#### Even if there’s an objective morality, it can’t be transcendent like a scientific law—moral judgements depend upon lower-level laws that require exceptions

Lance and Little 6 Mark Norris Lance and Margaret Olivia Little. “Defending Moral Particularism.” In *Contemporary Debates in Moral Theory*, James Dreier (ed.), 2006. Z. Smith Reynolds Library at Wake Forest University. Mark Norris Lance is a professor in the Philosophy Department and Justice and Peace Studies Program at Georgetown University Margaret Olivia Little Director, Kennedy Institute of Ethics Associate Professor, Philosophy Department Georgetown University https://philpapers.org/rec/LANPAA-2 //avery

But what if one does believe cruelty and the like to be univalent? The first thing to say is that, **even if there are exceptionless moral generalizations** functioning as higher-order laws in morality, this doesn’t itself obviate the (now **lower-order**) lawlikeness of the generalizations concerning our old friends lying, promise-keeping, and the infliction of pain. Higher-order laws, it turns out, can’t do all the heavy lifting. To give an example of Lange’s, it might be the case that all the phenomena of island biodiversity can be unified as instances of Darwinian survival strategy; pointing to laws at that higher level, that is, may unify and constrain patterns of behavior at the level of islands. Nonetheless, there are inferences – the raison d’être of theoretical principles – we can **make only by invoking the lower-level laws.** Laws of island biodiversity allow us to predict with fair accuracy, for instance, the population of a species given only the size of the island, something that cannot be done within Darwinian theory, which makes no mention of islands. Higher-level laws, in short, even where they exist, often fail to capture the content of laws at a lower level. Lower-level laws retain autonomous value. Second, once we realize that genuine laws admit of exception, space opens for a more radical rejoinder. For once we realize this, pressure is placed on why one should believe that exception-filled laws must be backed up at some higher level by a strict one. It places pressure, that is, on any ex ante commitment to the claim that exception-laden laws depend, for their existence, on exceptionless ones. Again, one may have a particular view about morality – here, about its metaphysical backing rather than its first-order normative structure – that implies the existence of strict higher-order moral laws. A Natural Law theorist, or again a Platonist about morality, is committed to the existence of strict moral laws that determine everything’s ethical nature, in much the same way the laws of physics determine all physical nature. But for those who have an essentially **organic, practice-based notion** of morality, according to which morality is **objective but not transcendent**, **there may be no hidden “scientific moral image” lying behind the manifest one.**15 Given the practice we find ourselves engaged in – and only from the perspective of such engagement – we have a sense of the point of that practice, and an understanding of our goals and purposes that allows us to amend that practice. But apart from our skillful involvement with it, we could not formulate any conception of its point, much less produce a codified theory of it that could be used to determine appropriateness within the practice. Moral understanding, while drenched in exception, is understanding of a structure, not merely a series of instances. What one comes to understand is a complex whole, in which intuitions about cases, privileged conditions, and compensatory moves all exert leverage on one another..

#### Moral principles frequently have exceptions—it’s not that nothing’s universal, but there’s no way to compare or codify values independent of context

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Moral particularists like exceptions. At any rate, they regard exceptions as **ubiquitous to moral principles**; more importantly, they view them as friend rather than foe. This is of course simply to state their philosophical intuition. We believe, though, that it’s the right intuition; and in this paper, we try to say why. In doing so, we will argue more to the second point than the first. We’ll be concerned less with demonstrating that the right moral principles in fact irreducibly admit of exception, and more with demonstrating that, if such exceptions do (as we suspect) exist, they should be tolerated and indeed embraced. This distinction points to two quite different bases for objecting to the type of moral particularism we’ll be developing. The first, about which we’ll have less to say, stems from substantive moral commitments. One might well believe that, all things considered, the best moral theory is one that in fact ends up cleaning up all exceptions; if so, one certainly won’t be a particularist. Resistance to particularism thus sometimes reflects commitment to a view such as **Kant**’s about lying, say, or the **util**itarian’s about pain, on which it turns out that lying is always wrong-making and pain always bad-making. This is a stance we respect (though we do not agree with it). After all, even those who believe that exceptions can be important must agree that **not all realms admit of them**. Physics, for instance, may well be a system susceptible to a codifiable structure of exceptionless laws (though its exceptionless laws may ending up having statistical quantifiers embedded in them); and even those who are particularists about physics would agree that we could, at any rate, make up a game whose every move is governed by a finite set of exceptionless rules. For many people, though, resistance to moral particularism stems not from any ex ante commitment to a given normative theory. It stems, instead, from commitment to an extra-moral view about the nature of explanation. It stems from a conception of the way in which reasons and explanation must function in any realm – namely, by subsumption under strict theoretical generalizations or laws. According to this view, exceptions stand in the way of genuine explanation. Those committed to such a picture will regard the presence of moral exceptions as an embarrassment to the theoretical task of moral understanding and justification: morality had better be secured by a structure that doesn’t admit of exception, on pain of morality’s demotion to second-class epistemic status. The answer to this sort of resistance is provision of a different model of explanation. We believe that, while reasons and explanation can travel by way of subsumption under strict laws, it is a deep mistake to think they always do – a mistake which, unless resisted, will obscure some of the richest views available. For some realms, ethics included, understanding and expertise is, at its heart, **a matter of understanding, not eliminating, exception**. Exceptions and Explanation Few people believe that lying is always wrong. After all, there may be some contexts in which another moral duty or principle – relief of terrible suffering, say – proves more important. Except where we are prepared to be absolutist, then, claims about the all-things-considered rightness or wrongness of following a given duty will have exceptions. Amongst those who concur with this rather innocuous statement, some believe we can recover a tractable calculus governing the interactions of the various duties or principles that come our way. Perhaps justice is lexically ordered over utility maximization; perhaps we can find a way to render duties’ strengths that will allow us to recover a calculative procedure for balancing them; perhaps specifying the duties to specific roles will allow us to set forth a once-and-for-all ordering of them. Others have set this aside as a misguided project. There is **no algorithm** or quantitative method, they urge, for deciding when justice should trump mercy rather than the other way round, no setting out a way to order or balance the virtues, principles, or duties (take your personal favorite) **independently of context**. Instead, it takes **qualitative judgment** or phronesis to make the comparative judgments in individual cases. Whichever side of that debate one comes down on, though, the vast majority of contemporary philosophers believe that relevant moral duties or features always make the same sort of contribution to a moral situation. Like the forces of physics, but without the vector calculus, we can isolate various moral forces that always push, as it were, in the same moral direction as telling for or against an action. We could put it by inserting a ‘ceteris paribus’ or ‘prima facie’ or ‘pro tanto’ qualifier in front of the claim that ‘lying is wrong’, where those qualifiers function to abstract away possible competing moral considerations. Such a claim is in essence equivalent to asserting an exceptionless connection between lying and a milder moral property: lying may sometimes be morally justified, but it is always wrong-making (see, e.g., Pietrowski 1993). It is here that moral particularists part company. Pain is always bad-making – well, except when it’s constitutive of athletic challenge; intentionally telling a falsehood is prima facie wrong – well, not when done to Nazi guards, to whom the truth is not owed, or when playing the game Diplomacy, where it’s the point of the contest. Pleasure always counts in favor of a situation – well, except when it’s the sadist’s delight in her victim’s agony, where her pleasure is precisely part of what is wrong with the situation.1 It is always wrong-making not to take competent agents at their word; well, not in the S&M room, where ‘no’ precisely does mean ‘yes’. Considerations that in one context tell in favor of an action can in another **go neutral or flip directions entirely**, and all in a way that **cannot be codified** in any helpful concrete way.

#### It is the burden of the affirmative to be able to prove that in every instance we have a moral obligation to do what they propose.

#### Permissibility and Presumption negate:

#### 1] Obligations – the resolution indicates the affirmative has to prove an obligation, and permissibility would deny the existence of an obligation – burden of proof proves

#### 2] Falsity – Statements are more often false than true because proving one part of the statement false disproves the entire statement. Presuming all statements are true creates contradictions which would be ethically bankrupt.

#### 3] Negating is harder – Aff gets last speech to crystallize and shape the debate in a way the favors them with no 3NR

### Offense:

#### A] The Affirmative positions itself as moral principle regarding a situation – This makes morality impossible to achieve since we are now constrained by engrained generalizations that fail to account for exceptions within principles - thus negate on presumption since the 1AC can never contextually justify their moral actions

#### B] Tying morality to principles causes harmful ethical thought – means we can never adjust our thoughts or break principles even if the situation would be better for it

#### C] Affirmative’s generalizations make weighing ethicality between actions impossible – Moral principles will see actions that violate that moral principle as ethically the same – Means we can never decide between conflicting principles and causes the inability to make decisions – Means even if moral principles are good, they make it impossible to act under principles

#### D] MP necessary to formulating real world ethical thinking – not all situations are in the same context and require specific moral analysis to derive moral action, and actual governmental bodies contest bills because of specific instances, like how the bill hurts their specific town/city and specific workers

#### E] Induction fails – Consequentialism relies on interpreting the past to predict the future. That doesn’t work because the only justification for such logic is that it has worked in the past. The argument is circular. Consequentialism fails when there’s no way to predict the consequences of an action.

#### F] Principles are epistemologically circular – “X action is bad to do because it is bad” means we never form justifications for why we should or shouldn’t undergo actions. Principles are self-referential in their justification for that principle’s existence – means principles fall apart on inspection leaving no ground for moral thought. Need contextual situation to epistemologically from reasoning – knowledge formation can’t be generated outside of engagement with ethical contexts

G] **Medical strikes increased mortality for children by 75% and result in preventable deaths for the poor on a massive scale, clearly showing certain strikes as not very just and is an independent reason to vote neg under MP**

**Waithaka et al., ‘20** [Dennis Waithaka is currently doing a Postgraduate Diploma in Research Methodology at KEMRI-Wellcome Trust, Published: 2/10/20, “Prolonged health worker strikes in Kenya- perspectives and experiences of frontline health managers and local communities in Kilifi County” International Journal for Equity in Health, https://link.springer.com/article/10.1186/s12939-020-1131-y ] /Triumph Debate

**Beyond impoverishment, interviewees talked in dramatic terms about negative health-outcomes linked to the strikes, including deaths, with the poor again being the worst affected. A recent analysis of the effects of six previous nation-wide Kenyan strikes on mortality data in Kilifi County (before the 100 days doctors and the 150 days nurses strike) found a 75% increase in mortality among children aged 12–59months during the strike period, but no change in overall mortality** [24]. The authors noted that the lack of change in overall mortality could have been because the strikes between 2010 and 2016 were relatively short, with only one lasting for more than a month (42 days). **Evidence from other settings suggests that the effects of strikes on health outcomes are increased where emergency services are not available or the affected populations are not able to access viable (available and affordable) alternate healthcare services** [1, 3, 19, 67, 68]. **In Kenya, the Irimu et al (2018) study reviewing admissions in 13 public hospitals during the 2017 doctors’ and nurses strikes noted that ‘preventable deaths likely occurred on a massive scale’, particularly for the poor** [27]. We identified similar perceptions in our study, but this may be in contrast with the more modest effects reported for prior strikes [24] . **Given that the Kenyan public health system has faced a series of shocks and stressors over the decades, additional research that can provide more detailed data on the impact of the prolonged strikes on mortality over time is important. An ‘everyday resilience’ lens is relevant for analyzing the strategies adopted by managers in response to strikes, and for considering the impact of the prolonged strikes on the Kenyan health system. Everyday resilience can be defined as the ability of the system to maintain positive adjustment in the context of chronic shocks and stressors in ways that allow the organization to emerge from those conditions strengthened and more resourceful** [43]. Whether everyday resilience is observed and built in the face of chronic and acute stressors depends on the nature of the strategies enacted by health system actors, and the capacities that they can draw upon. **Absorptive strategies buffer the system from shocks and return the system to its state with little or no change in structure; adaptive strategies result in some limited adjustments in the system structure or processes; while transformative strategies result in significant functional or structural changes** [43, 69]. During the nurses’ strike in Kenya, we observed that middle level managers enacted a range of absorptive strategies in their efforts to keep services open, including mobilizing financial, infrastructural and human resources to support continuity of some essential services. **Adaptive strategies included some reorganization of staff and services offered, but more significant functional or structural changes - transformative strategies - were not observed during the strike. Across all the strategies observed, managers drew on their social networks and alliances to persuade and negotiate with various actors across the public health system to assist. They also demonstrated creativity in ways of working with others such as the local private facilities and NGOs. To keep key services running, managers drew on a long history of working together and coping with diverse everyday stressors in health service delivery** [28, 41, 43]. Their relationships – or the ‘intangible resources’ they were able to draw upon were sometimes invaluable in helping them cope with the shock of the strike. However, there was little to suggest that the broader system was undergoing positive adjustment to minimise the likelihood of future strikes or build preparedness in the event of any such strikes. Thus, there is little evidence that everyday resilience was being built over the course of the strike. Indeed, tensions between health system actors, including conflicts between striking and non-striking nurses (as also observed in South Africa [7], may have lasting negative implications for health system preparedness for and prevention of strikes. **Our study did not include views from private facility health managers, but private facilities were frequently mentioned by community members and health managers as places where the public sought alternative care. A potential future research question might therefore be to examine if and how private providers can contribute to building resilience capacities that the health system can draw on in response to future strikes.**

### Case:

#### A2 Underview:

#### 7] a) we can’;t extend or do anything, a) we need to engage, b) aff could have uplayered if it wanted to which it did with spikes

#### 6] I don’t read NIBs

#### Contention –

#### 1] this is us specific but the US is clearly unjust a rts would not make it just, can’t apply to other countries since they gave no ev for them

#### I don’t need to concede

#### Fwk –

#### 5] sure I think you ought not to negate

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