# 1AC

#### Err AFF on any risk they are wrong.

Paterson 3 – Department of Philosophy, Providence College, Rhode Island. (Craig, “A Life Not Worth Living?”, Studies in Christian Ethics, <http://sce.sagepub.com>)

By engaging in such comparisons of future lives, the conclusion is reached by deprivation theorists that death is only an evil for the person if the future lost is one that offers better prospects for the person than death itself. Death itself is typically conceived of as the destruction of the self; the non-existence of the self; the non-state of non-being. How can we respond to this assessment that death can be said to benefit a patient when the patient’s future prospects in life seem so grim? The non-state that death brings in its wake is seen as being preferable to the continuance of life. Yet, are persons who make and act upon such calculations objectively justified in opting for death? Can it truly be a rational act for a person to choose the destruction of self over the continuation of self, even a self racked by the severe impositions of pain and suffering? 65 Philip Devine attempts to criticise the logicality of a decision to self-kill by stating what he considers to be the obscurity of what we can know about death. 66 He argues that if rational choice requires that a person knows what he or she is choosing (a leap in the dark not sufficing), **then it cannot be rationally possible to intentionally choose death because of the ‘opaqueness of death’.** 67 As Devine says, ‘. . . a precondition of rational choice is that one knows what one is choosing, either by experience or by the testimony of others who have experienced it or something very like it’. 68 Death **cannot** be rationally commensurated against, for **we do not know what we are comparing life to**. Life cannot simply be judged an overall evil and acted against by intentionally embracing death, for the ‘overall evil of life’ cannot be rationally traded in for the ‘opaqueness of death’. For Devine, choosing death is simply akin to **leaping into the bowels of radical uncertainty that cannot function as a useful ground for objective rational choice.**

### 1AC – Advantage

#### Status Quo policies make the opportunity cost for teacher strikes too high

**Casey 20** Leo Casey, 12-2-2020, "The Teacher Strike: Conditions for Success," Dissent Magazine, <https://www.dissentmagazine.org/online_articles/the-teacher-strike-conditions-for-success>

The most essential organizational task is winning and keeping the allegiance of teachers to the strike. Teachers are knowledgeable and discerning political actors. They understand full well that strikes are a high-intensity and high-risk tactic, with the potential both to deliver advances and victories that could not be otherwise obtained and to end in major setbacks and defeats. The risk side of this equation is particularly acute in the three-quarters of all states where teacher strikes are illegal; in these states, striking becomes an act of civil disobedience and can result in severe penalties to teachers and their unions. To be willing to go on strike and stay out until a settlement is won, therefore, teachers need to be convinced on a number of different counts: first, that they are fighting for important, worthwhile objectives; second, that those objectives cannot be achieved through other means that are not as high-intensity and high-risk as a strike; third, that the strike has reasonable prospects of success; fourth, that the strike objectives have strong support in the community; and fifth, that the solidarity among teachers, which is essential to a strike’s success, is strong and will hold. In significant measure, the last of these points is dependent not simply on the organization and mobilization of the strike, but also on the four antecedent conditions. If teachers become doubtful on any of these points, it will become difficult to mount or sustain a successful strike.

#### That causes teachers uproot and quitting.

**Carpenter 21** Jennifer Carpenter., 05-17-21, "Opinion: Protect local control for schools," Burlington Free Press, https://www.burlingtonfreepress.com/story/opinion/my-turn/2017/05/17/opinion-protect-local-control-schools/101726614/

The most crucial part of the proposal put forward by House Speaker Mitzi Johnson and President Pro Tem Tim Ashe is that it protects local control of schools. Statewide health insurance negotiations for teachers is the first step towards a statewide teachers’ contract, kneecapping school boards and paving the way towards a single, statewide school district. That is unacceptable, but it is the hill Gov. Scott and his Republican allies have decided to make their stand on. It is telling that Sen. Degree, one of Gov. Scott’s strongest supporters, included in his proposed amendment a clause that would have removed teachers’ right to strike. That shows their true intentions. When teachers’ needs are not met, students’ needs will not be met, and we will be unable to retain and attract a workforce of young families which is critical to the revitalization of our state’s economy. There will be no incentive for the teaching profession to attract and retain new teachers to the field if our state government teaches our community that teachers have no say over their working conditions and therefore are not valued. Schools need teachers and we need enrollment of students. Teachers and families of school age children will simply uproot and go elsewhere to have their needs met, jeopardizing our educational system, our school-age population and workforce. A “one-size-fits-all” approach from our state government cannot possibly work across the board for every school. Having worked in four different school districts in the state, I have been exposed to potential consequences of centralized control. I recall an emergency meeting at one of those districts in 2016 between administration and teachers where there were very tense discussions on what the initial proposal of Act 46 per-pupil spending cap would have meant for the school. Had the administration and teachers not pulled together to discuss and demand more for their programs and allowed a reckless centralized decision to go forth, to paraphrase one of the teachers present at this meeting, the initial Act 46 proposal would have destroyed the institution, as it would have meant dismantling most aspects of the curriculum that would render the students to be competitive for college and in the workforce, as the cuts were too severe of an impact on the school programs to justify sending anyone there. As a result, several teachers said they would have been prepared to pull their own children from the school and move out of the area. This is only one example of how allowing the state to have centralized control, which has proved to be an approach lacking in carefully frontloaded research and detailed examination of impact on programs and teachers, would have devastating consequences on local communities.

#### Current quality of education is sharply decreasing through teacher shortages

**Boyce 19** Paul Boyce, 9-17-2019, "The Teacher Shortage Is Real and about to Get Much Worse. Here's Why," No Publication, https://fee.org/articles/the-teacher-shortage-is-real-and-about-to-get-much-worse-heres-why/

Teacher Shortage According to research by the Economic Policy Institute (EPI), the teacher shortage could reach 200,000 by 2025, up from 110,000 in 2018. This shortage of workers is due to a number of factors. Among them are pay, working conditions, lack of support, lack of autonomy, and the changing curriculum. The shortage of teachers will inevitably cause a decline in educational standards. The shortage is crucially important to educational outcomes. Class sizes are rising, causing a detrimental effect on these outcomes. As the number of available teachers declines, class sizes have to increase to compensate. Having more kids in a class can also affect teacher performance—more books to mark, more children to monitor, more children's behavior that needs managing. The pressure on teachers to obtain high test scores amps up stress further. It creates a vicious cycle, and it is starting to snowball. The shortage is only set to increase unless something changes. Impact on Quality The shortage of teachers will inevitably cause a decline in educational standards. Principals face a shortage of highly qualified teachers. The natural response for them is to hire less qualified teachers, hire teachers trained in another field or grade, or make use of unqualified substitute teachers. This means students are being taught by teachers who lack sufficient skills and knowledge. According to the National Commission on Teaching and America's Future: Studies discover again and again that teacher expertise is one of the most important factors in determining student achievement, followed by the smaller but generally positive influences of small schools and small class sizes. That is, teachers who know a lot about teaching and learning who work in environments that allow them to know students well are the critical elements of successful learning. Teachers matter more to student achievement than any other factor. In fact, research by Chlotfelter, Ladd, & Vigdor states that teacher qualifications predict more of the difference in educational gains than race and parent education combined.

#### Quality of education is key for innovation to stop climate change

Kwauk et al 3/26’ [Christina Kwauk and Rebecca Winthrop, 3-26-2021, "Unleashing the creativity of teachers and students to combat climate change: An opportunity for global leadership," Brookings, <https://www.brookings.edu/research/unleashing-the-creativity-of-teachers-and-students-to-combat-climate-change-an-opportunity-for-global-leadership/>]

Recent research shows that if only 16 percent of high school students in high- and middle-income countries were to receive climate change education, we could see a nearly 19 gigaton reduction of carbon dioxide by 2050. When education helps students develop a strong personal connection to climate solutions, as well as a sense of personal agency and empowerment, it can have consequential impact on students’ daily behaviors and decisionmaking that reduces their overall lifetime carbon footprint. Imagine if 100 percent of students in the world received such an education. New evidence also shows that the combination of women’s empowerment and education that includes everyone—especially the 132 million out-of-school girls across the developing world—could result in an 85 gigaton reduction of carbon dioxide by 2050. By these estimates, leveraging the power of education is potentially more powerful than solely increasing investments in onshore wind turbines (47 gigaton reduction) or concentrated solar power (19 gigaton reduction) alone. When we say that all climate solutions are needed to draw down greenhouse gases, we must also mean education solutions, too. When we say that all climate solutions are needed to draw down greenhouse gases, we must also mean education solutions, too. But beyond education’s potential impact on reducing carbon emissions, education—especially for girls—can save lives in the context of natural disasters exacerbated by climate change by reducing climate risk vulnerability. In a study of 125 countries, researchers found that the death toll caused by floods, droughts, wildfires, extreme temperature events, and extreme weather events could be 60 percent lower by 2050 if 70 percent of women were able to achieve a lower-secondary-school education. Imagine if 100 percent of women were to achieve a full 12 years of education. An equally important outcome of education is its potential to increase young people’s capacity to adapt to the harsh impacts of climate change by building important knowledge and a breadth of “green skills.” For example, young people need both a strong knowledge base around the causes of a warming climate but also a strong set of skills that will allow them to apply their knowledge in the real world, including problem-solving, critical thinking, teamwork, coping with uncertainty, empathy, and negotiation. Indeed these very “transferable skills” are needed equally to thrive in the world of work and to be constructive citizens. Today it is those communities that have historically contributed the least to present-day carbon emissions—such as minority and indigenous communities in the U.S. and many low- and middle-income countries and small island developing states✎ EditSign—that are often the most vulnerable to its risks and impacts. In the U.S. for example, 6,000 schools are located in flood zones and 1 million children had their learning disrupted during California’s 2018-2019 wildfire season, hitting students in low-income communities the hardest. Across the globe, schools and entire communities in the poorest countries in the world are regularly upended due to severe floods and hurricanes, all expected to worsen in intensity and frequency due to climate change. For example, in 2013 Super Typhoon Haiyan✎ EditSign killed more than 6,000 people in the Philippines, damaged or destroyed more than 3,200 schools and day care centers, disrupted the education of more than a million children, and placed 49,000 young girls and women✎ EditSign at risk of sex trafficking due to their displacement in crowded and unsafe shelters. For these communities, climate change is an unchecked threat multiplier. Combating climate change is a move toward climate justice and gender justice. And education has a role to play. High quality climate-change education can also help empower girls and youth to become powerful change agents for sustainability in their communities, charting new paths forward for what life can and should be like.

#### Climate change destroys the world.

Specktor 19 [Brandon; writes about the science of everyday life for Live Science, and previously for Reader's Digest magazine, where he served as an editor for five years; "Human Civilization Will Crumble by 2050 If We Don't Stop Climate Change Now, New Paper Claims," livescience, 6/4/19; <https://www.livescience.com/65633-climate-change-dooms-humans-by-2050.html>] Justin

The current climate crisis, they say, is larger and more complex than any humans have ever dealt with before. General climate models — like the one that the [United Nations' Panel on Climate Change](https://www.ipcc.ch/sr15/) (IPCC) used in 2018 to predict that a global temperature increase of 3.6 degrees Fahrenheit (2 degrees Celsius) could put hundreds of millions of people at risk — fail to account for the **sheer complexity of Earth's many interlinked geological processes**; as such, they fail to adequately predict the scale of the potential consequences. The truth, the authors wrote, is probably far worse than any models can fathom. How the world ends What might an accurate worst-case picture of the planet's climate-addled future actually look like, then? The authors provide one particularly grim scenario that begins with world governments "politely ignoring" the advice of scientists and the will of the public to decarbonize the economy (finding alternative energy sources), resulting in a global temperature increase 5.4 F (3 C) by the year 2050. At this point, the world's ice sheets vanish; brutal droughts kill many of the trees in the [Amazon rainforest](https://www.livescience.com/57266-amazon-river.html) (removing one of the world's largest carbon offsets); and the planet plunges into a feedback loop of ever-hotter, ever-deadlier conditions. "Thirty-five percent of the global land area, and **55 percent of the global population, are subject to more than 20 days a year of** [**lethal heat conditions**](https://www.livescience.com/55129-how-heat-waves-kill-so-quickly.html), beyond the threshold of human survivability," the authors hypothesized. Meanwhile, droughts, floods and wildfires regularly ravage the land. Nearly **one-third of the world's land surface turns to desert**. Entire **ecosystems collapse**, beginning with the **planet's coral reefs**, the **rainforest and the Arctic ice sheets.** The world's tropics are hit hardest by these new climate extremes, destroying the region's agriculture and turning more than 1 billion people into refugees. This mass movement of refugees — coupled with [shrinking coastlines](https://www.livescience.com/51990-sea-level-rise-unknowns.html) and severe drops in food and water availability — begin to **stress the fabric of the world's largest nations**, including the United States. Armed conflicts over resources, perhaps culminating in **nuclear war, are likely**. The result, according to the new paper, is "outright chaos" and perhaps "the end of human global civilization as we know it."

#### Educational innovation solves extinction.

**Serdyukov 17** Peter Serdyukov, National University, La Jolla, California. 03/27/2017. “Innovation in Education: What Works, What Doesn’t, and What to Do about It?” Journal of Research in Innovative Teaching & Learning, vol. 10, no. 1, pp. 4–33.

Introduction Education, being a social institution serving the needs of society, is indispensable for society to survive and thrive. It should be not only comprehensive, sustainable, and superb, but must continuously evolve to meet the challenges of the fast-changing and unpredictable globalized world. This evolution must be systemic, consistent, and scalable; therefore, school teachers, college professors, administrators, researchers, and policy makers are expected to innovate the theory and practice of teaching and learning, as well as all other aspects of this complex organization to ensure quality preparation of all students to life and work. Here we present a systemic discussion of educational innovations, identify the barriers to innovation, and outline potential directions for effective innovations. We discuss the current status of innovations in US education, what educational innovation is, how innovations are being integrated in schools and colleges, why innovations do not always produce the desired effect, and what should be done to increase the scale and rate of innovation-based transformations in our education system. We then offer recommendations for the growth of educational innovations. As examples of innovations in education, we will highlight online learning and time efficiency of learning using accelerated and intensive approaches. Innovations in US education For an individual, a nation, and humankind to survive and progress, innovation and evolution are essential. Innovations in education are of particular importance because education plays a crucial role in creating a sustainable future. “Innovation resembles mutation, the biological process that keeps species evolving so they can better compete for survival” (Hoffman and Holzhuter, 2012, p. 3). Innovation, therefore, is to be regarded as an instrument of necessary and positive change. Any human activity (e.g. industrial, business, or educational) needs constant innovation to remain sustainable. The need for educational innovations has become acute. “It is widely believed that countries’ social and economic well-being will depend to an ever greater extent on the quality of their citizens’ education: the emergence of the so-called ‘knowledge society’, the transformation of information and the media, and increasing specialization on the part of organizations all call for high skill profiles and levels of knowledge. Today’s education systems are required to be both effective and efficient, or in other words, to reach the goals set for them while making the best use of available resources” (Cornali, 2012, p. 255). According to an Organization for Economic Cooperation and Development (OECD) report, “the pressure to increase equity and improve educational outcomes for students is growing around the world” (Vieluf et al., 2012, p. 3). In the USA, underlying pressure to innovate comes from political, economic, demographic, and technological forces from both inside and outside the nation. Many in the USA seem to recognize that education at all levels critically needs renewal: “Higher education has to change. It needs more innovation” (Wildavsky et al., 2012, p. 1). This message, however, is not new – in the foreword to the 1964 book entitled Innovation in Education, Arthur Foshay, Executive Officer of The Horace Mann-Lincoln Institute of School Experimentation, wrote, “It has become platitudinous to speak of the winds of change in education, to remind those interested in the educational enterprise that a revolution is in progress. Trite or not, however, it is true to say that changes appear wherever one turns in education” (Matthew, 1964, p. v).

### 1AC – Plan

#### Thus, the plan, resolved: A just United States ought to recognize teachers’ unconditional right to strike.

Shanker 73’ [SHANKER, ALBERT L. “Why Teachers Need the Right to Strike.” Monthly Labor Review, vol. 96, no. 9, 1973, pp. 48–51. JSTOR, [www.jstor.org/stable/41839103. Accessed 21 June 2021](http://www.jstor.org/stable/41839103.%20Accessed%2021%20June%202021).]

INSTEAD of talking about alternatives to strikes, we ought to be talking about trying to strike in the pub-lic sector. It has not been tried. In the private sec-tor, we have paid a price for strikes. We have paid a price for the process of collective bargaining, be-cause the only alternative is an unfree society—and the price that we pay for strikes is one that we generally are willing to pay. Collective bargaining has never been sold as an ideal answer to anything, but it is the lesser of a number of evils that exist in the private sector and, in a somewhat modified form, in the public sector. Management and labor have to go through some sort of messy process to find a way of agreeing with each other for a period of time, and the only alter-natives are unilateral determination by management —which leads to exploitation—or arbitration—which leads to the imposition by a third party of his views. There are some differences in the public sector, but these are not adequate justification to abolish or modify the bargaining process. The notion, con-stantly stated, that in the public sector there is no profit motive is in a sense true. But in a sense it is irrelevant, because there is no question that the public employee bargains just as hard, if not harder, than the private employee. The question of being reelected, the fear of being accused of throwing away public money—"giving it away" to public employees —and also the very fact that he is involved in a public activity in many ways makes it more difficult for public management to bargain than for private management. No one fought a tougher battle against labor unions than philanthropists who were involved in donating their own time as managers in hospitals in the City of New York. They spent many hours in getting many billions of dollars to see to it that these hospitals could be made viable. But when it came to providing an effective union for employees earning $24 or $25 a week, they felt that those employees should donate their time, too, since the philanthro-pists were. This happens frequently in public sector management. Another issue in the public sector, somewhat more difficult to resolve, is that top public manage-ment is elected by the people, put there in order to effectuate public purposes. We do run into a con-flict in the question of bargaining and it is just that—who is making these public decisions? Can public management make the decision on the basis of their platform, on the basis of their promises? Or will elections become-relatively meaningless, be-cause whatever the politician says he's going to do, eventually he's going to the bargaining table and be forced to do, not what the people or the general public want him to do, but what he is compelled to do. Who's really running the city, the Board of Education? the Department of Sanitation? Is it the people in a democracy, or is it the unions—here viewed as a greedy and private interest, compelling government to do for its purposes rather than those of the people. These are some of the issues in this sector. As we look at alternatives, it is important to acknowledge that strikes originally were widespread in obtaining recognition for unions. No one has mentioned that the majority of States still do not recognize any form of collective bargaining for pub-lic employees. Here in California there is an ineffec-tive "meet and confer" law, which does not result in binding written agreements or anything resem-bling collective bargaining. Instead of talking about alternatives to the strike in the public sector, I would say that the teachers and other public employees in the State of Cali-fornia, and the majority of other States in the United States, would be wise to follow the trends of teachers and other public workers in New York, Chicago, Philadelphia, and elsewhere—because if they do not in fact exercise the right to strike, the government may never create the machinery that employees have in other States. It is not accidental that in States in which public employees have engaged in strikes the legislatures have found it possible to create mecha-nisms for collective bargaining.

#### The aff is good under a standard of non-domination since it gives workers the tool to prevent being dominated in the work place

#### Definition of unconditional right to strike:

NLRB 85 [National Labor Relations Board; “Legislative History of the Labor Management Relations Act, 1947: Volume 1,” Jan 1985; <https://play.google.com/store/books/details?id=7o1tA__v4xwC&rdid=book-7o1tA__v4xwC&rdot=1>] Justin

\*\*Edited for gendered language

As for the so-called absolute or unconditional right to strike—there are no absolute rights that do not have their corresponding responsibilities. Under our American Anglo-Saxon system, each individual is entitled to the maximum of freedom, provided however (and this provision is of first importance), his [their] freedom has due regard for the rights and freedoms of others. The very safeguard of our freedoms is the recognition of this fundamental principle. I take issue very definitely with the suggestion that there is an absolute and unconditional right to concerted action (which after all is what the strike is) which endangers the health and welfare of our people in order to attain a selfish end.

#### Amendment is normal means

Brudney 21 [James; 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; January 2021; <https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1710&context=yjil>] SJKS

Recognition of the right to strike as fundamental by two key ILO supervisory bodies is reinforced by affirmation of the right within a broad framework of international covenants, transnational conventions and judicial decisions, and national constitutions. The right to strike is recognized in the International Covenant on Economic, Social and Cultural Rights of the United Nations (ICESCR).47 It has been incorporated into the International Covenant on Civil and Political Rights (ICCPR) by that Covenant’s Human Rights Committee, which supervises the Covenant’s implementation.48 Although these two treaties are more familiar starting points for international human rights analysis than the ILO Conventions, the Article focuses primarily on the Convention 87 applications because of their extensive in-depth nature. In this regard, it is notable that the two U.N. Covenants declare a specific commitment to Convention 87, which is the only other international convention they even mention, and the two treaty bodies regularly apply their relevant articles in terms that are consistent with ILO application of that convention.49

### FW

#### The standard is maximizing expected well-being—to clarify, saving lives. Calc indicts don’t link—our impacts are bad because as far as we know, it would cause death.

#### Prefer:

#### 1] Death is bad and o/w

#### A] It ontologically destroys the subject.

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Contrary to those accounts, I would argue that it is death per se that is really the objective evil for us, not because it deprives us of a prospective future of overall good judged better than the alter- native of non-being. It cannot be about harm to a former person who has ceased to exist, for no person actually suffers from the sub-sequent non-participation. Rather, death in itself is an evil to us because it ontologically destroys the current existent subject — it is the ultimate in metaphysical lightening strikes.80 The evil of death is truly an ontological evil borne by the person who already exists, independently of calculations about better or worse possible lives. Such an evil need not be consciously experienced in order to be an evil for the kind of being a human person is. Death is an evil because of the change in kind it brings about, a change that is destructive of the type of entity that we essentially are. Anything, whether caused naturally or caused by human intervention (intentional or unintentional) that drastically interferes in the process of maintaining the person in existence is an objective evil for the person. What is crucially at stake here, and is dialectically supportive of the self-evidency of the basic good of human life, is that death is a radical interference with the current life process of the kind of being that we are. In consequence, death itself can be credibly thought of as a ‘primitive evil’ for all persons, regardless of the extent to which they are currently or prospectively capable of participating in a full array of the goods of life.81  In conclusion, concerning willed human actions, it is justifiable to state that any intentional rejection of human life itself cannot therefore be warranted since it is an expression of an ultimate disvalue for the subject, namely, the destruction of the present person; a radical ontological good that we cannot begin to weigh objectively against the travails of life in a rational manner. To deal with the sources of disvalue (pain, suffering, etc.) we should not seek to irrationally destroy the person, the very source and condition of all human possibility.82

#### B] 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.

#### 4] Only consequentialism explains degrees of wrongness—if I break a promise to meet up for lunch, that is not as bad as breaking a promise to not kill. Only the consequences of breaking the promise explain why the second one is much worse than the first which is the most intuitive. Outweighs—a) parsimony—metaphysics relies on long chains of questionable claims that make conclusions less likely b) hijacks—intuitions are inevitable since even every framework must take some unjustified assumption as a starting point.

#### 5] TJFs- ethical frameworks must be theoretically legitimate- fairness is a gateway issue to the ballot and education is the reason schools fund debate.

#### A] Ground: Both debaters are guaranteed access to ground to engage under util – the aff gets advantages while neg gets DA/CP. Additionally, anything can function as a util impact as long as a benefit is articulated, so all your offense applies. Other frameworks deny the ability to engage the other

#### B] Weighing: consequences lets us weigh scenarios, risk, scope, severity, etc. O/w on resolvability because if there is framing mechanism that we don’t know what offense matters. That’s a voter: because the judge literally cannot make a decision

#### C] Util is the only framework that makes sense for collective bargaining topics: means other FWs never engage with the rez and deck predictability.

Saylor n.d. “Unions.” The Business Ethics Worksho, saylordotorg.github.io/text\_the-business-ethics-workshop/s19-04-unions.html.

On the compensation side, one challenge unions face is melding the distinct interests of diverse members into a single bargaining strategy. If you check the WGA website, you’ll find union involvement on issues ranging from direct pay for work to health-care benefits and pensions. A twenty-five-year-old just breaking in is going to be more concerned, possibly, about getting as much cash now as possible for work done, while an older writer will begin asking about paying medical bills and living decently in retirement. In translating these diverse situations into a collective set of negotiating points, simple market forces will play a role (a union active in a field heavily stocked with younger workers will have to take account of that, or people will stop participating), but other structures may be erected to resolve problems also. A utilitarian structure, for example, may provide a way for union leaders to justify decisions making some members unhappy.

#### 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] 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.

#### 3] Action under one framework isn’t exclusive of action under another.

Enoch ‘11, David. "Giving Practical Reasons." Philosophers Imprint. The Hebrew University, Mar. 2011. Web. <https://quod.lib.umich.edu/cgi/p/pod/dod-idx/giving-practical-reasons.pdf?c=phimp;idno=3521354.0011.004>.

I should also note something it does not take for the role played by the given reason in the receiver’s practical reasoning to be appropriate. **It is not required that the role be**, as it were, **ultimate**. In other words, it is perfectly consistent with robust reason-giving thus understood that there be a further, fuller, perhaps more basic story of why it is that B does and should take A’s relevant intentions as reason-giving. **Perhaps**, for instance, **B is a simple utilitarian**, and let’s further assume that simple utilitarianism is indeed the true fundamental story about all reasons for action. **If so, B will take A’s request as a reason to [act] if** and only if, and because, **doing so will maximize utility**. But this does not mean that she doesn’t take, in those cases, A’s request to be a (nonultimate) reason. The crucial question is whether the ultimate (or perhaps just more basic) story here is one that goes through the reasongiver’s special intentions identified above (and the receiver’s recognition thereof), as in the case of the utilitarian request-receiver, in which case we may have a case of robust reason-giving; or whether the more basic story here works directly, leaving no role for the specific intentions that make reason-giving robust (as is the case in the dictator’s child example). Cases of this latter type are not, on the account I’m suggesting here, cases of robust reason-giving. And **this seems to me the independently plausible result** here. Notice that the intentions mentioned above do not include something like the intention that B actually Φs. This is so because **A can give B a reason to [act] Φ knowing well that other reasons may be relevant, including possibly stronger reasons not to [act] Φ**.52 Indeed, it seems to me A can make a genuine request that B Φs, all the time acknowledging that if certain other considerations bear on the case, B should not (all things considered) Φ. We do not want to restrict robust reason-giving to just the cases in which the reason-giver intends the given reason to outweigh all others. For similar reasons, **A need not intend that the given reason be the only reason** for which B Φs.

#### Interpretation: The negative must concede the aff framework if it isn’t morally repugnant and the advocacy is topical and disclosed

#### Violation: It’s preemptive

#### Prefer-

#### 1] Time skew- Winning the negative framework moots 6 minutes of 1AC offense and forces a 1AR restart against a 7 min 1NC – outweighs on quantifiability and reversibility – I can’t get back time lost and it’s the only way to measure abuse.

#### 2] Topic Ed- Every debate would just be a framework debate which crowds out our ability to have core debates about the topic – that outweighs- A] Time Frame- We only have 2 months to debate the topic B] Inclusion- Phil and K literature is incredibly dense and requires a vast amount of prior knowledge and experience which excludes novices while topic literature is less esoteric

Extemped paradigm issues

### Underview

#### 1] 1AR theory is legit – anything else means infinite abuse – drop the debater, competing interps, and the highest layer – 1AR are too short to make up for the time trade-off – no RVIs – 6 min 2NR means they can brute force me every time.

#### 2] Permissibility and presumption affirm.

**A] Freeze- otherwise we would not be able to justify morally neutral actions since there isn’t a prohibition and we would have to prove an obligation.**

**B] Trivialism- statements are true until proven false, if I told you my name you’d believe me.**

#### C] Negation Theory- Negating requires a complete absence of an existing obligation

Negate: to deny the existence of

That’s Dictionary.com- “Negate” https://www.dictionary.com/browse/negate.

**D] Reject skep/permissibility – it’s an abhorrent view of the world that makes the debate space fascist by dehumanizing subjectivity – just make arguments in favor of an alternate ethic**

#### E] The Law of Excluded Middles- if something is not false, it must be true, which means that if something is not prohibited, it must be obligatory, and permissibility is the same as obligatory.