## 1

### Util NC

#### The standard is maximizing expected well-being—to clarify, hedonistic act utilitarianism. Calc indicts don’t link—war is bad because as far as we know, it would cause pain.

Moen 16 Ole Martin, PhD, Research Fellow in Philosophy at the University of Oslo. "An Argument for Hedonism." Journal of Value Inquiry 50(2). 2016. https://www.academia.edu/26656561/\_An\_Argument\_for\_Hedonism\_by\_Ole\_Martin\_Moen. PeteZ

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 what her~~is~~ 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.

#### Prefer:

#### 1] You don’t get the choice to determine death for other people.

Paterson 2 – Department of Philosophy, Providence College, Rhode Island. (Craig, “A Life Not Worth Living?”, Studies in Christian Ethics, <http://sce.sagepub.com>)

In determining whether a life is worth living or not, **attention should be focused upon an array of ‘interests’ of the person**, and these, for the competent patient at least, are going to vary considerably, since they will be informed by the patient’s underlying dispositions, and, for the incompetent, by a minimal quality threshold. It follows that for competent patients, a broad-ranging assessment of quality of life concerns is the trump card as to whether or not life continues to be worthwhile. Different patients may well decide differently. That is the prerogative of the patient, for the only unpalatable alternative is to force a patient to stay alive. For Harris, life can be judged valuable or not when the person assessing his or her own life determines it to be so. **If a person values his or her own life, then that life is valuable, precisely to the extent that he or she values it**. Without any real capacity to value, there can be no value. As Harris states, ‘. . . the value of our lives is the value we give to our lives’. It follows that the **primary** **injustice** done to a person is to deprive the person of a life **he or she may think valuable**. Objectivity in the value of human life, for Harris, essentially becomes one of negative classification (ruling certain people out of consideration for value), allied positively to a broad range of ‘critical interests’; interests worthy of pursuing — **friendships, family, life goals, etc**. — which are subjected to de facto **self-assessment** for the further determination of meaningful value. Suicide, assisted suicide, and voluntary euthanasia, can therefore be justified, on the grounds that once the competent nature of the person making the decision has been established, the thoroughgoing commensuration between different values, in the form of interests or preferences, is essentially left up to the individual to determine for himself or herself.

#### 2] Actor spec—governments must use util because they don’t have intentions and are constantly dealing with tradeoffs—outweighs since different agents have different obligations—takes out calc indicts since they are empirically denied.

#### 3] No intent-foresight distinction for states.

Enoch 07 Enoch, D [The Faculty of Law, The Hebrew Unviersity, Mount Scopus Campus, Jersusalem]. (2007). INTENDING, FORESEEING, AND THE STATE. Legal Theory, 13(02). doi:10.1017/s1352325207070048 https://www.cambridge.org/core/journals/legal-theory/article/intending-foreseeing-and-the-state/76B18896B94D5490ED0512D8E8DC54B2

The general difficulty of the intending-foreseeing distinction here stemmed, you will recall, from the feeling that attempting to pick and choose among the foreseen consequences of one’s actions those one is more and those one is less responsible for looks more like the preparation of a defense than like a genuine attempt to determine what is to be done. Hiding behind the intending-foreseeing distinction seems like an attempt to evade responsibility, and so thinking about the distinction in terms of responsibility serves 39. Anderson & Pildes, supra note 38. I will use this text as my example of an expressive theory here. 40. See id. at 1554, 1564. 41. For a general critique, see Mathew D. Adler, Expressive Theories of Law: A Skeptical Overview, 148 U. PA. L. REV. 1363 (1999–2000). 42. As Adler repeatedly notes, the understanding of expression Anderson & Pildes work with is amazingly broad, so that “To express an attitude through action is to act on the reasons the attitude gives us”; Anderson & Pildes, supra note 38, at 1510. If this is so, it seems that expression drops out of the picture and everything done with it can be done directly in terms of reasons. 43. This may be true of what Anderson and Pildes have in mind when they say that “expressive norms regulate actions by regulating the acceptable justifications for doing them”; id. at 1511. http://journals.cambridge.org Downloaded: 03 Aug 2014 IP address: 134.153.184.170 Intending, Foreseeing, and the State 91 to reduce even further the plausibility of attributing to it intrinsic moral significance. This consideration—however weighty in general—seems to me very weighty when applied to state action and to the decisions of state officials. For perhaps it may be argued that individuals are not required to undertake a global perspective, one that equally takes into account all foreseen consequences of their actions. Perhaps, in other words, individuals are entitled to (roughly) settle for having a good will, and beyond that let chips fall where they may. But this is precisely what stateswomen and statesmen—and certainly states—are not entitled to settle for.44 In making policy decisions, it is precisely the global (or at least statewide, or nationwide, or something of this sort) perspective that must be undertaken. Perhaps, for instance, an individual doctor is entitled to give her patient a scarce drug without thinking about tomorrow’s patients (I say “perhaps” because I am genuinely not sure about this), but surely when a state committee tries to formulate rules for the allocation of scarce medical drugs and treatments, it cannot hide behind the intending-foreseeing distinction, arguing that if it allows45 the doctor to give the drug to today’s patient, the death of tomorrow’s patient is merely foreseen and not intended. When making a policy-decision, this is clearly unacceptable. Or think about it this way (I follow Daryl Levinson here):46 perhaps restrictions on the responsibility of individuals are justified because individuals are autonomous, because much of the value in their lives comes from personal pursuits and relationships that are possible only if their responsibility for what goes on in the (more impersonal) world is restricted. But none of this is true of states and governments. They have no special relationships and pursuits, no personal interests, no autonomous lives to lead in anything like the sense in which these ideas are plausible when applied to individuals persons. So there is no reason to restrict the responsibility of states in anything like the way the responsibility of individuals is arguably restricted.47 States and state officials have much more comprehensive responsibilities than individuals do. Hiding behind the intending-foreseeing distinction thus more clearly constitutes an evasion of responsibility in the case of the former. So the evading-responsibility worry has much more force against the intending-foreseeing distinction when applied to state action than elsewhere.

#### Impact calc –

#### 1] Extinction outweighs:

#### A] Structural violence- death causes suffering because people can’t get access to resources and basic necessities

#### B] Objectivity- body count is the most objective way to calculate impacts because comparing suffering is unethical

#### C] Comes before value-to-life.

Tännsjö 11 (Torbjörn, the Kristian Claëson Professor of Practical Philosophy at Stockholm University, “Shalt Thou Sometimes Murder? On the Ethics of Killing,” <http://people.su.se/~jolso/HS-texter/shaltthou.pdf>) //BS 1-27-2018

\*\*Bracketed to avoid triggers

I suppose it is correct to say that, if Schopenhauer is right, if life is never worth living, then according to utilitarianism we should all [die] commit suicide and put an end to humanity. But this does not mean that, each of us should commit suicide. I commented on this in chapter two when I presented the idea that utilitarianism should be applied, not only to individual actions, but to collective actions as well.¶ It is a well-known fact that people rarely commit suicide. Some even claim that no one who is mentally sound commits suicide. Could that be taken as evidence for the claim that people live lives worth living? That would be rash. Many people are not utilitarians. They may avoid suicide because they believe that it is morally wrong to kill oneself. It is also a possibility that, even if people lead lives not worth living, they believe they do. And even if some may believe that their lives, up to now, have not been worth living, their future lives will be better. They may be mistaken about this. They may hold false expectations about the future.¶ From the point of view of evolutionary biology, it is natural to assume that people should rarely commit suicide. If we set old age to one side, it has poor survival value (of one’s genes) to kill oneself. So it should be expected that it is difficult for ordinary people to kill themselves. But then theories about cognitive dissonance, known from psychology, should warn us that we may come to believe that we live better lives than we do.¶ My strong belief is that most of us live lives worth living. However, I do believe that our lives are close to the point where they stop being worth living. But then it is at least not very far-fetched to think that they may be worth not living, after all. My assessment may be too optimistic.¶ Let us just for the sake of the argument assume that our lives are not worth living, and let us accept that, if this is so, we should all kill ourselves. As I noted above, this does not answer the question what we should do, each one of us. My conjecture is that we should not [die] commit suicide. The explanation is simple. If I [die] kill myself, many people will suffer. Here is a rough explanation of how this will happen: ¶ ... suicide “survivors” confront a complex array of feelings. Various forms of guilt are quite common, such as that arising from (a) the belief that one contributed to the suicidal person's anguish, or (b) the failure to recognize that anguish, or (c) the inability to prevent the suicidal act itself. Suicide also leads to rage, loneliness, and awareness of vulnerability in those left behind. Indeed, the sense that suicide is an essentially selfish act dominates many popular perceptions of suicide. ¶ The fact that all our lives lack meaning, if they do, does not mean that others will follow my example. They will go on with their lives and their false expectations — at least for a while devastated because of my suicide. But then I have an obligation, for their sake, to go on with my life. It is highly likely that, by committing suicide, I create more suffering (in their lives) than I avoid (in my life).

#### D] Mathematically outweighs.

MacAskill 14 [William, Oxford Philosopher and youngest tenured philosopher in the world, Normative Uncertainty, 2014]

The human race might go extinct from a number of causes: asteroids, supervolcanoes, runaway climate change, pandemics, nuclear war, and the development and use of dangerous new technologies such as synthetic biology, all pose risks (even if very small) to the continued survival of the human race.184 And different moral views give opposing answers to question of whether this would be a good or a bad thing. It might seem obvious that human extinction would be a very bad thing, both because of the loss of potential future lives, and because of the loss of the scientific and artistic progress that we would make in the future. But the issue is at least unclear. The continuation of the human race would be a mixed bag: inevitably, it would involve both upsides and downsides. And if one regards it as much more important to avoid bad things happening than to promote good things happening then one could plausibly regard human extinction as a good thing.For example, one might regard the prevention of bads as being in general more important that the promotion of goods, as defended historically by G. E. Moore,185 and more recently by Thomas Hurka.186 One could weight the prevention of suffering as being much more important that the promotion of happiness. Or one could weight the prevention of objective bads, such as war and genocide, as being much more important than the promotion of objective goods, such as scientific and artistic progress. If the human race continues its future will inevitably involve suffering as well as happiness, and objective bads as well as objective goods. So, if one weights the bads sufficiently heavily against the goods, or if one is sufficiently pessimistic about humanity’s ability to achieve good outcomes, then one will regard human extinction as a good thing.187 However, even if we believe in a moral view according to which human extinction would be a good thing, we still have strong reason to prevent near-term human extinction. To see this, we must note three points. First, we should note that the extinction of the human race is an extremely high stakes moral issue. Humanity could be around for a very long time: if humans survive as long as the median mammal species, we will last another two million years. On this estimate, the number of humans in existence in the The future, given that we don’t go extinct any time soon, would be 2×10^14. So if it is good to bring new people into existence, then it’s very good to prevent human extinction. Second, human extinction is by its nature an irreversible scenario. If we continue to exist, then we always have the option of letting ourselves go extinct in the future (or, perhaps more realistically, of considerably reducing population size). But if we go extinct, then we can’t magically bring ourselves back into existence at a later date. Third, we should expect ourselves to progress, morally, over the next few centuries, as we have progressed in the past. So we should expect that in a few centuries’ time we will have better evidence about how to evaluate human extinction than we currently have. Given these three factors, it would be better to prevent the near-term extinction of the human race, even if we thought that the extinction of the human race would actually be a very good thing. To make this concrete, I’ll give the following simple but illustrative model. Suppose that we have 0.8 credence that it is a bad thing to produce new people, and 0.2 certain that it’s a good thing to produce new people; and the degree to which it is good to produce new people, if it is good, is the same as the degree to which it is bad to produce new people, if it is bad. That is, I’m supposing, for simplicity, that we know that one new life has one unit of value; we just don’t know whether that unit is positive or negative. And let’s use our estimate of 2×10^14 people who would exist in the future, if we avoid near-term human extinction. Given our stipulated credences, the expected benefit of letting the human race go extinct now would be (.8-.2)×(2×10^14) = 1.2×(10^14). Suppose that, if we let the human race continue and did research for 300 years, we would know for certain whether or not additional people are of positive or negative value. If so, then with the credences above we should think it 80% likely that we will find out that it is a bad thing to produce new people, and 20% likely that we will find out that it’s a good thing to produce new people. So there’s an 80% chance of a loss of 3×(10^10) (because of the delay of letting the human race go extinct), the expected value of which is 2.4×(10^10). But there’s also a 20% chance of a gain of 2×(10^14), the expected value of which is 4×(10^13). That is, in expected value terms, the cost of waiting for a few hundred years is vanishingly small compared with the benefit of keeping one’s options open while one gains new information.

#### 2] Calc indicts fail:

#### A] Ethics- it would indict everything cuz they use events to understand how ethics have worked

#### B] Reciprocity- they are NIBs that create a 2:1 skew where I have to answer them to access offense while they only have to win one

#### C] Internalism- asking why we value life is nonsensical since it’s intrinsic and we just do.

## 2

### DA

#### Transportation Strikes are low now due to Federal Strike Bans.

Bauernschuster et Al 17, Stefan, Timo Hener, and Helmut Rainer. "When labor disputes bring cities to a standstill: The impact of public transit strikes on traffic, accidents, air pollution, and health." American Economic Journal: Economic Policy 9.1 (2017): 1-37. (Faculty of Business Administration and Economics, University of Passau, Innstra)//Elmer

New York City's **Taylor Law,** which was put into effect **in response to a transit strike** in 1966, represents an example of a particularly draconian measure. Under Section 210, the law **prohibits** any **strike or** other concerted **stoppage** 01 worn or slowdown by public employees (Division of Local Government Services 2009). Instead, it prescribes binding arbitration by a state agency to resolve bargaining deadlocks between unions and employers. **Violations** against the prohibition on strikes are **punishable with hefty penalties**. The fine for an individual worker is **twice** the striking employee's **salary** **for each** **day** the strike lasts. In addition, union leaders face **imprisonment**. Since its inception in 1967, the Taylor Law has generated a lot of controversy. To proponents, it was **successful in averting several potential transit strikes** that would have imposed significant costs on the city and its inhabitants (OECD 2007). Indeed, New York City has only seen two transit strikes over the past four decades—in 1980 and in 2005. In both cases, harsh monetary penalties were imposed on workers and unions. The 2005 transit strike additionally led to the imprisonment of a union leader, and saw the Transport Workers Union (TWU) filing a formal complaint with the ILO. Since then, the ILO has urged the United States government to restore the right of transit workers to strike, arguing that they do not provide essential services justifying a strike ban (Committee on Freedom of Association 2011, 775). So far, the Taylor Law has not been amended in this direction.

#### Transit Strikes cause mass damage that far outweighs any benefits – specifically causes high Air Pollution by causing shifts to Personal Traffic.

Bauernschuster et Al 17, Stefan, Timo Hener, and Helmut Rainer. "When labor disputes bring cities to a standstill: The impact of public transit strikes on traffic, accidents, air pollution, and health." American Economic Journal: Economic Policy 9.1 (2017): 1-37. (Faculty of Business Administration and Economics, University of Passau, Innstra)//Elmer

This paper aims to answer two questions that are at the heart of the Taylor Law controversy and similar debates elsewhere: Do strikes in the public transportation sector cause disruptions that endanger the safety and health of urban populations? And how large are the costs of transit strikes to noninvolved third parties? To get at these questions, our **analysis uses time series and cross-sectional variation** in powerful registry data **to quantify** the **effects of public transit strikes** in five domains: traffic volumes, travel times, accident risk, pollution emissions, and health (see Figure 1). The **context** **for our study** are the five largest cities in **Germany**, which provides us with an ideal setting. In particular, in contrast to countries that have imposed de jure restrictions on public transit strikes, **German courts** de facto **protect the right to strike** in this sector. **As a consequence**, Germany **regularly faces strikes by transit workers.** Our analysis exploits 71 one-day strikes in public transportation over the period from 2002 to 2011. We identify the daily effects of these strikes using both time series and cross-sectional variation in our data. In a first step, we estimate the impact on the total length of time that cars are in operation (henceforth, total car hours operated). To do so, we make use of two data sources. First, we use hourly informa tion from official traffic monitors to estimate the effect of transit strikes on traffic volumes. Second, we use congestion data based on GPS speed measurements from TomTom, a global supplier of navigation and location products and services, to esti mate the effect on travel times. Combining the two estimates allows us to compute the effect on total car hours operated. In a second step, we explore likely knock-on consequences by expanding the analysis in three directions. First, we assess the impact of strikes on the incidence and severity of car accidents using detailed regis ter data, which includes all vehicle crashes recorded by the German police. Second, to investigate the effect on atmospheric pollution, we draw on hourly data from official air monitors. Third, we explore the effect on human health using register data, which includes information about all patients admitted to all German hospi tals. Our identification strategy is based on a generalized difference-in-differences approach. It flexibly captures daytime and day-of-week patterns, seasonality effects, and long-run time trends, which are all allowed to vary by city. What emerges **is a picture of remarkable consistency**. **During** the morning peak of a **strike day**, **total car hours operated** **increase by 11 to 13 percent.** This increase can be decomposed into two separate effects: a 2.5 to 4.3 percent increase in the number of cars on roads and a 8.4 percent increase in travel times. In addition, our results suggest that transit strikes **pose** a **non-negligible threat** **to public safety and public health.** We find a 14 percent increase in the number of vehicle crashes, which is accompanied by a 20 percent increase in accident-related personal injuries. Moreover, we observe that transit strikes have **sizable effects on ambient air pollution**. **Emissions** of particulate matter **increase by 14 percent**, while nitrogen dioxide concentrations in ambient air increase by 4 percent. Finally, analyzing health out comes related to air pollution, we find that young children are subject to negative health effects. Among this subgroup, hospital admissions for respiratory diseases increase by 11 percent on strike days. The costs of strikes—both to the parties directly involved in a dispute and to the public at large—have been the subject of extensive research since the mid-twentieth century. Until the 1990s, the main conclusion of the literature was that strikes impose significant financial costs on the workers and the firm directly involved in walkouts, but only negligible costs in most cases on non-involved third parties (Kaufmann 1992). Our study firmly rejects this conclusion: based on our estimates, **the increase in aggregate travel time caused by a single strike corresponds to 1,550 full-time equivalent work weeks**. This translates into **third-party congestion costs of €3.2 million per strike or €228.9 million for all 71 strikes in our sample.** Our work complements a small but impressive literature in economics analyzing the impact of strikes. Focusing on the hospital sector, Gruber and Kleiner (2012) investigate the effects of nurses' strikes on patient outcomes. After controlling for time and hospital specific heterogeneity, they observe increased mortality and read mission rates, and conclude that strikes in hospitals kill.3 Examining walkouts in the education sector, Belot and Webbink (2010) and Baker (2013) find that teacher strikes had negative effects on student achievement in Belgium and Canada. Finally, there are a few interesting studies of strike impact in the private sector. Krueger and Mas (2004) show that strikes in tire production facilities decreased the quality of tires resulting in an increase of fatal accidents. In a similar vein, Mas (2008) finds that strikes at Caterpillar led to lower product quality. In comparison to other strikes that have been studied in the literature, there is one specific aspect about urban public transport that makes it an intriguing case to study: the population at risk from strikes is potentially very large and likely to be affected along multiple dimensions. This is due to several interrelated facts: (i) in many advanced cities, the two major modes of transportation are private vehicles and public transit; (ii) urban public transport is typically provided under monopoly conditions—either by public sector companies or by operators working under licenses granted by public authorities; (iii) without the availability of a close substitute, public transit strikes are likely to significantly disrupt the normal travel of transit riders and disturb traffic patterns by increasing the use of private vehicles; (iv) two of the main externalities associated with an increase in the usage of private cars are traffic accidents and air pollution, and entire city populations—not just transit users—may be adversely affected in each of these areas when public transport shuts down. Quantifying these potential impacts is not just interesting in itself, but also an important ingredient to meaningful discussions about the regulation of labor relations in sectors providing services regarded as public or essential.4 The remainder of the paper is organized as follows. Section I provides the institutional setting and discusses how transit strikes might affect cities and their inhabitants. Section II describes the data. Section III outlines the empirical strategy, followed by the results in Section IV. Section V discusses the size of the effects by monetizing the third party costs of transit strikes and comparing them to the private costs of struck employers. Background A. The Role of Public Transit and the Regulation of Labor Relations The five largest German cities, home to roughly 8.2 million people, are characterized by an intensive use of public transportation. In 2013, Berlin, Hamburg, Munich, Cologne, and Frankfurt together accounted for a total number of 3.4 billion public transit users in their metropolitan areas.5 This corresponds to an average 9.3 million passengers a day. In Berlin, the German capital, roughly 43 percent of commuters use public transit, while about 38 percent travel by car (Wingerter 2014). Public transportation networks are extensive in all sample cities. In Hamburg, for example, the transportation network comprises 91 subway stations, 68 suburban train stations (S-Bahn), more than 1,300 bus stops connecting a network of nearly 1,200 km in a city with less than 2 million inhabitants. The importance of public transportation in major German cities is comparable to the role it plays in the largest city in the United States. New York City has a population of roughly 8.4 million people. In 2014, its Metropolitan Transportation Authority moved about 9 million riders per day or 3.3 billion passengers a year on subways, buses, and railroads.6 Approximately 56 percent of commuters in New York City use public transit, while about 27 percent travel by car.7 While the use of mass transit in New York City and major German cities is com parable, the regulation of labor relations in the public transportation sector differs markedly. As mentioned above, New York City's Taylor Law prohibits strikes by transit workers under the threat of harsh penalties. Other cities in the United States with no-transit-strike laws include Chicago, Boston, and Washington, DC. For a German, it must come as a surprise that many countries impose de jure restrictions on strikes in the public transportation sector. Indeed, in Germany, the right to strike is a fundamental right based on the Freedom of Association (Koalitionsfreiheit) as laid out in Article 9(3) of the constitution (Grundgesetz). Only civil servants, judges, and soldiers are excluded from the right to strike. Until the 1990s, the big infra structure industries—i.e., telecommunications, postal, and public transportation ser vices—were state monopolies. Workers in these industries had civil servant status and thus were not allowed to strike. However, when these industries were gradually privatized during the 1990s, newly hired workers were no longer given civil servant status and therefore gained the right to strike. Today, public transit workers, whether employed by Germany's rail operator Deutsche Bahn or local public transport providers, are allowed to engage in industrial action. The only de facto restriction on transit workers' right to strike is that the parties of an industrial conflict are responsible for the provision of a minimum service (Klaß et al. 2008). This is intended to act as a balance of their interests with those of non-involved third parties.8 In Germany, industrial action by transit workers is typically announced one day ahead of a strike. However, at that time, there is still substantial uncertainty as to exactly which services will be affected and to what degree. Thus, the actual extent of a strike cannot be clearly assessed prior to the start of a strike. The strikes we exploit in this study have the following feature in common: they do not shutdown the entire transportation system, but there are significant distortions in terms of service frequency. As a rule of thumb, at least one-third and up to two-thirds of all connections in affected cities are canceled or severely delayed on strike days. After the official end of a strike, it usually takes some hours until service is back to normal. Having described the context and setting of our study, we now go on to discuss how urban populations might be affected by public transit strikes. B. Public Transit Strikes and Car Traffic Given the intensive use of public transportation in major German cities, we expect **strikes by transit workers** to **have** **profound** short-run **effects on** the **mode of transport** of commuters. Some might **feel forced to use** their **private car** or motorbike or a taxi on strike days. Others might switch to their bike or just walk. Again others might postpone their journey. Van Exel and Rietveld (2001) summarize the existing evidence as follows: **public transit strikes induce** most **public transit users to switch to the car** (either as driver or passenger) and **as a result traffic density** as well as road congestion **increases**. A similar conclusion is reached by Anderson (2014), who ana lyzes freeway traffic during a 35-day strike by transit workers in Los Angeles. His estimations reveal an increase in delays during peak periods by almost 50 percent due to increased car traffic.9 Finally, Adler and van Ommeren (2015) exploit transit strikes in Rotterdam and also find positive effects of transit shutdowns on congestion. Based on these findings we formulate our first testable prediction. PREDICTION 1: **Public transit strikes increase the number of cars on roads**, especially during peak periods. Travel times increase due to rising traffic congestion. C. Car Traffic and Accidents The frequency and severity of road accidents depends on several traffic characteristics that may be affected by public transit strikes. Examples we have in mind include the number of cars in road systems, driving skills, driver behavior, and speed. First, an often-used specification by transport economists suggests that the expected number of road accidents rises with the number of potential accidents which, in turn, is an increasing function of the number of cars in the system (Shefer and Rietveld 1997). Edlin and Karaca-Mandic (2006) confirm this prediction by showing that traffic density increases accident costs substantially. Second, the expected number of road accidents is a function of the behavior and skills of drivers. In this regard, we would expect that public transit strikes reduce average driving skills since marginal drivers with less experience appear on road systems. This channel works to increase the frequency of road accidents. In addition, it is well understood that driving in high-density traffic can contribute to stress and therefore lead to behavioral patterns—e.g., tailgating, aggressive driving, braking abruptly—that increase accident risk (Transport Research Center 2007). More accidents are likely to result in additional personal injuries (Shefer and Rietveld 1997). However, the same logic does not necessarily apply to accidents involving severe injuries or fatalities: with an increase in congestion stemming from more cars in the system, average travel speed decreases, thus potentially causing a reduction in the number of severe accidents. Evidence from the United States indeed suggests a substantial reduction in the number of fatal road accidents during morning peak hours, periods in which traffic density is the highest (Farmer and Williams 2005). But there is also evidence, emerging from the United Kingdom, that the picture is more differentiated. In particular, congestion as a mitigator of crash severity is less likely to occur in urban conditions, but may still be a factor on higher speed roads and highways (Noland and Quddus 2005). Our focus will be on accidents in urban conditions. Thus, it remains a priori unclear whether an increase in congestion stemming from public transit strikes affects the incidence of severe accidents, and if so in what direction. Against this background, our second testable prediction is: PREDICTION 2: Public transit strikes increase the frequency of car accidents which, in turn, leads to a rise in accident-related injuries. The effect on accidents involving severe injuries or fatalities is a priori unclear. D. Car Traffic and Air Pollution **Car traffic** is **associated with air pollution** mainly **due to engine exhaust**. The chemical processes in fuel burning thus determine the expected effect of traffic on air pollution. Internal combustion engines powering the vast majority of **cars** in developed countries **emit** oxides of **nitrogen**, **carbon monoxide**, unburned or partially burned organic compounds, and particulate matter with the amounts depending amongst other things on operating conditions (Heywood 1988). In particular, it is well understood that congested stop-and-go traffic is associated with higher emissions than free-flow traffic. There are three reasons for this. First, the efficiency of internal combustion engines, which depends on revolutions per minute (rpm), is highest at medium speed (Davis and Diegel 2007). Acceleration and deceleration episodes decrease the time operated in the optimal rpm range, which in turn increases emissions per minute driven. Second, **congestion** **increases travel times**, and so **leads to a rise in fuel consumption and emissions** per distance driven. Third, particulate matter emissions not only stem from fuel burning process, but also from brake wear and tire wear on tarmac—both high in congested traffic. From an empirical viewpoint, several studies suggest that **high traffic volumes and congestion are causes of ambient air pollution** (see, e.g., Currie and Walker 2011; Knittel, Miller, and Sanders 2011). A pollutant that is not caused by car traffic, and therefore can be used for a placebo test, is sulfur dioxide (Lalive, Luechinger, and Schmutzler 2013). Indeed, sulfur dioxide emissions from cars are close to nonexistent since modern gasoline no longer contains significant amounts of sulfur. From these arguments our third testable prediction arises: PREDICTION 3: Public transit strikes increase road-traffic related air pollution. A pollutant expected to be unaffected is sulfur dioxide.

#### Stable Mass Transit solves Transport Emissions which cause Warming.

* Thanks Sam for Finding

Ionescu 21 Diana Ionescu 11-5-2021 "To Fight Climate Change, Support Public Transit" <https://www.planetizen.com/news/2021/11/115186-fight-climate-change-support-public-transit> (Diana is a contributing editor to Planetizen.)//Elmer

Andrew J. Hawkins argues in favor of boosting **public transit as** a **crucial way to fight climate change**, warning against the **potential "death spiral**" **caused by declining ridership** which reduces revenue, leading to worse service which discourages riders even further. As Hawkins writes, There’s more at stake than good buses and trains. The recent report from the United Nations **I**ntergovernmental **P**anel on **C**limate **C**hange **confirms** that a hotter, wetter, more inhospitable future is all but certain. The **transportation sector** is **responsible for nearly a third of greenhouse gases**, **most** of which **come from tailpipe emissions**. High-quality **mass transit can do a lot to fight climate change**, but only if people are willing to use it. Since the start of the pandemic, transit agencies have struggled against a raft of challenges as some riders abandon their systems while essential workers and other transit-dependent commuters rely on public transportation more than ever. Agencies around the country are implementing major service changes and reducing or eliminating fares in an effort to get riders back on board and expand the reach of their systems, with mixed results. These initiatives will create more benefits than just improved transit service for those who use it, transit supporters argue. As Hawkins concludes, "**high-quality transit is the only real solution to** our vast, seemingly intractable problems with **climate change**, inequality, land use, and housing."

#### Warming causes Extinction

Kareiva 18, Peter, and Valerie Carranza. "Existential risk due to ecosystem collapse: Nature strikes back." Futures 102 (2018): 39-50. (Ph.D. in ecology and applied mathematics from Cornell University, director of the Institute of the Environment and Sustainability at UCLA, Pritzker Distinguished Professor in Environment & Sustainability at UCLA)//Re-cut by Elmer

In summary, six of the nine proposed planetary boundaries (phosphorous, nitrogen, biodiversity, land use, atmospheric aerosol loading, and chemical pollution) are unlikely to be associated with existential risks. They all correspond to a degraded environment, but in our assessment do not represent existential risks. However, the three remaining boundaries (**climate change**, global **freshwater** cycle, **and** ocean **acidification**) do **pose existential risks**. This is **because of** intrinsic **positive feedback loops**, substantial lag times between system change and experiencing the consequences of that change, and the fact these different boundaries interact with one another in ways that yield surprises. In addition, climate, freshwater, and ocean acidification are all **directly connected to** the provision of **food and water**, and **shortages** of food and water can **create conflict** and social unrest. Climate change has a long history of disrupting civilizations and sometimes precipitating the collapse of cultures or mass emigrations (McMichael, 2017). For example, the 12th century drought in the North American Southwest is held responsible for the collapse of the Anasazi pueblo culture. More recently, the infamous potato famine of 1846–1849 and the large migration of Irish to the U.S. can be traced to a combination of factors, one of which was climate. Specifically, 1846 was an unusually warm and moist year in Ireland, providing the climatic conditions favorable to the fungus that caused the potato blight. As is so often the case, poor government had a role as well—as the British government forbade the import of grains from outside Britain (imports that could have helped to redress the ravaged potato yields). Climate change intersects with freshwater resources because it is expected to exacerbate drought and water scarcity, as well as flooding. Climate change can even impair water quality because it is associated with heavy rains that overwhelm sewage treatment facilities, or because it results in higher concentrations of pollutants in groundwater as a result of enhanced evaporation and reduced groundwater recharge. **Ample clean water** is not a luxury—it **is essential for human survival**. Consequently, cities, regions and nations that lack clean freshwater are vulnerable to social disruption and disease. Finally, ocean acidification is linked to climate change because it is driven by CO2 emissions just as global warming is. With close to 20% of the world’s protein coming from oceans (FAO, 2016), the potential for severe impacts due to acidification is obvious. Less obvious, but perhaps more insidious, is the interaction between climate change and the loss of oyster and coral reefs due to acidification. Acidification is known to interfere with oyster reef building and coral reefs. Climate change also increases storm frequency and severity. Coral reefs and oyster reefs provide protection from storm surge because they reduce wave energy (Spalding et al., 2014). If these reefs are lost due to acidification at the same time as storms become more severe and sea level rises, coastal communities will be exposed to unprecedented storm surge—and may be ravaged by recurrent storms. A key feature of the risk associated with climate change is that mean annual temperature and mean annual rainfall are not the variables of interest. Rather it is extreme episodic events that place nations and entire regions of the world at risk. These extreme events are by definition “rare” (once every hundred years), and changes in their likelihood are challenging to detect because of their rarity, but are exactly the manifestations of climate change that we must get better at anticipating (Diffenbaugh et al., 2017). Society will have a hard time responding to shorter intervals between rare extreme events because in the lifespan of an individual human, a person might experience as few as two or three extreme events. How likely is it that you would notice a change in the interval between events that are separated by decades, especially given that the interval is not regular but varies stochastically? A concrete example of this dilemma can be found in the past and expected future changes in storm-related flooding of New York City. The highly disruptive flooding of New York City associated with Hurricane Sandy represented a flood height that occurred once every 500 years in the 18th century, and that occurs now once every 25 years, but is expected to occur once every 5 years by 2050 (Garner et al., 2017). This change in frequency of extreme floods has profound implications for the measures New York City should take to protect its infrastructure and its population, yet because of the stochastic nature of such events, this shift in flood frequency is an elevated risk that will go unnoticed by most people. 4. The combination of positive feedback loops and societal inertia is fertile ground for global environmental catastrophes **Humans** are remarkably ingenious, and **have adapted** to crises **throughout** their **history**. Our doom has been repeatedly predicted, only to be averted by innovation (Ridley, 2011). **However**, the many **stories** **of** human ingenuity **successfully** **addressing** **existential risks** such as global famine or extreme air pollution **represent** environmental c**hallenges that are** largely **linear**, have immediate consequences, **and operate without positive feedbacks**. For example, the fact that food is in short supply does not increase the rate at which humans consume food—thereby increasing the shortage. Similarly, massive air pollution episodes such as the London fog of 1952 that killed 12,000 people did not make future air pollution events more likely. In fact it was just the opposite—the London fog sent such a clear message that Britain quickly enacted pollution control measures (Stradling, 2016). Food shortages, air pollution, water pollution, etc. send immediate signals to society of harm, which then trigger a negative feedback of society seeking to reduce the harm. In contrast, today’s great environmental crisis of climate change may cause some harm but there are generally long time delays between rising CO2 concentrations and damage to humans. The consequence of these delays are an absence of urgency; thus although 70% of Americans believe global warming is happening, only 40% think it will harm them (http://climatecommunication.yale.edu/visualizations-data/ycom-us-2016/). Secondly, unlike past environmental challenges, **the Earth’s climate system is rife with positive feedback loops**. In particular, as CO2 increases and the climate warms, that **very warming can cause more CO2 release** which further increases global warming, and then more CO2, and so on. Table 2 summarizes the best documented positive feedback loops for the Earth’s climate system. These feedbacks can be neatly categorized into carbon cycle, biogeochemical, biogeophysical, cloud, ice-albedo, and water vapor feedbacks. As important as it is to understand these feedbacks individually, it is even more essential to study the interactive nature of these feedbacks. Modeling studies show that when interactions among feedback loops are included, uncertainty increases dramatically and there is a heightened potential for perturbations to be magnified (e.g., Cox, Betts, Jones, Spall, & Totterdell, 2000; Hajima, Tachiiri, Ito, & Kawamiya, 2014; Knutti & Rugenstein, 2015; Rosenfeld, Sherwood, Wood, & Donner, 2014). This produces a wide range of future scenarios. Positive feedbacks in the carbon cycle involves the enhancement of future carbon contributions to the atmosphere due to some initial increase in atmospheric CO2. This happens because as CO2 accumulates, it reduces the efficiency in which oceans and terrestrial ecosystems sequester carbon, which in return feeds back to exacerbate climate change (Friedlingstein et al., 2001). Warming can also increase the rate at which organic matter decays and carbon is released into the atmosphere, thereby causing more warming (Melillo et al., 2017). Increases in food shortages and lack of water is also of major concern when biogeophysical feedback mechanisms perpetuate drought conditions. The underlying mechanism here is that losses in vegetation increases the surface albedo, which suppresses rainfall, and thus enhances future vegetation loss and more suppression of rainfall—thereby initiating or prolonging a drought (Chamey, Stone, & Quirk, 1975). To top it off, overgrazing depletes the soil, leading to augmented vegetation loss (Anderies, Janssen, & Walker, 2002). Climate change often also increases the risk of forest fires, as a result of higher temperatures and persistent drought conditions. The expectation is that **forest fires will become more frequent** and severe with climate warming and drought (Scholze, Knorr, Arnell, & Prentice, 2006), a trend for which we have already seen evidence (Allen et al., 2010). Tragically, the increased severity and risk of Southern California wildfires recently predicted by climate scientists (Jin et al., 2015), was realized in December 2017, with the largest fire in the history of California (the “Thomas fire” that burned 282,000 acres, https://www.vox.com/2017/12/27/16822180/thomas-fire-california-largest-wildfire). This **catastrophic fire** embodies the sorts of positive feedbacks and interacting factors that **could catch humanity off-guard and produce a** true **apocalyptic event.** Record-breaking rains produced an extraordinary flush of new vegetation, that then dried out as record heat waves and dry conditions took hold, coupled with stronger than normal winds, and ignition. Of course the record-fire released CO2 into the atmosphere, thereby contributing to future warming. Out of all types of feedbacks, water vapor and the ice-albedo feedbacks are the most clearly understood mechanisms. Losses in reflective snow and ice cover drive up surface temperatures, leading to even more melting of snow and ice cover—this is known as the ice-albedo feedback (Curry, Schramm, & Ebert, 1995). As snow and ice continue to melt at a more rapid pace, millions of people may be displaced by flooding risks as a consequence of sea level rise near coastal communities (Biermann & Boas, 2010; Myers, 2002; Nicholls et al., 2011). The water vapor feedback operates when warmer atmospheric conditions strengthen the saturation vapor pressure, which creates a warming effect given water vapor’s strong greenhouse gas properties (Manabe & Wetherald, 1967). Global warming tends to increase cloud formation because warmer temperatures lead to more evaporation of water into the atmosphere, and warmer temperature also allows the atmosphere to hold more water. The key question is whether this increase in clouds associated with global warming will result in a positive feedback loop (more warming) or a negative feedback loop (less warming). For decades, scientists have sought to answer this question and understand the net role clouds play in future climate projections (Schneider et al., 2017). Clouds are complex because they both have a cooling (reflecting incoming solar radiation) and warming (absorbing incoming solar radiation) effect (Lashof, DeAngelo, Saleska, & Harte, 1997). The type of cloud, altitude, and optical properties combine to determine how these countervailing effects balance out. Although still under debate, it appears that in most circumstances the cloud feedback is likely positive (Boucher et al., 2013). For example, models and observations show that increasing greenhouse gas concentrations reduces the low-level cloud fraction in the Northeast Pacific at decadal time scales. This then has a positive feedback effect and enhances climate warming since less solar radiation is reflected by the atmosphere (Clement, Burgman, & Norris, 2009). The key lesson from the long list of potentially positive feedbacks and their interactions is that **runaway climate change,** and runaway perturbations have to be taken as a serious possibility. Table 2 is just a snapshot of the type of feedbacks that have been identified (see Supplementary material for a more thorough explanation of positive feedback loops). However, this list is not exhaustive and the possibility of undiscovered positive feedbacks **portends** even greater **existential risks**. The many environmental crises humankind has previously averted (famine, ozone depletion, London fog, water pollution, etc.) were averted because of political will based on solid scientific understanding. We cannot count on complete scientific understanding when it comes to positive feedback loops and climate change.

## 3

### Theory

#### Interpretation: The affirmative may not justify why the negative cannot read an argument while simultaneously justifying why the argument flows to their side, to clarify they can’t say reading an argument is bad and simultaneously justify that argument affirming.

#### Violation: They said the negative must not trigger permissibility and also said permissibility affirms, then they read an extinction impact and read an extinction impact

#### Standards:

#### 1---Infinite abuse, becomes impossible to negate because the aff could always claim every argument shouldn’t be read so we wouldn’t be able to read the argument but once we do read the argument they could claim it flows affirmative so either we lose outs we can read or those outs would affirm. They could hypothetically do it with any scenario, i.e. must not read theory but all theory arguments affirm for aff side bias, or fairness bad but only aff fairness matters. Evaluate the norm the aff sets and not their specific practice, because it’s a question of what their interpretation leads to and could justify. Independently, it lets them get out of every indict to their model since they could claim “not us” which makes testing norms impossible.

#### Competing interpretations, 1] reasonability arbitrary, 2] collapses offense defense, 3] lets us set the best norms for what debate should look like,

#### DTD – 1] k2 deter future abuse, 2] abuse alr done so dta impossible, 3] bad for ld bc we would need to win the shell to win the arg should be dropped which alr skews time allocation

#### No rvi 1] illogical, 2] topic ed, 3] shouldn’t need to argue for bad norms, 4] shell is bad should beat it anyway

## Case

### Framework

#### 1] No internal link—just because I have to value my own freedom and reason does not mean I have to value everyone else’s.

#### 2] Even if I value my freedom, I can still value it contigently based on circumstances – i.e. people give others more freedom over them all the time when it’s for their own benefit.

#### 3] Ripstein is false – people can will ends with intrinsic biases and coercion – i.e. people might eat eggs because of social norms that indoctrinate them, meaning your will is never your own.

#### 4] Tailoring objection—I can tailor my maxims to become specific enough to be universal. For example, I can will the maxim of lying in a specific circumstance only, as when universalized that would not create a contradiction in willing since not everyone would lie constantly. My maxim is to will the maxim of violating freedom only in the instance of the plan.

#### 5] L O L ripstein doesn’t justify universality

Arthur **Ripstein 09** [Professor of Law and Philosophy at the University of Toronto, and Chair of the Department of Philosophy], “Force and Freedom”, Harvard University Press, 2009, BE

For both perfect and imperfect duties, then, the Categorical Imperative identifies maxims that are internally defective. Its conceptual structure is fundamental to Kant’s argument that the Categorical Imperative is a prin- ciple of pure practical reason. If there were only one person, the Categori- cal Imperative would still be his or her autonomous principle of reason.28¶ If your maxim makes reference to other persons, directly or indirectly, the Categorical Imperative requires you to take account of them, but the re- quirement that you do so is a rational requirement of your own freedom; the Categorical Imperative grounds the demand for consistency with oth- ers in the requirement of consistency in your own maxim.¶ If we understand the Categorical Imperative in this way, then it locates the requirement of consistency in the will of the particular agent. The subject matter of this incompatibility often concerns the deeds and ends of others, but the test of its compatibility is purely internal. As reason’s law, the Categorical Imperative treats all agents as in precisely the same situation: their task is to give laws for all rational beings. At the same time, that task is in each case mine, that is, the question is always one of what principle the agent in particular should act on. Each of us is supposed to select maxims as if we were legislating for the kingdom of ends; there is no question of reconciling separate exercises of our outer freedom by the use of force.¶ I take these observations about the Categorical Imperative to be neu- tral between competing interpretations and assessments of it. Without more, none of these can generate the Universal Principle of Right, which authorizes coercion.29 They can, however, do so by means of a postulate, that is, something that introduces a new set of incompatibility relations by applying moral concepts to things that are incompatible in a different way. The postulate of right does exactly that.

#### Practical reason debate

#### This falsely conflates reason and the sort of practical rationality their authors are talking about. Reasons are simply justifications for acting in a certain way or supporting arguments for a logical proposition whereas their authors are talking about a statement of universal validity based in pure reason. Conceding that we act for reasons, doesn’t concede anything more than there must be a “because” statement following our actions. However, this concession doesn’t entail or segue into any particular interpretation of philosophical reason.

#### Just because we give reasons for actions doesn’t mean that all moral theories must be premised on reason. Kantian Reason arbitrarily identifies reason as the moral quality of an action but lacks a reason why the other qualities of a particular action, lost when reason is universalized, fail to be equally important to the moral quality of the action.

#### Fallacy of Origin – we can say morality is deduced from practical reason without holding that reason is in itself valuable.

#### Practical reason assumes that all people who engage in “correct” reasoning will reach inescapable and objective conclusions. This is flawed. Coburn

Coburn, Robert C. [Quals] “A defense of ethical noncognitivism.” Philosophical Studies, vol. 62, no. 1, April 1991, pp. 67-80.

**“**If [multiple] criteria encapsulate the kinds of considerations that have in fact been appealed to in criticizing and supporting moral theories, then it is easy to see why it is so dubious that all rational agents will agree about the correct moral theory once they have gone through a process of [practical reasoning] type M. The central thought is just that **[J]udgments about the extent to which a given moral theory satisfies** (or fails to satisfy) **various** of these **criteria, [**and] as well as judgments about the weights the different criteria should receive, are bound to reflect facts about the inquirers that do not hold of rational agents *qua* rational. In other words, [S]uch judgments **are** bound to be **affected by idiosyncratic features** of the inquirers, **such as** their **genetic[s]** constitutions **and** thephysical and **cultur[e]** al environments in which the phenotypic expressions of these genotypes have developed**.** Think, for example, about the ways **[T**]he intuitive judgments of members of the human species differ as regards right and wrong in various actual and imaginable cases or what the ideal person is like. And must the judgments of rational agents agree about the relative weights ‘conformance utility’ and ‘acceptance utility’ should receive in assessing the extent to which a moral code satisfies the welfare criterion, or when a set of ‘priority rules’ is ‘readily surveyable,’ or whether it is easy to establish that certain principles have been applied correctly? Surely not. In any case, **[so] it is easy to conceive of rational beings who differ** from us **on these matters, and** that is all that is required to **undermine the claim that there would be agreement among** all possible **rational agents** once they had [who] undergone a process [of practical reason**]** of type M - at least if I am right about the kinds of considerations that would be considered in undergoing such a process**.”**

#### Korsgaard cards answered by the ov arguments and assumes their winning first part of syllogism, universality is not justified by ripstein and theres levels to freedom, you never need to be perfectly free that answers the 1 line analytic ab needing freedom

#### Util best for aspec

### Advantage

#### Top-Level – you get zero access to this Case – Opino Juris which is the internal link to everything they’ve saive requires explicit citing of ILO as justification – the Plan doesn’t do that – it just “aligns” but doesn’t explicitly recognize an obligation – that distinction matters.

LII No Date "opinio juris (international law)" <https://www.law.cornell.edu/wex/opinio_juris_(international_law)> (Legal Information Institute)//Elmer

Definition **Opinio juris** is a **shortened form of** the Latin phrase opinio juris sive **necessitatis**, which **means "an opinion of law or necessity."** Overview In customary international law, opinio juris is the second element necessary to establish a legally binding custom. Opinio juris **denotes a subjective obligation**, **a sense on behalf of a state that it is bound to the law in question**. The International Court of Justice reflects this standard in ICJ Statute, Article 38(1)(b) by reflecting that the custom to be applied must be "accepted as law".

#### US violations of International Labor Standards are inevitable and multiple Alt Causes other than the Right to Strike.

Rosenberg 20 Eli Rosenberg 10-7-2020 "U.S. accused of violating international labor laws, forced-labor protections in new complaint" <https://www.washingtonpost.com/business/2020/10/08/international-complaint-worker-protections/> (University of California at Los Angeles, BA in American literature and Latin American studies)//Elmer

**Leaders** representing a large number of U.S. trade unions **filed** a **complaint** **with** the **U**nited **N**ations’ **labor** **agency** Wednesday, **arguing** that the country under President **Trump** has **violated** **international labor standards during the coronavirus pandemic.** The complaint was **filed by** the Service Employees International Union and the AFL-CIO at the Geneva headquarters of the International Labour Organization, a more than 100-year-old institution run by the U.N. that works to upholds human rights on work-related issues like safety and collective bargaining. The complaint details numerous ways U.S. labor law and enforcement are failing workers, and spotlights their further weakening under Trump. And it **charges** the **U**nited **S**tates **with** **violating workers’ rights** in terms not typically associated with well-off countries, at one point saying the bind many essential workers have been placed in during the pandemic — **forced to risk infection or lose their jobs** and potentially unemployment benefits **— amounts to a system of forced** **labor**. The complaint is another sign of the frustration over the treatment of workers under the Trump administration, and it places the United States in the realm of potential wrongdoing typically occupied by less-developed and less-democratic countries. “Covid has laid bare what we already knew,” Richard Trumka, the president of the AFL-CIO said in an interview. “It has demonstrated that not only is the U.S. violating workers’ rights, but those violations are resulting in people dying. It became so outrageous that we wanted to file a complaint.” The Labor Department and Occupational Safety and Health Administration did not respond to a request for comment. The National Labor Relations Board declined to comment. The complaint points to two main avenues of failure for U.S. labor law and policy: the country’s antiquated labor laws, such as the 1935 National Labor Relations Act, which leaves farmers, gig workers, contractors and other classes of workers without protection; and the softening of workers’ protections by the Trump administration that has continued into the pandemic. Some of the complaint’s harshest words were reserved for the Trump administration’s orders declaring industries such as meatpacking essential, compelling them to stay open even amid potential novel coronavirus outbreaks, while federal agencies, including OSHA, declined to issue enforceable safety regulations. “These executive orders gave a green light for employers to force workers to report for work and risk their lives or lose their jobs,” said the complaint, signed by Trumka and SEIU President Mary Kay Henry. “This is tantamount to forced labor.” The complaint highlighted the racial implications of these orders too, arguing one executive order was inherently discriminatory because the vast majority of meatpacking workers who contracted the coronavirus were Black or Hispanic. The complaint also took aim at other ways Trump’s labor agencies rolled back protections for workers. During the pandemic’s early weeks, the NLRB, which oversees union elections, suspended them, giving companies more time to maneuver against them, the complaint charged. The NLRB also issued a memo in March that the union presidents said signaled employers could avoid bargaining about proposed layoffs because of the pandemic. And in two cases in August, the NLRB said companies were in the clear for dismissing workers who expressed concern about safety issues during the pandemic, even though workers have protections from the National Labor Relations Act from being fired in many cases for raising safety concerns at work. “Each of these decisions disarms workers and their unions in the face of management actions to violate their collective bargaining rights in the Covid-19 crisis,” the complaint said. “Since these memoranda also serve as instructions to NLRB regional authorities on how to handle similar cases, they have a cascading effect that will undermine workers’ rights in weeks and months ahead as the pandemic continues to ravage American workplaces.”

#### 1AC Seifert is about CEACR having jurisdiction concerns – NOT what the Plan does – it doesn’t harmonize since the Plan recognizes it, it doesn’t reverse the disputes – here’s a re-cutting – it also isn’t about the US so they don’t get spill-over.

Seifert 21 [Achim; 2021; Full Professor of Private Law, German and European Labor Law and Comparative Law at the University of Jena (since 2011). He holds both German State Exams in Law and a PhD of the Johann-Wolfgang-Goethe-University of Frankfurt (1998). After his Habilitation [Post-Doc] in 2006 at the University of Frankfurt and several short-term Replacements at the Universities of Frankfurt and Trier (2006-2008), he became an Associate Professor of European and International Labor Law at the University of Luxembourg (2008). His main fields of interest are the Labor Law of the European Union and Comparative Labor Law, including the methodology of Comparative Law. Achim SEIFERT serves as co-editor of the Comparative Labor Law and Policy Journal (CLLPJ) and is a member of the editorial board of the European Labour Law Journal (ELLJ) as well as of the Revue de droit comparé du travail et de la sécurité sociale (RDCTSS). He is an associated member of the International Academy of Comparative Law (since 2013) and fellow of the European Law Institute (ELI) (since 2014); furthermore he has been member of the Jean-Monnet-Centre of Excellence at the University of Jena (2013-2016). He has been visiting Professor at the Universities of Bordeaux, Nantes, Paris 1 (Panthéon-Sorbonne), Luigi Bocconi/Milan and Leuven (Global Law Programme) and has taught as adjunct professor at the University of Luxembourg between 2011 and 2016; “Book Review,” European Labour Law Journal, [https://sci-hub.se/https://doi.org/10.1177/2031952521994412](https://sci-hub.se/https:/doi.org/10.1177/2031952521994412)] Justin

For several decades, the right to strike has been one of the most controversial parts of the law of the International Labour Organisation (ILO). Even though it has not been explicitly enshrined in the Conventions on the right to freedom of association (especially not in Convention 87 on Freedom of Association and Protection of the Right to Organise (1948) and in Convention 98 on the Application of the Principles of the Right to Organise and to Bargain Collectively (1949)), since the early 1950s, the ILO supervisory bodies have recognised the right to strike as an essential element of trade union rights enabling workers to collectively defend their economic and social interests. Since its seminal recommendation in the United Kingdom of Great Britain and Northern Ireland case of 1952,1 the Governing Body’s Committee on Freedom of Association (CFA) has considered that Article 3 of Convention 87 also guarantees the right to strike, and has developed, since then, detailed ‘case law’ which has been summarised by the International Labour Office in a ‘Digest’ and since 2018 in a ‘Compilation’.2 The Committee of Experts on the Application of Conventions and Recommendations (CEACR), another body established by the ILO Governing Body, has taken the same path since the late 1950s.3 Despite this long-standing interpretive practice of these two important supervisory bodies in respect of Convention No. 87, the right to strike has become controversial since the end of the Cold War. In the 81st session of the International Labour Conference (**ILC**) in 1994, it was already being **challenged by** the employers’ group.4 But the Rubicon was definitely crossed in 2012, when the employers’ representatives on the ILO Conference Committee on the Application of Standards (**CAS**) refused, for the first time, to deal—as it had done previously—with a list of Member States that had seriously violated Conventions of the ILO as long as the workers’ group would not accept a revision of the mandate of the CEACR.5 **At the heart** of this incident **was** the **recognition of the right to strike by the CEACR** **even though**, according to the view of the employers’ side, **the Committee was not empowered** to interpret ILO law with binding effect. This incident temporarily **resulted in an institutional crisis within the ILO supervisory system**, since the ILO’s tripartite structure which underlies the constitution of the ILO presupposes that the three constituents cooperate in good faith within the organisation’s bodies. An attitude of refusal on the part of only one of the constituents therefore necessarily brings into question the functioning of the ILO.

#### 1AC Brudney does not make an external spill-over claim that the right to strike would lead to broader US compliance to other CIL – don’t let the 1AR assert it when there’s no RTS or Convention 87 key warrant.

#### Two Thumpers to CIL Compliance:

#### 1] 1AC Brudney says “other fundamental ILO conventions” – Convention 87 isn’t uniquely key – causes friction and hurts US standing.

#### 2] Syria Thumps I-Law Compliance – one violation is enough to thump perception and legitimacy.

Roddel 21 Shannon Roddel 2-26-2021 "Syria airstrikes a grave violation of international law, expert says" <https://news.nd.edu/news/syria-airstrikes-a-grave-violation-of-international-law-expert-says/> (Assistant Director. Mendoza College of Business, Notre Dame Law School.)//Elmer

**The U**nited **S**tates **military** Thursday (Feb. 25) **carried out airstrikes** **targeting** **Iranian-backed militias in Syria** in retaliation for rocket attacks on U.S. targets in Iraq — the first military action undertaken by the Biden administration. Mary Ellen O'Connell Mary Ellen O'Connell The strikes reportedly resulted in multiple deaths — a **grave violation of international law**, according to Notre Dame Law School professor Mary Ellen O’Connell, a respected expert on international law and the use of force. “The **U**nited **N**ations **Charter** **makes** absolutely **clear** that the **use of military force on the territory of a foreign sovereign state is lawful only in response to an armed attack** on the defending state for which the target state is responsible,” O’Connell said. “**None** **of** those **elements is met in the Syria strike**. There is no right of reprisal, right to use military force for deterrence, right to attack Iran on the territory of Syria, or right to use major military force in response to the type of violence that occurred last week.