#### Ethics must be derived from the constitutive features of agents – ethics based internally fail because they can’t generate universal obligations and ethics based externally fail because they are nonbinding as agents could opt-out and have no motivation to follow them which means they fail to guide action.

#### Constitutivism solves – it allows for universal obligations among all agents but they are binding and cannot be opted out of.

#### Next, only practical reason is constitutive:

#### [1] Regress – to question why one should reason concedes its authority since it is an act of reasoning itself which proves it’s binding and inescapable

#### [2] Agents can shift between different identities but doing so requires reason - it unifies the subject and is the only enterprise agents cannot escape

#### 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> BHHS AK recut

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.

#### That justifies universalizability - insofar as there is no a priori distinction between reasoners, a reason for one agent must also be a reason for another; if all agents cannot set and pursue an end, it is not constitutive of agency. Willing a maxim that violates freedom is a contradiction in conception – you cannot violate someone’s freedom without having your own freedom to do so.

#### Thus, the standard is consistency with the categorical imperative– actions that terminate in contradictions when universalized are bad, so only our restrictions can solve

#### Impact calc: Intentions first – only the intention in pursuing a certain end is relevant when considering whether or not it is universalizable.

#### Prefer for action theory - Any action can be split into infinite smaller actions. For example, when I’m taking a bite of food, I am making infinite movements of my hand and mouth – only the intention unifies the action. If we can’t unify action, we can’t call actions moral or immoral because they are made up of infinite parts.

#### Prefer additionally:

**[1] Performativity – arguing against my framework presupposes freedom because without freedom to reason you would not be able to make arguments and try to win. – this means that contesting any of my arguments proves my framework true.**

#### Kantianism is compatible with critical thought and provides valuable principles in resolving minority oppression.

**Mills ‘17**, Charles W. (2017). Black Radical Kantianism. Res Philosophica 95 (1):1-33. // AHS RG

Why Kant, though? To begin with, there is the strategic argument from Kant’s rise to centrality in contemporary Western normative theory over the last half-century. **With the** demise or at least **considerable diminution in significance of the utilitarian liberalism** (Jeremy Bentham, James and John Stuart Mill, Henry Sidgwick) that was hegemonic from the early 1800s to the mid-twentieth century, **it is deontological**/contractarian **liberalism that is now most influential**, whether in analytic Anglo-American political theory or Continental critical theory. Immanuel **Kant is now regarded** not merely as the most important ethicist of modernity, but **as one of its most significant normative political theorists** also.1 **So a racially informed engagement with this body of discourse would have the virtues of being in dialogue with what is now the central strand in Western ethico-political theory: Afro-modern political thought in conversation with Euro-modern political thought.** But second, in addition to these strategic considerations (and perhaps more importantly), **the key principles and ideals of Kant’s ethico-political thought are, once deracialized, very attractive: the respect for the rights of individual persons**, the ideal of the Rechtsstaat (admittedly somewhat modified from Kant’s own version), **and the vision of a global cosmopolitan order of equals. The problem**, in my opinion, **has been less Kant’s own racism (since it is simply bracketed by most contemporary Kantians)**2 **than the failure to rethink these principles and ideals in the light of a modernity structured by racial domination.** And that brings me to the third point. In contrast with, say, a dialogue between European and Asian political traditions, which at least for long periods of time developed largely separately from one another, the Euro-modern and the Afro-modern traditions are intimately and dialectically linked. As emphasized at the start, the latter develops in specific contestation of the former, involving both resistance to and rejection of its crucial tenets insofar as they rationalize and justify Euro-domination, **while nonetheless sometimes seeking to appropriate and modify others for emancipatory ends** (Bogues 2003). So **developing a “black radical Kantianism” as a self-conscious enterprise should be not merely** instrumentally and intrinsically **valuable, but illuminative of a counter-hegemonic normative system already present in Afro-modern thought**, if not self-denominatedly “Kantian,” **formed in opposition to a white domination predicated on the denial of equal personhood to blacks.**

#### [4] A posteriori ethics fail:

#### [a]– induction is circular because it relies on the assumption that nature will hold uniform but we could only reach that conclusion through inductive reasoning based on observation of past events.

#### [5] Consequentialism fails – A] Predictions assumes specific causes of past consequences which can’t be verified as the actual cause B] Butterfly effect - every action has infinite consequences so it is impossible to evaluate an action; one government policy could end up causing nuclear war in a million years.

#### Freedom implies an innate right to determine the course of your actions. In the state of nature, power controls this. Absent of a public authority, rights violations are inevitable. Thus we need an omni-lateral will. Any claim for destruction of the state means you negate.

Varden 10“A Kantian Conception of Free Speech” by Helga Varden Chapter from: “Freedom of Expression in a Diverse World” edited by Deirdre Golash 2010

“The first important distinction between Kant and much contemporary liberal thought issues from Kant’s argument that it is not in principle possible for individuals to realize right in the state of nature. Kant explicitly rejects the common assumption in liberal theories of his time as well as today that virtuous private individuals can interact in ways reconcilable both with one another’s right to freedom and their corresponding innate and acquired private rights. All the details of this argument are beyond the scope of this paper. It suffices to say that ideal **problems of assurance and indeterminacy** regarding the specification, application and enforcement of the principles of private right to actual interactions **lead Kant to conclude that rightful interaction is** in principle **impossible in the state of nature**.5 **Kant argues that** only a public authority can solve these problems in a way reconcilable with everyone’s right to freedom. This is why we find Kant starting his discussion of public right with this claim: however well disposed and right-loving men might be, **it** still **lies a priori** in the rational idea of such a condition (one that is not rightful) **that before a public law**ful condition **is established individual[s]** human beings... **can never be secure against violence from one another, since each has her own right to do what seems right and good to her and not be dependent upon another’s opinion** about this (6: 312).6 There are no rightful obligations **in the state of nature**, since in this condition **might** (‘violence’, or arbitrary judgments and ‘opinion’ about ‘what seems right and good’) **rather than right** (freedom under law) **ultimately governs interactions.** According to Kant, therefore, **only** the establishment of **a public authority can enable interaction in ways reconcilable with each person’s innate right to freedom**. Moreover, only a public authority can ensure interaction consistent with what Kant argues are our innate rights (to bodily integrity and honor) and our acquired rights (to private prop- erty, contract and status relations). The reason is that only the public authority can solve the problems of assurance and indeterminacy without violating anyone’s right to freedom. The public authority can solve these problems **because it** represents the will of all and yet the will of no one in particular. Because the public authority is representative in this way – by being “united a priori ” or by being an “omnilateral” will (6: 263) – it can **regulate[s] on behalf of everyone rather than on behalf of anyone in particular.** For these reasons, civil society is seen as the only means through which our interactions can become subject to universal laws that restrict everyone’s freedom reciprocally rather than as subject to anyone’s arbitrary choices.” (46-47)

#### Practical reasoning demands that agents recognize their universal subjectivity to form commitments with people deemed different.

**O'Neill 1**, Onora (2000). Bounds of Justice. Cambridge University Press.

In the second place, the ethnocentrism of norm-based reasoning matters for relations between insiders and outsiders. Once upon a time it might not have mattered if those who lived in homogeneous but isolated societies reasoned in ways that could not have been accessible to hypothetical others with whom they had no connection. But today societies, cultures and traditions are not bounded or impervious. So it matters when reasoning is based on principles that are internal to some tradition yet not even accessible to outsiders. Ethnocentric reasoning will fail or falter for those who attempt communication across boundaries; it will lack authority – and may prove inaccessible to others. Norm-based conceptions of reason will not suffice in a pluralist world. If any ways of organizing either thinking or action are to have quite general authority, they cannot presuppose the norms and opinions of a particular time and place. Analogous points might be made about more individualistic, commitment-based conceptions of practical reason. These too need not be intrinsically conservative, since we can revise and change our commitments and projects across our lives. However, such reasoning, although not necessarily selfish, will unavoidably be self-centred: it argues from my commitments, my life-projects and my attachments. My commitments, projects and attachments may not be selfish, but equally they may not be noble: there are those who are moved to rescue their wives from drowning, and those who are not. There are even those whose commitments are selfish, who may be moved to drown their wives when opportunity arises. Even when a project is deeply internalized, its vindication may be meagre. Yet it is not clear what opening is left either for vindication or for criticism within a view that construes actual commitments, actual attachments and actual personal projects as the bed-rock of practical reasoning. These commitments will no doubt prove motivating, but it does not follow that it is rational to live lives that express whatever commitments happen to have been internalized. Can there not be principles for all, and that any attempt to persuade others to principles which do not meet this condition must lack authority. Since in our world reasoning must reach beyond the like-minded, our practical reasoning must often be based on principles that are widely accessible; its authority will vanish if we duck the requirement to keep to such structures. Where we attempt to base practical reasoning on principles that do not meet this requirement, at least some others will find that we put forward principles that they cannot share, and will understandably judge our proposals arbitrary and lacking in authority - in short, unreasoned. This stripped-down Kantian conception of practical reasoning shares the focus of norm-based and commitment-based conceptions of practical reason: it is directed at action, or rather at the norms and commitments, the practices and projects, by which we collectively or individually organize our lives. It is directed at actions as specified by certain act-descriptions, rather than at acts considered as instruments for producing results. Where it differs from norm-based or commitment-based conceptions of practical reasoning is in its view of the scope of reasoning, of the fixity of identities and of the mutual accessibility of traditions. It allows for the thought that what might seem a reason for me or for the insiders of some tradition, even a reason that is burnt into souls, may not be any sort of reason for others. Insiders’ reasoning - Kant spoke of a private use of reason) ? – cannot reach outsiders except by linking it with other reasoning which they can follow. Where this is achieved, practical reasoning may be able to link those who are outsiders to one another's traditions and offer reasons for changes in deep commitments, even in sense of identity.

#### [6] Kant is a heuristic by which we should approach problems of justice – the rejection of deceit and coercion creates rigid constraints, but leaves room for specificity and more detailed answers to conflict.

O'Neill 2, Onora (2000). Bounds of Justice. Cambridge University Press.

This sketch of a reading of Kant's account of practical reason by itself does nothing to rebut the classic charge that the Categorical Imperative leads only to empty formalism. Perhaps the demand for universalizability will draw no significant ethical distinctions, let alone help us to think about justice. After all, the limited conception of practical reason just proposed enjoins only the rejection of non-universalizable principles, on the grounds that these are not even competent for general authority in guiding thought or action. Kant's account of reason is only a second-order constraint on our adoption of principles for dealing with life and thought Here I can offer no more than the merest sketches to suggest why there may be arguments from the demand of universalizability to certain principles of obligation, some of them relevant to any public domain, and so to justice.25 The sketches do not stick to Kant's own way of developing his practical philosophy, which is often designed around rather awkwardly schematic illustrations designed to give instances that fill out a set grid of perfect and imperfect duties to self and to others, of which he thinks only perfect duties to others relevant to questions of justice. 26 If we take simply the idea that we can offer reasons for the adoption only of those principles which (we take it) others on the receiving end of reasoning could also adopt, then a range of types of action must be rejected. We cannot offer reasons to all for adopting principles of deceit (one of Kant's favourite examples), of injury or of coercion. For we cannot coherently assume that all could adopt these principles: we know that were they even widely adopted, those acting on them would meet at least some success, and hence that at least some others would be the victims of this success, so that contrary to hypothesis they could not be universally adopted. The rejection of these principles provides a starting point for constructing a more detailed account of principles of justice. Of course, these are very indeterminate principles: but they are less indeterminate than many of the principles of liberty and equality that have recently been the preferred building blocks for theories of justice. One of the interesting respects in which they are more determinate is that they are evidently principles for finite, mutually vulnerable beings – for beings who might in principle suffer by being the victims of deceit, injury or coercion. Principles of equality and liberty are on the surface more abstract. However, despite the fact that they leave so much open, these are significant constraints, since there are also many sorts of action and institution whose fundamental principles could not be followed by all – for example, principles based on deceit, injury or coercion.27 Those who refuse to base lives or policies on injury or on deceit may have many options in most situations - and yet taken both individually and jointly, these constraints can be highly demanding.

#### Thus, the advocacy: Resolved: A just government ought to recognize an unconditional right of workers to strike. I’m willing to spec what you want as long as I don’t abandon my maxim. CPs and PICs don’t negate – I defend the resolution as a general principle and they don’t disprove my general thesis.

#### Spec -

#### [1] Enforcement is through International Framework Agreements but it’s irrelevant under the fw.

#### [2] Definition of unconditional right to strike:

NLRB 85 [National Labor Relations Board; “Legislative History of the Labor Management Relations Act, 1947: Volume 1,” Jan 1985; <https://play.google.com/store/books/details?id=7o1tA__v4xwC&rdid=book-7o1tA__v4xwC&rdot=1>] Justin

\*\*Edited for gendered language

As for the so-called absolute or unconditional right to strike—there are no absolute rights that do not have their corresponding responsibilities. Under our American Anglo-Saxon system, each individual is entitled to the maximum of freedom, provided however (and this provision is of first importance), his [their] freedom has due regard for the rights and freedoms of others. The very safeguard of our freedoms is the recognition of this fundamental principle. I take issue very definitely with the suggestion that there is an absolute and unconditional right to concerted action (which after all is what the strike is) which endangers the health and welfare of our people in order to attain a selfish end.

### Offense

#### [1] The right to strike is necessary for workers to exercise their over working conditions to ensure that they are not treated as a mere means

**Chima 13** (Sylvester Chima, Programme of Bio & Research Ethics and Medical Law, Nelson R Mandela School of Medicine & School of Nursing and Public Health, College of Health Sciences, University of KwaZulu-Natal, Durban, South Africa, 11-18-2013, accessed on 6-22-2021, BMC Medical Ethics, "Global medicine: Is it ethical or morally justifiable for doctors and other healthcare workers to go on strike?", https://bmcmedethics.biomedcentral.com/articles/10.1186/1472-6939-14-S1-S5)

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](https://bmcmedethics.biomedcentral.com/articles/10.1186/1472-6939-14-S1-S5#ref-CR10)]. 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](https://bmcmedethics.biomedcentral.com/articles/10.1186/1472-6939-14-S1-S5#ref-CR63)]. 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](https://bmcmedethics.biomedcentral.com/articles/10.1186/1472-6939-14-S1-S5#ref-CR64)]. 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](https://bmcmedethics.biomedcentral.com/articles/10.1186/1472-6939-14-S1-S5#ref-CR64)]. 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](https://bmcmedethics.biomedcentral.com/articles/10.1186/1472-6939-14-S1-S5#ref-CR10), [64](https://bmcmedethics.biomedcentral.com/articles/10.1186/1472-6939-14-S1-S5#ref-CR64)]. 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](https://bmcmedethics.biomedcentral.com/articles/10.1186/1472-6939-14-S1-S5#ref-CR4), [10](https://bmcmedethics.biomedcentral.com/articles/10.1186/1472-6939-14-S1-S5#ref-CR10), [12](https://bmcmedethics.biomedcentral.com/articles/10.1186/1472-6939-14-S1-S5#ref-CR12), [51](https://bmcmedethics.biomedcentral.com/articles/10.1186/1472-6939-14-S1-S5#ref-CR51)]. 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](https://bmcmedethics.biomedcentral.com/articles/10.1186/1472-6939-14-S1-S5#ref-CR65)]:

#### [2] Regardless of the effectiveness of strikes, they are a form of setting and pursuing ends and the omnilateral will has the obligation to protect the right to do so – anything else is a form of the government restricting freedom

#### [3] Employers coercively restrict bargaining rights of their workers in the interest of the corporation - that’s non-universalizable

**Wilson et al. 17** (Valerie Wilson, Josh Bivens, and Lora Engdahl, 8-24-2017, accessed on 7-4-2021, Economic Policy Institute, "How today’s unions help working people: Giving workers the power to improve their jobs and unrig the economy", https://www.epi.org/publication/how-todays-unions-help-working-people-giving-workers-the-power-to-improve-their-jobs-and-unrig-the-economy/)

Almost half (48 percent) of workers polled said they’d vote to create a union in their workplace tomorrow if they got the chance.[67](https://www.epi.org/publication/how-todays-unions-help-working-people-giving-workers-the-power-to-improve-their-jobs-and-unrig-the-economy/#_note67) But workers are being deprived of that opportunity. Because unions and collective bargaining are effective at giving workers power, they are opposed by corporate interests and policymakers representing the highest-earning 1 percent.[68](https://www.epi.org/publication/how-todays-unions-help-working-people-giving-workers-the-power-to-improve-their-jobs-and-unrig-the-economy/#_note68) For decades, fierce corporate opposition has suppressed the freedom to form unions and bargain collectively in the private sector by promoting anti-union campaigns in workplaces seeking to unionize and by lobbying lawmakers to pass laws depriving private-sector unions of funds needed to operate. This activity has tracked the dramatic, rapid increase of corporate political activity that began in the mid-1970s, with a specific “call-to-arms” for U.S. corporations that quadrupled the number of corporate PACs from 1976 to 1980.[69](https://www.epi.org/publication/how-todays-unions-help-working-people-giving-workers-the-power-to-improve-their-jobs-and-unrig-the-economy/#_note69) More recently, anti-union lobbyists have passed legislation weakening unions in states such as Indiana, Michigan, and Wisconsin that were once union strongholds.[70](https://www.epi.org/publication/how-todays-unions-help-working-people-giving-workers-the-power-to-improve-their-jobs-and-unrig-the-economy/#_note70) Outdated labor laws have failed to provide workers with protection from this employer onslaught against collective bargaining. And corporate lobbyists have blocked reforms to labor laws that would protect workers’ collective bargaining rights with meaningful penalties for violations and better processes for organizing. Employers are exploiting loopholes, including by misclassifying workers as independent contractors to get around labor laws that protect employees. By going after union funding, employer interests and their allied lawmakers can wipe out one of the crucial pillars of support for pro-worker candidates and causes. If unions have fewer members, or if the law hamstrings unions’ ability to collect administrative fees from the workers they represent, there will be less union money spent on advocating for workers in general. As Gordon Lafer, associate professor at the Labor Education and Research Center at the University of Oregon, notes, “The labor movement serves as the primary political counterweight to the corporate agenda on a long list of issues that are not per se labor-related. To the extent that unions can be removed as a politically meaningful force, the rest of the agenda becomes much easier to execute.”[71](https://www.epi.org/publication/how-todays-unions-help-working-people-giving-workers-the-power-to-improve-their-jobs-and-unrig-the-economy/#_note71)’

**That affirms – an unconditional right to strike grants workers the freedom to bargain collectively without coercive tactics from employers**