### 1

#### Interpretation: Debaters must specify how they enforce the unconditional right of workers to strike.

#### Violation: you didn’t

#### 1] Topic lit – enforcement is the core question of the topic and there's no consensus on normal means so you must spec- also proves this specific interp isn’t infinitely regressive bc it is grounded in topic lit Weiss

Marley S. Weiss [Professor of Law, University of Maryland School of Law], 2000, “The Right To Strike In Essential Services Under United States Labor Law”, https://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=2189&context=fac\_pubs

2. Strikes, Lockouts, and Other Lawful Primary Weapons under the NLRA The parties, both labor and management, are under a duty to bargain in good faith with each other, “but such obligation does not compel either party to agree to a proposal or require the making of a concession”. The essential idea here is that both sides must genuinely try to reach mutual agreement. However, this simple concept is extremely difficult to enforce, and employers too often resort to bad faith bargaining, bargaining on the surface with no real intention of concluding an agreement, as part of a strategy to eliminate union representation from the workplace. In addition, the duty to bargain is limited to matters falling within the Section 8(d) statutory phrase, “wages, hours, and other terms and conditions of employment”, and the right to strike is similarly limited to issues falling within the scope of mandatory bargaining as defined by that phrase. Although the phrase has been broadly construed in many respects, as to certain issues, the contrary has been the case. Capital redeployment, that is, relocation of operations, disinvestment in unionized plants, subcontracting, and plant closure decisions, provide employers with a potent set of weapons against unions. While bargaining over the effects of such decisions is plainly mandatory, the extent to which bargaining is required over the decisions themselves have been hotly contested.

#### This acts as a resolvability standard. Debate has to make sense and be comparable for the judge to make a decision which means it's an independent voter and outweighs.

#### 2] Stable advocacy – 1AR clarification delinks neg positions that prove why enforcement in a certain instance is bad by saying it isn't their method of enforcement – wrecks neg ballot access and kills in depth clash – CX doesn't check since it kills 1NC construction pre-round since I don't know advocacy till in round, and judges do not flow cross ex so its not verifiable.

#### 3] Prep skew – I don't know what they will be willing to clarify until CX which means I could go 6 minutes planning to read a disad and then get screwed over in CX when they spec something else.

#### Fairness is a voter because a) gateway issue- the judge needs to evaluate the better debater b) controls internal link to other voters

#### Drop the debater to deter future abuse, dta is incoherent

#### No RVIs 1) its illogical you don’t win by proving that you’re fair – logic is a litmus test for args 2) encourages theory baiting where good theory debaters bait the RVI to win 3) creates a chilling effect – aff is uniquely dangerous on theory because they get to read a long counterinterp in the 1ar and then get the 2ar collapse: negs would always be disincentives from reading theory which leads to infinite abuse

#### Use competing interps it creates a race to the top where we set the best norms for debate

### 2

#### 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] 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.

#### 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. 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

#### Also Prefer Additionally –

#### [1] We must value freedom insofar as we value our ends which justifies valuing the freedom of agents setting and pursuing ends since anything else would be contradictory.

Gewirth ’84 [Alan Gewirth, “The Ontological Basis of Natural Law: A Critique and an Alternative,” The American Journal of Jurisprudence, Vol. 29, No. 1 (1984), Pg. 95–121. Gewirth was professor of philosophy at the University of Chicago.] CHSTM \*\*Brackets for gendered language/grammar\*\* BHHS AK recut

Let me briefly sketch the main line of argument that leads to this conclusion. As I have said, the argument is based on the generic features of human action. To begin with, every agent acts for purposes he [they] regards as good. Hence, he [they] must regard as necessary goods the freedom and well-being that are the generic features and necessary conditions of his action and successful action in general. From this, it follows that every agent logically must hold or accept that he has [they have] rights to these conditions. For if he were to deny that he has [they have] these rights, then he [they] would have to admit that it is permissible for other[s] persons to remove from him the very conditions of freedom and well-being that, as an agent, he [they] must have. But it is contradictory for him to hold both that he must have these conditions and also that he may not have them. Hence, on pain of self-contradiction, every agent must accept that he has rights to freedom and well-being. Moreover, every agent must further admit that all other agents also have those rights, since all other actual or prospective agents [they] have the same general characteristics of agency on which [they] must ground his [their] own right-claims.¶ What I am saying, then, is that every agent, simply by virtue of being an agent, must regard his freedom and well being as necessary goods and must hold that he and all other actual or prospective agents have rights to these necessary goods. Hence, every agent, on pain of self-contradiction, must accept the following principle: Act in accord with the generic rights of your recipients as well as of yourself. The generic rights are rights to the generic features of action, freedom, and well-being. I call this the Principle of Generic Consistency (PGC), because it combines the formal consideration of consistency with the material consideration of the generic features and rights of action

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#### [2] 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.

#### 3] A posteriori ethics fail:

#### [a] Problem of induction

Vickers 14, John Vickers, 2014, The Problem of Induction, https://plato.stanford.edu/entries/induction-problem/

The original problem of induction can be simply put. It concerns the support or justification of inductive methods; methods that predict or infer, in Hume's words, that “instances of which we have had no experience resemble those of which we have had experience” (THN, 89). Such methods are clearly essential in scientific reasoning as well as in the conduct of our everyday affairs. The problem is how to support or justify them and it leads to a dilemma: the principle cannot be proved deductively, for it is contingent, and only necessary truths can be proved deductively. Nor can it be supported inductively—by arguing that it has always or usually been reliable in the past—for that would beg the question by assuming just what is to be proved.

[b] **Is/Ought Gap – experience just describes how the world is but doesn’t indicate how it ought to be which means there must be an a priori conception of good**

[c] **Inability to know each other’s experience makes it an unreliable basis for ethics because different experiences bring different concepts of truth – only a priori ethics solve since a priori truths are accessible to all agents**

#### [4] 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. C] Aggregation is impossible – pleasure and pain are subjective

### Offense

#### [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. adhering to duty or morally permissible.

#### 2] Workers promise in contracts not to strike, these contracts grant employers the right to fire people if they strike and has been upheld by the state.

"Employer Sanctions for Violation of No-Strike Clause: Union Busting through Mass Discharge and Rescission." ***Yale Law Journal*,** digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=8323&context=ylj. Accessed 23 June 2021.

**EMPLOYERS often secure no-strike clauses 1 in collective bargaining contracts** 2 with their employees' unions, 3 in order to ensure greater union responsibility for the maintenance of stable production schedules.4 **Under such clauses, the union promises not to authorize or sanction any strike during the term of its contract.' The employer is** usually **given power to discipline or discharge all the individual union members who strike in violation of the no-strike clause.0**

When confronted with a union-sponsored strike in violation of a no-strike clause, the employer may be forced to accede to the union's demands because of production requirements or the scarcity of replacement workers. 7 Alternatively, he may shut down his plant and wait out the strike, disciplining the strikers when they return to work, subject to an arbitrator's review.8 However, if he believes his bargaining position to be strong, he may discharge all the strikers, rescind the contract, and refuse thereafter to deal with the union.0 **The National Labor Relations Board has upheld such employer actions on the grounds that they are justified by the union's prior material breach of the contract,'** ° and that strikers in violation of contract are not protected by the National Labor Relations Act."1

#### Promise breaking is bad