### Framework

#### *Ethics must begin a priori*

#### [A] Empirical Uncertainty – evil demon could deceive us and inability to know others experience make empiricism an unreliable basis for universal ethics. Outweighs since it would be escapable since people could say they don’t experience the same.

#### [B] Constitutive Authority – The meta-ethic is bindingness. Practical reason is the only unescapable authority because to ask why I should be a reasoner concedes it’s authority since you’re actively reasoning.

#### That justifies universality – a] a priori principles like reason apply to everyone since they are independent of human experience and b] any non-universalizable norm justifies someone’s ability to impede on your ends i.e. if I want to eat ice cream, I must recognize that others may affect my pursuit of that end.

#### Additionally:

#### [A] Ethical frameworks are topicality interpretations of the word ought so they must be theoretically justified. Prefer on resource disparities—focusing on evidence and statistics privileges debaters with the most preround prep excluding lone-wolfs who lack huge evidence files. A debater under my framework can easily be won without any prep since minimal evidence is required. That controls the internal link to other voters because a pre-req to debating is access to the activity.

#### [B] Only universalizable reason can effectively explain the perspectives of agents – that’s the best method for combatting oppression.

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 **criticism**s **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.**

#### Thus, the standard is consistency with the categorical imperative.

#### [1] Presumption and Permissibility affirm: a] Statements are true before false since if I told you my name, you’d believe me. b] If anything is permissible, then so is the aff since there is nothing prohibiting us.

#### [2] Consequences Fail: a] Every action has infinite stemming consequences, because every consequence can cause another consequence so we can’t predict. b] Induction is circular because it relies on the assumption that nature will hold uniform and we could only reach that conclusion through inductive reasoning based on observation of past events. c] Every action is infinitely divisible, only intents unify because we commit the end point of an action – but consequences cannot determine what step of action is moral d] Yes act/omission distinction – there are infinite events occurring over which you have no control, so you can never be moral

#### [3] If the aff is winning, then they get the ballot: Denying the antecedent proves the conclusion.

**Stanford No Date** “an introduction to PHILOSOPHY Stanford University” <https://web.stanford.edu/~bobonich/dictionary/dictionary.html> SJ//VM

Conditional statement: an “if p, then q” compound statement (ex. If I throw this ball into the air, it will come down); p is called the antecedent, and q is the consequent.  A conditional asserts that if its antecedent is true, its consequent is also true; any conditional with a true antecedent and a false consequent must be false.  For any other combination of true and false antecedents and consequents, the conditional statement is true.

### Advocacy

#### Thus the plan, Resolved: A just government ought to recognize an unconditional right of workers to strike. CX checks theory interps to avoid frivolous debates – otherwise I get an I meet.

#### 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.

#### Enforcement through IFAs is normal means – that solves credibility concerns and loopholes which encourages striking.

Neill 12 [Emily CM; “The Right to Strike: How the United States Reduces it to the Freedom to Strike and How International Framework Agreements can Redeem it,” 1/1/12; Labor & Employment Law Forum Volume 2 Issue 2 Article 6; <https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1047&context=lelb>] Justin

IFAs open the door to collective bargaining by creating a space that alters the traditionally antagonistic employer-employee engagement and is more hospitable to the organizing process.83 MNC commitment to respect the core ILO principles of freedom of association and the rights to organize and collectively bargain through IFAs are instrumental to realizing that purpose.84

1. The Creation and Proliferation of International Framework Agreements

An IFA is an agreement negotiated between an MNC and typically85 a global union86 to establish an ongoing relationship between the signatories and ensure adherence to uniform labor standards by the MNC in all countries in which it operates.87 IFAs are the first and only formally-negotiated instruments between unions and corporations at the global level and a significant development in labor relations.88 Since the signing of the first IFA in 1988, they have spread at a steadily increasing rate. 89 Their proliferation since 2000 has been especially dramatic—with the number of IFAs signed in 2003-2006 nearly doubling the number signed in the first fifteen years.90 By 2008, approximately sixty-five agreements had been concluded.91 At the end of 2010, that number had jumped to seventy-six.92

2. Context of Framework Agreements: Corporate Social Responsibility

While both corporate codes of conduct and IFAs can be traced to a consumer driven push for corporate social responsibility, a key difference separates the two: credibility. In the late 1980’s, MNCs in the United States began to respond to campaigns by non-governmental organizations accusing MNCs of international human rights abuses by elaborating internal codes of conduct.93 These codes, unilaterally written and implemented, tend to be vague and provide for no enforcement mechanism.94 The voluntary, self-enforcing nature of these commitments has led critics to conclude that they are mere marketing ploys lacking in credibility or having any real social impact.95

IFAs were developed, in part, as an alternative to corporate codes of conduct to raise labor standards.96 Unlike unilateral codes, IFAs are negotiated between the two principal actors—employers and workers—in the employment relationship.97 Involvement of the very party the agreement is meant to protect attaches greater meaning and significance to the instrument.98

The purpose of IFAs is to promote fundamental labor rights by regulating corporate conduct on a global level.99 This brings us to another key distinction between corporate codes of conduct and IFAs: their concrete normative content.

3. Core ILO Principles as the Substantive Content of IFAs

Whereas codes tend to be vague in their commitments, MNCs commit themselves to concrete international labor norms through framework agreements. The key areas of IFAs are the acceptance of the four core labor standards, as articulated in the 1998 ILO Declaration.100 The Declaration itself is typically not mentioned, but rather the four rights are referred to in IFAs by their convention numbers.101 Thus, apart from a very few exceptions, IFAs refer explicitly to ILO Conventions 87 and 98 on freedom of association and the right to organize and collective bargaining, respectively.102

As previously discussed, ILO standards are the principal source of international labor norms.103 ILO Conventions 87 and 98 are perhaps the most important of ILO principles since the right to organize and bargain collectively is essential to the defense of working conditions like wages, hours, and health and safety through the collective bargaining process.104

4. Scope of IFAs, MNCs and Supply Chains

One of the most important features of IFAs is their goal of addressing behavior not only within the signatory MNC, but along their supply chains as well.105 According to one study, of the IFAs in existence as of 2008, eighty eight percent explicitly indicated that the norms of the agreements applied to their subsidiaries and seventy-three percent contained provisions defining their application to suppliers and subcontractors.106 These provisions contain varying degrees of commitment on behalf of the signatory MNC. Some MNCs agree to place very concrete obligations on supply chain parties, going so far as to detail sanctions to be imposed upon non-compliant suppliers.107 Others contain provisions that are less mandatory, limiting the MNC’s obligation to informing or encouraging its suppliers and subsidiaries to respect the principles of the agreement. For instance, the PSA Peugeot Citroen IFA was amended in 2010, changing its once relatively firm language by which suppliers are “required” to make similar commitments to a much weaker provision in which the MNC agrees to “request” that its suppliers a similar commitment in respect of their own suppliers and sub-contractors.108

III. ANALYSIS

The principal weapon workers have to leverage their bargaining power is the strike.109 The permanent strike replacement policy renders [strikes] this weapon almost meaningless by subjecting workers that employ it to a risk of job loss. This practice deviates from international norms on freedom of association, the right to organize, and bargain collectively, as enunciated in Conventions 87 and 98, and reaffirmed in the ILO 1998 Declaration to the point of rendering the right to strike a mere freedom to strike.110 Fortunately, IFAs have the potential to bring many U.S. operating companies into compliance with international standards on the right to strike, which prohibits the use of permanent replacements.

This Section first addresses the effect of the permanent replacement doctrine on the right to strike in the United States. It next argues that as a member of the ILO, the U.S. is obligated to amend this policy to guarantee workers protection in their right to strike. Finally, it argues that even if the U.S. permits permanent strike replacements, certain U.S. companies are bound to IFAs that prohibit them from taking advantage of the policy.

A. Interference with the Right to Strike is an Abridgement of ILO Principles

Collective bargaining is the mechanism through which workers present their demands to an employer and, through negotiations, determine the working conditions and terms of employment.111 The right to strike arises most often in the context of collective bargaining, though as a weapon of last resort.112 The employment relationship is an economic one—with most workers’ demands encompassing improved pay or other working conditions.113 To bring balance to the employment relationship at the bargaining table, one of the primary weapons available to workers in defending their interests is the threat of withholding labor to inflict costs upon the employer.114 The principle of the strike as a legitimate means of action taken by workers’ organizations is widely recognized in countries throughout the world, almost to the point of universal recognition.115 The ILO Committee on Freedom of Association holds the position that the right to strike is a basic consequence of the right to organize.116

Interference or impairment of the right to strike is inconsistent with Articles 3, 8, and 10 of Convention 87 guaranteeing workers freedom of association and the right to take concerted actions to further their interests. Article 3 recognizes the right of workers’ organizations to organize their activities and to formulate their programs.117 Article 10 states that the term “organization” means any organization for furthering and defending the interests of workers.118 When read together with Article 10, Article 3 protects activities and actions that are designed to further and defend the interests of workers. Recall that strikes are recognized as an essential means through which workers further and defend their interests.119 Article 8 declares that no national law may impair the guarantees of the Convention.120 Because strike action falls under the activities protected by Article 3, which are aimed at furthering and defending workers’ interests, limitations on the right to strike may contravene Conventions 87 and 98.121 This subsection addresses the lawful practice of hiring of permanent replacements for striking workers in the United States as it relates to ILO principles.

1. The Use of Permanent Strike Replacements Reduces the ‘Right’ to Strike to the Unprotected ‘Freedom’ to Strike

In refraining from ratifying ILO Conventions 87 and 98, the United States government has insisted that U.S. law sufficiently guarantees workers protections of the principles of freedom of association, the rights to organize, and bargain collectively.122 While Section 13 of the NLRA addresses the right to strike,123 in reality, enforcement of the NLRA falls short of its goals and departs from international norms, which afford the right to strike fundamental status.124

The Mackay doctrine, permitting permanent replacement of strikers renders the right a mere privilege, or freedom, because it removes meaningful protection of the right by stripping employers of a duty to refrain from interference with striking.125 Wesley Hohfeld’s famous account of legal rights provides a useful analytical framework for distinguishing between the colloquial uses of the “rights” and their implications.126 Under this framework, rights are distinguished from what he calls privileges, or freedoms, by the existence or inexistence of a corresponding duty. All rights have a corresponding duty, or a legal obligation to respect the legal interest of the right-holder and refrain from interfering with it.127 In the example of the right to strike, the correlative is the employer’s duty to not interfere with the employees’ right.128 On the other hand, a ‘freedom’ is the liberty to act, but without the imposition of a duty upon others.129 When one has the freedom to act, others simply do not have a right to prevent her from acting.130 In the strike context, if employees enjoy the freedom to strike, an employer does not have the right to stop the employees from striking, but does not have a duty to not interfere with the act of striking.131

In establishing the Mackay permanent strike replacement Doctrine, the Supreme Court reasoned that the ‘right’ to strike does not destroy an employer’s right to protect and continue business by filling the vacancies of the strikers.132 In so holding, the Court actually transformed the ‘right’ to strike it into the ‘freedom’ to strike by removing a corresponding affirmative duty not to interfere with the exercise of the right from the employer.133 The hire of permanent replacements interferes with strike action by inflicting substantial repercussions upon the employees that undertake the action, loss of employment opportunities.134

The Mackay doctrine forces an employee to choose to strike—at the risk of losing the very job that is the object of the gains and benefits sought— rendering the act virtually useless.135 The threat of being permanently replaced has, in fact, discouraged workers from exercising their ‘right’ to strike.136

Application of the Mackay doctrine produces results that are inconsistent with the NLRA’s provisions regarding protected activity, making the diminution of protection for striking employees even more apparent. In recognizing an employer right to hire permanent replacements, the Mackay Court created a loophole for employers who otherwise are prohibited from firing striking employees under the Section 8(a)(3) of the NLRA, which proscribes retaliation against employees that engage in protected union activity.137 While the act of permanently replacing strikers is lawful, firing strikers is unlawful, although both acts produce the same result: loss of a job as a consequence of striking.138 The result renders the NLRA’s protections for striking workers a dead letter. Although employers have a duty to refrain from retaliation against workers engaged in union activity in the form of firing, employers do not have a duty to refrain from reaching the same result through a different tactic—permanent replacement.139 Thus, this removal of a duty to refrain from interference renders the ‘right’ to strike, an unprotected ‘freedom’ to strike that yields to an employer’s corresponding freedom to replace strikers.140 In other words, the Mackay doctrine preserves the NLRA Section 13 reference to strike action as a lawful recourse for workers, but not one afforded the status of a protected right.

### Offense

#### 1] Striking is a fundamental protection of dignity and the right of the worker to resist a dominant relationship.

**Mason 18** [Elinor. Elinor Mason is a senior lecturer in philosophy at Edinburgh University. On striking, and the recognition that ethics are a collective affair. “On striking, and the recognition that ethics are a collective affair”. 4-1-2018. openDemocracy. https://www.opendemocracy.net/en/opendemocracyuk/on-striking-and-recognition-that-ethics-are-collective-affair/.] SJ//VM

It is worth situating any remarks about the ethics of strike action in the legal context. In Britain, strike action is not civil disobedience, it is legal, and permitted within the framework of employment law. This situation was hard won, by generations of workers who faced terrible working conditions. At the start of the industrial revolution, workers faced day to day working conditions that were often unsanitary and dangerous, no job security, exploitative wages, no paid time off, arbitrary inequalities, and of course, no pensions. In the years following the Industrial Revolution, workers fought for the right to organize, and formed trade unions in order to use collective power to resist unfair treatment by their employers. The overall justification for a framework that allows workers to unionize, and to pursue strike action under some circumstances, is that the possibility of striking provides a safeguard against exploitation, a protection for workers in a situation of power imbalance. **Ethical Issues** 1. Preconditions Obviously, there are various [preconditions that must be met](https://www.opendemocracy.net/uk/kieran-oberman/just-and-unjust-strikes) for a strike to be ethically justified. First, the question of whether what the employers are doing is unfair or not arises. The pensions issue is incredibly complicated, and I do not pretend to understand all the [actuarial details](https://twitter.com/mikeotsuka?lang=en). It seems though, that we have a just cause here, that the offers that have been made are unfair. It is worth pointing out that it is not just a question of how much money there is or will be in the pension fund, there are also ethical questions: a question about how risk should be distributed, and a question about what else the universities are doing with their money. Pensions are a kind of wage, and our wages are not paid out of any particular fund, but out of the universities’ general resources. So we should be wary of accepting frameworks for discussion that attempt to reduce all the issues to financial ones. Relatedly, if a strike is to be justified, the cause must be realistic. There is no point in striking for something that cannot be obtained. But again, we should be careful here. What counts as unrealistic depends on the values people hold. There was a time when votes for women seemed unrealistic. Twenty years ago, marriage equality might have seemed an unrealistic goal. But some people pursued those goals anyway. If we take for granted that vice chancellors will be paid a fortune and that wages will be linked to student enrolment, perhaps fair wages for lecturers is not realistic. But why would we take those things for granted? Finally, of course, less disruptive methods of persuasion should be used first. Striking is a last resort, it is only permissible when negotiation has stalled. We start by trying to persuade the employer on the basis of the reasons: that a policy or proposal is unfair, unnecessary, that there are alternatives. It is only if that fails that we should move to strike action. **2. Harm** The primary aim of a strike is to harm the interests of the employer. Public Sector workers, will, inevitably end up harming the public too. In the public sector, the work we do is a public good, and if we withdraw our labour, we hurt the public. How much harm there is depends on what area, and what sort of public good we are talking about – the potential harm from doctors striking is greater than the potential harm we do here. The harm we do to our students in striking is nonetheless significant, and it needs to be defended. I think that the harm here is justified, and I will try to defend that in what follows, but even if you do not agree with me about this case, I aim to provide a way to think clearly about what might justify this sort of harm. First though, it is worth thinking a bit more about the nature of the harm, and what role it has. We might think of students as innocent bystanders in all this, and we might think that our duty as teachers is to minimize the harm to them. I don’t think that is quite right: students are innocent bystanders in one sense, they are innocent anyway, they are not the ones deciding to cut our pensions. However, harm to students is an essential part of strike action, and we should face that head on. Here is why. Strike action occurs when negotiation has not worked. If the suggested changes are truly unjust, what should we do? Should we simply accept the injustice? The recent history of Conservative government policy in the UK, starting with Thatcher and continued by Cameron, is to weaken the power of the Unions and weaken the right to strike. Their idea is that the way to deal with unjust working condition is through individual employment tribunals. If I am being badly treated by my employer, I should initiate a tribunal. But this deprives us of the power of collective action. The whole point of the union is that we are stronger together. We bargain collectively, and so the employers cannot pit us against each other as individuals. Furthermore, we threaten collectively. Harm to the employer’s interests is a necessary part of what makes collective action effective. It is because a harm is threatened that the employer has reason to change their mind. When the employer is a public body and the work a public good, then harm to the public – the students, in this case – is inevitable. To put it another way, striking is a form of coercion. We want to make it impossible for them to say ‘no’ to us. The preconditions for a justified strike are that the workers offered the reasons that were directly relevant – the reasons relating to justice, and that failed. So now the workers offer a different sort of reason: coercive practical reasons. As I said, the right to strike is a protection against exploitation. We have the right to move on to threat of harm when our reasonable requests are ignored. Compare this situation: imagine that a student plagiarises an essay. We have both a reasons based system to discourage plagiarism (we make clear that it is wrong and unfair) and a practical reason as back up (if you plagiarize, we will take punitive action). The punitive action is essentially harmful, that’s why it is effective, and of course, that is why it is only justified when all else has failed. **3. Justifying harm** First, as I said above, I think that the pensions deal we have been offered is unfair in its own terms. But our goal here is not simply to get our pensions back. Long term, we are trying to protect the University, just as the [junior doctors’ strike](http://www.bbc.co.uk/news/health-34775980) in 2016 was partly about the future of the NHS. If the university mistreats its employees, it will not have as good a pool of staff to draw on, and the quality of the institution will suffer. We impose harms on this generation of students, but we hope that future generations of students will be able to take advantage of a strong university system. More broadly, a strike is usually about more than just the issue at hand. Women factory workers in the early twentieth century went on [strike for equal pay](http://www.unionhistory.info/equalpay/). They were not just striking for equal pay as individuals, they were protesting about gender inequity. The strike has an expressive message. Most of your lecturers striking here are doing more than asking for their pensions back: they are sending an expressive message to University management. For many of us, the message is that we want the University to be a public good, a shared asset, a place of learning and teaching, not a business. Our students are not consumers, and market models are not the best way to run universities. In striking, we are referencing a long history of effective strike action, and we are showing that we are willing to fight for the things we value. This is not to deny that the right to strike could be abused, or could be ineffective. In the end, it is an empirical matter whether the right to strike has done more good than harm, or done more harm than good. It is not an empirical matter that is easy to settle either: labour history is one of the most ideologically polluted areas of human enquiry. On the one hand, there are the supporters of the right to strike, who point out that organization has brought us workers’ rights and tolerable working conditions. On the other hand there are those who argue, with Thatcher, that striking hurts growth; hurts industry; hurts the economy, and should be stopped. It may seem like a far fetched comparison, but think of the right to bear arms, as enshrined in the American constitution. That right has the same basic justification as the right to strike, it is there to protect the ordinary person from tyranny and exploitation by more powerful groups. However, the right to bear arms does not actually function like that. It is not a safeguard against tyranny, but rather causes immense harm. We can imagine that this is how Thatcher saw the right to strike: as a right that does not achieve its aims and causes unnecessary harm. But the opposing view is that the legal right to strike is an effective right, it does protect us, and can be, and is usually, used in a judicious way. But as I say, this is an empirical matter, and we should all know more about labour history. **4. Collective Action** Finally, I will close with a couple of thoughts about collective action. As I said, we stand for more than just this issue. That worries some people: they will not march under a banner that they do not fully endorse. Here is an interesting philosophical/sociological thought about that. As I said, the anti-union movement encourages us away from collective action and towards individual action. One of Margaret Thatcher’s major victories was to [take away the right to strike in solidarity](http://www.unionhistory.info/timeline/1960_2000_Narr_Display.php?Where=NarTitle+contains+%27Anti-Union+Legislation%3A+1980-2000%27) with other workers who have a different employer. Perhaps it is not coincidental that there is also a cultural movement towards thinking of one’s values as a very individual thing, a personal thing. Philosophically, there is one clear mistake there, and a less clear one. The clear mistake is thinking that values are not universalisable. As [Kant](https://plato.stanford.edu/entries/kant-moral/) points out, it is part of the definition of values that they are universalisable. Values are not personal in the sense that they apply only to the person who holds them. The less clear point though, and more relevant here, is that integrity does not require that we never sign up for anything we are not fully on board with every detail of. We shouldn’t be too precious about our own values. The mistake here might be characterized as fetishization, or a quest for purity. Think of the voter who says, ‘I can’t vote for X because of something she has done that I don’t agree with, so I will not vote at all’. This is a mistake. We should think of the bigger picture, sometimes be willing to throw our lot in with those we disagree with in pursuit of bigger goals. [Solidarity](https://www.opendemocracy.net/uk/mihaela-mihai/plea-to-my-students) is important, and solidarity requires that we think of our own values as robust enough to bear some minor disagreements. We should value solidarity; we should engage in it. We hugely appreciate the solidarity of our students: thank you.

#### 2] Universality requires restriction of the employer’s power to arbitrarily impose their will on employees.

**Bogg 17** [Alan. Alan L Bogg is Professor in Law at the [University of Bristol Law School](https://research-information.bris.ac.uk/en/organisations/university-of-bristol-law-school). 'Republican Non-Domination and Labour Law: New Normativity or Trojan Horse?', (2017), 33, International Journal of Comparative Labour Law and Industrial Relations, Issue 3, pp. 391-417, <https://kluwerlawonline.com/journalarticle/International+Journal+of+Comparative+Labour+Law+and+Industrial+Relations/33.3/IJCL2017017>] SJ//VM

According to Pettit, this equal civic status requires the effective public resourcing and protection of ‘basic liberties’ in the relations between private citizens.46 These ‘basic liberties’ consist of those freedoms that are capable of being exercised and enjoyed equally by all citizens. This would require the republican state to entrench such freedoms as ‘the freedom to think what you like’ and ‘the freedom to travel within the society’ as ‘basic liberties’.47 The specification and content of these ‘basic liberties’ is determined through Pettit’s ‘free-person heuristic,’ or ‘eyeball test’: ‘people should securely enjoy resources and protections to the point where they … can look others in the eye without reason for the fear or deference that a power of interference might inspire; they can walk tall and assume the public status, objective and subjective, of being equal in this regard with the best.’48 It is a great strength of Pettit’s account of ‘basic liberties’ that it is rooted in a concern to ameliorate private domination between citizens. By contrast, standard liberal accounts of freedom focus on state infringement of freedom, and are sometimes sceptical of the ‘horizontal’ extension of public rights into the private sphere.49 This also marks an important difference with the structure of Lovett’s republican argument, where his discussion of basic liberties is framed as a concern to impose constitutional limits on public democratic processes.50 On Pettit’s republican account, the ‘basic liberties’ demarcate a protected zone of freedoms that must be insulated from arbitrary interference by other private parties.51 In particular, Pettit’s eyeball test leads to the need for ‘special insulation’ of the ‘basic liberties’ within ‘relationships like those of wife and husband, employee and employer, debtor and creditor, where there are often asymmetries of power’.52 Pettit is therefore concerned to elaborate a republican account of labour standards, and the employment relation lies at the centre of Pettit’s democratic theory. This ‘special insulation’ regime of republican labour law requires the state to impose legal duties on the stronger party to restrain the arbitrary exercise of private power. This would include ‘for cause’ dismissal protection, encompassing ‘constraints within workplace relations that deny an employer the right to fire without cause, imposing something like a requirement to defend an appeal against dismissal in an agreed forum.’53 It also includes ‘legalizing the unionization of employees and recourse to strike action’.54 This is because ‘the resort to collective action…may represent the only hope of winning freedom as non-domination for those who are employed.’55 Pettit defends the public provision of unemployment insurance to resource effective ‘exit’ rights for workers, as part of a public republican programme of insurance for citizens. 56 Pettit’s approach to ‘special insulation’ is also attuned to the specific vulnerabilities of precarious workers. For example, in their republican audit of Spanish governmental reforms implemented under Prime Minister Zapatero, Luis Marti and Pettit offer a favourable assessment of specific legal measures to protect illegal migrant-workers and those employed on fixed term contracts.57

#### **3]** Action under one framework doesn’t preclude another. I can still have an obligation under the categorical imperative, even if the aff is bad under Util. Framing issues don’t exclude the offense.

### Advantage

#### Global democracy is collapsing now.

Freedom House 3/3 [Freedom House. Freedom House works to defend human rights and promote democratic change, with a focus on political rights and civil liberties. We act as a catalyst for freedom through a combination of analysis, advocacy, and action. Our analysis, focused on 13 central issues, is underpinned by our international program work. “New Report: The global decline in democracy has accelerated”. 3-3-2021. . https://freedomhouse.org/article/new-report-global-decline-democracy-has-accelerated.] SJ//VM

Washington - March 3, 2021 — Authoritarian actors grew bolder during 2020 as major democracies turned inward, contributing to the 15th consecutive year of decline in global freedom, according to [***Freedom in the World 2021***](https://freedomhouse.org/report/freedom-world/2021/democracy-under-siege), the annual country-by-country assessment of political rights and civil liberties released today by Freedom House. The report found that the share of countries designated Not Free has reached its highest level since the deterioration of democracy began in 2006, and that countries with declines in political rights and civil liberties outnumbered those with gains by the largest margin recorded during the 15-year period. The report downgraded the freedom scores of 73 countries, representing 75 percent of the global population. Those affected include not just authoritarian states like China, Belarus, and Venezuela, but also troubled democracies like the United States and India. In one of the year’s most significant developments, India’s status changed from Free to Partly Free, meaning less than 20 percent of the world’s people now live in a Free country—the smallest proportion since 1995. Indians’ political rights and civil liberties have been eroding since Narendra Modi became prime minister in 2014. His Hindu nationalist government has presided over increased pressure on human rights organizations, rising intimidation of academics and journalists, and a spate of bigoted attacks—including lynchings—aimed at Muslims. The decline deepened following Modi’s reelection in 2019, and the government’s response to the coronavirus pandemic in 2020 featured further abuses of fundamental rights. The changes in India formed part of a broader shift in the international balance between democracy and authoritarianism, with authoritarians generally enjoying impunity for their abuses and seizing new opportunities to consolidate power or crush dissent. In many cases, promising democratic movements faced major setbacks as a result. In Belarus and Hong Kong, for example, massive prodemocracy protests met with brutal crackdowns by governments that largely disregarded international criticism. The Azerbaijani regime’s military offensive in Nagorno-Karabakh indirectly threatened recent democratic gains in Armenia, while the armed conflict in Ethiopia’s Tigray Region dashed hopes for the tentative political opening in that country since 2018. All four of these cases notably featured some degree of intervention by an autocratic neighbor: Moscow provided a backstop for the regime in Belarus, Beijing propelled the repression in Hong Kong, Turkey’s government aided its Azerbaijani counterpart, and Ethiopia’s leader called in support from Eritrea. The malign influence of the regime in China, the world’s most populous dictatorship, ranged far beyond Hong Kong in 2020. Beijing ramped up its global disinformation and censorship campaign to counter the fallout from its cover-up of the initial coronavirus outbreak, which severely hampered a rapid global response in the pandemic’s early days. Its efforts also featured increased meddling in the domestic political discourse of foreign democracies, as well as transnational extensions of rights abuses common in mainland China. The Chinese regime has gained clout in multilateral institutions such as the UN Human Rights Council, which the United States abandoned in 2018, as Beijing pushed a vision of so-called noninterference that allows abuses of democratic principles and human rights standards to go unpunished while the formation of autocratic alliances is promoted. “This year’s findings make it abundantly clear that we have not yet stemmed the authoritarian tide,” said Sarah Repucci, vice president of research and analysis at Freedom House. “Democratic governments will have to work in solidarity with one another, and with democracy advocates and human rights defenders in more repressive settings, if we are to reverse 15 years of accumulated declines and build a more free and peaceful world.” **A need for reform in the United States** While still considered Free, the United States experienced further democratic decline during the final year of the Trump presidency. The US score in [Freedom in the World](https://freedomhouse.org/report/freedom-world/2021/democracy-under-siege) has dropped by 11 points over the past decade, and fell by three points in 2020 alone. The changes have moved the country out of a cohort that included other leading democracies, such as France and Germany, and brought it into the company of states with weaker democratic institutions, such as Romania and Panama. Several developments in 2020 contributed to the United States’ current score. The Trump administration undermined government transparency by dismissing inspectors general, punishing or firing whistleblowers, and attempting to control or manipulate information on COVID-19. The year also featured mass protests that, while mostly peaceful, were accompanied by high-profile cases of violence, police brutality, and deadly confrontations with counterprotesters or armed vigilantes. There was a significant increase in the number of journalists arrested and physically assaulted, most often as they covered demonstrations. Finally, the outgoing president’s shocking attempts to overturn his election loss—culminating in his incitement of rioters who stormed the Capitol as Congress met to confirm the results in January 2021—put electoral institutions under severe pressure. In addition, the crisis further damaged the United States’ credibility abroad and underscored the menace of political polarization and extremism in the country. ”January 6 should be a wake-up call for many Americans about the fragility of American democracy,” said Michael J. Abramowitz, president of Freedom House. “Authoritarian powers, especially China, are advancing their interests around the world, while democracies have been divided and consumed by internal problems. For freedom to prevail on a global scale, the United States and its partners must band together and work harder to strengthen democracy at home and abroad. President Biden has pledged to restore America’s international role as a leading supporter of democracy and human rights, but to rebuild its leadership credentials, the country must simultaneously address the weaknesses within its own political system.” “Americans should feel gratified that the courts and other important institutions held firm during the postelection crisis, and that the country escaped the worst possible outcomes,” said Abramowitz. “But the Biden administration, the new Congress, and American civil society must fortify US democracy by strengthening and expanding political rights and civil liberties for all. People everywhere benefit when the United States serves as a positive model, and the country itself reaps ample returns from a more democratic world.” **The effects of COVID-19** Government responses to the COVID-19 pandemic exacerbated the global democratic decline. Repressive regimes and populist leaders worked to reduce transparency, promote false or misleading information, and crack down on the sharing of unfavorable data or critical views. Many of those who voiced objections to their government’s handling of the pandemic faced harassment or criminal charges. Lockdowns were sometimes excessive, politicized, or brutally enforced by security agencies. And antidemocratic leaders worldwide used the pandemic as cover to weaken the political opposition and consolidate power. In fact, many of the year’s negative developments will likely have lasting effects, meaning the eventual end of the pandemic will not necessarily trigger an immediate revitalization of democracy. In Hungary, for example, the government of Prime Minister Viktor Orbán took on emergency powers during the health crisis and misused them to withdraw financial assistance from municipalities led by opposition parties. In Sri Lanka, President Gotabaya Rajapaksa dissolved Parliament in early March and, with new elections repeatedly delayed due to COVID-19, ruled without a legislature for several months. Later in the year, both Hungary and Sri Lanka passed constitutional amendments that further strengthened executive power. **The resilience of democracy** Despite the many losses for freedom recorded by [Freedom in the World](https://freedomhouse.org/report/freedom-world/2021/democracy-under-siege) during 2020, people around the globe remained committed to fighting for their rights, and democracy continued to demonstrate its remarkable resilience. A number of countries held successful elections, independent courts provided checks on executive overreach, journalists in even the most repressive environments investigated government transgressions, and activists persisted in calling out undemocratic practices.

#### The plan solves through Corruption reduction – the right to strike fights concentration of power while reducing inequality.

IER 17 [Institute of Employment Rights. The IER exists to inform the debate around trade union rights and labour law by providing information, critical analysis, and policy ideas through our network of academics, researchers and lawyers. “UN Rights Expert: Right to strike is essential to democracy”. 3-10-2017. . https://www.ier.org.uk/news/un-rights-expert-right-strike-essential-democracy/.] SJ//VM

The United Nations’ Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, has reminded member states of the International Labour Organization (ILO) – including the UK – that they have a positive obligation to uphold the right to strike. Speaking at an ILO meeting on Monday 06 March 2017 in Geneva, Kiai argued that the right to strike is fundamental to the preservation of democracy. “The concentration of power in one sector – whether in the hands of government or business – inevitably leads to the erosion of democracy, and an increase in inequalities and marginalization with all their attendant consequences. The right to strike is a check on this concentration of power,” he explained. The right to strike has been established in international law as a corollary to the right of freedom of association for decades, and is enshrined in the European Convention on Human Rights as Article 11. As a member state of the ILO and of the EU, the UK is legally obliged to uphold the right to strike, although through the Trades Union Act 2016 and the anti-trade union laws that preceded it, the government is making it harder and harder for trade unions to take industrial action. Kiai criticised such actions, saying government’s have a duty not to impede workers’ ability to take industrial action. “I deplore the various attempts made to erode the right to strike at national and multilateral levels,” the expert said, reminding delegates: “Protest action in relation to government social and economic policy, and against negative corporate practices, forms part of the basic civil liberties whose respect is essential for the meaningful exercise of trade union rights. This right enables them to engage with companies and governments on a more equal footing, and Member States have a positive obligation to protect this right, and a negative obligation not to interfere with its exercise.”

#### Democratic backsliding causes extinction.

Kendall-Taylor 16 [Andrea; Deputy national intelligence officer for Russia and Eurasia at the National Intelligence Council, Senior associate in the Human Rights Initiative at the Center for Strategic and International Studies in Washington; “How Democracy’s Decline Would Undermine the International Order,” CSIS; 7/15/16; <https://www.csis.org/analysis/how-democracy%E2%80%99s-decline-would-undermine-international-order>/] Justin

It is rare that policymakers, analysts, and academics agree. But there is an emerging consensus in the world of foreign policy: threats to the stability of the current international order are rising. The norms, values, laws, and institutions that have undergirded the international system and governed relationships between nations are being gradually dismantled. The most discussed sources of this pressure are [the ascent of China](http://nationalinterest.org/feature/how-china-sees-world-order-15846) and other non-Western countries, Russia’s assertive foreign policy, and the diffusion of power from traditional nation-states to nonstate actors, such as nongovernmental organizations, multinational corporations, and technology-empowered individuals. Largely missing from these discussions, however, is the [specter of widespread democratic decline](http://www.journalofdemocracy.org/article/facing-democratic-recession). Rising challenges to democratic governance across the globe are a major strain on the international system, but they receive [far less attention](http://www.iiss.org/en/publications/survival/sections/2016-5e13/survival--global-politics-and-strategy-april-may-2016-eb2d/58-2-03-boyle-6dbd) in discussions of the shifting world order.

In the 70 years since the end of World War II, the United States has fostered a global order dominated by states that are liberal, capitalist, and democratic. The United States has promoted the spread of democracy to strengthen global norms and rules that constitute the foundation of our current international system. However, despite the steady rise of democracy since the end of the Cold War, over the last 10 years we have seen dramatic reversals in respect for democratic principles across the globe. [A 2015 Freedom House report](https://freedomhouse.org/sites/default/files/01152015_FIW_2015_final.pdf) stated that the “acceptance of democracy as the world’s dominant form of government—and of an international system built on democratic ideals—is under greater threat than at any point in the last 25 years.”

Although the number of democracies in the world is at an all-time high, there are a number of [key trends](file:///C:\Users\PMeylan\AppData\Local\Microsoft\Windows\Temporary%20Internet%20Files\Content.Outlook\5V2CJVRN\160715_KendallTaylor_DemocracysDecline_Commentary.docx#http://www.journalofdemocracy.org/article/democracy-decline) that are working to undermine democracy. The rollback of democracy in a few influential states or even in a number of less consequential ones would almost certainly accelerate meaningful changes in today’s global order.

Democratic decline would weaken U.S. partnerships and erode an important foundation for U.S. cooperation abroad. [Research demonstrates](file:///C:\Users\PMeylan\AppData\Local\Microsoft\Windows\Temporary%20Internet%20Files\Content.Outlook\5V2CJVRN\160715_KendallTaylor_DemocracysDecline_Commentary.docx#http://cmp.sagepub.com/content/18/1/49.abstract) that domestic politics are a key determinant of the international behavior of states. In particular, democracies are more likely to form alliances and cooperate more fully with other democracies than with autocracies. Similarly, authoritarian countries have established mechanisms for cooperation and sharing of “worst practices.” An increase in authoritarian countries, then, would provide a broader platform for coordination that could enable these countries to overcome their divergent histories, values, and interests—factors that are frequently cited as obstacles to the formation of a cohesive challenge to the U.S.-led international system.

Recent examples support the empirical data. Democratic backsliding in Hungary and the hardening of Egypt’s autocracy under Abdel Fattah el-Sisi have led to enhanced relations between these countries and Russia. Likewise, democratic decline in Bangladesh has led Sheikh Hasina Wazed and her ruling Awami League to seek closer relations with China and Russia, in part to mitigate Western pressure and bolster the regime’s domestic standing.

Although none of these burgeoning relationships has developed into a highly unified partnership, democratic backsliding in these countries has provided a basis for cooperation where it did not previously exist. And while the United States certainly finds common cause with authoritarian partners on specific issues, the depth and reliability of such cooperation is limited. Consequently, further democratic decline could seriously compromise the United States’ ability to form the kinds of deep partnerships that will be required to confront today’s increasingly complex challenges. Global issues such as climate change, migration, and violent extremism demand the coordination and cooperation that democratic backsliding would put in peril. Put simply, the United States is a less effective and influential actor if it loses its ability to rely on its partnerships with other democratic nations.

A slide toward authoritarianism could also challenge the current global order by diluting U.S. influence in critical international institutions, including the [United Nations](https://www.washingtonpost.com/opinions/christopher-walker-authoritarian-regimes-are-changing-how-the-world-defines-democracy/2014/06/12/d1328e3a-f0ee-11e3-bf76-447a5df6411f_story.html) , the World Bank, and the International Monetary Fund (IMF). Democratic decline would weaken Western efforts within these institutions to advance issues such as Internet freedom and the responsibility to protect. In the case of Internet governance, for example, Western democracies support an open, largely private, global Internet. Autocracies, in contrast, promote state control over the Internet, including laws and other mechanisms that facilitate their ability to censor and persecute dissidents. Already many autocracies, including Belarus, China, Iran, and Zimbabwe, have coalesced in the “Likeminded Group of Developing Countries” within the United Nations to advocate their interests.

#### Warming causes extinction

Specktor 19 [Brandon writes about the science of everyday life for Live Science, and previously for Reader's Digest magazine, where he served as an editor for five years] 6-4-2019, "Human Civilization Will Crumble by 2050 If We Don't Stop Climate Change Now, New Paper Claims," livescience, <https://www.livescience.com/65633-climate-change-dooms-humans-by-2050.html> Justin

The current climate crisis, they say, is larger and more complex than any humans have ever dealt with before. General climate models — like the one that the [United Nations' Panel on Climate Change](https://www.ipcc.ch/sr15/) (IPCC) used in 2018 to predict that a global temperature increase of 3.6 degrees Fahrenheit (2 degrees Celsius) could put hundreds of millions of people at risk — fail to account for the **sheer complexity of Earth's many interlinked geological processes**; as such, they fail to adequately predict the scale of the potential consequences. The truth, the authors wrote, is probably far worse than any models can fathom. How the world ends What might an accurate worst-case picture of the planet's climate-addled future actually look like, then? The authors provide one particularly grim scenario that begins with world governments "politely ignoring" the advice of scientists and the will of the public to decarbonize the economy (finding alternative energy sources), resulting in a global temperature increase 5.4 F (3 C) by the year 2050. At this point, the world's ice sheets vanish; brutal droughts kill many of the trees in the [Amazon rainforest](https://www.livescience.com/57266-amazon-river.html) (removing one of the world's largest carbon offsets); and the planet plunges into a feedback loop of ever-hotter, ever-deadlier conditions. "Thirty-five percent of the global land area, and **55 percent of the global population, are subject to more than 20 days a year of** [**lethal heat conditions**](https://www.livescience.com/55129-how-heat-waves-kill-so-quickly.html), beyond the threshold of human survivability," the authors hypothesized. Meanwhile, droughts, floods and wildfires regularly ravage the land. Nearly **one-third of the world's land surface turns to desert**. Entire **ecosystems collapse**, beginning with the **planet's coral reefs**, the **rainforest and the Arctic ice sheets.** The world's tropics are hit hardest by these new climate extremes, destroying the region's agriculture and turning more than 1 billion people into refugees. This mass movement of refugees — coupled with [shrinking coastlines](https://www.livescience.com/51990-sea-level-rise-unknowns.html) and severe drops in food and water availability — begin to **stress the fabric of the world's largest nations**, including the United States. Armed conflicts over resources, perhaps culminating in **nuclear war, are likely**. The result, according to the new paper, is "outright chaos" and perhaps "the end of human global civilization as we know it."

### TT

#### The role of the ballot is to determine whether the resolution is a true or false statement.

#### [1] Constitutivism: The ballot says vote aff or neg based on a topic – five dictionaries define affirm[[1]](#footnote-1) as to prove true and negate[[2]](#footnote-2) as to deny the truth of which means it’s constitutive and jurisdictional – that’s a meta constraint on anything since the judge voting aff if they affirm better and neg the contrary proves that it’s an independent voter and means hack against them if they contest it.

#### [2] Fairness: Anything new moots 6 minutes of the AC and exacerbates neg reactivity advantage so I should be able to compensate by choosing. They justify substantive skews since there will always be a more correct side of the issue but we compensate for flaws in the lit. Means the neg can’t contest both the fwk and ROB: a) forces me to win my fwk is relevant, then win the fwk, then win offense under the ROB which is a 3-1 skew.

#### [3] Give us both 30 speaks – it’s key to non-arbitrarily rank debaters and can be exclusionary since some people can’t speak as well.

#### [4] Neg a priori’s do not negate: a) they all assume I didn’t already meet my burden after the AC. b) Resolved is defined as[[3]](#footnote-3) firm in purpose or intent; determined and I’m determined. a priori’s 1st – even worlds framing requires ethics that begin from a priori principles like reason so we control the internal link to functional debates – their framing collapses since you must say it is true that a world is better than another

### Underview

##### [1] Aff gets 1AR theory since the neg can be infinitely abusive and I can’t check back. Aff theory is drop the debater, competing interps, and the highest layer since the 1ar is too short to win both theory and substance and reasonability bites intervention since it’s up to the judge to determine. No 2NR RVI, paradigm issues, theory, evidence, or new responses to AC arguments since they’d dump on it for 6 minutes and my 3-minute 2AR is spread too thin. Judges resolve 1AR theory all the time and reasonably determine what’s new – answers intervention. No RVIs on AC arguments – incentivizes a 7 minute collapse that decks 1AR strategy. Evaluate the debate after the 1AR since a] the 6 min 2n can dump on our arguments making the 3 min 2AR impossible b] we both get 1 speech to introduce and answer each others argument (1ac, 1nc, 1nc on case, 1ar).

#### [3] No neg meta-theory – I only have time to check abuse 1 time but you can do it in the nc and 2n, uplayering my attempt means we never get to the best norm. This means reject any reason why an aff spike is bad since they claim aff theory is unfair.

#### [4] No neg nibs a] you can uplayer for 7 minutes that I have to answer before I even have access to offense b] inf neg abuse since you would just read 7 mins of auto-negate arguments.

1. *Dictionary.com – maintain as true, Merriam Webster – to say that something is true, Vocabulary.com – to affirm something is to confirm that it is true, Oxford dictionaries – accept the validity of, Thefreedictionary – assert to be true* [↑](#footnote-ref-1)
2. <http://dictionary.reference.com/browse/negate>, <http://www.merriam-webster.com/dictionary/negate>, <http://www.thefreedictionary.com/negate>, <http://www.vocabulary.com/dictionary/negate>, <http://www.oxforddictionaries.com/definition/english/negate> [↑](#footnote-ref-2)
3. http://www.dictionary.com/browse/resolved [↑](#footnote-ref-3)