## 1

#### The meta ethic is consistency with empiricism. Prefer-

#### 1] Non-natural moral facts are epistemically inaccessible

Papinau ’07 (David [David Papineau is an academic philosopher. He works as Professor of Philosophy of Science at King's College London, having previously taught for several years at Cambridge University and been a fellow of Robinson College, Cambridge], “Naturalism”. [http://plato.stanford.edu/entries/naturalism/](http://plato.stanford.edu/entries/naturalism/)) 2007)

Moore took this argument to show that moral facts comprise a distinct species of non-natural fact. However, any such non-naturalist view of morality faces immediate difficulties, deriving ultimately from the kind of causal closure thesis discussed above. If **all physical effects are due to a limited range of natural causes, and if moral facts lie outside this range, then it follow that moral facts can never make any difference to what happens in the physical world** (Harman, 1986). At first sight **this** may seem tolerable (perhaps moral facts indeed don't have any physical effects). But it **has** **very awkward epistemological consequences.** For beings like us, **knowledge of the spatiotemporal world is mediated by physical processes involving our sense organs and cognitive systems. If moral facts cannot influence the physical world, then it is hard to see how we can have any knowledge of them.**

#### 2] Bindingness- only pursuing pleasure and avoiding pain can motivate action consistently- no external system of ethics has anything intrinsic that dictate it be followed. Chemical and biological responses to certain experiences provide objective markers of pleasure and pain while maximizing deontological ethical principles are unverifiable.

#### 3] Reject calc idicts:

a. Get this: We don’t have to be a 100% certain something will happen again. We just need to be generally accurate – which policymakers, social scientists, researcehrs have been doing for centruies.

b. decuatio circular – only way you know reason is true is because of reason – or because of induction which means it collapses to

#### Thus, the standard is maximizing expected utility. Prefer-

#### 1] Pleasure/pain is intrinsically valuable

**Moen 16** [Ole Martin Moen, Research Fellow in Philosophy at University of Oslo “An Argument for Hedonism” Journal of Value Inquiry (Springer), 50 (2) 2016: 267–281] SJDI

Let us start by observing, empirically, that a widely shared judgment about intrinsic value and disvalue is that pleasure is intrinsically valuable and pain is intrinsically disvaluable. On virtually any proposed list of intrinsic values and disvalues (we will look at some of them below), pleasure is included among the intrinsic values and pain among the intrinsic disvalues. This inclusion makes intuitive sense, moreover, for there is something undeniably good about the way pleasure feels and something undeniably bad about the way pain feels, and neither the goodness of pleasure nor the badness of pain seems to be exhausted by the further effects that these experiences might have. “Pleasure” and “pain” are here understood inclusively, as encompassing anything hedonically positive and anything hedonically negative.2 The special value statuses of pleasure and pain are manifested in how we treat these experiences in our everyday reasoning about values. If you tell me that you are heading for the convenience store, I might ask: “What for?” This is a reasonable question, for when you go to the convenience store you usually do so, not merely for the sake of going to the convenience store, but for the sake of achieving something further that you deem to be valuable. You might answer, for example: “To buy soda.” This answer makes sense, for soda is a nice thing and you can get it at the convenience store. I might further inquire, however: “What is buying the soda good for?” This further question can also be a reasonable one, for it need not be obvious why you want the soda. You might answer: “Well, I want it for the pleasure of drinking it.” If I then proceed by asking “But what is the pleasure of drinking the soda good for?” the discussion is likely to reach an awkward end. The reason is that the pleasure is not good for anything further; it is simply that for which going to the convenience store and buying the soda is good.3 As Aristotle observes: “We never ask [a man] what his end is in being pleased, because we assume that pleasure is choice worthy in itself.”4 Presumably, a similar story can be told in the case of pains, for if someone says “This is painful!” we never respond by asking: “And why is that a problem?” We take for granted that if something is painful, we have a sufficient explanation of why it is bad. If we are onto something in our everyday reasoning about values, it seems that pleasure and pain are both places where we reach the end of the line in matters of value.

#### 3] Substitutability—only consequentialism explains necessary enablers.

Sinnott-Armstrong 92 [Walter, professor of practical ethics. “An Argument for Consequentialism” Dartmouth College Philosophical Perspectives. 1992.]

A moral reason to do an act is consequential if and only if the reason depends only on the consequences of either doing the act or not doing the act. For example, a moral reason not to hit someone is that this will hurt her or him. A moral reason to turn your car to the left might be that, if you do not do so, you will run over and kill someone. A moral reason to feed a starving child is that the child will lose important mental or physical abilities if you do not feed it. All such reasons are consequential reasons. All other moral reasons are non-consequential. Thus, a moral reason to do an act is non-consequential if and only if the reason depends even partly on some property that the act has independently of its consequences. For example, an act can be a lie regardless of what happens as a result of the lie (since some lies are not believed), and some moral theories claim that that property of being a lie provides amoral reason not to tell a lie regardless of the consequences of this lie. Similarly, the fact that an act fulfills a promise is often seen as a moral reason to do the act, even though the act has that property of fulfilling a promise independently ofits consequences. All such moral reasons are non-consequential. In order to avoid so many negations, I will also call them 'deontological'. This distinction would not make sense if we did not restrict the notion of consequences. If I promise to mow the lawn, then one consequence of my mowing might seem to be that my promise is fulfilled. One way to avoid this problem is to specify that the consequences of an act must be distinct from the act itself. My act of fulfilling my promise and my act of mowing are not distinct, because they are done by the same bodily movements.10 Thus, my fulfilling my promise is not a consequence of my mowing. A consequence of an act need not be later in time than the act, since causation can be simultaneous, but the consequence must at least be different from the act. Even with this clarification, it is still hard to classify some moral reasons as consequential or deontological,11 but I will stick to examples that are clear. In accordance with this distinction between kinds of moral reasons, I can now distinguish different kinds of moral theories. I will say that a moral theory is consequentialist if and only if it implies that all basic moral reasons are consequential. A moral theory is then non-consequentialist or deontological if it includes any basic moral reasons which are not consequential. 5. Against Deontology So defined, the class of deontological moral theories is very large and diverse. This makes it hard to say anything in general about it. Nonetheless, I will argue that no deontological moral theory can explain why moral substitutability holds. My argument applies to all deontological theories because it depends only on what is common to them all, namely, the claim that some basic moral reasons are not consequential. Some deontological theories allow very many weighty moral reasons that are consequential, and these theories might be able to explain why moral substitutability holds for some of their moral reasons: the consequential ones. But even these theories cannot explain why moral substitutability holds for all moral reasons, including the non-consequential reasons that make the theory deontological. The failure of deontological moral theories to explain moral substitutability in the very cases that make them deontological is a reason to reject all deontological moral theories. I cannot discuss every deontological moral theory, so I will discuss only a few paradigm examples and show why they cannot explain moral substitutability. After this, I will argue that similar problems are bound to arise for all other deontological theories by their very nature. The simplest deontological theory is the pluralistic intuitionism of Prichard and Ross. Ross writes that, when someone promises to do something, 'This we consider obligatory in its own nature, just because it is a fulfillment of a promise, and not because of its consequences.'12 Such deontologists claim in effect that, if I promise to mow the grass, there is a moral reason for me to mow the grass, and this moral reason is constituted by the fact that mowing the grass fulfills my promise. This reason exists regardless of the consequences of mowing the grass, even though it might be overridden by certain bad consequences. However, if this is why I have a moral reason to mow the grass, then, even if I cannot mow the grass without starting my mower, and starting the mower would enable me to mow the grass, it still would not follow that I have any moral reason to start my mower, since I did not promise to start my mower, and starting my mower does not fulfill my promise. Thus, a moral theory cannot explain moral substitutability if it claims that properties like this provide moral reasons.

#### 4] Extinction must be relevant given inevitable moral uncertainty

Pummer 15 [Theron, Junior Research Fellow in Philosophy at St. Anne's College, University of Oxford. “Moral Agreement on Saving the World” Practical Ethics, University of Oxford. May 18, 2015] AT

There appears to be lot of disagreement in moral philosophy. Whether these many apparent disagreements are deep and irresolvable, I believe there is at least one thing it is reasonable to agree on right now, whatever general moral view we adopt: that it is very important to reduce the risk that all intelligent beings on this planet are eliminated by an enormous catastrophe, such as a nuclear war. How we might in fact try to reduce such existential risks is discussed elsewhere. My claim here is only that we – whether we’re consequentialists, deontologists, or virtue ethicists – should all agree that we should try to save the world. According to consequentialism, we should maximize the good, where this is taken to be the goodness, from an impartial perspective, of outcomes. Clearly one thing that makes an outcome good is that the people in it are doing well. There is little disagreement here. If the happiness or well-being of possible future people is just as important as that of people who already exist, and if they would have good lives, it is not hard to see how reducing existential risk is easily the most important thing in the whole world. This is for the familiar reason that there are so many people who could exist in the future – there are trillions upon trillions… upon trillions. There are so many possible future people that reducing existential risk is arguably the most important thing in the world, even if the well-being of these possible people were given only 0.001% as much weight as that of existing people. Even on a wholly person-affecting view – according to which there’s nothing (apart from effects on existing people) to be said in favor of creating happy people – the case for reducing existential risk is very strong. As noted in this seminal paper, this case is strengthened by the fact that there’s a good chance that many existing people will, with the aid of life-extension technology, live very long and very high quality lives. You might think what I have just argued applies to consequentialists only. There is a tendency to assume that, if an argument appeals to consequentialist considerations (the goodness of outcomes), it is irrelevant to non-consequentialists. But that is a huge mistake. Non-consequentialism is the view that there’s more that determines rightness than the goodness of consequences or outcomes; it is not the view that the latter don’t matter. Even John Rawls wrote, “All ethical doctrines worth our attention take consequences into account in judging rightness. One which did not would simply be irrational, crazy.” Minimally plausible versions of deontology and virtue ethics must be concerned in part with promoting the good, from an impartial point of view. They’d thus imply very strong reasons to reduce existential risk, at least when this doesn’t significantly involve doing harm to others or damaging one’s character. What’s even more surprising, perhaps, is that even if our own good (or that of those near and dear to us) has much greater weight than goodness from the impartial “point of view of the universe,” indeed even if the latter is entirely morally irrelevant, we may nonetheless have very strong reasons to reduce existential risk. Even egoism, the view that each agent should maximize her own good, might imply strong reasons to reduce existential risk. It will depend, among other things, on what one’s own good consists in. If well-being consisted in pleasure only, it is somewhat harder to argue that egoism would imply strong reasons to reduce existential risk – perhaps we could argue that one would maximize her expected hedonic well-being by funding life extension technology or by having herself cryogenically frozen at the time of her bodily death as well as giving money to reduce existential risk (so that there is a world for her to live in!). I am not sure, however, how strong the reasons to do this would be. But views which imply that, if I don’t care about other people, I have no or very little reason to help them are not even minimally plausible views (in addition to hedonistic egoism, I here have in mind views that imply that one has no reason to perform an act unless one actually desires to do that act). To be minimally plausible, egoism will need to be paired with a more sophisticated account of well-being. To see this, it is enough to consider, as Plato did, the possibility of a ring of invisibility – suppose that, while wearing it, Ayn could derive some pleasure by helping the poor, but instead could derive just a bit more by severely harming them. Hedonistic egoism would absurdly imply she should do the latter. To avoid this implication, egoists would need to build something like the meaningfulness of a life into well-being, in some robust way, where this would to a significant extent be a function of other-regarding concerns (see chapter 12 of this classic intro to ethics). But once these elements are included, we can (roughly, as above) argue that this sort of egoism will imply strong reasons to reduce existential risk. Add to all of this Samuel Scheffler’s recent intriguing arguments (quick podcast version available here) that most of what makes our lives go well would be undermined if there were no future generations of intelligent persons. On his view, my life would contain vastly less well-being if (say) a year after my death the world came to an end. So obviously if Scheffler were right I’d have very strong reason to reduce existential risk. We should also take into account moral uncertainty. What is it reasonable for one to do, when one is uncertain not (only) about the empirical facts, but also about the moral facts? I’ve just argued that there’s agreement among minimally plausible ethical views that we have strong reason to reduce existential risk – not only consequentialists, but also deontologists, virtue ethicists, and sophisticated egoists should agree. But even those (hedonistic egoists) who disagree should have a significant level of confidence that they are mistaken, and that one of the above views is correct. Even if they were 90% sure that their view is the correct one (and 10% sure that one of these other ones is correct), they would have pretty strong reason, from the standpoint of moral uncertainty, to reduce existential risk. Perhaps most disturbingly still, even if we are only 1% sure that the well-being of possible future people matters, it is at least arguable that, from the standpoint of moral uncertainty, reducing existential risk is the most important thing in the world. Again, this is largely for the reason that there are so many people who could exist in the future – there are trillions upon trillions… upon trillions. (For more on this and other related issues, see this excellent dissertation). Of course, it is uncertain whether these untold trillions would, in general, have good lives. It’s possible they’ll be miserable. It is enough for my claim that there is moral agreement in the relevant sense if, at least given certain empirical claims about what future lives would most likely be like, all minimally plausible moral views would converge on the conclusion that we should try to save the world. While there are some non-crazy views that place significantly greater moral weight on avoiding suffering than on promoting happiness, for reasons others have offered (and for independent reasons I won’t get into here unless requested to), they nonetheless seem to be fairly implausible views. And even if things did not go well for our ancestors, I am optimistic that they will overall go fantastically well for our descendants, if we allow them to. I suspect that most of us alive today – at least those of us not suffering from extreme illness or poverty – have lives that are well worth living, and that things will continue to improve. Derek Parfit, whose work has emphasized future generations as well as agreement in ethics, described our situation clearly and accurately: “We live during the hinge of history. Given the scientific and technological discoveries of the last two centuries, the world has never changed as fast. We shall soon have even greater powers to transform, not only our surroundings, but ourselves and our successors. If we act wisely in the next few centuries, humanity will survive its most dangerous and decisive period. Our descendants could, if necessary, go elsewhere, spreading through this galaxy…. Our descendants might, I believe, make the further future very good. But that good future may also depend in part on us. If our selfish recklessness ends human history, we would be acting very wrongly.” (From chapter 36 of On What Matters)

6] Actor spec – governments are actors that have to aggregate bewteen different people’s interests and in some situations violate freedoms. Kant freezes action because it doesn’t give us a way to delineate between them

#### 6] Use epistemic modesty for evaluating the framework debate:

#### A] Real world – Policymakers don’t just appeal to one given moral framework but have to balance well being, rights, agreements/treaties, etc. It’s extremely unlikely any one framework is capital T true which means you should default towards modesty. o/ws – our model gives us a broad philisophical

#### B] Clash—disincentives debaters from going all in for framework which means we get the ideal balance between topic ed and phil ed—it’s important to talk about contention-level offense + o/ws – provides # of diff career paths

## 2

#### CP Text:

#### 1] [the aff plought to recognize an unconditional right of workers except for police officers to strike.

- A police officer is a warranted law employee of a police force. "police officer" is a generic term not specifying a particular rank.(wikipedia)

#### 2] [insert actor] ought to, through the corresponding union body in their society, threaten to remove police unions from the set of member unions unless they: eliminate due-processes protections police have won that prevent accountability from police misconduct through processes outlined in greenhouse

#### Only the CP can force police unions to change

Greenhouse, 20, The New Yorker, “How Police Unions Enable and Conceal Abuses of Power”, Steven Greenhouse is an American labor and workplace journalist and writer. He covered labor for The New York Times for 31 years, 2010 Society of Professional Journalists Deadline Club Award: Beat reporting for newspapers and wire services, for "World of Hurt" with N.R. Kleinfield; 2010 New York Press Club Award: Outstanding enterprise or investigative reporting, for "World of Hurt" with N.R. Kleinfield; 2009 The Hillman Prize for The Big Squeeze: Tough Times for the American WorkerURL: <https://www.newyorker.com/news/news-desk/how-police-union-power-helped-increase-abuses>, KR

The string of police killings captured on mobile phones increased public dismay with police unions. After the killing of George Floyd, they became a pariah. Many protesters, and even some unions, including the Writers Guild of America, East, have called on the A.F.L.-C.I.O., the nation’s main labor federation, to expel the International Union of Police Associations, which represents a hundred thousand law-enforcement officers. The Association of Flight Attendants adopted a resolution demanding that police unions immediately enact policies to “actively address racism in law enforcement and especially to hold officers accountable for violence against citizens, or be removed from the Labor movement.” The Service Employees International Union, with two million members, has called for “holding public security unions accountable to racial justice,” and the Seattle area’s main labor coalition issued an ultimatum to the local police union: acknowledge and address racism in law enforcement or risk being kicked out.

If the A.F.L.-C.I.O. expelled the International Union of Police Associations, it would be a huge blow to police unions. So far, Richard Trumka, the federation’s president, has balked at kicking out a member union, saying that it’s best to work to reform unions from inside labor’s tent. “The short answer is not to disengage and just condemn,” Trumka said. “The answer is to totally reëngage and educate,” to improve police unions.

Suddenly, it seems, there are countless proposals to make police unions more accountable. Campaign Zero, a reform group, wants to eliminate many of the due-process protections that the police have won. Javier Morillo, a former president of a Twin Cities union that represents thousands of janitors, wrote an unusually sharp critique of a fellow union, the Minneapolis Police Federation: “Until we see big, fundamental and structural change in the [police] department and the union, Black and brown residents of Minneapolis cannot feel safe.” Morillo wrote that, “for decades, arbitrators have relied on bad precedent” to “justify overturning discipline against officers.” Paige Fernandez, the A.C.L.U.’s policing policy adviser, said that community members should join city officials at the bargaining table during police-contract negotiations. “There should be public input from communities that have been historically overpoliced, black communities and low-income communities,” Fernandez said.

Benjamin Sachs, the Harvard labor-law professor, argues that the union movement needs to join the push for police reform. “When unions use the power of collective bargaining for ends that we . . . deem unacceptable it becomes our responsibility—including the responsibility of the labor movement itself—to deny unions the ability to use collective bargaining for these purposes,” he wrote. “We have done this before. When unions bargained contracts that excluded Black workers from employment or that relegated Black workers to inferior jobs, the law stepped in and stripped unions of the right to use collective bargaining in these ways.” Sachs proposes amending the law to curb the range of subjects over which police unions can bargain, perhaps even prohibiting negotiations over anything involving the use of force.

Some labor leaders warn that conservatives are using today’s outrage against police unions to promote their long-term agenda of hobbling or eliminating public-sector unions. “Everyone should have the freedom to join a union, police officers included,” Lee Saunders, the president of the American Federation of State, County and Municipal Employees, wrote. “The tragic killing of George Floyd should not be used as a pretext to undermine the rights of workers.”

Randi Weingarten, the president of the American Federation of Teachers, told me that it’s important to persuade police unions to stop vehemently defending every police officer who is accused of misconduct. She pointed to her own union’s past. “Our position used to be that the member was always right, that, whatever happened, you did everything in your power to keep the member’s job,” she said. “It didn’t matter if you knew there was a problem.” She added that as public anger mounted against this hard-line approach—many said that it was shortchanging children—local A.F.T. branches moved away from rigidly defending every teacher accused of misconduct or poor performance. Weingarten told me, “Ultimately, if we are members of our community, we have to hold ourselves to a standard of treating people respectfully and decently, and misconduct has no place in that.” McCartin, the labor historian, told me, “Police unions haven’t done nearly as much as the teachers to counter the perception that they’re indifferent to the public’s concerns. They can learn a lot from the teachers.”

Last week, Patrick Yoes, the president of the Fraternal Order of Police, the nation’s largest law-enforcement group, told NPR he agrees that reforms are needed. “We welcome the opportunity to sit down and have some meaningful, fact-based discussions on ways to improve the law-enforcement community,” Yoes said. But some police-union leaders are less amenable to reform. Last week, Michael O’Meara, the president of the New York State Association of P.B.A.s, said, “Stop treating us like animals and thugs and start treating us with some respect. . . . We’ve been vilified.”

Mindful of the Black Lives Matter protests, many mayors and cities will seek to push through contract changes in the next round of police bargaining, but no one should expect police unions to roll over. Many police-union officials believe that the harder the line they take in defending officers (and ignoring the public’s concerns) the better their chances of being reëlected by their members. As a result, the unions’ critics might have a better shot at winning reforms through city councils and state legislatures. O’Meara’s remarks make clear that police unions often have an us-against-the-world view. The question now is whether police unions will get the message that they shouldn’t think only of protecting their members, that they should also think of the original purpose of labor unions: protecting all workers—in other words, protecting the public.

#### Excessive police union bargaining from strikes destroys accountability for police misconduct

Greenhouse, 20, The New Yorker, “How Police Unions Enable and Conceal Abuses of Power”, Steven Greenhouse is an American labor and workplace journalist and writer. He covered labor for The New York Times for 31 years, 2010 Society of Professional Journalists Deadline Club Award: Beat reporting for newspapers and wire services, for "World of Hurt" with N.R. Kleinfield; 2010 New York Press Club Award: Outstanding enterprise or investigative reporting, for "World of Hurt" with N.R. Kleinfield; 2009 The Hillman Prize for The Big Squeeze: Tough Times for the American WorkerURL: <https://www.newyorker.com/news/news-desk/how-police-union-power-helped-increase-abuses>, KR

Police unions have long had a singular—and divisive—place in American labor. What is different at this fraught moment, however, is that these unions, long considered untouchable, due to their extraordinary power on the streets and among politicians, face a potential reckoning, as their conduct roils not just one city but the entire nation. Since the nineteen-sixties, when police unions first became like traditional unions and won the right to bargain collectively, they have had a controversial history. And recent studies suggest that their political and bargaining power has enabled them to win disciplinary systems so lax that they have helped increase police abuses in the United States.

A 2018 University of Oxford study of the hundred largest American cities found that the extent of protections in police contracts was directly and positively correlated with police violence and other abuses against citizens. A 2019 University of Chicago study found that extending collective-bargaining rights to Florida sheriffs’ deputies led to a forty per cent statewide increase in cases of violent misconduct—translating to nearly twelve additional such incidents annually.

In a forthcoming study, Rob Gillezeau, a professor and researcher, concluded that, from the nineteen-fifties to the nineteen-eighties, the ability of police to collectively bargain led to a substantial rise in police killings of civilians, with a greater impact on people of color. “With the caveat that this is very early work,” Gillezeau wrote on Twitter, on May 30th, “it looks like collective bargaining rights are being used to protect the ability of officers to discriminate in the disproportionate use of force against the non-white population.”

Other studies revealed that many existing mechanisms for disciplining police are toothless. WBEZ, a Chicago radio station, found that, between 2007 and 2015, Chicago’s Independent Police Review Authority investigated four hundred shootings by police and deemed the officers justified in all but two incidents. Since 2012, when Minneapolis replaced its civilian review board with an Office of Police Conduct Review, the public has filed more than twenty-six hundred misconduct complaints, yet only twelve resulted in a police officer being punished. The most severe penalty: a forty-hour suspension. When the St. Paul Pioneer Press reviewed appeals involving terminations from 2014 to 2019, it discovered that arbitrators ruled in favor of the discharged police and corrections officers and ordered them reinstated forty-six per cent of the time. (Non-law-enforcement workers were reinstated at a similar rate.) For those demanding more accountability, a large obstacle is that disciplinary actions are often overturned if an arbitrator finds that the penalty the department meted out is tougher than it was in a similar, previous case—no matter if the penalty in the previous case seemed far too lenient.

To critics, all of this highlights that the disciplinary process for law enforcement is woefully broken, and that police unions have far too much power. They contend that robust protections, including qualified immunity, give many police officers a sense of impunity—an attitude exemplified by Derek Chauvin keeping his knee on George Floyd’s neck for nearly nine minutes, even as onlookers pleaded with him to stop. “We’re at a place where something has to change, so that police collective bargaining no longer contributes to police violence,” Benjamin Sachs, a labor-law professor at Harvard, told me. Sachs said that bargaining on “matters of discipline, especially related to the use of force, has insulated police officers from accountability, and that predictably can increase the problem.”

For decades, members of the public have complained about police violence and police unions, and a relatively recent development—mobile-phone videos—has sparked even more public anger. These complaints grew with the killings of Eric Garner, Laquan McDonald, Walter Scott, Tamir Rice, Philando Castile, and many others. Each time, there were protests and urgent calls for police reform, but the matter blew over. Until the horrific killing of George Floyd.

Historians often talk of two distinct genealogies for policing in the North and in the South, and both help to explain the crisis that the police and its unions find themselves in today. Northern cities began to establish police departments in the eighteen-thirties; by the end of the century, many had become best known for using ruthless force to crush labor agitation and strikes, an aim to which they were pushed by the industrial and financial élite. In 1886, the Chicago police killed four strikers and injured dozens more at the McCormick Reaper Works. In the South, policing has very different roots: slave patrols, in which white men brutally enforced slave codes, checking to see whether black people had proper passes whenever they were off their masters’ estates and often beating them if they did something the patrols didn’t like. Khalil Gibran Muhammad, a historian at Harvard, said that the patrols “were explicit in their design to empower the entire white population” to control “the movements of black people.”

At the turn of the twentieth century, many police officers—frustrated, like other workers, with low pay and long hours—formed fraternal associations, rather than unions, to seek better conditions—mayors and police commissioners insisted that the police had no more right to join a union than did soldiers and sailors. In 1897, a group of Cleveland police officers sought to form a union and petitioned the American Federation of Labor—founded in 1886, with Samuel Gompers as its first president—to grant them a union charter. The A.F.L. rejected them, saying, “It is not within the province of the trade union movement to especially organize policemen, no more than to organize militiamen, as both policemen and militiamen are often controlled by forces inimical to the labor movement.”

After the First World War, millions of workers began protesting that their wages lagged far behind inflation, and many police officers got swept up in the ferment. In 1919, Boston’s city police applied to the A.F.L. for a charter; they were angry about their meagre salaries and having to pay hundreds of dollars for uniforms. The police commissioner, Edwin Upton Curtis, forbade his officers from joining any outside organization other than patriotic groups, such as the American Legion. The police proceeded to unionize, and Curtis suspended nineteen of the union’s leaders for insubordination. When most of the city’s fifteen hundred police officers walked off the job, rioting and widespread looting engulfed the city. Curtis fired eleven hundred strikers, and Calvin Coolidge, who was then the governor of Massachusetts, supported his hard line, saying, “There is no right to strike against the public safety by anybody, anywhere, anytime.” Coolidge’s stance thrust him into the national spotlight. He went on to serve as Vice-President and President.

For decades, that stance deterred police unionization. But, in the nineteen-fifties and sixties, with private-sector unions winning middle-class wages and solid benefits for millions of workers, police officers again started rumbling for a union. Their fraternal orders weren’t doing enough; the police wanted collective bargaining. Officers became increasingly impatient, and militant. In the early sixties, police engaged in a work slowdown in New York and a sit-in in Detroit.

In 1964, New York’s mayor, Robert F. Wagner, Jr., blessed a compromise between his police commissioner and the Patrolmen’s Benevolent Association. The P.B.A. renounced the right to strike and was recognized as the bargaining agent for the city’s police. Wagner had previously agreed to bargain with other municipal unions, but he had held off with the police, because of its singular role and of fears that officers might strike. (The National Labor Relations Act of 1935—sponsored by Wagner’s father, Senator Robert F. Wagner, Sr.—gave most private-sector workers a federal right to unionize and collectively bargain, but left it up to individual states and cities to decide whether to grant the same rights to government employees.) As a full-fledged union, the P.B.A. didn’t wait long to declare war against any push for increased accountability. In 1966, New York’s new mayor, John V. Lindsay, after being pressed by the Congress of Racial Equality, added four civilian members to the city’s Civilian Complaint Review Board; the original three members were deputy police commissioners. Then, as now, many African-Americans complained about police misconduct. The P.B.A., which renamed itself the Police Benevolent Association last year, bitterly resisted adding civilians to the board. When the City Council held a hearing on civilian review, the union mounted a five-thousand-member picket line in protest. The P.B.A. then organized a public referendum aimed at eliminating the board. It put up posters showing a young white woman exiting a subway and heading onto a dark, deserted street. “The Civilian Review Board must be stopped,” the poster read. “Her life . . . your life . . . may depend on it. . . . [A] police officer must not hesitate. If he does . . . the security and safety of your family may be jeopardized.” As the vote approached, the P.B.A.’s president, John Cassese, had played on racial divisions, declaring, “I’m sick and tired of giving in to minority groups with their whims and their gripes and shouting.” Lindsay, the American Civil Liberties Union, and New York’s two senators—the Republican Jacob Javits and the Democrat Robert F. Kennedy—opposed the P.B.A.-backed referendum. In a humbling defeat for liberals, sixty-three per cent of New Yorkers voted to abolish the review board.

Across the U.S., a similar dynamic played out. First, many cities followed New York’s lead and agreed to bargain with their police unions. Initially, newly established unions focussed on winning better wages and benefits. A major recession in the early eighties and the anti-tax fervor of the Reagan era caused budget crunches in many cities. Local leaders told police unions and other public-sector unions that they had little money for raises. In turn, the police demanded increased protections for officers facing disciplinary proceedings.

Since the eighties, police contracts in New York and many other cities have added one protection after another that have made it harder to hold officers accountable for improper use of force or other misconduct. Such protections included keeping an officer’s disciplinary record secret, erasing an officer’s disciplinary record after a few years, or delaying any questioning of officers for twenty-four or forty-eight hours after an incident such as a police shooting. “They have these unusual protections they’ve bargained very hard for, measures that insulate them from accountability,” William P. Jones, a history professor at the University of Minnesota and the president of the Labor and Working-Class History Association, told me. Jones said that other public-employee unions have some of the same protections but that police unions “are particularly effective utilizing them in their favor.”

In 2017, a Reuters a special report on police-union contracts in eighty-two cities found that most required departments to erase disciplinary records, in some cases after only six months. Eighteen cities expunged suspensions from an officer’s record in three years or less. Anchorage, Alaska, removed demotions, suspensions, and disciplinary transfers after twenty-four months. Reuters also found that almost half of the contracts let officers accused of wrongdoing see their entire investigative file—including witness statements, photos, and videos—before being questioned, making it easier for them to finesse their way through disciplinary interrogations.

Joseph McCartin, a labor historian at Georgetown, told me that one political factor explains why police unions have won so many protections. “They have more clout than other public-sector unions, like the teachers or sanitation workers, because they have often been able to command the political support of Republicans,” he said. “That’s given them a big advantage.”

#### Police misconduct erodes democracy – only holding them accountable can change the situation

Bonner, 18, University of Victoria, “Three Ways Police Abuse Affects Democracy”, 4/27/18, Michelle Bonner is Professor of Political Science in the Department of Political Science at the University of Victoria. Among other publications, she is the co-editor of Police Abuse in Contemporary Democracies , URL: <https://onlineacademiccommunity.uvic.ca/globalsouthpolitics/2018/04/27/three-ways-police-abuse-affects-democracy/>, KR

On August 9, 2014, 18-year-old Michael Brown was fatally shot by a police officer in Ferguson, Missouri. He was suspected of petty theft but was unarmed. A subsequent trial found the officer’s actions to be justified as self-defense. Despite the institutions of democracy working as they are designed, large protests (themselves met with police repression and arrests) registered profound public disagreement with the outcome. For many protesters this was one example, among numerous others, of police abuse aimed at African Americans that undermines their inclusion in American democracy.

Such powerful disagreements are not unique to democracy in the United States. Abuse of police authority happens in all democracies. It can include arbitrary arrest, selective surveillance and crowd control, harassment, sexual assault, torture, killings, or even forced disappearances. In newer democracies, police abuse is often thought to be a legacy of a previous authoritarian regime or civil war. Its persistence is understood to reflect weak democratic institutions and poorly functioning police forces. In established democracies, police abuse is more often thought to be an exception that is easily addressed through existing or tweaked institutions of accountability, such as the judiciary. Yet, as we argue in Police Abuse in Contemporary Democracies, police abuse has more significant implications for all democracies. We examine three.

Citizenship. Democracy includes the exercise and protection of rights for all citizens. This includes the right to protest, to mobility and not to be arbitrarily arrested or tortured. Rather than the courts, police are the first state actors to decide when citizen rights are protected and when they are ignored. They also have a great deal of discretion to decide who are (potential) wrongdoers and how much force to use to confront them. Marginalized groups in many countries find that it is in fact the police who determine the boundaries of their rights as citizens. Not all citizens’ rights are protected in the same way, creating pockets of authoritarian rule within democracy.

Some citizens, based on their identity, find, for example, that police watch them more closely, will arbitrarily arrest them for being in the “wrong place”, and police are more likely to mistreat them during arrest or while they are held in custody. This is particularly true for those who are economically poor (we examine cases from India, Brazil, Chile, Argentina, and South Africa). It also includes racialized minority groups such as Arabs in France or Blacks in France, South Africa and the United States (cases examined in the book). It can also include those who hold political views considered “radical” such as alter-globalization activists in Canada or those protesting or striking against neoliberal economic polices in South Africa (also examined in the book). That is, police abuse creates an unequal experience of democracy as it pertains to citizenship rights. To change this, we argue that we need to better understand how police use their discretion, why they profile some citizens over others, and the consequences of police profiling on the quality of democracy for all citizens. Another answer would be to strengthen police accountability.

Accountability. At first glance it might appear, at least in established democracies, that we already have the answer to reducing police abuse. If police abuse their power then they will be held accountable by the judiciary. This is an important feature of liberal democracy. Yet, the studies in our book reveal that in fact, in many countries (we examine the US, Chile, and to a lesser extent Argentina and India) the judiciary tends to be very lenient with police abuse.

Police have the right in a democracy to use violence. As the case of Michael Brown highlights, right and wrong is determined by the willingness of the judiciary to accept the justification provided by the police officer for his or her action (or inaction). In the case of Michael Brown, the office claimed he killed in self-defense and the courts accepted this justification as valid. As our chapters on Chile and the United States reveal, judicial accountability is often very sensitive to the need for police to maintain a good public image. So police wrongdoing is frequently blamed on an individual officer, a “bad apple”, or the judiciary accepts the officer’s justification in order to reinforce the power of all officers’ to respond as they see fit to different situations.

Of course, as in the Michael Brown case, the public can voice their disagreement with the judiciary. Yet, as one chapter on the US shows, whether or not the public perceives that the police have abused their powers and whether or not they demand judicial accountability is influenced by unconscious racial bias. To overcome these biases and the reluctance on the part of the judiciary to punish the police, another chapter suggests we need to encourage and support a wide variety of grassroots organizations, like Cop Watch, that are dedicated to keeping an eye on police conduct. All the authors agree that the answers to reducing police abuse lie beyond judicial or institutional police reforms. Tweaking institutions is not enough to reduce police abuse.

Socioeconomic Inequality. Finally, most studies of democracy argue that a certain level of socioeconomic equality is needed to sustain it. High levels of inequality of wealth weaken democracy. Political economists, including those in the World Bank, agree that neoliberal economic policies increase inequality in wealth. Yet, to ensure the implementation and protection of neoliberal economic policies, many governments rely on police abuse targeted against those who either oppose these policies or who are excluded from the economic model.

Our chapters on South Africa and Canada reveal repressive police responses to protests and strikes against neoliberal economic policies. Our chapters on France, South Africa, the United States, and Brazil all document government official’s encouragement of police abuse as the appropriate response to rising crime; preventive socioeconomic programmes, shown to better reduce crime, run counter to neoliberal economic policies. For example, in Brazil, state officials have drawn from international experience to establish Pacification Police Units (UPPs). UPPs occupy favelas (shantytowns) in large numbers in order to control crime, opening up opportunities for police abuse. Indeed, globally, with the spread of neoliberal economic policies, we have seen the rise of tough on crime rhetoric and policies in many countries. From this perspective, if we want to reduce police abuse, it is important to consider how some models of political economy might be more compatible with democracy than others.

To conclude, most people associate police abuse with authoritarian regimes. Yet, it occurs in all democracies and, if not checked, can reduce or even erode democracy. While in our book we examine three key ways police abuse affects democracy, there are many other ways it can do so, such as impacting elections, public policy, and or the construction of political ideologies. Given the global decline of democracy noted by academics and international organizations, such as Freedom House, it is important that we begin to ask how we can better address police abuse and the fuzzy line between democracy and authoritarianism that it represents.

**Extinction**

**Kasparov 17**

Garry Kasparov, Chairman of the Human Rights Foundation, former World Chess Champion, “Democracy and Human Rights: The Case for U.S. Leadership,” Testimony Before The Subcommittee on Western Hemisphere, Transnational Crime, Civilian Security, Democracy, Human Rights, and Global Women's Issues of the U.S. Senate Committee on Foreign Relations, February 16th, <https://www.foreign.senate.gov/imo/media/doc/021617_Kasparov_%20Testimony.pdf>

As one of the countless millions of people who were freed or protected from totalitarianism by the United States of America, it is easy for me to talk about the past. To talk about the belief of the American people and their leaders that this country was exceptional, and had special responsibilities to match its tremendous power. That a nation founded on freedom was bound to defend freedom everywhere. I could talk about the bipartisan legacy of this most American principle, from the Founding Fathers, to Democrats like Harry Truman, to Republicans like Ronald Reagan. I could talk about how the American people used to care deeply about human rights and dissidents in far-off places, and how this is what made America a beacon of hope, a shining city on a hill. America led by example and set a high standard, a standard that exposed the hypocrisy and cruelty of dictatorships around the world. But there is no time for nostalgia. Since the fall of the Berlin Wall, the collapse of the Soviet Union, and the end of the Cold War, Americans, and America, have retreated from those principles, and **the world has become much worse off as a result**. American skepticism about America’s role in the world deepened in the long, painful wars in Afghanistan and Iraq, and their aftermaths. Instead of applying the lessons learned about how to do better, lessons about faulty intelligence and working with native populations, the main outcome was to stop trying. This result has been a tragedy for the billions of people still living under authoritarian regimes around the world, and it is based on faulty analysis. You can never guarantee a positive outcome— not in chess, not in war, and certainly not in politics. The best you can do is to do what you know is right and to try your best. I speak from experience when I say that the citizens of unfree states do not expect guarantees. They want a reason to hope and a fighting chance. People living under dictatorships want the opportunity for freedom, the opportunity to live in peace and to follow their dreams. From the Iraq War to the Arab Spring to the current battles for liberty from Venezuela to Eastern Ukraine, people are fighting for that opportunity, giving up their lives for freedom. The United States must not abandon them. The United States and the rest of the free world has an unprecedented advantage in economic and military strength today. What is lacking is the will. The will to make the case to the American people, the will to take risks and invest in the long-term security of the country, and the world. This will require investments in aid, in education, in security that allow countries to attain the stability their people so badly need. Such investment is far more moral and far cheaper than the cycle of **terror, war**, refugees, and **military intervention** that results when America leaves a vacuum of power. The best way to help refugees is to prevent them from becoming refugees in the first place. The Soviet Union was an existential threat, and this focused the attention of the world, and the American people. There **existential threat** today is not found on a map, but it **is very real**. The forces of the past are making steady progress against the modern world order. **Terrorist** movements in the Middle East, extremist parties across Europe, a paranoid tyrant in **North Korea threatening nuclear blackmail,** and, at the center of the web, an **aggressive KGB dictator in Russia**. They all want to turn the world back to a dark past because their survival is threatened by the values of the free world, epitomized by the United States. And **they are thriving as the U.S. has retreated**. The global freedom index has declined for ten consecutive years. No one like to talk about the United States as a global policeman, but **this is what happens when there is no cop on the beat. American leadership begins at home**, right here. America cannot lead the world on democracy and human rights if there is no unity on the meaning and importance of these things. **Leadership is required to make that case clearly and powerfully**. Right now, Americans are engaged in politics at a level not seen in decades. It is an opportunity for them to rediscover that making America great begins with believing America can be great. The Cold War was won on American values that were shared by both parties and nearly every American. Institutions that were created by a Democrat, Truman, were triumphant forty years later thanks to the courage of a Republican, Reagan. This bipartisan consistency created the decades of strategic stability that is the great strength of democracies. Strong institutions that outlast politicians allow for long-range planning. In contrast, dictators can operate only tactically, not strategically, because they are not constrained by the balance of powers, but cannot afford to think beyond their own survival. This is why a dictator like Putin has an advantage in chaos, the ability to move quickly. This can only be met by strategy, by long-term goals that are based on shared values, not on polls and cable news. The fear of making things worse has paralyzed the United States from trying to make things better. There will always be setbacks, but the United States cannot quit. The spread of **democracy is the only** proven **remedy for** nearly **every crisis that plagues the world today. War, famine, poverty, terrorism**–all are generated and exacerbated by authoritarian regimes. A policy of America First inevitably puts American security last. American leadership is required because there is no one else, and because it is good for America. There is no weapon or wall that is more powerful for security than America being envied, imitated, and admired around the world. Admired not for being perfect, but for having the exceptional courage to always try to be better. Thank you.

## 3

### 1

#### Interpretation: The affirmative must defend the hypothetical implementation of the resolution.

#### Violation: 1. Cross-ex 2. Their advocacy states the aff as a general principle which is not the same as a policy action because we don’t get to use comparative worlds 3.

#### Standards:

#### Ground- we don’t get to read CPs or even DAs because those all are predicated upon the aff being a policy and they can spike out of links by saying we must prove the aff as a general principle is bad in a normative sense, kills fairness because none of my arguments stick and education because they can skirt questions of topic literature.

#### Burden of Rejoinder- the burden of the neg is to prove that the aff is a bad idea but we can’t do this when they’re a general principle because we become constrained to solely normative indicts and can’t test the aff from multiple angles. Kills neg flex and our ability to engage.

#### Engagement—they transform debate into a monologue where we can’t read CPs which means their arguments are presumptively false because they haven’t been subjected to well researched scrutiny.

#### TVA: Literally just defend the aff as a policy plan.

#### Vote neg – they’ve destroyed the round from the beginning and topicality’s key to set the correct model of debate which means it comes first.

#### Voter:

#### Evaluate T through competing interps—it tells the negative what they do and do not have to prepare for. Reasonability is arbitrary and unpredictable

#### Precision o/w – anything else justifies the aff arbitrarily jettisoning words in the resolution at their whim

#### Drop the debater to deter future abuse

#### Fairness is an impact and comes before substance – deciding any other argument in this debate cannot be disentangled from our inability to prepare for it – any argument you think they’re winning is a link, not a reason to vote for them, since it’s just as likely that they’re winning it because we weren’t able to effectively prepare to defeat it. This means they don’t get to weigh the aff.

#### Education is an impact – it’s the only reason schools fund debate

#### No RVIs—it’s your burden to be fair and T—same reason you don’t win for answering inherency or putting defense on a disad. 2] incentivizes baiting theory

## Case

PP egs8s

#### 1] Affs speak first and last so they frame the round and get persuasive spin at the end

#### 2] Infinite prep for the AC means they can always frontline whatever negs put together in 4min

#### 3] They have 3 speeches to my 2 to readjust their strat and can read new theory in their 2nd speech

#### 4] 1ARs can be abusive and most judges don’t vote on 2N theory since it’s too late

#### 5] 2ARs are more persuasive since it’s the last thing judges hear

Reject

1. Elim rouds
2. Start of topic – egs do’t ha

Case

#### No-strike clauses are legimatate contracts in the squo

Indiana Law Journal 64’(1964) "Employer Remedies for Breach of No-Strike Clauses," Indiana Law Journal: Vol. 39 : Iss. 2 , Article 7. Available at: https://www.repository.law.indiana.edu/ilj/vol39/iss2/7 This Note is brought to you for free and open access by the Law School Journals at Digital Repository @ Maurer Law. It has been accepted for inclusion in Indiana Law Journal by an authorized editor of Digital Repository @ Maurer Law. For more information, please contact rvaughan@indiana.edu. //RD Debatedrills

A collective bargaining agreement is a contract, and although it has unique characteristics which render it a specialized form of contract, contract law in regard to rescission and breach applies to it.4 " In this regard it has been held that the violation of a noq-strike clause in a collective bargaining agreement is a material breach which will justify rescission of the contract by an employer.4' However, if under the terms of the collective bargaining agreement the existence or non-existence of a condition precedent to the employer's right to rescind is subject to arbitration, then a favorable decision by an arbitrator will become a necessary intermediate step before the employer may rescind. For example, if there is a question as to whether or not the union has actually breached a no-strike clause, as might be the case when the strike was a "wildcat" strike which the union in fact attempted to discourage, and the arbitration clause in the agreement is sufficiently broad, a court would find that union responsibility for the strike was an arbitrable question under the contract. Since the contract is between employer and union, rather than between employer and individual employees, the union cannot be said to have refused to perform it in some material respect unless union responsibility for or condonation of the strike is shown. The finding of a union breach in any particular case depends, of course, upon the facts, the contract provisions which relate to union responsibility for the acts of its members and union responsibility to preserve the contract. If the question of union responsibility for the breach

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#### Power imbalances in contracts require us to look at contexts and utilize a posteriori reasoning

Hoon et al 07’ De Hoon, Machteld W., Power Imbalances in Contracts: An Interdisciplinary Study on Effects of Intervention (May 7, 2007). Tilburg University Legal Studies Working Paper No. 006/2007, Available at SSRN: <https://ssrn.com/abstract=985875> or [http://dx.doi.org/10.2139/ssrn.985875](https://dx.doi.org/10.2139/ssrn.985875) //RD Debatedrills

Can we measure power? Contract law seems to assume we can, since it provides opportunities for courts and other interveners to step in. Social psychologists show that measuring power is difficult. There are several reasons; only the most prominent ones will be mentioned.60 One of the reasons is that the lack of any form of power is only thinkable under the most extreme circumstances. Every individual has some form of power in almost every interaction.61 Power (and imbalance of power) is a dynamic feature, and inherently attached to all interactions.62 The extent and form of power depends on the context; time, location, needs, fears, the mental and physical state of both interacting individuals, third persons, etc.63 The person who appears to be the more powerful one might therefore actually be the less powerful one. An employer is supposed to be more powerful one in an interaction with an employee, but there are circumstances thinkable where it is actually the other way around. The same applies for franchisors and franchisees, and other class-protected contracting parties. Furthermore, the appearance of power seems to be far more important than the actual power. It is not about actually having more power; it is about the other party believing that the other has it. This is what is called the self-fulfilling effect of power. If you really believe you have more power, the chances increase that the other will respond in such a way that you actually have more power.64 It works the other way around as well: if you actually have more power and the other one is not convinced of that, the chances increase that in the end the other proves to be more powerful. Another reason why it is so difficult to measure power is because power depends on the psychological state of mind of both parties. In order to be really powerful, a contracting party must be willing to use that power. This is partly about believing as well: the other party must believe that you are willing to use it, but it is also about actually using it. If things don’t work out, be willing to walk away and move on. Not everyone is able to do that, even if the alternative is not that bad at all. The last reason why is it so difficult to measure a power imbalance is because the sources of power do not make anyone powerful if others are not affected by it, for whatever reason. Power is not something that can be confiscated; it can only be given to someone because others are affected by acts, position, recourses, or qualities. It depends on someone’s own needs and fears whether or not someone is affected by the acts, position, recourses, or qualities of the other.65 We could say that the ultimate source of power is other people’s needs and fears, not someone’s recourses, ability to get information, communication skills, or position in society.66 Criteria to define the existence and extent of a power imbalance should therefore (at least to some extent) relate to the parties’ own needs and fears, and not only to recourses, position, communication skills, etc. In other words, the criteria should include the fact that power imbalances derive from a specific interaction, rather than general characteristics. 67 It may make the job to measure true power imbalances in contracts even more difficult; nevertheless, it seems more accurate to look at the interaction between two contractual parties, rather than at general characteristics of either one of them