## 1

#### A] Interpretation: The affirmative may not specify a subset of workers that ought to be banned.

#### B ] Violation – They identify prison workers

#### Standards:

#### [1] Limits – specifying any subset of workers allows for a functionally infinite number of affs – that explodes the neg prep burden and can’t meaningfully engage.

#### [2] Ground – specifying a tiny subset of workers means the aff is too small to link into neg ground – I lose things like the Econ DA and the climate DA – they cut off access to an entire subset of offense I can gain.

#### [3] Arg Quality – small affs are written and run for a single round to be as unpredictable as possible – whole res affs are more predictable and incentivize creative, nuanced argumentation.

#### [4] TVA: read a whole-res aff and run your offense as an advantage – that allows topic research while also granting me core disads.

#### D] Voters:

#### Fairness is a voter – it is intrinsic to any competitive activity and comes before substance since we don’t know if an argument was true if it was unfair in the first place

#### Education is a voter – it’s the only reason schools fund debate

#### Drop the debater – 1] it deters future abuse and sets a positive norm 2] time spent on theory can’t be made up and it took away from my shot at substance

#### Use competing interps – 1] reasonability is self-serving and arbitrary since they can justify their brightline no matter how abusive it is 2] it invites arbitrary judge intervention and we won’t know your abuse meter 3] competing interps ensures we are setting the best norms for debate

#### No RVIs – 1] they’re illogical since you shouldn’t win just for proving you’re fair 2] i can’t concede to the counterinterp if I realize I’m wrong which forces me to argue for bad norms 3] causes a chilling effect since debaters will be scared to run theory which means abuse goes unchecked

# Fw

#### 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.

#### 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. 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.

#### 2. 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

#### 3. 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.

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

#### 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 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.

#### 2] 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.

#### 3] 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**.

### DA

#### [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, court 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] Strikes use others as a mere means to an end

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

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.

# Case

**Strikes are ineffective– they can’t overcome the power imbalance and have a net negative impact on workers**

**Waldersee ’17:** Victoria Waldersee. “We asked economists whether strikes really work”. Our Economy. Thursday September 7th, 2017. <https://www.ecnmy.org/engage/we-asked-economists-whether-strikes-really-work/>. FD

“Strikes are always the last resort. Everyone from unions to HR managers pretty much agrees on that,” says Simms. “You only do it if you’ve tried everything to get the other side to understand, and they either can’t, or they just won’t. Obviously there’s an imbalance of power, so unions are always in a weaker position, and individual employees even more so.” Often, strikers just feel they’re being expected to do more than they’re being paid for. But recently, says Professor Crossman, it’s been about more than that – people’s pay isn’t rising, but inflation is, and executive salaries are going up too. So people end up feeling like they’re being unfairly treated, and the money they’re earning is buying them less because prices are going up. Another big issue is flexible working. It’s good for some, but others feel like it’s been imposed on them by big companies making it the norm. Not knowing how many hours work you’ll have means your income stream is unpredictable, and that’s a real problem for people. “Most of us have regular bills – we know what the outflows of cash from our account are looking like,” Crossman points out. “We want to make sure the inflows match.” “The basic ‘economics’ idea is that we have the right to decide how we use our labour,” says Simms. “If we didn’t, we’d be slaves, literally. But if we’re freely making the choice to exchange our work for pay, and other benefits, then in principle we have the right to withdraw it, too.”It depends on a few things: One, how much it’s going to affect the employer’s business in the short term; two, how replaceable the workers are; and three, to what extent the strikers have the public and the government on their side. “I work at a university,” says Simms. “If I decide not to work today, not much happens to my employer’s business. But if I were a train driver, and I decided not to do my job, it would obviously have an immediate effect.” If workers can easily be replaced by other workers, their ‘bargaining power’ is pretty low. If there is what economists call ‘surplus labour’ – i.e., people available and willing to do the job in the current conditions – then companies can just fire unhappy staff and call on a bank of new workers. When public sector workers go on strike, there are often private companies happy to do the work instead. And then there’s technology What's this?. “Advances in technology are really reducing the power of workers to fight their corner,” says Crossman. In low-wage, manufacturing jobs, people can just be replaced by obedient robots, and that’s the end of that. If the government and the public take a stand against the way workers are being treated – regardless of whether they could be replaced by other workers, or by robots – all this changes. Customers could simply boycott a product or service, and governments could launch official inquiries as to whether people’s rights are being breached. That puts companies in a vulnerable place, which workers can’t do. “ “Trade unions would say customers are secondary,” says Simms. “The workers have decided it’s necessary, because someone isn’t listening to them.” According to Crossman, it’s a matter of opinion. “If you look at the train strike [in the UK], **customers were angry** about the fact they couldn’t get to work, but they knew the service was bad before. So they tend to blame government and management, not unions. But there’s only so much they’ll take before they start turning on staff.”Governments have got to try and help the parties reach an agreement – a bit like a marriage counselor,” says Simms. Whether they’ve got an obligation to get involved varies country to country – in the UK, it’s optional, bu in other places, it’s mandatory. The other option is setting rules to avoid the things that cause strikes to kick off in the first place from happening. But, as Crossman points out, companies tend to find a way around them.”When companies were supposed to regulate how much they could increase executive pay in the 1970s, they just started handing out company cars. It’s like a computer virus: the virus comes after the computer has been created, so you’re always playing catch up.” Governments can do the opposite, too: make it harder for unions to go on strike, by doing things like requiring a minimum vote among union members to allow industrial action. You can also make votes secret, to avoid any kind of peer pressure. How else could workers express their dissatisfaction with the way they’re being treated? Simms suggests some simple things: “Pull a sickie! It’s definitely not legal for your union to ask you to do that, but..” Another simple act of protest, especially in hospitality, is just getting really grumpy. “There was a smile strike at Disneyland about 20 years ago,” says Simms. “Which at Disneyland is obviously a seriously huge thing” You can also only agree to do things strictly outlined in your contract - that’s called a Work To Rule, and is often really annoying for employers. Plus, as Crossman pointed out, you still get paid. But there’s not much you can do. “It feels like these days, the power is just really imbalanced,” says Crossman. “Because no-one in their right mind is going to put their house in jeopardy, or not be able to pay rent, so they’ll ultimately go back, because they need to, economically. Employers suffer financial damage, but evidence suggests it doesn’t take too long to recoup the losses. But **once an employee has lost their wage, they can’t get that back** without working overtime.”