## Framing

#### I affirm. Spikes are at the bottom. Brackets are for clarity.

#### 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.

#### The meta-ethic is procedural moral realism.

#### This entails that moral facts stem from procedures while substantive realism holds that moral truths exist independently of that in the empirical world. Prefer procedural realism –

#### [1] Collapses – the only way to verify whether something is a moral fact is by using procedures to warrant it.

#### [2] Uncertainty – our experiences are inaccessible to others which allows people to say they don’t experience the same, however a priori principles are universally applied to all agents.

#### [3] Is/Ought Gap – we can only perceive what is, not what ought to be. It’s impossible to derive an ought statement from descriptive facts about the world, necessitating a priori premises.

#### 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] 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. This means we can’t treat others as a mere means to an end

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

#### [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] 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.

#### [4] 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**

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

#### Thus, I defend the resolution as a general principle: 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 –and they don’t disprove my general thesis.

**Oxford Dictionary defines**

**Just**

based on or behaving according to what is morally right and fair

**Government:**

the governing body of a nation, state, or community

**just government is one that follows a kantian framework**

#### Def 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- t

**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>) BHHS AK

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 as according to the categorical imperative– anything else is a form of the government restricting freedom

#### [3] Corporations must respect the diginity of employees, a right guaranteed to all subjects; the right to strike is an extension of human dignity.

**McCrudden 08** Christopher McCrudden, Human Dignity and Judicial Interpretation of Human Rights, European Journal of International Law, Volume 19, Issue 4, September 2008, Pages 655–724, https://doi.org/10.1093/ejil/chn043

#### Dignity has functioned, thirdly, as a source from which new rights may be derived, and existing rights extended. In the Israeli context, for example, human dignity has been seen as providing a basis on which to import rights that had not, intentionally, been included in the text of the Basic Law: Human Dignity and Liberty. As Kretzmer observes, ‘the Basic Law does not mention many of the fundamental rights that are protected under most constitutions and international human rights instruments …. The most blatant exclusions are equality, freedom of religion and conscience and freedom of speech.’414 These were excluded because of the inability to generate a consensus among the parties in the Knesset that they should be included at that time. Notably, several of the religious parties objected to their inclusion. Given that the self-perceived role of the Israeli Supreme Court is to assist in the building of an Israel that is committed to the broad range of human rights, that was unsatisfying. Conceptualizing human dignity as a general value ‘has enabled the Court to resort to the concept to create rights in various situations’, including in those contexts where the excluded rights would otherwise have been expected to operate.415 In some cases, the Court has used this method to recognize precisely those rights which were deliberately omitted from the Basic Law because of the lack of political consensus.416 For example, in the Hupert case, the Court asserted that the right to equality could be derived from human dignity and as a consequence merited constitutional protection.417 Other rights that have been derived from dignity in a similar manner include freedom of religion, the right to strike, the right of minors not to be subject to corporal punishment, and the right to know the identity of one's parents.418

#### Bowie 98

A Kantian Theory of Meaningful, Norman E. Bowie Vol. 17, No. 9/10, How to Make Business Ethics Operational: Creating Effective Alliances: The 10th Annual EBEN Conference (Jul., 1998), pp. 1083-1092 <https://www.jstor.org/stable/25073937?origin=JSTOR-pdf>

1. A corporation can be considered moral in that Kantian sense only if the humanity of employees is treated as an end and not as a means merely. 2. If a corporation is to treat the humanity of employees as an end and not as a means, merely, then a corporation should honor the self-respect of the employees.3. To honor the employees’ self respect, the employee must have a certain amount of independence as well as the ability to satisfy a certain amount of their desires. Thus, the corporation should allow a certain amount of independence and make it possible that employees can satisfy a certain amount of their desires. 4. In an economic system, people achieve independence and satisfaction of their desires using their wages which they earn as employees. Thus a corporation should pay employees a living wage, that is, a wage sufficient to provide a certain amount of independence and some amount of satisfaction of desires. though this is as much as one can say given the Kantian text, I believe one can begin to formulate a Kantian theory of meaningful work. First, meaningful work provides a salary sufficient for the worker to exercise her independence and provides for her phsyical well-being and the satisfaction of some of her desires. Second, it seems obvious that meaningful work in a capitalist economy, be it the work of managers or the work of employees, must support the dignity of human beings. That is, capitalist work should support or enhance the dignity of human beings as moral agents. And since for Kant autonomy and rationality are necessary for moral agency. Work that deadens autonomy or that undermines rationality is immoral.

## UV

#### 1] 1AR Theory – a] the aff gets it because otherwise the 1NC could engage in unchecked, infinite abuse which outweighs anything else, b] it’s drop the debater because the 2AR is too short to win a shell AND substance so theory can only check abuse for the aff if it’s a win condition, c] no neg RVI because otherwise they could dump on the shell for 6 minutes and get away with anything by sheer brute force, d) competing interps – 1AR interps aren’t bidirectional and the neg should have to defend their norm since they have more time. e) Aff theory first – it’s a much larger strategic loss because 1min is ¼ of the 1AR vs 1/7 of the 1NC - Prefer structural weighing args about aff vs. neg since they apply to each round so are most likely to establish communal norms

#### 2] Fairness is a voter – it’s an intrinsic aspect of a competitive activity like debate. Education is a voter – it’s the only portable skill from debate.

#### 3] Permissibility affirms:

**A] Dictionary.com defines “ought”: as a verb “used to express** justice**, moral rightness**, or the like**” and To negate is defined as “to deny the existence, evidence, or truth of”, therefore minus offense denying the truth of the resolution, we must affirm.**

**B] We don’t have to justify doing morally neutral things like drinking water**

**C] there’s nothing proactively stopping the aff so just do it**

#### 4] Presumption affirms:

**A] We always default to assuming something true until proven false – if I told you my name is bryan, you would believe me.**

**B] Presuming obligations is logically safer since it’s better to be supererogatory than fail to meet an obligation.**