# Case

Ought is defined to mean moral obligation, but because the resolutional actor is just governments and is already a normative agent so ought must also refer to the constitutive properties of just governments. This entails we must justify what those properties are in the abstract, else just governments would already do everything which is constitutive of them.

The only objective basis for normative claims is one that can bind all agents universally because subjective interpretations of justice carry no force when applied between different agents and thus cannot be a true guide for action.

Furthermore, we cannot justify obligation based on experiential knowledge. First, that would need some experience to base action on, but it’s impossible to build moral rules based on experiences which occurred outside of morality. Second, it is impossible to non-arbitrarily determine the agent whose subjective experience of the world was the schema for moral knowledge. Third, knowledge like pain would only be normative if it appeals to practical reason. Hunger does not compel us to eat, but rather indicates an abstract reason to eat, namely that we would die otherwise. Fourth, ethics must account for our capacity to reason. There is no sensical determination of what we could do from what we do do, because we can assess and change what we do do.

And internalism cannot exclusively be the foundation for normativity. First, if that were true, then we can never justifiably say an individual ought not to have done something, as to have taken the action implies a motivation for taking that action. Internalism can only function if grounded in external prescriptions which filter action. Second, truth and moral truth is independent from ourselves so we cannot create it but only discover it. Moral truth cannot change based on endorsing internal reasons.

And before we can decide which actions are right or wrong, we must first have a valid understanding of action because if morality does not rest on action, it cannot compel obligation. Unity of action can only be explained by reason because desire only produces a reason to want to believe something is true. Principles derived from reason are the only ones which can be verified as 100% true as a priori knowledge to our existence. Only by justifying rules in the abstract can we ensure there are no possible counter examples to disprove the rule. Even if alternate criteria may be practically sufficient, that does not meet the threshold for moral justifications, as what we ought to do is always the same in any case.

This internal standard to action is the only solution to the ought-ought gap as though we can infinitely question why to follow any other standard, questioning the basis of acting on reason concedes the authority of reason. Thus the only method to derive moral claims is through constitutive elements of agency.

And agency is a prerequisite to any ethical theory—to engage in any practice is to engage first in agency and attempting to escape agency is futile because to even consider the justifications of agency is to engage in agency. And as long as I know I am an agent, it doesn’t matter who else is.

It is constitutive of freedom for one to will their own action, as whenever you act you pursue some end. However, this entails one can’t pursue two contradictory ends, as that would leave no end to be willed, resulting in no action. Thus because freedom is the mechanism by which we will ends, to will a violation of freedom would be contradictory and self-defeating, because that act would deny the ability for the action’s end to be willed. So, every action must will freedom implicitly.

Furthermore, there is a difference between wishing and willing—willing requires action towards the wished end. Thus the community in which we live must proactive act to preserve that which we value. Because obligations are bipolar relations between two parties, and our actions necessarily affect others, our freedom can only make sense if we let others respect it, making it a requirement for justice that all individuals will a consistent system of preserving equal outer freedom. So, coercion is justified to hinder hindrances to freedom. Because the state is the managerial agent that has limited each individual’s freedom, it has a positive obligation to enforce this preservation of equal outer freedom. This allows governments to determine the standard for equal outer freedom, as it doesn’t matter how it is achieved.

This means property rights are not themselves significant—they are just one attempt of getting to equal outer freedom. And a prerequisite is consent to the system of property rights, which is impossible if the original distribution or ability of citizens is imbalanced.

Also, only intended outcomes matter, consequences are subject to forces beyond our control. The will is determined a priori to our world so specific contingencies and results cannot clash with an obligation. Moreover, notions of agent culpability mean that hindrances to freedom are direct—the agent hindering freedom is not the party indirectly caused another to drop a nuke, but the party who dropped the nuke.

And only the AC framework can link into guiding action through ethics; theories of The Good cannot access obligations—actions are right or wrong, not good or bad. The statement it’s good to do what you ought to do is true, but the statement you ought to do what is good to do is false.

Thus the standard is maintaining a system of equal outer freedom.

I defend the resolution as a general principle, but I am willing to clarify or alter my advocacy in cross-ex if asked. I hold that affirming best preserved a system of equal outer freedom.

First, it is necessary for governments to maintain equal outer freedom that they must prevent poverty. Political will and state justification rely on convergence of agential wills, but poverty prevents people from meeting on equal terms to form that shared political will. Also, disparities in wealth imply that the poorer are coerced into dependence on the richer, as they shape the socioeconomic climate. Impacts A) poverty is cyclic—that’s why it’s called the vicious cycle of poverty. Once one is poor, the coercive magnitude of poverty only gets worse B) poverty is systemic and causes other freedom violations, like dependence, invisibility, and an inability to effectively will their own ends. Thus even if other harms might be worse than poverty in a vacuum, poverty is inextricably linked to other conditions C) preventing poverty comes before other potential governmental issues like those of corporations on scope, as everyone in society Is affected by government action, but only a few are affected by specific corporations.

#### The current economic system where workers have to work for the conditions set to them allows for employers to exploit workers, necessitating a living wage. Lott:

Micah Ellias Lott [Candidate for Doctor of Philosophy at University of Chicago, Current Philosophy Professor at Boston College]. “Secundum Naturam Hominis: An Essay on Human Form and Moral Goodness.” June 2011.

Since economic arrangements that fail according to the two norms I have identified are inimical to human flourishing, why might such defective arrangements arise and remain in place, even with this avoidable with regard external circumstances? Among the reasons, one stands out: the arrangements benefits other members of the economy. In particular, it benefits the employers, with whom workers must bargain to set the terms of labor. People are asked to accept work in humiliating conditions because it will secure some (perceived) good for someone else who is able to gain from their labor. And **people do not** want to **compensate others at a higher level** **because that means that they will have to pay more**. So it is not just that the system is arranged to generate avoidable deprivations for some participants, but those deprivations correspond directly to benefits for other participants. Thus the situation we have isolated is one in which: 1) employers benefit from the labor of their workers, 2) the terms of this labor require the workers to accept poor conditions and/or inadequate compensation, 3) it would be possible for different terms of employment to be reached, such that this deprivation would not be required of the workers, 4) the employers refuse to offer these better terms for the workers, even though such terms would not require the employers to sacrifice their own means of living well. 5.1.2. Socioeconomic Justice and the Value of Persons The situation I have just described is not only defective according to the internal standards of a human economy, it is also a case of exploitation and injustice. In this arrangement, an additional benefit to the well-off ( = the employers) which is not necessary for a decent life, is being allowed to trump the claims of need by the bad-off ( = the workers) whose flourishing is being seriously compromised. Thus the bad-off are being treated as if their basic flourishing does not have equal significance to the basic flourishing of the well-off. For if it did count equally, then the terms of the agreement should be altered so that the bad-off might also have goods necessary for living well. More specifically, the terms should enable them to work in decent conditions, and to receive compensation adequate for the means of life. In pressing for terms that do not treat the basic flourishing of the workers as equally significant to their own basic flourishing, the employers fail to show proper regard for the good of the workers. And **since the employers press for these terms** precisely **to gain from** the **workers’ efforts, the employers** can be said to **exploit the workers.** In the exploitative agreement, the well-being of some is treated as less significant than that of others. In this way, the persons whose good is being compromised are not regarded as equals: They are not treated as having equal standing to demand that their good be considered as equally important as the good of others with whom they interact. The problem in such an unjust economic arrangement cannot be fully seen by considering the worse-off parties in isolation. What is objectionable is not merely the fact that some people face deprivation. Rather, there is a problem in the relationship between the persons involved, a relationship that is held in place by their joint activity economic activity. Within this joint activity, the workers are being thwarted in their basic economic purpose – to secure the means necessary for a flourishing human life. This is not a purpose we attribute to them by taking a poll of their views. Rather it is a purpose we represent them as having qua participants in a cooperative human system for the production and distribution of the means for living well. What they properly aim at, considered as participants in this kind of human activity system, is being denied to them by the particular arrangement of this instance of such activity. In light of this, we can say that **if I am an employer who forces my workers to accept such exploitative terms, then I am frustrating their activity as rational self-directing agents.** In order to benefit myself, I am hindering their attempts to realize a decent life. I thus prevent them from being self-directing agents, in the following sense: **their own purpose** ( = **to secure their good for themselves**) **is not determining what they must do, but my purpose** ( = that I be benefited) is determining what they must do. I am bending their activity to my will against their own interests. I thereby deny their good equal significance to mine, and I deny them equal standing within our interaction. To treat others this way is not only to harm them, but to disrespect them. It is to deny them proper standing as free and equal rational beings. And this is a form of injustice. It follows, then, that the “pure contract” view referred to earlier is wrong. The very nature of a **human economy sets limits** on acceptable terms of labor. These limits terms **corresponding to** the requirements: 1) for humane working conditions, and 2) **a living wage.** These are requirements of socioeconomic injustice. Employers who refuse to offer these terms, in order to secure a greater benefit for themselves, are guilty of unjust exploitation. The normative basis of these standards of justice is the equal standing of persons as self-directing agents in pursuit of their own flourishing.

#### AND the intent of a living wage is just reducing poverty. This is indexed to what is necessary for independence Glasmeier

Glasmeier, Amy (Professor of Economic Geography and Regional Planning, Massachusetts Institute of Technology). “Introduction to the Living Wage Calculator.” Massachusetts Institute of Technology, 3/24/14

Establishing a living wage, an approximate income needed to meet a family’s basic needs, would enable the working poor to achieve financial independence while maintaining housing and food security. When coupled with lowered expenses, for childcare and housing in particular, the living wage might also free up resources for savings, investment, and/or for the purchase of capital assets (e.g. provisions for retirement or home purchases) that build wealth and ensure long-term financial security.

#### This is empirically verified—living wages reduces poverty by 12% already having taken into account unemployment. Consensus among experts in the past decide flow aff

Neumark et al 12 – Professor of Economics at the University of California at Irvine, Research Associate at the National Bureau of Economic Research, and Research Fellow at IZA

(Neumark, David, Matthew Thompson, and Leslie Koyle. “The Effects of Living Wage Laws on Low-Wage Workers and Low-Income Families: What Do We Know Now?” *Institute for the Study of Labor*, IZA Discussion Paper No. 7114, December 2012)

The evidence on wage and employment effects sets the stage for weighing these competing effects in how living wage laws affect poverty. To examine the impact of living wages on poverty, linear probability models are estimated for the full sample of families from the CPS ASEC files covering 1995 through 2001. The dependent variable is a dummy variable equal to one if a family’s income falls below the federal government’s threshold for poverty, and zero otherwise. The evidence yields negative point estimates (implying poverty reductions) for both types of living wage laws, but only the estimated effect of business assistance living wage laws is statistically significant (at the 10% level). For business assistance living wage laws, the estimated coefficient is −0.024, which implies that a one log unit increase in the living wage reduces the poverty rate by 2.4%. Relative to an 18.6% poverty rate, this represents a 12% reduction, or an elasticity of −0.12. This seems like a large effect, given the wage elasticity for lowwage workers below 0.1. Living wages cannot lift families from well below the poverty line to well above it. But living wages may help nudge families over the poverty line, and the estimated average wage effects are likely manifested as much larger gains concentrated on a possibly quite small number of workers and families. Thus, even coupled with some employment reductions, living wages can lift a detectable number of families above the poverty line. Assessment of the Earlier Literature Comprehensive reviews of the research literature through the initial phase of the passage of living wage laws were provided in Adams and Neumark (2004a and 2004b). These reviews summarize previous evidence, but also provide a review and critique of other research on the impact of living wages. Holzer (2008) reviewed the living wage literature more recently, although this review focuses almost entirely on the same research extending through 2005, as there was little additional research done since. A comprehensive and more up-to-date review of the living wage literature that covers a few recent studies is provided in Charles River Associates (2011), from which the research in this paper was drawn. Holzer’s (2008) review of the Neumark and Adams studies, as well as other studies that tried to estimate the observed impact of living wages based on longitudinal variation, reached conclusions very much parallel those of Neumark and Adams:13 Living wage laws have both modest benefits and modest costs for low-wage workers. Living wage laws raise the wages of the lowest-wage workers. They may also result in … modest reductions in poverty. However, they lead to modest reductions in employment for the lowest-wage workers

#### Finally, Employers that pay less than living wage treat people as mere means to an end by undervaluing the work of employees. LAIRD-SMITH

Stuart Laird-Smith (Applied Ethics for Professionals Programme, University of the Witwatersrand, Johannesburg), KANTIAN DISTRIBUTIVE JUSTICE AND LOW ABSOLUTE EARNINGS OF WORKERS (Feb. 2006), <http://wiredspace.wits.ac.za/bitstream/handle/10539/2140/Stuart%20Laird-Smith%20Applied%20Ethics%20for%20Professionals%20Research.pdf?sequence=2>

But what about where she is economically defenseless and is treated merely as a means by a ruthless employer on the market, who seeks to extract work from her for a completely unfair wage? Well, the FOH would not advocate protecting¶ vulnerable workers from the market (indeed, all workers could be argued as¶ being vulnerable – and in any event the FOH is not a ‘protectionist’ type of¶ theory) but the FOH would seek fairness / respect where a worker presents¶ labour in support of her shareholders’ profits and she is exploited. What does this¶ “exploitation” involve? It could be that the marginal output of the lowest paid workers is often not correctly measured or recognised. But this response does¶ not really address the issue of the employee’s minimal basic life plan (it is too¶ contingent on counter-claims by the shareholder to the shareholder’s evaluation¶ of the employee’s real product.) The Marxist argument in the introduction says¶ that the marginal output of the lowest paid worker is unreasonably withheld by¶ shareholders from the worker. Some of the shareholder’s total product (i.e. the¶ profitable result which is greater than the sum of just the employee labour plus¶ shareholders’ risk capital) should be apportioned back to the employee as it¶ never really belonged to the shareholder in the first place. In the modern South¶ African capitalistic context, this argument probably only leads to the¶ compensatory justice arguments given earlier (the worker should be given a¶ higher portion of earnings based on historic impediments towards achieving any more meaningful productivity.) We are interested in the distributive justice answer¶ to the issue of what fair wages the lowest paid worker should receive.¶ An important argument of Rawls’s is that the form of the worker’s consent to her¶ wages is a very important consideration as to whether or not true justice is being¶ met. Rawls’s patterned theory of justice requires that fair outcomes can come¶ about only through respect for free and equal persons. Does the worker earning¶ R451 per month really have any choice in throwing herself onto the wage-setting¶ market? If the worker has no other opportunity but to accept the very low wages,¶ then her consent to the wages cannot be held up as being just. This is because¶ the shareholder is overriding the employee as an end in herself for the selfish purposes of the shareholder, through using her urgent need for survival above the employee’s autonomy. Anecdotally, the poorest workers often wait until they¶ can find gainful employment at salary levels above a very basic level – until the¶ worker’s need for food and basic survival is so urgent that she is forced to accept¶ the drudgery of a (most often full time) very low paying position.¶ Are shareholders obliged to factor this necessary ingredient of free and equal¶ persons into account when determining their workers' wages? Yes, indeed. This¶ does not mean that shareholders are obliged to grant all workers fair equality of¶ opportunity, in some sort of morally socialistic manner. Rather, it means that the¶ shareholders need to take cogniscance of the true manner in which they use¶ their workers as means in order to extract their profits (remembering that using¶ others as means which they reasonably consent to is permissible under FOH.)¶ Indeed, Nozick uses the example of “the fact that a thief’s victims voluntarily¶ could have presented him with gifts does not entitle the thief to his ill-gotten¶ gains.”42 In recognising an employee’s basic life plan needs, the concept of free¶ and equal persons is completely integrated as a component of Rawls’s difference¶ principle. If the shareholder is to give up some of his profits under the duty of¶ raising wages to improve the quality of the basic life plan of his poorest workers,¶ then that sacrifice of profit must be made out of genuine respect for the workers’¶ autonomy and ‘free and equal personhood’.¶ But what about an extreme example of, say, a young Zimbabwean refugee who¶ accepts rock-bottom wages in a South African textile factory? The Zimbabwean¶ does not have a work permit and she is only too genuinely delighted to have a¶ job in a safe country and will accept absolutely any wage, albeit one which is well¶ below the breadline. Does this shareholder have an obligation to increase the¶ Zimbabwean’s wages?¶ If ever there is an example of when a shareholders’ moral behaviour should be¶ amplified, this is it. In paying wages to the most vulnerable and weakest of employees, the shareholder has a definite Kantian obligation to recognise and increase the Zimbabwean’s possibility for autonomous action. Nozick’s [the] libertarian view that the shareholder is entitled to pay [an employee] her what ever low wage she asks for amounts to exploitation because this low payment abuses her economic vulnerability solely for the shareholder’s selfish ends. In fact, besides paying a¶ fair living wage, the employer should also actively seek a South African work¶ permit for his Zimbabwean worker in order to safeguard her dignity.

IMPACTS—even if the market price for labor is lower than living wage, employees must still be paid at least living wage because only that values workers as independent human beings. Treating workers like machines violates their agency

# Extensions

Extend