## AC

### Framework

#### 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] 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.

#### [3] Only Non-naturalism through reason solves determinism. Kant 81, Critique of Pure Reason. Because this empirical character itself must be drawn from appearances as effect, and from the rule which experience provides, **all** the **act**ion**s** of the human being **in appearance are determined** in accord with the order of nature **by** his empirical character and the other **cooperating causes** ; and if we could investigate all the appearances of his power of choice down to their basis, then there would be no human action that we could not predict with certainty, and recognize as necessary given its preceding conditions. Thus **in** regard to **this empirical character there is no freedom**, and according to this character we can consider the human being solely by observing, and, as happens in anthropology, by trying to investigate the moving causes of his actions physiologically But if we consider the very same actions in relation to reason, not, to be sure, in relation to speculative reason, in order to explain them as regards their origin, but insofar as reason is the cause of producing them by themselves — in a word, if we compare them with reason in a practical respect — then we find a rule and order that is entirely other than the natural order. For perhaps everything that has happened in the course of nature, and on empirical grounds inevitably had to happen, nevertheless ought not to have happened. At times, however, we find, or at least believe we have found, that the ideas of reason have actually proved their causality in regard to the actions of human beings as appearances, and that therefore these actions have occurred not through empirical causes, no, but because they were determined by grounds of reason. Suppose now that one could say reason has causality in regard to appearance; could reason’s action then be called free even though in its empirical character (in the mode of sense) it is all precisely determined and necessary? The empirical character is once again determined in the intelligible character (in the mode of thought). We are not acquainted with the latter, but it is indicated through appearances, which really give only the mode of sense (the empirical character) for immediate cognition. Now the action, insofar as it is to be attributed to the mode of thought as its cause, nevertheless does not follow from it in accord with empirical laws, i.e. in such a way that it is preceded by the conditions of pure reason, but only their effects in the appearance of inner sense precede it. Pure reason, as a merely intelligible faculty, is not subject to the form of time, and hence not subject to the conditions of the temporal sequence. The causality of reason in the intelligible character does not arise or start working at a certain time in producing an effect. For then it would itself be subject to the natural law of appearances, to the extent that this law determines causal series in time, and its causality would then be nature and not freedom.  Thus we could say that if reason can have causality in regard to appearances, then it is a faculty through which the sensible condition of an empirical series of effects first begins. For the condition that lies in reason is not sensible and does not itself begin. Accordingly, there takes place here what we did not find in any empirical series: that the condition of a successive series of occurrences could itself be empirically unconditioned. For here the condition is outside the series of appearances (in the intelligible) and hence not subject to any sensible condition or to any determination of time through any passing cause. Nevertheless, this very same cause in another relation also belongs to the series of appearances. The human being himself is an appearance. His power of choice has an empirical character, which is the (empirical) cause of all his actions. There is not one of these conditions determining human beings according to this character which is not contained in the series of natural effects and does not obey the laws of nature according to which no empirically unconditioned causality is present among the things that happen in time. Hence no given action (since it can be perceived only as appearance) can begin absolutely from itself. **But of reason one can**no**t say** that before the state in which it determines the power of choice, **another state precedes in which this state itself is determined**. For since reason itself is not an appearance and is not subject at all to any conditions of sensibility, **no temporal sequence takes place in it even as to its causality**, and thus the dynamical law of nature, which determines the temporal sequence according to rules, cannot be applied to it. **Reason is thus the persisting condition of all voluntary actions under which the human being appears.** Even before it happens, every one of these actions is determined beforehand in the empirical character of the human being. In regard to the intelligible character, of which the empirical one is only the sensible schema, nobefore or after applies, and every action, irrespective of the temporal relation in which it stands to other appearances, is the immediate effect of the intelligible character of pure reason; reason therefore acts freely, without being determined dynamically by external or internal grounds temporally preceding it in the chain of natural causes, and this freedom of reason can not only be regarded negatively, as independence from empirical conditions (for then the faculty of reason would cease to be a cause of appearances), but also indicated positively by a faculty of beginning a series of occurrences from itself, in such a way that in reason itself nothing begins, but as the unconditioned condition of every voluntary action, it allows of no condition prior to it in time, whereas its effect begins in the series of appearances, but can never constitute an absolutely first beginning in this series. In order to clarify the regulative principle of reason through an example of its empirical use — not in order to confirm it (for such proofs are unworkable for transcendental propositions) — one may take a voluntary action, e.g. a malicious lie, through which a person has brought about a certain confusion in society; and one may first investigate its moving causes, through which it arose, judging on that basis how the lie and its consequences could be imputed to the person. WIth this first intent one goes into the sources of the person’s empirical character, seeking them in a bad upbringing, bad company, and also finding them in the wickedness of a natural temper insensitive to shame, partly in carelessness and thoughtlessness; in so doing one does not leave out of account the occasioning causes. In all this one proceeds as with any investigation in the series of determining causes for a given natural effect.  Now **even if one believes the act**ion **to be determined by** these **[natural] causes, one nonetheless blames the agent, [because]** and not on account of his unhappy natural temper, not on account of the circumstances influencing him, not even on account of the life he has led previously; for one presupposes that it can be entirely set aside how that life was constituted, and that the series of conditions that transpired might not have been, but rather that this deed could be regarded as entirely unconditioned in regard to the previous state, as though **with that act the agent** had **started a series of consequences entirely from themself** himself.**This blame is grounded on** the law of **reason**, which regards reason as a cause that, regardless of all the empirical conditions just named, could have and ought to have determined the conduct of the person to be other than it is. And indeed one regards the causality of reason not as a mere concurrence with other causes, e but as complete in itself, even if sensuous incentives were not for it but were indeed entirely against it; **the action is ascribed to the agent’s intelligible character: now, in the moment when he lies, it is entirely his fault;** hence reason, regardless of all empirical conditions of the deed, is fully free, and this deed is to be attributed entirely to its failure to act.

#### Prefer additionally:

#### 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.

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

#### And, rational agency is the only constitutive principle

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

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

#### 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.

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

#### Prefer:

#### 1. Is/ought gap – experience only tells us what is, not what ought to be, which raises the question why we ought to follow their framework

#### 2. 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.

#### 3. 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

#### 1] 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 no 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 infinity 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.

#### 2] 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.

#### 3] 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.

**Velleman 05** David J. Velleman. [J. David Velleman is Professor of Philosophy and Bioethics at New York University and Miller Research Professor of Philosophy at Johns Hopkins University. He primarily works in the areas of ethics, moral psychology, and related areas such as the philosophy of action, and practical reasoning], “A Brief Introduction to Kantian Ethics.” *Self to Self*. Cambridge: Cambridge UP, 2005, https://www.cambridge.org/us/academic/subjects/philosophy/logic/self-self-selected-essays?format=HB&isbn=9780521854290

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.

#### 5] 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**.

#### Thus, I defend resolved: A just government ought to recognize an 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 – strikes prevent coercion

**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 prevent workers from being used 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.

#### Put away your turns: strikes are an omission of action

**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.

## Advantage

#### To clarify, this advantage doesn’t operate under my framework

#### Collective Bargaining is key to reducing income inequality and wages. The link is reversal causal.

Bivens et al, 17 (Josh, director of research at the Economic Policy Institute (EPI), “How today’s unions help working people,” 8/24/17, Economic Policy Institute, <https://www.epi.org/publication/how-todays-unions-help-working-people-giving-workers-the-power-to-improve-their-jobs-and-unrig-the-economy/>)

As union coverage has declined and the voice of workers has correspondingly diminished, many of the key workplace standards past generations counted on have been eroded. For instance, there has been an erosion of overtime pay protection, slashing of workers’ compensation programs, and a decline in the real value of the minimum wage, which is lower now than it was in 1968.

Unions reduce inequality and are essential for low- and middle-wage workers’ ability to obtain a fair share of economic growth

The spread of collective bargaining that followed the passage of the National Labor Relations Act in 1935 led to decades of faster and fairer economic growth that persisted until the late 1970s. But since the 1970s, declining unionization has fueled rising inequality and stalled economic progress for the broad American middle class. Figures A and B show that when unions are weak, the highest incomes go up even more, but when unions are strong, middle incomes go up.

Research by EPI and other institutions shows this correlation is no accident. First, unions have strong positive effects not only on the wages of union workers but also on the wages of comparable nonunion workers, as unions set standards for entire industries and occupations (these union and nonunion wage boosts are explored in detail in the next section of this report). Second, unions make wages among occupations more equal because they give a larger wage boost to low- and middle-wage occupations than to high-wage occupations. Third, unions make wages of workers with similar characteristics more equal because of the standards unions set. Fourth, unions have historically been more likely to organize middle-wage than high-wage workers, which lowers inequality by closing gaps between, say, blue-collar and white-collar workers. Finally, the union wage boost is largest for low-wage workers and larger at the middle than at the highest wage levels, larger for black and Hispanic workers than for white workers, and larger for those with lower levels of education—wage increases for these groups help narrow wage inequalities.[16](https://www.epi.org/publication/how-todays-unions-help-working-people-giving-workers-the-power-to-improve-their-jobs-and-unrig-the-economy/#_note16)

We know how big a force for equality unions are by looking at how much their decline has contributed to inequality between middle- and high-wage workers: union decline can explain one-third of the rise in wage inequality among men and one-fifth of the rise in wage inequality among women from 1973 to 2007. Among men, the erosion of collective bargaining has been the largest single factor driving a wedge between middle- and high-wage workers.[17](https://www.epi.org/publication/how-todays-unions-help-working-people-giving-workers-the-power-to-improve-their-jobs-and-unrig-the-economy/#_note17)

#### Higher wages boost economic growth- research consensus- multiple reasons

Wolfers 15 (Justin is professor of economics and professor of public policy at University of Michigan. “Higher Wages for Low-Income Workers Lead to Higher Productivity.” January 13, 2015. Peterson Institute for International Economics. https://piie.com/blogs/realtime-economic-issues-watch/higher-wages-low-income-workers-lead-higher-productivity)

Economists have long argued that increases in worker pay can lead to improvements in productivity—indeed, that it can actually be profitable to pay workers higher wages. As Alfred Marshall, the father of modern economics, argued almost 125 years ago, "any change in the distribution of wealth which gives more to the wage receivers and less to the capitalists is likely, other things being equal, to hasten the increase of material production." Since then, economists have compiled rich data validating Marshall's hypothesis that paying higher wages generates savings: Higher wages motivate employees to work harder. Janet Yellen (1984) [pdf] suggested that higher wages create the conditions for workers to be more productive, pointing to "reduced shirking by employees due to a higher cost of job loss; lower turnover; an improvement in the average quality of job applicants and improved morale." Among the studies documenting this point are Levine (1992), [pdf] which analyzed a sample of large (mostly Fortune 500) manufacturing companies, and Holzer (1990), [pdf] which used data from a national sample of firms finding that "high-wage firms can sometimes offset more than half of their higher wage costs through improved productivity and lower hiring and turnover cost." Reich et al. (2003) [pdf] surveyed employers at the San Francisco airport after a broad-based increase in wages and found that the employers of the majority of affected workers reported that their overall performance had improved. Mas (2006) [pdf] analyzed the case of New Jersey police officers who were granted a wage increase of 17 percent, and who were 12 percent more productive in clearing cases than those who were refused the increase. Higher wages attract more capable and productive workers. The evidence that higher wages attract more high quality applicants for new jobs is voluminous. Dal Bó et al. (2013) show that offering higher salaries yielded an applicant pool with a higher IQ and with personality scores and motivation that made them a better fit for the advertised jobs. Moreover, the first firm to offer higher wages is more likely to attract and retain more productive workers. Higher wages lead to lower turnover, reducing the costs of hiring and training new workers. Reich et al (2003) [pdf] calculated that typical turnover costs exceed $4,000 for each worker and that an increase in wages at the San Francisco airport led to a decline in turnover of 34 percent, yielding turnover-related savings of $6.6 million per year. Dube et al. (2007) [pdf] found that when a San Francisco living wage ordinance raised wages among low-paid workers, those workers were more likely to stay with their employers. Reich and his coauthors also documented a stunning turnover rate of nearly 95 percent per year among security screeners in mid-2000, which fell to 18.7 percent when pay improved. Fairris et al. (2005) [pdf] examined evidence from Los Angeles, finding that when employers were directed to offer higher wages, the decline in worker turnover yielded savings equal to around one-sixth of the cost incurred. Higher wages enhance quality and customer service. The Reich et al. (2003) [pdf] study also found that almost half of employers reported improvements in customer service following a wage rise for low-wage workers, and indeed, higher wages at the San Francisco airport led to shorter airport lines. Cowherd and Levine (1992) found that an increase in the pay of lower-level employees relative to management increased the quality of production. Using data from more than 500 retail stores, Fisher et al. (2006) [pdf] found a positive relationship between customer satisfaction and the payroll level of associates and managers in the store. Higher wages were also associated with employers having more knowledge about the inventory. Higher wages reduce disciplinary problems and absenteeism. Cappelli and Chauvin (1991) [pdf] documented that in plants where pay was higher relative to the local labor market, fewer disciplinary actions were required. Likewise, nearly half of those employers surveyed by Reich et al. (2003) [pdf] reported a decrease in disciplinary issues following a wage rise. Zhang et al. [pdf] (2013) showed in a survey of Canadian firms that absenteeism was less likely when wages were higher. Pfeifer (2010) found a similar result in a large German survey. Firms with higher wages need to devote fewer resources to monitoring. High-paying firms have been found to create a culture of hard work in which employees monitor their coworkers, reducing the need to hire supervisors. Rebitzer (1995) found that low-wage maintenance workers needed more supervision in the petrochemical industry. Groshen and Krueger (1990) showed that more highly paid nurses were also supervised less. Georgiadis (2008) found that in residential care homes in the United Kingdom "higher wage costs were more than offset by lower monitoring costs." Workers excessively concerned about income security perform less well at work. A variety of recent experiments have demonstrated this proposition. Mani et al. (2013) recruited buyers in a shopping mall and asked them to think about their finances. Researchers observed that the performance of poor subjects on a cognitive test deteriorated if they were asked to imagine a large emergency expenditure (a $1,500 car repair), but no such deterioration was observed for well-off subjects. Mullainathan and Shafir (2013) assessed a range of related experiments, finding that mental tasks that simulate the constant stress of poverty led people to act in compulsive and improper ways. Indeed, the World Bank Development Report (2015), [pdf] citing numerous field studies, recognizes that poverty taxes people's mental capacities and self-control. Other mechanisms by which higher wages can yield offsetting benefits include: Higher wages are associated with better health—less illness and more stamina, which enhance worker productivity. Greater job satisfaction can result in less conflict between employers and labor groups. Enhanced reputation with consumers (compare the reputations of Costco and Walmart). All of these positive effects may interact to yield even larger aggregate effects, as the productivity of one worker often raises the productivity of their coworkers. Mas and Moretti (2009) [pdf] offer persuasive data on this point, showing that productive cashiers motivate their coworkers to work faster.

### UV

**1. 1AR theory is legitimate and the hghest layer of the round because otherwise the 1N has infinite abuse, it’s drop the debater because the 2N could concede the shell and win another layer, Competing interp cause better norm and it’s no RVI since a 6-minute 2N dump on theory makes the 2AR impossible.**

**2. AFF fairness issues come prior to NC arguments. The 1ar can’t engage on multiple layers if there is a skew since the speech is already time-crunched.**