## 1

### FW

#### The meta-ethic is practical reasoning

#### Infinite Regress: We can infinitely ask why for other theories but to ask why for reasons concedes reasons, so reasons are inescapable and binding, and binding theory outweigh because only they can guide action which is the purpose of ethics.

#### Action Theory: Every action has infinite sub-actions we must unify them under intent to explain the unity of action. To use intent agents must use practical reason to know the means she takes in her actions can achieve principles guiding the action.

#### To be an agent is to have the ability to rationally self-reflect, because that ability is how we derive reason and value.

Korsgaard // 96

Korsgaard, C. M., Cohen, G. A., & O'Neill, O. (1996). The sources of normativity. Cambridge: Cambridge University Press. Bracketed for clarity

And this sets up a problem no other animal has. It is the problem of the normative. For our capacity to turn our attention on to our own mental activities [and desires] is also a capacity to distance ourselves from them, and to call them into question.  I perceive, and I find myself with a powerful impulse to believe. But I back up and bring that impulse into view and then I have a certain distance. Now the impulse doesn’t dominate me and now I have a problem. Shall I act? [but] Is this desire really a *reason* to act? The reflective mind cannot settle for perception and desire, not just as such. It needs a *reason*. Otherwise, at least as long as it reflects, it cannot commit itself or go forward. If the problem springs from reflection then the solution must do so as well. If the problem is that our perceptions and desires might not withstand reflective scrutiny. We [we] have reasons if they do. The normative word ‘reason’ refers to a kind of reflective success. If ‘good’ and ‘right’ are also taken to be intrinsically normative words, names for things that automatically give us reasons, then they too must refer to reflective success. And they do. Think of what they mean when we use them as *exclamations*. ‘Good!’ ‘Right!’ There they mean: I’m satisfied, I’m happy, I’m [and] committed, you’ve convinced me, let’s go. They mean [and] the work of reflection is done.

#### Agency requires universalizability. Universal willing is a prerequisite to self-determination of action. Anything else means desire controls our actions, thus the actor is no longer an agent.

**Korsgaard // 99**

Korsgaard, C. M. (1999). Self-Constitution in the Ethics of Plato and Kant (1st ed., Vol. 3). Spinger.

The second step is to see that particularistic willing makes it impossible for you to distinguish yourself, your principle of choice, from the various incentives on which you act. According to Kant you must always act on some incentive or other, for every action, even action from duty, involves a decision on a proposal: something must suggest the action to you. And in order to will particularistically, you must in each case wholly identify with the incentive of your action. That incentive would be, for the moment, your law, the law that defined your agency or your will. It’s important to see that if you had a particularistic will you would not identify with the incentive as representative of any sort of type, since if you took it as a representative of a type you would be taking it as universal. For instance, you couldn’t say that you decided to act on the inclination of the moment, because you were so inclined. Someone who takes “I shall do the things I am inclined to do, whatever they might be” as his maxim has adopted a universal principle, not a particular one: he has the principle of treating his inclinations as such as reasons. A truly particularistic will must embrace the incentive in its full particularity: it, in no way that is further describable, is the law of such a will. So someone who engages in particularistic willing does not even have a democratic soul. There is only the tyranny of the moment: the complete domination of the agent by something inside him.

#### If an agent regards their purpose as important, they must regard the means as important, one of which is freedom.

**Denying individuals’ independent choice, or outer freedom, is rationally contradictory. As you expand your freedom to limit someone else’s same freedom which results in contradiction and is incoherent, so we can’t limit anyone’s freedom.**

**A universal system of freedoms requires consistency with the omnilateral will.**

Ripstein // 04

[Arthur Ripstein, (University Professor of Law and Philosophy, [University of Toronto](https://scholar.google.com/citations?view_op=view_org&hl=en&org=8515235176732148308)) "Authority and Coercion" Philosophy & Public Affairs, 32: 2–35, 2004, http://onlinelibrary.wiley.com/doi/10.1111/j.1467-6486.2004.00003.x/abstract, DOA:12-16-2017 //] Bracketed for clarity

Kant explains the need for the three branches of government in Rousseau’s vocabulary of the “general will.” Kant finds this concept helpful, since it manages to capture the way in which the specificity of the law and the monopoly on [the law’s] its enforcement do not thereby make it the unilateral imposition of one person’s will upon another. Instead, it is what Kant calls an “omnilateral” will, since all must agree to set up procedures that will make right possible. All must agree, because without such procedures, equal freedom is impossible, and so the external freedom of each is impossible. But the sense in which they must agree is not just that they should agree; it is that they cannot object to being forced to accept those procedures, because any objection would be nothing more than an assertion of the right to use force against others unilaterally. Once the concept of the General Will is introduced, it provides further constraints on the possibility of a rightful condition, and even explains the ways in which a state can legitimately coerce its citizens for reasons other than the redress of private wrongs. Kant’s treatment of these issues of “Public Right” has struck many readers as somewhat perfunctory, especially after his meticulously detailed, if not always transparent, treatment of private right. He treats these issues as he does because he takes them to follow directly from the institution of a social contract. The details of his arguments need not concern us here, because he does not claim that these exhaust the further powers of the state. Instead, he puts them forward as additional powers a state must have if it is to create a rightful condition, and it is the structure of that argument that is of concern here.

#### Thus, the standard is consistency with the omnilateral will. Prefer:

#### [1] Ethical frameworks must be theoretically legitimate. All frameworks are functionally topicality interpretations of the word ought so they must be theoretically justified:

#### [a] Resource disparities—a focus on evidence and statistics privileges debaters with the most preround prep which excludes lone-wolfs who lack huge evidence files. My Framework solves since only analytical arguments are required. That controls the internal link to other voters because a pre-req to debating is access to the activity.

#### [b] Real world education—states abide by inviolable side-constraints in constitutions—Germany proves.

Ripstein // 09

Ripstein, Arthur. Force and Freedom: Kant's Legal and Political Philosophy. Harvard University Press, 2009.

Strictly speaking, the right to dignity is not an enumerated right in the German Basic Law [says], but the organizing principle under which all enumerated rights—ranging from life and security of the person through freedom of expression, movement, association, and employment and the right to a fair trial to equality before the law—are organized. It appears as Art. I.1: “Human dignity shall be inviolable. To respect and protect it shall be the duty of all state authority.” Art. I.3 explains that the enumerated rights follow: “The following basic rights shall bind the legislature, the executive, and the judiciary as directly applicable law.” Other, enumerated rights are subject to proportionality analysis, through which they can be restricted in light of each other so as to give effect to a consistent system of rights. The right to dignity is the basis of the state’s power to legislate and so is not subject to any limitation, even in light of the enumerated rights falling under it, because—to put it in explicitly Kantian terms—citizens could not give themselves a law that turned them into mere objects.

#### Voters: Fairness—debate is a competitive activity governed by rules. You can’t evaluate who did better debating if the round is structurally skewed, so fairness is a gateway to substantive debate. Education—schools fund debate for its education value, and only education has out of round impacts.

#### [2] Performativity—freedom is the key to the process of justification of arguments. Willing that we should abide by their ethical theory presupposes that we own ourselves in the first place. Thus, it is logically incoherent to justify a standard without first willing that we can pursue ends free from others.

### Offense

#### 1] Strikes violate individual autonomy by exercising coercion.

Gourevitch 18 [Alex; Brown University; “The Right to Strike: A Radical View,” American Political Science Review; 2018; [https://sci-hub.se/10.1017/s0003055418000321]](https://sci-hub.se/10.1017/s0003055418000321%5d//SJWen) Justin

\*\*Edited for ableist language

Every liberal democracy recognizes that workers have a right to strike. That right is protected in law, sometimes in the constitution itself. Yet strikes pose serious problems for liberal societies. They involve violence and coercion, they often violate some basic liberal liberties, they appear to involve group rights having priority over individual ones, and they can threaten public order itself. Strikes are also one of the most common forms of disruptive collective protest in modern history. Even given the dramatic decline in strike activity since its peak in the 1970s, they can play significant roles in our lives. For instance, just over the past few years in the United States, large illegal strikes by teachers ~~paralyzed~~ froze major school districts in Chicago and Seattle, as well as statewide in West Virginia, Oklahoma, Arizona, and Colorado; a strike by taxi drivers played a major role in debates and court decisions regarding immigration; and strikes by retail and foodservice workers were instrumental in getting new minimum wage and other legislation passed in states like California, New York, and North Carolina. Yet, despite their significance, there is almost no political philosophy written about strikes.1 This despite the enormous literature on neighboring forms of protest like nonviolence, civil disobedience, conscientious refusal, and social movements.

The right to strike raises far more issues than a single essay can handle. In what follows, I address a particularly significant problem regarding the right to strike and its relation to coercive strike tactics. I argue that strikes present a dilemma for liberal societies because for most workers to have a reasonable chance of success they need to use some coercive strike tactics. But these coercive strike tactics both violate the law and infringe upon what are widely held to be basic liberal rights. To resolve this dilemma, we have to know why workers have the right to strike in the first place. I argue that the best way of understanding the right to strike is as a right to resist the oppression that workers face in the standard liberal capitalist economy. This way of understanding the right explains why the use of coercive strike tactics is not morally constrained by the requirement to respect the basic liberties nor the related laws that strikers violate when using certain coercive tactics.

#### 2] Means to an end: employees ignore their duty to help their patients in favor of higher wages which treats them as a means to an end.

#### 3] The aff homogenizes all strikes as an unconditional right which is unethical.

Loewy 2K, Erich H. "Of healthcare professionals, ethics, and strikes." Cambridge Q. Healthcare Ethics 9 (2000): 513. (Erich H. Loewy M.D., F.A.C.P., was born in Vienna, Austria in 1927 and was able to escape first to England and then to the U.S. in late 1938. He was initially trained as a cardiologist. He taught at Case Western Reserve and practiced in Cleveland, Ohio. After 14 years he devoted himself fully to Bioethics and taught at the University of Illinois for 12 years. In 1996 he was selected as the first endowed Alumni Association Chair of Bioethics at the University of California Davis School of Medicine and has taught there since.) JG

It would seem then that the ethical considerations for workers striking in an industry such as a shoe factory or a chain grocery store are quite different from the ethical considerations for workers in sanitation, police, or fire departments, or for professionals such as teachers or those involved directly in healthcare. Even in the latter “professional” category, there are subtle but distinct differences of “rights” and obligations. However, one cannot conclude that for workers in essential industries strikes are simply ethically not permissible, whereas they are permissible for workers in less essential industries. Strikes, by necessity, injure another, and injuring another cannot be ethically neutral. Injuring others is prima facie ethically problematic—that is, unless a good and weighty argument for doing so can be made, injuring another is not ethically proper. Striking by a worker, in as much as doing so injures another or others, is only a conditional right. A compelling ethical argument in favor of striking is needed as well as an ethical argument in favor of striking at the time and in the way planned. It remains to delineate the conditions under which strikes, especially strikes by workers in essential industries and even more so by persons who consider themselves to be “professionals,” may legitimately proceed and yet fulfill their basic purpose.

#### 4] Free-riding: strikes are a form of free-riding since those who don’t participate still reap the benefits.

Dolsak and Prakash 19 [Nives and Aseem; We write on environmental issues, climate politics and NGOs; “Climate Strikes: What They Accomplish And How They Could Have More Impact,” 9/14/19; Forbes; <https://www.forbes.com/sites/prakashdolsak/2019/09/14/climate-strikes-what-they-accomplish-and-how-they-could-have-more-impact/?sh=2244a9bd5eed>] Justin

While strikes and protests build solidarity among their supporters, they are susceptible to collective action problems. This is because **the goals that strikers pursue tend to create non-excludable benefits**. That is, benefits such as climate protection can be enjoyed by both strikers and non-strikers. Thus, large participation in climate strikes will reveal that in spite of free-riding problems, a large number of people have a strong preference for climate action.

## 2

#### Counter-Plan Text: “A just government” ought to recognize a right of workers to strike with a condition that strikes not relate to inter-union disputes.

Waas 13 Bernd Waas (Goethe University Frankfurt, Germany). “Strike as a Fundamental Right of the Workers and its Risks of Conflicting with other Fundamental Rights of the Citizens,” XX World Congress, Santiago de Chile, September 2012, General Report III. <https://www.islssl.org/wp-content/uploads/2013/01/Strike-Waas.pdf> SJMS

In Australia, the law explicitly states that industrial action must not “relate to a significant extent to a demarcation dispute”17. In Ireland, strikes arising from inter-union disputes would not fall within the scope of statutory immunities, because the definition of “trade dispute” is restricted to disputes between employers and workers, and, accordingly, does not apply to disputes between workers. The same is true for Colombia, where it is acknowledged that strikes may not be aimed at settling disputes between unions. In Turkey, strikes over such issues are not permissible because they cannot be dealt with by collective bargaining. In the United States, strikes occasionally arise over disputes between labour unions over the right to perform specific work which both entities believe should be assigned to members of their own bargaining unit. If employees of a unit strike once an employer assigns given work to the members of another unit, such a jurisdictional dispute constitutes a violation of the National Labour Relations Act18.

#### Empirical evidence proves – inter-union rivalries hurt the labor movement.

Ncube 16 Farai Ncube (Faculty of Management & Law, School of Economic and Management, University of Limpopo, Polokwane, South Africa), “Inter- Union Rivalry, Legitimacy and Union Influence on Shop-Floor Industrial Relations in Zimbabwe’s Urban Councils,” International Journal of Economics, Finance and Management Sciences. Vol. 4, No. 6, 2016, pp. 362-368. doi: 10.11648/j.ijefm.20160406.18 <http://article.sciencepublishinggroup.com/html/10.11648.j.ijefm.20160406.18.html> SJMS

From the discussion above it is clear that union rivalry affects workers who suffer because of union officials in power struggles. While it is clear that unions may be politically affiliated, in our view there is nothing wrong with this but when they lose focus, they then fail to justify their existence. Unions through shop stewards exist at the grass root to promote, protect and improve the economic, the social and the political interests of their members both in the workplaces and in society [[11](http://article.sciencepublishinggroup.com/html/10.11648.j.ijefm.20160406.18.html#reference_11)]. These should be the interest of workers and not unions per-se. The performance of trade unions is closely bound up with questions of identity, but the identity showed reveal benefits to union members. If it fails to do so then there is no basis for unionisation [[4](http://article.sciencepublishinggroup.com/html/10.11648.j.ijefm.20160406.18.html#reference_4)]. There is little doubt that politics matters to unions; the strength of a union is a product of membership, and actual `clout at the bargaining table and in politics [[10](http://article.sciencepublishinggroup.com/html/10.11648.j.ijefm.20160406.18.html#reference_10)]. But while this is key unions should not lose focus of pursing their member’s interest which then results in the maintenance of harmonious industrial relations. Employers can easily ignore a weak union as it hardly represents the workers [[13](http://article.sciencepublishinggroup.com/html/10.11648.j.ijefm.20160406.18.html#reference_13)]. They went on to explain that the agreement with such a union will hardly be honoured by management a situation that was revealed equally by respondents from both unions. The free riders concept which typified the council may prove failure by unions to maintain effective shop-floor industrial relations by effectively representing worker interest. Management given such a window of opportunity end up making decisions that are go uncontested. The paper concludes that the absence of a workers committee to represent workers in the works council is affecting workers grossly hence defying logic of the union existence. This may explain why the unions are failing to garner membership so as to gain 50% majority. Trade unions, worldwide, are experiencing difficulties on many counts in general and retention of quality membership in particular. There has been substantial erosion both in membership as well as bargaining power of unions [[13](http://article.sciencepublishinggroup.com/html/10.11648.j.ijefm.20160406.18.html#reference_13)]. The paper maintains that the identified trend by the author above is heralded through the experience of the 3 trade unions who have lost tremendously legitimacy as evidenced by free managerial will and prerogatives. For many industrial relations theories, the founding principle of trade unionism resides in the existence of objective interests shared by members of the workforce [[12](http://article.sciencepublishinggroup.com/html/10.11648.j.ijefm.20160406.18.html#reference_12)]. The emergence and longevity of collective organizations flows from the strength and significance of these interests [[12](http://article.sciencepublishinggroup.com/html/10.11648.j.ijefm.20160406.18.html#reference_12)]. Union rivalry in this regard tempers against such interest and management take advantage of this situation which therefore create disharmony and discord thus grossly affecting unionism. The task of union organizations therefore is first to identify and interpret these collective interests and then to organize, in accordance with the circumstances, the appropriate forms of mediation in the relation to the common interest, a situation that is lacking hence challenging union legimacy and adversely affecting shop-floor industrial relations. The paper concludes by identifying that union rivalry is mainly exacerbated by the political alliance of trade unions and political protagonists. This makes the unions to lose vision and focus towards achieving the sole purpose of their existence. At the end unions spend a lot of time fighting each other, painting each other in the darkest colour. This equally affects union density where potential members see no value addition in joining unions. Union rivalry creates an avenue for union fragmentation which management capitalise on to maintain a divide and rule tactic. Workers are therefore left exposed as unions will be focusing on power games and not bread and butter issues. Given the intensity of competition for legitimacy, acceptance and recognition clear battle lines between unions are created and at the end of the day workers wail and lament while management always have the last laugh.

#### Methodology in doc

Farai Ncube (Faculty of Management & Law, School of Economic and Management, University of Limpopo, Polokwane, South Africa), “Inter- Union Rivalry, Legitimacy and Union Influence on Shop-Floor Industrial Relations in Zimbabwe’s Urban Councils,” International Journal of Economics, Finance and Management Sciences. Vol. 4, No. 6, 2016, pp. 362-368. doi: 10.11648/j.ijefm.20160406.18 <http://article.sciencepublishinggroup.com/html/10.11648.j.ijefm.20160406.18.html>

Primary and secondary sources of data were utilised for data collection. The study was conducted through the use of both questionnaires and interviews with key informants from the two dominant unions, the Zimbabwe Urban Council Worker’s Union (ZUCWU) and the Zimbabwe Rural Council Worker’s Union (ZRCWU). Given the nature of the study union officials were targeted and selected through the use judgemental sampling technique by focusing on those appropriate to the study. In total 51 union officials, paralegals and shop stewards participated in the study. Of the 51 participants 30 belonged to ZUCWU obviously because it had more members hence possessing a bigger committee and 21 respondents were ZRUWU members. Of the 51 combined together 18(35.3%) were female and 33(64.7%) male.

#### Using strikes in inter-union disputes hurt recruitment and divert resources from labor initiatives. This creates a negative feedback loop because lower recruitment leads to more inter-union tension. This also diminishes foreign investment in small countries like Ireland.

Frawley 01 Martin Frawley (assistant editor of Industrial Relations News), “Inter-union rivalry shooting trade union movement in foot,” The Irish Times, May 12, 2001, <https://www.irishtimes.com/culture/inter-union-rivalry-shooting-trade-union-movement-in-foot-1.307449>

Weary rail travellers were no doubt hard pressed to understand how a little more than 100 train drivers could shut down the railways this week in a dispute, not over pay and conditions, but because of inter-union rivalry. They are members of the Independent Locomotive Drivers Association (ILDA) branch of the Amalgamated Transport and General Workers Union (ATGWU). If the commuters are baffled, the Irish Congress of Trade Unions (ICTU) is becoming increasingly concerned that yet another row between its constituent members has shut down a public utility with all the attendant bad press for the trade union movement. Moreover, what is perceived as petty squabbling between unions over 100 already organised workers, completely undermines any efforts to recruit the 850,000 unorganised workers, the success of which is becoming critical to the long-term survival of trade unions. A very public row between SIPTU and IMPACT about the right to represent cabin crew was a major factor in grounding Aer Lingus aircraft on several occasions last year. Inter-union rivalry again almost sparked a strike in the ESB earlier this year. Though the ATGWU says this particular dispute hinges on its right to represent seven members on disciplinary hearings, it is really yet another power struggle between the 200,000-strong SIPTU, which supports partnership and the PPF, and the much smaller British-based ATGWU, which has consistently opposed national agreements. Stuck in the middle with the by now strike-hardened commuters, the company points out there are almost 40 negotiating groups in Iarnrod Eireann. Any further splintering could lead to what Iarnrod Eireann management described as industrial meltdown. None of the parties, however, is blameless. The Government as owner is a reluctant investor. Unlike the other semiStates, which are being polished up for privatisation, there are no consortiums lining up to invest in Iarnrod Eireann or woo the employees to support their bid. Government inertia is then replaced by overzealous interference during times of crisis, which undermines senior management, creating a three-corner fight among the Government, management and the unions. This creates an industrial relations vacuum in the company, which the unions have been allowed to exploit. It is the wider trade union movement which has most to lose from this dispute. It comes at a time when the unions are battling to retain the high standing they have built up painfully over the years through the partnership agreements. What worries the unions is that, while they have gained certain kudos for their contribution to the economic recovery that partnership has helped to establish, this is not reflected in increasing membership at factory or shop-floor level. OVERALL membership has increased, but it has not kept pace with the significant rise in employment and, accordingly, union strength has declined. Unions have maintained their strong base in the public sector with over 90 per cent representation. However, in the private sector it has dropped to below one in four, and unions are in danger of becoming irrelevant in a sector that has seen such dramatic jobs growth. Union efforts at recruitment have been, at best, patchy with no concerted effort to go after the 55 per cent of the workforce which remains unorganised. The disputes in Iarnrod Eireann and Aer Lingus are about two unions squabbling over workers already highly organised. The relative decline in union membership has increased the number of interunion rows, as they battle with each other to grab an increasing share of a shrinking market, often at the expense of "colleague' unions. While trade unions are at heart a political and social movement, from a business perspective they need new members to boost finances and negotiating strength. The strategy at the moment, however, appears to be that rather than combine and chase new members, unions are battling each other for dominance in the existing market. Also, those inter-union battles are mostly taking place in the public sector, where the unions have no recruitment problems. Not only does this leave the trade unions with little energy to confront the tougher task of recruitment in a predominantly anti-union private sector, but infighting which can close a rail network sends out all the wrong signals to potential recruits. Many of the rail passengers left stranded this week are the types of people the trade union movement should be targeting. Younger workers in the new service-based industries would simply be bemused by the explanations offered by the unions as to why they are being left on the platform. Mention of the ICTU Disputes Between Unions Committee and rule 47(d) would only convince such people that they really are dealing with an alien culture that is best left to its own devices. Employers, suspicious of trade unions from the start, will have their worst fears confirmed by the situation that was allowed to develop in such a key public service as Iarnrod Eireann. Already the employers' body IBEC has called for a ban on strikes in essential services. While the employers usually respond to an essential service strike in this manner, if there are further inter-union squabbles such calls may find more than a sympathetic ear among the legislators. Even worse for the unions is the picture this paints of Ireland abroad. State agencies in countries that compete with Ireland for mainly US investment lose no time in directly informing such companies of the latest industrial strife to hit Ireland. In a small open economy, inward investment is critical. A key plank of the partnership agreements has been that, in return for modest pay rises boosted by tax breaks from the Government, the trade unions are to deliver stability. By and large, the unions have delivered such stability, which has formed the backbone of our current economic success. However, in the last year or so the partnership structure has come under intense pressure, largely as a result of the economic success it has nurtured. The Taoiseach, one of the original architects of partnership and a firm believer in it, has been on his feet in the Dail more frequently of late defending the national agreement. Mick O'Reilly, general secretary of the ATGWU, who has been at the centre of the rail dispute, is a vociferous opponent of national agreements. The trade union movement is still about two to one in favour of national agreements. This was the dark cloud which hovered over this week's rail dispute, as the opposing forces within the trade union movement squared up to each other yet again. In the context of the pending settlement last Thursday, Mr O'Reilly said unions should not be fighting over existing members but should combine to tackle the issue of the 85,000 workers who are still unorganised. If that is a genuine peace offering, a united trade union recruitment campaign should yield the membership and influence at shop-floor level that the unions believe their contribution to the economy deserves. However, in the same interview, Mr O'Reilly did not say he would give up on his efforts to secure negotiating rights for his train drivers. A few hours later, Noel Dowling, national industrial secretary of SIPTU, was similarly reluctant to say that SIPTU would make any room for the ATGWU at the negotiating table.