“Essential” Work and Strikes Healthcare professionals, garbage collectors, and other “essential” workers have a responsibility that is considered to be different from, say, the responsibilities of workers in a supermarket chain. There are almost certainly other supermarkets, but there is generally only one municipal garbage collection service**, one police force, and one fire department; and in general, only one healthcare system available to us. In the medical setting, furthermore, workers are much more apt to deal with identified lives**: they know their patients and often have known them for some time. Striking against their employer (even if it is done in part to benefit the patient) is **denying meaningful and often essential services to some of these identified lives**. We tend to relate differently with those lives we know and therefore call “identified” from those whom we consider “unidentified” or statistical lives, in part, because we have obligations as a result of relationships; in part because we fail to recognize that these so-called unidentified lives are not in fact unidentified but are merely not identified by us.4 When strikes are called by healthcare professionals, both types of lives are apt to be injured or, at least, severely inconvenienced. Except in the pocketbook, strikes in the healthcare setting generally do not directly hurt the employer. The employer **is hurt through the** **patient**. The patient thus becomes a **means toward the employees’ ends**, a football being kicked between two contending parties—**even if one of the employees’ goals is to serve the good of patients in general.** Theoretically, patients will then bring pressure on the employer (be it the government or a managed care organization), thus, quite frankly, using the patient as a means toward the ends of the health professionals.5 The dilemma, of course, is that without significantly inconveniencing or even endangering patients, no pressure is likely to be brought and, therefore, no amelioration of working conditions is effected. To be effective, a strike of healthcare professionals has to “hurt” patients and often patients known to the healthcare professionals.