### FW

#### 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.**

#### 2] 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.**

#### 3] 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.

#### 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.

#### 4] Oppression is caused by arbitrary exclusion of others – only universalizability makes sure that we include everyone equally. Farr 02

Arnold Farr. [Arnold Farr is a Philosophy professor at the University of Kentucky. His research interests are German idealism, Marxism, critical theory, philosophy of race, postmodernism, psychoanalysis, and liberation philosophy. He has published numorous articles and book chapters on all of these subjects], “Can a Philosophy of Race Afford to Abandon the Kantian Categorical Imperative?”, 2002, blog.ufba.br/kant/files/2009/12/Can-a-Philosophy-of-Race-Afford-to-Abandon-the.pdf. /BHHS AK recut

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 empirical 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 individual 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.

#### 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.

### 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] 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**