# 2NR

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#### Standards:

#### 1] Shiftiness – allows them to siphon out of key negative ground on what the right to strike includes. The definition is different in multiple legal contexts, so explaining what the plan does to the right to strike solves. It could be a creating of a new strike, or removing of all conditions, etc.. that all tries to draw a line that negs can’t predict

Reddy, 1-6, ““There Is No Such Thing as an Illegal Strike”: Reconceptualizing the Strike in Law and Political Economy”, Yale Law Journal, Diana Reddy is a Doctoral Fellow at the Law, Economics, and Politics Center at UC Berkeley Law, and a PhD candidate in UCB's Jurisprudence and Social Policy Program. Her research interests lie at the intersection of work law, law and political economy, law and social movements, and social stratification and inequality. You can find her recent scholarship and commentary in Yale Law Journal Forum and Emory Law Journal, as well as in less formal outlets, like the Law and Political Economy blog. URL: https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy , KR

The strike has never fit easily within extant legal categories. According to Craig Becker, “the law has variously categorized strikes as criminal activity, as an invasion of property rights, and as a fundamental component of labor’s right to engage in collective bargaining.”77 Jurisprudentially, striking has been theorized as either an associational freedom upon which law cannot intrude, or in the alternative, conduct so coercive and disorderly as to be antithetical to the rule of law—industrial vigilante justice.78 Following enactment of the NLRA, strikes ostensibly became legal for the private sector workers covered by it. But especially after the 1947 Taft-Hartley Amendments to the NLRA, striking’s legality was tied to an increasingly narrow understanding of its purpose. In this Part, I provide a brief overview of how current law—shaped by its Progressive Era mortal weakness—codifies long-lasting legal ambivalence about striking, by constructing the strike as an “economic weapon,” and in so doing, as apolitical.

A. The “Right” to Strike: Under the NLRA, workers are generally understood to have a “right” to strike. Section 7 of the Act states that employees have the right to engage in “concerted activities for . . . mutual aid or protection,”79 which includes striking. To drive this point home, section 13 of the NLRA specifies, “Nothing in this [Act] . . . shall be construed so as either to interfere with or impede or diminish in any way the right to strike . . .”80 Note that it is a testament to deeply-held disagreements about the strike (is it a fundamental right which needs no statutory claim to protection, or a privilege to be granted by the legislature?) that the statute’s language is framed in this way: the law which first codified a right to strike does so by insisting that it does not “interfere with or impede or diminish” a right, which had never previously been held to exist.

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#### 1] specificity – you can’t win you’re reasonably right because any small shift of the right to strike is enough to trigger new debates in the 1ar

#### 2] race to the bottom and norm setting – we can’t set norms without setting a clear standard

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#### A] It’s normal means.

Brudney 21 [James; 2/8/21; Joseph Crowley Chair in Labor and Employment Law, Fordham Law School; “The Right to Strike as Customary International Law,” THE YALE JOURNAL OF INTERNATIONAL LAW, Vol 46, <https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1710&context=yjil>] Justin \*\* Brackets in original

The international right to strike is far from absolute. It may be restricted in exceptional circumstances, or even prohibited, pursuant to national regulation. For a start, Convention 87 provides that members of the armed forces and the police may be excluded from the scope of the Convention in general, including the right to strike.57 In addition, applications by the CFA and CEACR have concluded that three distinct forms of substantive restriction on the right to strike are compatible with Convention 87.

#### The right to strike is Customary International Law, but the US fails to meet *opinio juris* standards. Perception of US insufficiency breeds uncertainty with confidence in international law and spirals into noncompliance – that causes a legitimacy crisis. No alt causes to legitimacy – FOA is central to the ILO and the biggest internal link.

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II. THE INTERNATIONAL RIGHT TO STRIKE AS CIL

That an international right to strike is widely recognized by governments does not mean the right has assumed the status of CIL. This Part seeks to forge that link, to show how the international right to strike qualifies as CIL. It begins (II.A) by identifying the two basic elements of CIL and explaining why the right to strike is an integral textual and conceptual component of FOA. It then establishes (II.B and C) that FOA and the right to strike satisfy both elements of CIL—a general practice accepted by States, stemming from a sense of legal obligation. While there are variations and qualifiers at the national level, the contours of CIL status are clear: a basic right subject to three substantive restrictions; a recognition that strikers retain their employment relationship during the strike itself; and certain procedural prerequisites or limitations. 105

This Part next demonstrates (II.D) that the two U.S. practices discussed earlier as deviating from the international right to strike—denying all public employees the right and authorizing permanent replacement of lawful strikers— contravene core aspects of the right to strike as CIL. Finally (II.E), this Part introduces the complexities of the U.S. position on FOA and the right to strike as international rights, reflected in the failure to ratify Convention 87 while both Congress and the executive branch embrace Convention 87 principles including the right to strike.

#### Unconditional means preventing from adding additional exceptions to international law.

Chow and Schoenbaum 17 [Daniel Chow and Thomas Schoenbaum; 2017; Professor Chow served as a law clerk to the Honorable Constance Baker Motley, chief judge for the Southern District of New York, following graduation from law school, and then became an associate with Debevoise and Plimpton in New York. He came to Ohio State in 1985 and teaches International Law, International Transactions, Jurisprudence, Asian Law, and Property. He is a member of Phi Beta Kappa, Thomas J. Schoenbaum is presently the Harold S. Shefelman Professor of Law at the University of Washington in Seattle. He received his Juris Doctor degree from the University of Michigan and his PhD degree from Gonville and Caius College, University of Cambridge (UK). He is also Research Professor of Law at George Washington University in Washington DC. He is a practicing lawyer, admitted in several U.S. states and before the Bar of the Supreme Court of the United States. He has been a professor at the University of North Carolina at Chapel Hill and was Associate Dean at Tulane University in New Orleans, “International Trade Law: Problems, Cases, and Materials,” Aspen Casebook Study] Justin

1. Belgian Family Allowances helped to establish two basic principles of GATT jurisprudence: MFN applies to internal measures (in this case the 7.5 percent levy), and the same treatment extended to France and others (foregoing of the levy) must be extended unconditionally to all other WTO members. The unconditional extension of MFN must occur even if Norway or Denmark did not have a system of family allowances. While Belgian Family Allowances interprets the unconditional extension of MFN to mean without any conditions, it is also possible to interpret this requirement to prohibit any additional conditions beyond what is required of the original recipient of the benefit or privilege. See Matsushita, Schoenbaum, Mavroidis and Hahn The World Trade Organization: Law, Practice and Policy 167-177 (3d ed. 2015).

# 1NC

## OFF

#### Interp - The letter “A” is an indefinite article that modifies “just government” – the resolution must be proven true in all instances, not one particular instance

CCC Capital Community College [a nonprofit 501 c-3 organization that supports scholarships, faculty development, and curriculum innovation], “Articles, Determiners, and Quantifiers”, http://grammar.ccc.commnet.edu/grammar/determiners/determiners.htm#articles AG

The three articles — a, an, the — are a kind of adjective. The is called the definite article because it usually precedes a specific or previously mentioned noun; a and an are called indefinite articles because they are used to refer to something in a less specific manner (an unspecified count noun). These words are also listed among the noun markers or determiners because they are almost invariably followed by a noun (or something else acting as a noun). caution CAUTION! Even after you learn all the principles behind the use of these articles, you will find an abundance of situations where choosing the correct article or choosing whether to use one or not will prove chancy. Icy highways are dangerous. The icy highways are dangerous. And both are correct. The is used with specific nouns. The is required when the noun it refers to represents something that is one of a kind: The moon circles the earth. The is required when the noun it refers to represents something in the abstract: The United States has encouraged the use of the private automobile as opposed to the use of public transit. The is required when the noun it refers to represents something named earlier in the text. (See below..) If you would like help with the distinction between count and non-count nouns, please refer to Count and Non-Count Nouns. We use a before singular count-nouns that begin with consonants (a cow, a barn, a sheep); we use an before singular count-nouns that begin with vowels or vowel-like sounds (an apple, an urban blight, an open door). Words that begin with an h sound often require an a (as in a horse, a history book, a hotel), but if an h-word begins with an actual vowel sound, use an an (as in an hour, an honor). We would say a useful device and a union matter because the u of those words actually sounds like yoo (as opposed, say, to the u of an ugly incident). The same is true of a European and a Euro (because of that consonantal "Yoo" sound). We would say a once-in-a-lifetime experience or a one-time hero because the words once and one begin with a w sound (as if they were spelled wuntz and won). Merriam-Webster's Dictionary says that we can use an before an h- word that begins with an unstressed syllable. Thus, we might say an hisTORical moment, but we would say a HIStory book. Many writers would call that an affectation and prefer that we say a historical, but apparently, this choice is a matter of personal taste. For help on using articles with abbreviations and acronyms (a or an FBI agent?), see the section on Abbreviations. First and subsequent reference: When we first refer to something in written text, we often use an indefinite article to modify it. A newspaper has an obligation to seek out and tell the truth. In a subsequent reference to this newspaper, however, we will use the definite article: There are situations, however, when the newspaper must determine whether the public's safety is jeopardized by knowing the truth. Another example: "I'd like a glass of orange juice, please," John said. "I put the glass of juice on the counter already," Sheila replied. Exception: When a modifier appears between the article and the noun, the subsequent article will continue to be indefinite: "I'd like a big glass of orange juice, please," John said. "I put a big glass of juice on the counter already," Sheila replied. Generic reference: We can refer to something in a generic way by using any of the three articles. We can do the same thing by omitting the article altogether. A beagle makes a great hunting dog and family companion. An airedale is sometimes a rather skittish animal. The golden retriever is a marvelous pet for children. Irish setters are not the highly intelligent animals they used to be. The difference between the generic indefinite pronoun and the normal indefinite pronoun is that the latter refers to any of that class ("I want to buy a beagle, and any old beagle will do.") whereas the former (see beagle sentence) refers to all members of that class

#### Violation – They spec \_\_\_\_\_\_\_\_\_ country

#### Standards:

#### 1] Limits – they can spec 123 different governments - that’s supercharged by the ability to spec combinations of types of strikes.

#### 3] TVA solves – just read your aff as an advantage to a whole rez aff – we don’t stop them from reading new FWs, mechanisms or advantages. PICs aren’t aff offense – a] it’s ridiculous to say that neg potential abuse justifies the aff being non-T b] There’s only a small number of pics on this topic c] PICs incentivize them to write better affs that can generate solvency deficits to PICs

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#### No RVI’s:

#### 1] Logic – you’ve won that you’re predictable for the neg to engage with in the first place, you deserve a ribbon not a ballot

#### 2] No time skew – 1] 13-13 means its fair 2] more neg skew since affs can always restructure arguments in the 1ar and 2ar 3] non-uq; every argument that got up-layered OR weighed over is lost

## OFF

#### The standard is maximizing expected wellbeing.

#### Prefer:

#### 1] Actor specificity:

#### A] Aggregation -Governments must aggregate because their policies benefit some and harm others so the only non-arbitrary way to prioritize is by helping the most amount of people – that oweighs on specificity

Mack 4 [(Peter, MBBS, FRCS(Ed), FRCS (Glasg), PhD, MBA, MHlthEcon) “Utilitarian Ethics in Healthcare.” International Journal of the Computer, the Internet, and Management Vol. 12, No.3. 2004. Department of Surgery. Singapore General Hospital.] SJDI

Medicine is a costly science, but of greater concern to the health economist is that it is also a limitless art. Every medical advance created new needs that did not exist until the means of meeting them came into existence. Physicians are reputed to have an infinite capacity to do ever more things, and perform ever more expensive interventions for their patients so long as any of their patients’ health needs remain unfulfilled. The traditional stance of the physician is that each patient is an isolated universe. When confronted with a situation in which his duty involves a competition for scarce medications or treatments, he would plead the patient’s cause by all methods, short of deceit. However, when the physician’s decision involves more than just his own patient, or has some commitment to public health, other issues have to be considered. He then has to recognise that the unbridled advocacy of the patient may not square with what the economist perceives to be the most advantageous policy to society as a whole. Medical professionals characteristically deplore scarcities. Many of them are simply not prepared to modify their intransigent principle of unwavering duty to their patients’ individual interest. However, in decisions involving multiple patients, making available more medication, labour or expenses for one patient will mean leaving less for another. The physician is then compelled by his competing loyalties to enter into a decision mode of one versus many, where the underlying constraint is one of finiteness of the commodities. Although the medical treatment may be simple and inexpensive in many instances, there are situations such as in renal dialysis, where prioritisation of treatment poses a moral dilemma because some patients will be denied the treatment and perish. Ethics and economics share areas of overlap. They both deal with how people should behave, what policies the state should pursue and what obligations citizens owe to their governments. The centrality of the human person in both normative economics and normative ethics is pertinent to this discussion. Economics is the study of human action in the marketplace whereas ethics deals with the “rightness” or “wrongness” of human action in general. Both disciplines are rooted in human reason and human nature and the two disciplines intersect at the human person and the analysis of human action. From the economist’s perspective, ethics is identified with the investigation of rationally justifiable bases for resolving conflict among persons with divergent aims and who share a common world. Because of the scarcity of resources, one’s success is another person’s failure. Therefore ethics search for rationally justifiable standards for the resolution of interpersonal conflict. While the realities of human life have given rise to the concepts of property, justice and scarcity, the management of scarcity requires the exercise of choice, since having more of some goods means having less of others. Exercising choice in turn involves comparisons, and comparisons are based on principles. As ethicists, the meaning of these principles must be sought in the moral basis that implementing them would require. For instance, if the implementation of distributive justice in healthcare is founded on the basis of welfare-based principles, as opposed to say resource-based principles, it means that the health system is motivated by the idea that what is of primary moral importance is the level of welfare of the people. This means that all distributive questions should be settled according to which distribution maximises welfare. Utilitarianism is fundamentally welfarist in its philosophy. Application of the principle to healthcare requires a prior understanding of the welfarist theory as expounded by the economist. Conceptually, welfarist theory is built on four tenets: utility maximisation, consumer sovereignty, consequentialism and welfarism. Utility maximisation embodies the behavioural proposition that individuals choose rationally, but it does not address the morality of rational choice. Consumer sovereignty is the maxim that individuals are the best judge of their own welfare. Consequentialism holds that any action or choice must be judged exclusively in terms of outcomes. Welfarism is the proposition that the “goodness” of the resource allocation be judged solely on the welfare or utility levels in that situation. Taken together these four tenets require that a policy be judged solely in terms of the resulting utilities achieved by individuals as assessed by the individuals themselves. Issues of who receives the utility, the source of the utility and any non-utility aspects of the situation are ignored.

#### B] No act-omission distinction – choosing to omit is an act itself – governments have to pass yes/no bills

#### C] comes first since different agents have different ethical standings that change the way they evaluate action – the rez is implemented by a state which is a government actor using util – EVEN if their fw applies to individuals the plan is about the government

#### 2] Strength of obligation – they can’t explain differences in obligations and IF they do it devolves to consequences

**Sinnott-Armstrong, 09**, “How strong is this obligation? An argument for consequentialism from concomitant variation”, Oxford University Press, Walter Sinnott-Armstrong is Chauncey Stillman Professor of Practical Ethics in the Department of Philosophy and the Kenan Institute for Ethics at Duke University He has received fellowships from the Harvard Program in Ethics and the Professions, the Princeton Center for Human Values, the Oxford Uehiro Centre for Practical Ethics, the Center for Applied Philosophy and Public Ethics at the Australian National University, and the Sage Center for the Study of the Mind at the University of California, Santa Barbar. He earned his bachelor’s degree from Amherst College and his doctorate from Yale University. He has published widely on ethics (theoretical and applied as well as meta-ethics), empirical moral psychology and neuroscience, philosophy of law, epistemology, philosophy of religion, and informal logic, URL: <https://www.jstor.org/stable/40607654>, KR

Now simply apply John Stuart Mill’s method of concomitant variation. If lung cancer rates go up and down when smoking rates go up and down, but lung cancer rates do not change when atmospheric humidity goes up or down, then these data support the hypothesis that smoking rather than humidity causes lung cancer, at least if we can rule out the alternatives that cancer causes smoking, that some third factor causes both smoking and cancer, and that the correlation is accidental. Analogously, since the strength of a moral obligation goes up and down as the harms in violating it go up and down, this correlation supports the hypothesis that the harms of violating it are what make the moral obligation as strong as it is. This argu- ment assumes that (i) the strength of the moral obligation does not explain the degree of harm (it cannot explain, for example, why it is so bad to miss this flight), (ii) no third factor explains the strength, the harm, and their correlation (what would that third factor be?), and (iii) the correlation is not accidental (because consequences are at least part of what matters in morality). Thus, Mill’s method of concomitant variation supports a conse- quentialist account of the strength of moral obligations to keep promises.

This conclusion extends as well to the existence of such moral obligations. There are two main options: we can say either (i) consequences determine both the existence and the strength of the moral obligation not the strength of the moral obligation is, instead, the consequences of breaking (or keeping) the promise. Option (i) is clearly simpler and more coherent. Why would one factor determine whether any moral obligation at all exists, while a completely separate factor (in the future rather than the past) deter- mines how strong that moral obligation is? That would be like postulating that the force of a golf club hitting a golf ball is what causes the ball to move but a different factor determines how fast or far the ball moves. Of course, dense air or a tree might explain why the ball did not go as fast or far as otherwise expected. However, in the absence of any such additional force, it would be implausible to postulate separate causes for the existence and degree of the ball’s motion. Analogously, we should reject the moral theory that one factor determines the existence of a moral obligation and a separate factor determines its strength. There might be conflicting moral reasons of all sorts (analogous to the dense air and tree), but they do not explain the existence or the strength of the original moral obligation itself. Thus, the better alternative is the consequentialist theory that one factor – the harm caused by violating the obligation – explains both the existence and the strength of the moral obligation not to break promises.

Critics might object that I have a moral obligation not to break my promise even if breaking it will not cause any harm at all. Imagine that you will have a better time at lunch with your other friends without me rather than with me. Still, I seem to have some (weak) moral obligation to keep my promise to meet you and them for lunch. However, consequentialists can explain that weak moral obligation by weak side-consequences. If I break my pro- mise, you will lose trust in me, which will complicate or even prevent later mutual arrangements and will create a risk of undermining our friendship. The risk of such side effects also explains why I need to apologize if I break my promise, since apologies reduce some harmful side effects. Even in the case of a proverbial deathbed promise, breaking it will not harm the promis- see (who is dead), but will create risks of harm to my character and of more harmful promise breaking in the future. In the very odd cases where even these effects are ruled out (such as when I will die right after breaking my promise to a dying person), then I doubt that I really do have any moral obligation to keep my promise. Why not? Because nobody at all is harmed if I break this promise in these circumstances. Besides, I am about to die, so give me a break! In any case, we should not trust our moral intuitions in such odd cases, because they did not evolve to fit such weird circumstances.

For these reasons, the best explanation of both the existence and the strength of the moral obligation to keep promises is consequentialist. Moreover, this argument applies as well to other apparently non-consequen- tialist obligations.

Consider the obligation not to lie. Some lies (such as telling a friend that you like his or her new haircut) are white lies, because they harm nobody, at least directly. As a result, they violate little or no moral obligation. Other lies (such as Bill Clinton’s lie about Monika Lewinsky) have very bad conse- quences, so they violate a very strong moral obligation. The strength of the obligation not to lie varies with the harms caused by lying. Thus, again, Mill’s method of concomitant variation suggests that the ground of the moral obligation not to lie is harmful consequences of lying.

Next consider the moral obligation to obey the law. There is a strong moral obligation not to drive on the left side of a crowded two-way road in the USA, even if the violated law happened to be passed by a very slim majority, and even if I never benefited in the past from the law requiring right-side driving rather than left-side driving. In contrast, even if I have some moral obligation not to pass a stop sign without coming to a complete stop in the middle of the night on a clearly deserted road, that moral obligation is very weak, because violating it causes no harm or risk of harm to others, even if the law that I violated was passed unanimously and even if I benefited in the past from other people stopping at that stop sign (at least during the day). Thus, as with promises and lies, the strength of the moral obligation not to break the law varies with the harms caused by breaking that law, so Mill’s method of concomitant variation again suggests that the ground of the moral obligation to obey the law is harmful consequences of breaking the law.

All of this suggests a new question and a new method in moral philosophy. Most moral philosophers and common folk have focused on the dichoto- mous questions of whether or not an act is right or wrong and whether or not someone has a moral obligation to act or not to act in a certain way. Those are important questions, but they are not the only ones worth asking. A moral theory also needs to answer the question of how strong a moral obligation is. When we ask this question, we find correlations between the strength of moral obligations and various factors that, together with Mill’s method of concomitant variation, reveal the ground of those moral obliga- tions. This brief note has tried to suggest both that this method is fruitful and also that, when we apply it, consequentialism comes out on top.

To respond, deontologists need to explain why some moral obligations are stronger than others without invoking the harmful consequences of violating those moral obligations. I would like to see them try.

#### 3] Use epistemic modesty :

#### a) clash – encourages phil and topic education which forces more realistic comparisons since the strength of obligations also matter

#### b) frameworks can be disproved through strength of obligation

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If I promise to meet you and some other mutual friends for a casual lunch, then my moral obligation to meet you is not as strong as when I promise to drive you to the airport to catch an important flight. Why not? The natural answer is that, if I break the lunch promise, not much bad will happen. You will still have a pleasant lunch with our other friends, and you and I can still have lunch some other time. I have some moral obligation to meet you, but not a very strong one. In contrast, if I break my driving promise, then my failure will cause much more harm, assuming that you will not find another way to get to the airport in time for your flight. These harmful consequences to you seem to be what give strength to my moral obligation to keep this promise.

The relevant kind of strength is measured by how much is needed to over- ride the obligation. I would need much stronger reasons to justify breaking my promise to drive you to the airport than to justify breaking my promise to meet you for lunch. The fact that my teenage child is sick at home might be enough to justify missing the lunch, even if the teenager would be safe at home for an hour without me. In contrast, I should leave my sick teenager at home while I drive you to the airport if I promise to drive you (again assuming that you will miss your flight if I do not drive you). The fact that some such reasons justify violating the lunch obligation but do not justify violating the driving obligation is what makes the driving obligation stronger.

The source of strength is not the solemn tone in which I made the promise. Even if I explicitly and solemnly promise to meet you for lunch, if nothing much bad will happen if I fail to show up, then I still do not have a very strong obligation to meet. In contrast, if I casually promise to drive you to your important flight, then, as long as I know that you are counting on me and will suffer significant harm if I fail, my obligation to drive you is strong. The strength of the moral obligation to keep a promise, thus, does not depend on solemnity while promising.

The source of strength is also not detrimental reliance, at least in one sense that is common in law. Suppose you spent a long time putting together the lunch with friends, and this effort had direct costs (phone bills) as well as opportunity costs (of not doing what you would have done if you had not put the lunch together). In contrast, you spent no time at all in response to my promise to drive you to the airport (other than getting ready for your trip, which you would have done anyway). Nonetheless, my driving promise still generates a stronger moral obligation to keep it if breaking it has worse consequences, as above. (I might have a secondary obligation to compensate you for direct and opportunity costs, but these can be seen as consequences of my joint act of making and then breaking a promise, and the strength of this compensatory obligation depends on consequences of that act.) Admittedly, by not seeking another ride to the airport, you did rely on my driving promise to your detriment, if I break it. Thus, regardless of effort and time lost, the driving promise creates more detrimental reliance of a separate kind: losses that occur only if I break the promise. However, this new kind of detrimental reliance clearly depends on the bad consequences of breaking the promise, so the strength of an obligation varies with the consequences if it varies with detrimental reliance of this new kind.

#### 4] Bindingness- only pursuing pleasure and avoiding pain can motivate action consistently- no external system of ethics has anything intrinsic that dictate it be followed.

## OFF

### CP–Policy

#### CP Text:

#### 1] The US ought 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] The US 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.”

ADD PHIL STUFF HERE

#### 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.

## OFF

#### The global economy is recovering and is set to accelerate this year, but any shocks can devastate growth

World Bank 21 - [The World Bank is an international financial institution that provides loans and grants to the governments of low- and middle-income countries for the purpose of pursuing capital projects.] "The Global Economy: on Track for Strong but Uneven Growth as COVID-19 Still Weighs" 06/08/2021 <https://www.worldbank.org/en/news/feature/2021/06/08/the-global-economy-on-track-for-strong-but-uneven-growth-as-covid-19-still-weighs> VS

A year and a half since the onset of the COVID-19 pandemic, the global economy is poised to stage its most robust post-recession recovery in 80 years in 2021. But the rebound is expected to be uneven across countries, as major economies look set to register strong growth even as many developing economies lag. Global growth is expected to accelerate to 5.6% this year, largely on the strength in major economies such as the United States and China. And while growth for almost every region of the world has been revised upward for 2021, many continue to grapple with COVID-19 and what is likely to be its long shadow. Despite this year’s pickup, the level of global GDP in 2021 is expected to be 3.2% below pre-pandemic projections, and per capita GDP among many emerging market and developing economies is anticipated to remain below pre-COVID-19 peaks for an extended period. As the pandemic continues to flare, it will shape the path of global economic activity. The United States and China are each expected to contribute about one quarter of global growth in 2021. The U.S. economy has been bolstered by massive fiscal support, vaccination is expected to become widespread by mid-2021, and growth is expected to reach 6.8% this year, the fastest pace since 1984. China’s economy – which did not contract last year – is expected to grow a solid 8.5% and moderate as the country’s focus shifts to reducing financial stability risks.

#### Strikes decrease productivity, create investment risk, weaken capital, and market volatility– causes econ collapse

Wisniewski et al 19 - Wisniewski, T. P., Lambe, B. J., & Dias, A. (2019). The Influence of General Strikes against Government on Stock Market Behavior. Scottish Journal of Political Economy. doi:10.1111/sjpe.12224 VS

The research that has been done to date focused primarily on the incidence of general strikes and the motivations that drive the unions to stage opposition to government plans and reforms (Vandaele, 2011; Gall, 2013; Hamann et al., 2013a). A number of papers considered the determinants of union success, which can be measured according to the concessions granted by the government (Johnson, 2000; Hamann et al., 2013b; Nowak and Gallas, 2014).Implications for policy-makers were further highlighted by Hamann et al. (2013c) who documented the vote share losses of incumbents in the presence of general strikes. This is unsurprising considering the substantial efforts exerted by the unions to engage voters, generate news stories, and expose the alleged incompetency of the government. To counter the resultant electoral losses, a country’s leadership that faces popular protests is more likely to align fiscal policy with the election cycle. More specifically, Klomp and de Haan (2013) showed that affected governments increase their spending and deficits in the pre-election year in order to temporarily stimulate the economy and, as a consequence, boost popular support. While some clarity may have emerged with respect to the outcomes encountered by workers and governments, the literature remains silent with regards to the ramifications faced by employers. It is this void in the body of knowledge that our paper intends to fill. Even if the general strikes are not strictly directed against companies, their value may be adversely affected for several reasons. First, the unproductive periods impose costs in terms of lower levels of output and profits. Although general strikes are typically short in duration, the large number of employees involved has a bearing on the total number of days not worked (Gall, 2013). Second, such manifestations of popular dissent signal to the market the workforce’s frustration with the government and its policies. In the case where policy-makers are responsive to the demands being made, a general strike may also signal the weakening position of capital providers and other sources of power within the productive process. Corporations may also be forced into a position of carrying the burden of government concessions and the costs of social pacts that are agreed in the aftermath of a general strike. Third, in instances where the future response of the government is not known with certainty, additional investment risk is created. Such risk will raise the time-varying discount rates leading to lower stock valuations and increased market volatility. Fourth, conceding to workers’ demands may lead to a deterioration in a government’s financial position, which will exert upward pressure on bond yields and discount rates. This, in turn, would further aggravate the falls in stock prices. Our findings in this study reflect the abovementioned considerations. Through investigating a large sample spanning an array of countries, we demonstrate a valuation impact that is both statistically and economically significant. Since the magnitude of the fall in stock prices coinciding with the occurrence of a general strike is substantial, investors should pay particular attention to this type of event. Furthermore, we record significant increases in stock index return volatility and Value-at-Risk1 in the year of the event, which could be indicative of the policy uncertainty that arises alongside mass strike action. Such findings should be brought into consideration by those on both sides of the divide who are engaged in the collective bargaining process. Market vulnerability around times of mass strike action could be particularly distressing to shareholders who are not internationally diversified. The problem is of concern not only to frontline investors but extends to a wider swathe of the population invested in the market through pension funds. It is neither in the interest of trade unions nor governments to adversely affect the value of retirement portfolios. For this reason, both parties should seek alternative resolutions that do not involve walkouts. This means that in order to avoid costly economic frictions, governments should be wary of situations which may inflame worker indignation. Similarly, trade unions should consider the full welfare implications for their members before staging a mass protest.

#### Econ collapse goes nuclear

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The conclusions reached in this thesis demonstrate how economic considerations within states can figure prominently into the calculus for future conflicts. The findings also suggest that security issues with economic or financial underpinnings will transcend classical determinants of war and conflict, and change the manner by which rival states engage in hostile acts toward one another. The research shows that security concerns emanating from economic uncertainty and the inherent vulnerabilities within global financial markets will present new challenges for national security, and provide developing states new asymmetric options for balancing against stronger states.¶ The security areas, identified in the proceeding chapters, are likely to mature into global security threats in the immediate future. As the case study on South Korea suggest, the overlapping security issues associated with economic decline and reduced military spending by the United States will affect allied confidence in America’s security guarantees. The study shows that this outcome could cause regional instability or realignments of strategic partnerships in the Asia-pacific region with ramifications for U.S. national security. Rival states and non-state groups may also become emboldened to challenge America’s status in the unipolar international system.¶ The potential risks associated with stolen or loose WMD, resulting from poor security, can also pose a threat to U.S. national security. The case study on Pakistan, Syria and North Korea show how financial constraints affect weapons security making weapons vulnerable to theft, and how financial factors can influence WMD proliferation by contributing to the motivating factors behind a trusted insider’s decision to sell weapons technology. The inherent vulnerabilities within the global financial markets will provide terrorists’ organizations and other non-state groups, who object to the current international system or distribution of power, with opportunities to disrupt global finance and perhaps weaken America’s status. A more ominous threat originates from states intent on increasing diversification of foreign currency holdings, establishing alternatives to the dollar for international trade, or engaging financial warfare against the United States.

## CASE

#### Calling use of CIL normal means is absurd-their own author proves

**Brudney 21**-- Brudney, James J [Joseph Crowley Chair in Labor and Employment Law, Fordham Law School]. "The Right to Strike as Customary International Law." Yale J. Int'l L. 46 (2021): 1. (AG DebateDrills)

**Application of CIL on behalf of U.S. workers in domestic courts faces distinct challenges.** The Article has examined these challenges and proposed ways in which they may be countered if not overcome. **In the short-term, the challenges may seem too large in light of jurisdictional and procedural hurdles, linked in many ways to the Supreme Court’s current reluctance to accept international human rights law in a federal court setting**. Nonetheless, the exploration of this international right remains important for a number of reasons. A common law right to strike may open doors to litigation for public employees in states that are more hospitable to recognizing CIL than the current majority of justices. The right also may have immediate utility for American workers seeking a persuasive language in which to justify their growing interest in strike activities. Further, given that the Court in its relatively recent past has recognized the relevance of international human rights law, there is reason to believe that it may do so again—in which case this indepth analysis of how one significant human right has been advanced and applied in other countries may well be of value. Finally, arguments stemming from the right to strike under international law are sure to have ongoing resonance beyond U.S. borders, as the right continues to be developed and debated on the global stage.

#### Their only justification for Ilaw affirming is an ILO law that talks about freedom of association—that doesn’t mean right to strike much less imply unconditionality

**Borman 17**-- Borman, David A [Department of Political Science, Philosophy, and Economics, Nipissing University]. "Contractualism and the Right to Strike." Res publica 23.1 (2017): 81-98. (AG DebateDrills)

My purpose in canvassing the ambiguous legal situation regarding strikes in North America is not simply to suggest the potential usefulness of directing greater philosophical attention to the matter. That, too. But I also want to highlight two important facts: first, as I mentioned at the outset, there is no generally agreed upon or recognized right to strike; **second, that the prevailing strategy for justifying such a right—coming principally from the ILO—has been to attempt to derive it from the freedom of association**—that is, the freedom to form groups and organizations for the pursuit of common, constitutionally protected purposes, which the ILO has tied closely to collective bargaining. **Despite the recent legal success in Canada, I do not believe this to be a philosophically promising avenue. First, it has the considerable demerit of misrepresent[s]ing in a basic way the demands of the labour movement, whose struggles historically underlie any such putative right.** Although employers decried what were quaintly called worker ‘combinations’, the right to combine is transparently instrumental: it is what the combination would do that was the subject of and motivation for struggle. **It is especially important to note in this connection, and against the tendency to assume that the strike must be viewed instrumentally as a tool within collective bargaining (so that the former is subordinate to the latter), that the assertion of the right to strike in protest against unjust conditions historically precedes the advent of collective bargaining**; it is the latter that is introduced as an additional tool toward the same end (see Pope 2010; Montgomery 1987, pp. 9–13; and Lambert 2005, p. 4). **Secondly, framing labour rights in these terms leads directly to some of the problems confronted by the labour movement today: if my freedom is simply to ‘combine’ or ‘associate’ then, as the U.S. Supreme Court believes** (and as the dissenting Justices in Saskatchewan argued), **that right may in no way be abrogated by my employer’s decision to replace me; or, at least, it remains very much undecided what sorts of constraints may be legitimately placed on the activities of combinations once combined.** There is no clear and direct path from the freedom to associate to the right to strike. **Perhaps more troubling still: if I am ‘free to associate,’ I am nevertheless not obliged to do so, and thus do so-called ‘right to work’ advocates lobby against mandatory dues collection.** Stipulating compulsory dues payment as a practical solution to the collective action problem generated by free-riders is practically sensible, but ad hoc and philosophically unsatisfying: it seems likely to rely either on controversial views of consent via benefit, or on unattractive utilitarian arguments which essentially concede that the rights of the few are indeed to be sacrificed to those of the many. The general point here, then, is not just that the right to associate—like any other abstract right—has unclear contours which can only be set by their institutionalization; rather, it is that there is simply no intrinsic connection between the freedom to form groups, or even the specific right of workers to organize, and the right to withhold one’s labour and the labour of others in response to unacceptable conditions. No doubt there are ways of framing the right of workers to organize that are more substantive and which would therefore include a greater array of protections, perhaps including the right to strike; but as the situation stands at present, though I disagree with the U.S. Supreme Court Justices, I do not see that it is possible to convict them of simple fallacious reasoning from the premises of associational protections.3 That is reason enough to explore alternative justifications. There are, of course, various options: the complainants in Saskatchewan had also argued that striking was an expressive activity, intended in part to communicate with the employer, other workers, and the public, so that Charter protections for free expression should apply; and there is a long history of arguing that real freedom of contract requires strike protections to balance power, a view that was partly reflected in the U.S. Norris-LaGuardia Act (1932) and in the Wagner Act (1935). But the question of historical adequacy mentioned above offers a compelling motive, it seems to me, for pursuing the contractualist route here.