# ND21 Kant AC

## Syllogism

#### Agents must be practical reasoners –

#### [1] Regress – we can always ask why we should follow a theory, so they aren’t binding because they don’t have a starting point. Practical reason solves – When we ask why we should follow reason, we demand a reason, which concedes to the authority of reason itself, so it’s the only thing we can follow

#### [2] Action Theory – every action can be broken down to infinite amounts of movements, i.e. me moving my arm can be broken down to the infinite moments of every state my arm is in. Only reason can unify these movements because we use practical reason to achieve our goals, means all actions collapse to reason

#### [3] Inescapability – the exercise of practical rationality requires that one regards practical rationality as intrinsically good – that justifies a right to freedom.

Wood07[Allen W. Wood, (Stanford University, California) "Kantian Ethics" Cambridge University Press, 2007, https://www.cambridge.org/core/books/kantian-ethics/769B8CD9FCC74DB6870189AE1645FAC8, DOA:8-12-2020 // WWBW rct st]

Kant holds that **the most basic act through which people exercise their practical rationality is that of setting an end** (G 4:437). **To set an end is, analytically, to subject yourself to the hypothetical imperative that you should take the necessary means to the end you have set** (G 4:417). This is the claim that you rationally ought to do something whether or not you are at the moment inclined to do it. It represents the action of applying that means as good (G 4:414) – in the sense of “good” that Kant explicates as: what is required by reason independently of inclination (G 4:413). Kant correctly infers that **any being which sets itself ends is committed to regarding its end as good in this sense, and also to regarding the goodness of its end as what also makes application of the means good** – that is, rationally required independently of any inclination to apply it. **The act of setting an end, therefore, must be taken as committing you to represent some other act (the act of applying the means) as good.** In doing all this, however, **the rational being must also necessarily regard its own rational capacities as authoritative for what is good in general.** For it treats these capacities as capable of determining which ends are good, and at the same time as grounding the goodness of the means taken toward those good ends. **But to regard one’s capacities in this way is also to take a certain attitude toward oneself as the being that has and exercises those capacities. It is to esteem oneself – and also to esteem the correct exercise of one’s rational capacities in determining what is good both as an end and as a means to it.** One’s other capacities, such as those needed to perform the action that is good as a means, are also regarded as good as means. **But that capacity through which we can represent the very idea of something as good both as end and as means is not represented merely as the object of a contingent inclination, nor is it represented as good only as a means. It must be esteemed as unconditionally good, as an end in itself. To find this value in oneself is not at all the same as thinking of oneself as a good person. Even those who misuse their rational capacities are committed to esteeming themselves as possessing rational nature.** It also does not imply that a more intelligent person (in that sense, more “rational”) is “better” than a less intelligent one. The self-esteem involved in setting an end applies to any being capable of setting an end at all, irrespective of the cleverness or even the morality of the end setting. Kant’s argument supports the conclusion, to which he adheres with admirable consistency throughout his writings, that all rational beings, clever or stupid, even good or evil, have equal (absolute) worth as ends in themselves. For Kantian ethics **the rational nature in every person is an end in itself whether the person is morally good or bad.**

#### [4] Epistemology – ethics must begin a priori, meaning they can’t be derived from our experience.

#### [A] Representations of space – we can only access our experiences if we can interpret the space around us, but that requires the a priori. Thinking of the absence of space is impossible – we can think of empty space but never the lack of space itself. Imagining space through a priori thoughts is the only way we can even begin to have a conception of interpreting experience; we need to be able to construct space through our minds.

#### [B] Separateness – if space is based on experience, it must be formed from objects separate to us outside of our reasoning abilities. But to represent objects as separate from us, we would already need to assume space exists in the first place to have a concept of “separateness,” so to represent space as something separate from us would be incoherent.

#### [C] Uncertainty – every person has different experiences so we can’t have a unified perspective on what is good if we each have different conceptions of it – even if we can roughly aggregate it’s not enough because there’ll always be a case when it fails so the framework o/w on probability.

#### We have a unified perspective – If I say that 2+2=4, I understand not only that I know that 2+2=4, but that everyone around can arrive at the same conclusion too because they create practical syllogisms to justify their conclusion. But, willing a maxim that violates the freedom of others is a contradiction – that’s bad.

Engstrom, Stephen (Professor of Ethics at UPitt). “Universal Legislation As the Form of Practical Knowledge.” <https://ld.circuitdebater.org/w/images/8/89/Engstrom_-_Universal_Legislation_as_a_Form_of_Practical_Knowledge.pdf> rct st

Given the preceding considerations, it’s a straightforward matter to see how **a maxim of action that assaults the freedom of others with a view to furthering one’s own ends results in a contradiction when we attempt to will it as a universal law** in accordance with the foregoing account of the formula of universal law. **Such a maxim would lie in a practical judgment that deems it good on the whole to act to limit others’ outer freedom, and hence their self-sufficiency, their capacity to realize their ends, where doing so augments, or extends, one’s own outer freedom and so also one’s own self-sufficiency.** In this passage, Kant mentions assaults on property as well as on freedom. But since property is a specific, socially instituted form of freedom, I have omitted mention of it to focus on the primitive case. Now on the interpretation we’ve been entertaining, **applying the formula of universal law involves considering whether it’s possible for every person—every subject capable of practical judgment—to share[s] the practical judgment asserting the goodness of every person’s acting according to the maxim in question.** Thus in the present case the application of **the formula involves considering whether it’s possible for every person to deem good every person’s acting to limit others’ freedom, where practicable, with a view to augmenting their own freedom**. Since here **all persons are on the one hand deeming good both the limitation of others’ freedom and the extension of their own freedom,** while on the other hand, insofar as they agree with the similar judgments of others, **also deeming good the limitation of their own freedom and the extension of others’ freedom, they are all deeming good both the extension and the limitation of both their own and others’ freedom.**

#### Only a collective will that can have power over individuals can guarantee the enforcement of good maxims. Thus, the standard is consistency with the categorical imperative.

#### To clarify, the framework does not value the ability to set any end, but rather the ability to decide which ends to pursue.

Ripstein **1**, (Arthur Ripstein, Arthur Ripstein is Professor of Law and Philosophy and University Professor. He was appointed to the Department of Philosophy in 1987, promoted to Full Professor in 1996, appointed to the Faculty of Law in 1999, and appointed to the rank of University Professor in 2016. He received a doctorate in philosophy from the University of Pittsburgh, a master’s degree in law from Yale, and an undergraduate degree from the University of Manitoba. He was Chair of the Philosophy Department 2011-14 and Acting Chair 2019-20., 2009, accessed on 8-18-2020, Harvard University Press, "Force and Freedom",) NP 8/4/16. rct st

**Independence is the basic principle of right. It guarantees equal free- dom, and so requires that no person be subject to the choice of another.** The idea of independence is similar to one that has been the target of many objections. The basic form of almost all of these focuses on the fact that **any set of rules prohibits some acts that people would otherwise do**, so that, for example, **laws prohibiting personal injury** and property dam- age **put limits on the ability of people to do as they wish.** Because differ- ent **people have incompatible wants, to let one person do what [they] want[] will typically require preventing others from doing what they want.** Thus, it has been contended, **freedom cannot even be articulated as a political value, because freedoms always come into conflict,** and **the only way to mediate those conflicts is by appealing to goods other than freedom.** As I will explain in more detail in Chapter 2, such an objection has some force against freedom understood as the ability to do whatever you wish, but fails to engage Kant’s conception of independence. **Limits on indepen- dence generate a set of restrictions that are by their nature equally appli- cable to all.** Their **generality depends on the** fact that they **abstract from** what Kant calls **the “matter” of choice—the particular purposes being pursued—and focus instead on the capacity to set purposes without hav- ing them set by others.** **What you can accomplish depends on what oth- ers are doing—someone else can frustrate your plans by getting the last quart of milk in the store. If they do so, they don’t interfere with your in- dependence, because they impose no limits on your ability to use your powers to set and pursue your own purposes. They** just change the world in ways that **make your means useless for the particular purpose you would have set. Their entitlement to change the world in those ways just is their right to independence.** In the same way, your ability to enter into cooperative activities with others depends upon their willingness to co- operate with you, and their entitlement to accept or decline your invita- tions is simply their right to independence

#### Impact calc –

#### [1] Only the categorical imperative can motivate action – it’s external to wills of agents so it can obligate them all to follow certain rules – unilateral wills fail since they would involve one person coercing other people under their will and there would be no obligation to follow a person.

#### [2] Consequences fail – A) Induction Fails – You only know induction works because past experiences have told you it has, but that is in itself a form of induction, so you use induction to prove induction – that’s circular B) Butterfly Effect – Every action has an infinite number of consequences that stem from it – me picking up a pen could cause nuclear war a hundred years down – you can’t quantify the infinite amount of pain and pleasure to come C) Aggregation fails – everyone has different feelings of pain and pleasure, so you can’t universalize that and say it’s good – it’s impossible to measure something that’s completely subjective D) Culpability – any consequence can lead to another consequence so it’s impossible to assign obligations since you can’t pinpoint a specific actor that caused a consequence.

#### Prefer additionally –

## Offense

#### I defend “Resolved: A just government ought to recognize an unconditional right of workers to strike.” as a general principle.

#### I’m willing clarify or specify whatever you want me to in CX if it doesn’t force me to abandon my maxim. Check all interps in CX – I could’ve met them before the NC and abuse would’ve been solved. PICs don’t negate: a] General principles don’t defend an absolute action, so they tolerate exceptions b] Fails under my framework because they create arbitrary exceptions, which means it’s not universalizable.

#### Not recognizing the right to strike is not universalizable – affirm:

#### [1] Respecting agents – the right to strike gives workers more power over their freedom and forces companies to respect their dignity.

Gourevitch (Alex Gourevitch, , I am an associate professor of political science in the Department of Political Science. I have been an assistant professor at McMaster University, a Post-Doctoral Research Associate at Brown University's Political Theory Project, and a College Fellow at Harvard University. I received my Ph.D in political science from Columbia University in 2010., June 2016, accessed on 10-4-2021, American Political Science Association, "Quitting Work but Not the Job: Liberty and the Right to Strike", doi:10.1017/S1537592716000049)//st \*brackets for grammar\*

On top of which, as Smith noted, “masters are always and every where in a sort of tacit, but constant anduniform combination.” In a world in which economic necessity couples with employer collusion, workers have little choice: “Such combinations [by employers], however, are frequently resisted by a contrary defensive combination of the workmen; who sometimes too, without any provocation of this kind, combine of their own accord to raise the price of their labour.” 51 For this reason Smith thought it was wrong to treat trade unions as criminal conspiracies.52 The view of unions and strikes as defensive, aimed at lessening employers’ ability to take advantage of workers’ need, persisted throughout the industrial age. By the time L.T. Hobhouse wrote Liberalism, it was possible for a liberal to argue that **strikes might even be connected to human freedom:** The emancipation of **trade unions,** however, extending over the period from 1824 to 1906, and perhaps not yet complete, **was in the main a liberating movement, because combination was [are] necessary to place the workman on something approaching terms of equality with the employer, and because tacit combinations of employers could never, in fact, be prevented by law.**53 We must note, however, that nearly all of these arguments remain within a form of social theory that attempts to make capitalist practice more like its theoretical self-image. These thinkers tended to defend unions and their right to strike as a way of achieving “real freedom of contract” in the face of economic necessity. Hobhouse was updating Smith and Mill when arguing that “in **the matter of contract true freedom postulates substantial equality between the parties. In proportion as one party is in a position of vantage, he is able to dictate his terms. In proportion as the other party is in a weak position, he [and] must accept unfavourable terms.”** 54 On this account, the right to strike is defensible only insofar as it helps maintain a position of relative equality among independent bargaining parties. It thereby secures contracts that are not just voluntary but truly free—Mill’s “necessary instrumentality of that free market.” This basic idea reappears in any number of twentieth-century acts of labor legislation and jurisprudence, perhaps most notably in the 1935 law granting American workers the right to strike.55

#### [2] Coercion – coercion in the workplace treats agents as a means to an ends by overriding suitable working conditions.

Chima(Sylvester C Chima, 1Programme of Bio & Research Ethics and Medical Law, Nelson R Mandela School of Medicine & School of Nursing and Public Health, College of Health Sciences, University of KwaZulu-Natal, Durban, South Africa, 12-19-2013, accessed on 10-4-2021, PubMed Central (PMC), "Global medicine: Is it ethical or morally justifiable for doctors and other healthcare workers to go on strike?", https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3878318/#B64)

One can also argue that denial of such striking rights may also be considered unfair discrimination and therefore morally unjustifiable.Some philosophers have described moral obligations or duties, which ought to guide ethical behavior, such as the duty of fidelity or the obligation to keep promises, and beneficence - the obligation to do 'good' [[10](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3878318/#B10)]. However, it has been suggested that some other equally compelling moral duties or ethical obligations may conflict with the above duties, such as the right to justice. Justice is the right to fair treatment in light of what is owed a person [[63](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3878318/#B63)]. For example, it may be argued that *everybody is equally entitled to a just wage for just work*. The philosopher Immanuel Kant based his moral theory on a categorical imperative which encourages moral agents to act, based on a principle, which they would deem to become a universal law [[64](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3878318/#B64)]. One can argue that the decision by any HCW to go on strike may not be universalisable. However, looking at this decision from the principle of respect for autonomy, or freedom of choice, **one can conclude that individual autonomy is a sentiment which is desirable for all human beings. Accordingly, every worker should be free to choose whether to work or not, based on a whether any specific set of conditions of their own choosing have been met. Kant argues further that moral agents or individuals should be treated, "whether in your own person or in that of any other, never solely as a means, but always as an end"** [[64](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3878318/#B64)]. This idea that individuals should be treated as ends in themselves has influenced political philosophy for centuries, and stresses the libertarian ideology that **people should not have their individual freedoms curtailed either for others or for the good of society in general** [[10](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3878318/#B10),[64](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3878318/#B64)]. From this axiomatic considerations, **one can conclude that it would be unethical for people to be used as slaves or be forced to work for inadequate wages or under slave-like conditions** [[4](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3878318/#B4),[10](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3878318/#B10),[12](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3878318/#B12),[51](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3878318/#B51)]. The issue of HCW strikes can also be analyzed from utilitarian principles as formulated by one of its major disciples JS Mills as follows [[65](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3878318/#B65)]: *The creed which accepts as the foundation of morals, utility, or the greatest happiness principle, holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness*. One can argue based on utilitarian principles that the short term suffering induced by doctor and HCW strikes can be mitigated by the long-term benefits such as improvement of healthcare services for the greatest number of people over time [[2](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3878318/#B2)]. Even if the immediate gains are improved wages and conditions of employment for HCWs alone, in the long-term these will translate into better healthcare service delivery to the local community and society-at-large. Similarly a rights based approach to the issue of strikes, would suggest that even though the goal of bringing about the better healthcare for individual patients or the public at large is a major ethical duty. There is an equally compelling moral duty to protect and enhance individual rights. Protection of individual rights in employment helps to ensure that no group of citizens, are unfairly discriminated against in the quest for equal rights for all in a democratic society.

#### Strikes allow workers to protest against unfair working conditions.

Chima (Sylvester C Chima, 1Programme of Bio & Research Ethics and Medical Law, Nelson R Mandela School of Medicine & School of Nursing and Public Health, College of Health Sciences, University of KwaZulu-Natal, Durban, South Africa, 12-19-2013, accessed on 10-4-2021, PubMed Central (PMC), "Global medicine: Is it ethical or morally justifiable for doctors and other healthcare workers to go on strike?", <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3878318/#B64>)

It has been suggested that doctor and HCW strikes can create a tension between the obligation on doctors and other HCWs to provide adequate care to current patients versus the need to advocate for improved healthcare services for future patients and for society in general [[2](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3878318/#B2),[31](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3878318/#B31)]. There is also a potential conflict between doctors' role in advocating for improved healthcare service for others versus the need to advocate for justifiable wages for self and the fulfilment of basic biological needs like all humans [[4](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3878318/#B4),[32](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3878318/#B32)]. **It has been suggested that since strikes are considered a fundamental right or entitlement during collective bargaining and labour negotiations [**[**33**](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3878318/#B33)**]. Therefore to deny any employee the right to strike would be an argument for enslavement of such an employee, because this would simply mean that whatever the circumstances-such an individual must work!** A situation deemed to be both ethically and morally indefensible [[4](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3878318/#B4)]. It is pertinent to observe that there is an on-going paradigm shift in the organization of healthcare services and doctors' employment options with a change in the role of doctors from self-employment, and medical practice based on benevolent paternalism, to consumer rights and managed healthcare [[2](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3878318/#B2)]. Historically, doctors had the sole responsibility within the doctor-patient relationship, to determine the costs of medical care to their patients, however, current trends show that doctors are increasingly becoming employees of managed healthcare organizations (HCOs) or employees of public health services [[2](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3878318/#B2),[34](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3878318/#B34)-[36](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3878318/#B36)].

#### [3] Bargaining Rights – because employees are dependent upon their employer, employees are subject to a severe power imbalance that constitutes coercion.

Bowie [Norman E., professor emeritus at the University of Minnesota "A Kantian Theory of Meaningful Work."  Springer, 01 July 1998.] LADI rct st

**The overwhelming number of people need to work to survive,** at least for a large portion of their lives. **There is a sense in which people are forced to work. When an assailant says, “Your wallet or your life,” you technically have a choice.** However, for many **this situation is the paradigm of coercion.** How close is the analogy between the assailant and **the requirements of the employer?** Admittedly, in good times the balance of power shifts somewhat, but in hard times **the balance of power is with the employer.** Most people have to take the terms of employment a they get them (Manning 2003). Someone wanting employment does not negotiate about whether or not to be tested for drugs, for example. If drug testing is the company policy, you either submit to the test or forfeit the job. **If you want a job, you agree to employment at will and to layoffs if management believes that they are necessary. Survival** for yourself and any dependents **requires it. As with the assailant, you technically have a choice, but** most **employees** argue they **have little choice about multiple important terms of employment. A Kantian,** in common with the pluralist school of industrial relations, **maintains that the imbalance between employer and employee ought to be addressed. Otherwise, industrial relations rests on an unethical foundation.**

#### The right to strike via unions corrects this power imbalance by ensuring an opportunity for organization and collective bargaining.

Bowie [Norman E., professor emeritus at the University of Minnesota “Business Ethics: A Kantian Perspective” Wiley Blackwell.<http://www.wiley.com/WileyCDA/WileyTitle/productCd-063121173X.html>] LADI rct st

Although I emphasize meaningful work as a means to gain respect and grow as a human being by exercising one’s talents, Ciulla reminds me that there is much in the work environment that undermines negative freedom (freedom from coercion), and that the decision to work itself requires a giving up of freedom in some respects. This latter point does not overly concern me because all choice forecloses other choices. Moreover, **having a job provides income, and income expands choices because it opens up possibilities. This is especially true when one has an adequate wage**, and that is why I have emphasized the role that **an adequate wage plays in meaningful work.** Of course, Ciulla is well aware of all this and in her analysis she points out that **for the unskilled their range of options is extremely limited, that the demise of unions has given much more power to manage- ment**, and that **there is a correlation between higher-paying jobs and the amount of freedom one has.** All these points are well taken. I especially agree with Ciulla that **unions provide a means for enhancing employee freedom.** In this case I practiced what I now preach. I am a former president of the AAUP union at the University of Delaware. I also point out that the United States is the most anti-union country in the G-20. **Unionization is considered a human right by the United Nations.** Obviously **unions provide an opportunity for participation,** and I think Ciulla and I agree that **participation schemes are one way to limit coercion.** In response to trends over the past twenty years, in this edition of Business Ethics: A Kantian Perspective I pay more attention to adequate pay for the middle class, issues of inequality, and economic mobility. However, none of this requires a revision in my original account of meaningful work.