#### The Meta-Ethic is Non-Naturalism.

#### [1] The naturalistic fallacy – examples of goodness fail to define the ultimate good. Moore 03,

[Moore, G. E. “Principia Ethica” <http://fair-use.org/g-e-moore/principia-ethica/>. Published 1903] SHS ZS

Good, then, if we mean by it that quality which we assert to belong to a thing, when we say that the thing is **good**, **is incapable of any definition**, in the most important sense of that word. The most important sense of definition is that in which a definition states what are the parts which invariably compose a certain whole; and in this sense **good has no definition because it** is simple and **has no parts**. **It is** one of those innumerable objects of thought which are themselves **incapable of definition**, because they are the ultimate terms of reference to which whatever is capable of definition must be defined. That there must be an indefinite number of such terms is obvious, on reflection; since we cannot define anything except by an analysis, which, when carried as far as it will go, refers us to something, which is simply different from anything else, and which by that ultimate difference explains the peculiarity of the whole which we are defining: for every whole contains some parts which are common to other wholes also. There is, therefore, no intrinsic difficulty in the contention that **good denotes a simple and indefinable quality**. There are many other instances of such qualities. **Consider yellow**, for example. **We may** try to **define it**, **by** describing its physical equivalent; we may state what kind of **light-vibrations** must stimulate the normal eye, in order that we may perceive it. **But** a moment’s reflection is sufficient to shew that those light-vibrations are not themselves what we mean by yellow. **They are not what we perceive**. Indeed, we should never have been able to discover their existence, unless we had first been struck by the patent difference of quality between the different colours. The most we can be entitled to say of those vibrations is that they are what corresponds in space to the yellow which we actually perceive. Yet **a mistake of this** simple **kind has** commonly **been made about good**. **It may be true that all things which are good are also something else**, just as it is true that all things which are yellow produce a certain kind of vibration in the light. And it is a fact, that Ethics aims at discovering what are those other properties belonging to all things which are good. **But** far **too many philosophers have thought that when they named those other properties they were actually defining good**; that these properties, in fact, were simply not other, but absolutely and entirely the same with goodness. This view I propose to call the naturalistic fallacy and of it I shall now endeavour to dispose.

#### [2] The is-ought fallacy – Naturalistic frameworks fail to derive an imperative to act. That is, even if you win pleasure biologically valuable, your framework doesn’t answer why we have a moral obligation to follow biology without appealing to a higher-order framework.

#### [3] Only a priori knowledge is epistemically reliable. Descartes 41,

René, 1641. Discourse On Method ; and, Meditations on First Philosophy, NPR

Yet from everything I have just listed, how do I know that there is not something else which does not allow even the slightest occasion for doubt**?** Is there not a God, or whatever I may call him, who puts into me the thoughts I am now having? But why do I think this, since I myself may perhaps be the author of these thoughts**?** In that case am not I, at least, something? But I have just said that I have no senses and no body. This is the sticking point: what follows from this? Am I not so bound up with a body and with senses that I cannot exist without them? But I have convinced myself that there is absolutely nothing in the world, no sky, no earth, no minds, no bodies. Does it now follow that I too do not exist? No: if I convinced myself of something then I certainly existed. But there is a deceiver of supreme power and cunning who is deliberately and constantly deceiving me**.** In that case I too undoubtedly exist**,** if he is deceiving me; and let him deceive me as much as he can, he will never bring it about that I am nothing so long as I think that I am something**. So** after considering everything very thoroughly**,** I must finally conclude that this proposition, I am, I exist, is necessarily true whenever it is put forward by me or conceived in my mind. ButI do not yet have a sufficient understanding of what this ‘I’ is, that now necessarily exists. So I must be on my guard against carelessly taking something else to be this ‘I’, and so making a mistake in the very item of knowledge that I maintain is the most certain and evident of all. I will therefore go back and meditate on what I originally believed myself to be, before I embarked on this present train of thought. I will then subtract anything capable of being weakened, even minimally, by the arguments now introduced, so that what is left at the end may be exactly and only what is certain and unshakeable.

#### The moral law must be universal - our judgements can’t only apply to ourselves any more than 2+2=4 can be true only for me. A priori principles like reason apply to everyone since they are independent of human experience. That means to allow one to violate a rule without another would be a contradiction. Contradictions are a side constraint – it’s an inescapable condition that undermines all arguments since something can’t be both true and false simultaneously

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

#### Prefer:

#### 1. Regress– I can keep asking “why should I follow this.” Regress collapses to skep since no one can generate obligations absent grounds for accepting them. Only reason solves since asking “why reason?” asks for a reason for reasons, which concedes its authority.

#### 2. Bindingness – Reason is constitutive to the subject, meaning its inescapable. To act against it would be irrational

#### 3. problem of relativism – inability to know each other’s experience makes it an unreliable basis for ethics. People could just say they don’t experience the same.

#### 4. Action Theory – Every action can be broken down to infinite amounts of movements, i.e. me moving my arm can be broken down to every state my arm is in. Only reason can unify these movements because we use practical reason to achieve our goals, means all actions collapse to reason

#### 4] Consequentialism fails

#### A] 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 consq 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.

#### B] Predictions impossible – there is so non-arbitrary cutoff to calculations when analyzes the effects of actions. When one action is done, that results in an infinite of other chain events which eventually makes any two actions the same.

#### C] no way to evaluate predictions – 1. we need a metric to determine a probability of certain actions occurring, but we also need a metric to determine the probability of the prior metric being true and so on to infinite 2. there is no reason for why past trends continue – that is justified by experiencing the fact that past trends continue which is in it itself a past trend

#### D] Aggregation impossible – multiple chemicals in the brain can make me happy. No way to compare them.

#### E] 6. Consequences 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.

#### 5] 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.

#### 6] Humans naturally aspire to be rational and impulsively attempt to reason from a perspective that transcends their unique circumstance – proves my framework is key to a stable concept of agency. This hijacks other frameworks because they presuppose a consistent concept of an agent; without a clearly defined agent, ethics have nothing to guide and fail.

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Why not accept "I don't feel like it" as a reason on this occasion while resolving to reject it on all others? Again the answer is clear. If a consideration counts as a reason for acting, then it counts as a reason whenever it is true. And on almost any morning, it's true that you don't feel like swimming. Yet if a reason is a consideration that counts as a reason whenever it's true, then why not dispense with reasons so defined? Why do you feel compelled to act for that sort of consideration? Since you don't feel like swimming, you might just roll over and go back to sleep, without bothering to find some fact about the present occasion from which you're willing to draw similar implications whenever it is true. How odd, to skip exercise in order to sleep and then to lose sleep anyway over finding a reason not to exercise! ~ Kant offered an explanation for this oddity. His explanation was that acting for reasons is essential to being a person, something to which you unavoidably aspire. In order to be a person, you must have an approach to the world that is sufficiently coherent and constant to qualify as a single, continuing point-of-view. And part of what gives you a single, continuing point-of-view is your acceptance of particular considerations as having the force of reasons whenever they are true. We might be tempted to make this point by saying that you are a unified, persisting person and hence that you do approach practical questions from a point-of-view framed by constant reasons. But this way of making the point wouldn't explain why you feel compelled to act for reasons; it would simply locate acting for reasons in a broader context, as part of what makes you a person. One of Kant's greatest insights, however, is that a unified, persisting person is something that you are because it is something that you aspire to be. Antecedently to this aspiration, you are merely aware that you are capable of being a person. But any creature aware that it is capable of being a person, in Kant's view, is ipso facto capable of appreciating the value of being a person and is therefore ineluctably drawn toward personhood. The value of being a person in the present context is precisely that of attaining a perspective that transcends that of your current, momentary self. Right now, you would rather sleep than swim, but you also know that if you roll over and sleep, you will wake up wishing that you had swum instead. Your impulse to decide on the basis of reasons is, at bottom, an impulse to transcend these momentary points-of-view, by attaining a single, constant perspective that can subsume both of them. It's like the impulse to attain a higher vantage point that overlooks the restricted standpoints on the ground below. This higher vantage point is neither your current perspective of wanting to sleep, nor your later perspective of wishing you had swum, but a timeless perspective from which you can reflect on now-wanting-this and later-wishing-that, a perspective from which you can attach constant practical implications to these considerations and come to a stable, all-things-considered judgment.

#### 7] Theoretical justifications - A) Resource disparities—a focus on evidence privileges debaters with the most prep. A Kantian debate can be won without prep since only analytics are required. Controls the internal link to other voters because accessibility is a pre-req, B) Real world education—an understanding of Kant is key to understanding law in the real world because most states abide by inviolable side-constraints in their constitutions—Germany proves.

#### Ripstein 09 (Arthur Ripstein Force and Freedom: Kant's Legal and Political Philosophy. Harvard University Press, 2009.).

#### The German Constitutional Court’s reasoning reflects the underlying Kantian thought that the state’s obligation to uphold a rightful condition and protect its citizens is unconditional, not simply because of some fond- ness for rules, but rather because the use of force is merely unilateral un- less its authorization could proceed from an omnilateral will. People could only give themselves laws consistent with their innate right of humanity. As a result, the numbers cannot matter. If the state cannot order a person to stand in the path of a bullet that endangers an innocent person, it cannot order that person to stand in the path of a bullet that endangers many people. And if the state cannot order a person to do so, then it can- not exempt itself from such a prohibition in the case of a person who is likely to die anyway. The People give themselves laws not for their advantage, but for their independence, which they cannot trade against any- thing.

#### 8] K Solvency – Oppression is caused by arbitrary exclusion of others – only universalizability makes sure that include everyone equally

**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**.

#### There is no pre/post fiat distinction since if I win my theory is true, then it describes the way the world works in round. That means I can weigh the aff against pre-fiat arguments.

**Thus, I affirm the rez: A just government ought to recognize the unconditional right of workers to strike**

#### Here’s a list of definitions:

#### A worker is “an employee, especially one who does manual or nonexecutive work”.

#### To recognize is to “acknowledge the existence, validity, or legality of”.

To strike is “ to refuse to work because of an argument over pay or conditions” – Oxford Learners Dictionaries

#### 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.

#### Strikes key to workers not being treated as a means

**Lofaso 17** Anne Marie Lofaso, Workers’ Rights as Natural Human Rights, 71 U. Miami L. Rev. 565 (2017) Available at: https://repository.law.miami.edu/umlr/vol71/iss3/3 [Anne Marie Lofaso is Associate Dean for Faculty Research and Development and a professor at the West Virginia University College of Law. In 2010, she was named WVU College of Law Professor of the Year.]

It is the categorical imperative’s second formulation, known as the principle of ends, the principle of dignity, or the humanity principle, where Kant seems to add something more.202 Kant’s humanity principle tells us to treat people as if each person has intrinsic value simply because each person is human: “Act so that you use humanity, as much in your own person as in the person of every other, always at the same time as an end and never merely as a means.”203 The humanity principle forbids us to act in ways that exploit human beings or at least in ways that merely exploit human beings.204 Presumably, hiring workers per se does not violate the CI even though the employer uses its workers in furtherance of its purposes. The moral question inherent in a natural human rights approach to workers’ rights is whether these workers are being used merely as a means. Those interested in workers’ rights must determine whether, as a matter of fact (as opposed to a matter of law), workers are actually being used in an exploitative manner. This is essentially an empirical assessment of the moral claim: Are institutions, which are designed to protect workers, doing their job? It is also a legal strategy for developing positive labor standards, which reflect a particular conception of human dignity and autonomy while minimizing the impact of state and business coercion of workers.205 This particular formulation of the CI further and most clearly shows how the CI is in tension with political (or even economic) utilitarianism, by which majority rule governs and the ends justify the means.206 Morality requires that when people act we consider the humanity of each person and the effect of our actions on others’ humanity.

#### Strikes cannot be banned under my framework because they are an omission of an action – omissions are not subject to the categorical imperative

**Benjamin 78** Walter Benjamin, On Violence, Reflections: Essays, Aphorisms, Autobiographical Writings [Walter Bendix Schönflies Benjamin was a German Jewish philosopher, cultural critic and essayist]

This is above all the case in the class struggle, in the form of the workers' guaranteed right to strike. Organized labor is, apart from the state, probably today the only legal subject en­titled to exercise violence. Against this view there is certainly the objection that an omission of actions, a nonaction, which a strike really is, cannot be described as violence. Such a consideration doubtless made it easier for a state power to conceive the right to strike, once this was no longer avoidable. But its truth is not unconditional, and therefore not unrestricted. It is true that the omission of an action, or service, where it amounts simply to a "severing of relations," can be an entirely nonviolent, pure means. And as in the view of the state, or the law, the right to strike conceded to labor is certainly not a right to exercise violence but, rather, to escape from a violence indirectly exercised by the employer, strikes conforming to this may undoubtedly occur from time to time and involve only a "withdrawal" or "estrangement" from the employer. The mo­ment of violence, however, is necessarily introduced, in the form of extortion, into such an omission, if it takes place in the context of a conscious readiness to resume the suspended action under certain circumstances that either have nothing whatever to do with this action or only superficially modify it. Understood in this way, the right to strike constitutes in the view of labor, which is opposed to that of the state, the right to use force in attaining certain ends. The antithesis between the two conceptions emerges in all its bitterness in face of a revolu­tionary general strike. In this, labor will always appeal to its right to strike, and the state will call this appeal an abuse, since the right to strike was not "so intended," and take emer­gency measures.

## UV

**1) Interp – The negative must grant the aff presumption or permissibility. A violation would be reading both or contesting one in the 2n. Prefer – A) Strat skew – otherwise it incentivizes the 1n to read multiple NIBs and frontload the 1n with presumption and permissibility offense which is particularly bad since there isn’t a substantive truth to either side it’s a q of how long you can spend on it which means the neg wins substance every round B) Topic ed – spamming presumption and permissibility incentivizes the neg to only read things like skep and a prioris to collapse the debate to those layers C) Timeskew – I have to invest major time in the 1ar winning both because 2n flexibility can collapse to either one with a hidden trigger, only having to answer one or do weighing saves me half that time which is key in the 4 min 1ar.**

#### 2) I do not contend theory is coherent but if it is:

#### a) 1AR gets theory if the 1N does, only way to be reciprocal

#### b) drop the debater because the 1ar is too short to rectify abuse AND have a shot on substance due to severance from dropping the argument

#### c) No neg RVI since a 6-minute 2N dump on theory makes the 3 min 2AR impossible deterring affs from checking abuse.

#### d) Make them weigh neg theory against side bias because otherwise aff abuse is just fairly rectifying for time skew, and you presume aff

#### e) Evaluate aff theory lexically prior to neg theory- the neg has the ability to win their shell and beat back the aff shell in the long 2NR, whereas it’s impossible for me to beat back their shell and my shell in the short 2AR. The 2NR explodes neg’s strategic options, but aff needs to sit down on one arg to win in the 2AR.