## 1

**The standard is minimizing material violence. [To clarify I defend utilitarianism].**

**[1] Personal identity reductionism is true – if the hemispheres of my brain were transplanted into 2 different people, neither would be me.**

**Parfit 84.** Derek Parfit 1984, “Reasons and Persons”, Oxford Paperbacks

It is in fact true that one hemisphere is enough. There are many people who have survived, when a stroke or injury puts out of action one of their hemispheres. With his remaining hemisphere, such a person may need to re-learn certain things, such as adult speech, or how to control both hands. But this is possible. In my example I am assuming that, as may be true of certain actual people, both of my hemispheres have the full range of abilities. I could thus survive with either hemisphere, without any need for re-learning.¶ I shall now combine these last two claims. I would survive if my brain was successfully transplanted into my twin's body. And I could survive with only half my brain, the other half having been destroyed. Given these two facts, it seems clear that I would survive if half my brain was successfully transplanted into my twin's body, and the other half was destroyed.¶ What if the other half was not destroyed? This is the case that Wiggins described: that in which a person, like an amoeba, divides.40 To simplify the case, I assume that I am one of three identical triplets. Consider¶ My Division. My body is fatally injured, as are the brains of my two brothers. My brain is divided, and each half is successfully transplanted into the body of one of my brothers. Each of the resulting people believes that he is me, seems to remember living my life, has my character, and is in every other way psychologically continuous with me. And he has a body that is very like mine.¶ This case is likely to remain impossible. Though it is claimed that, in certain people, the two hemispheres may have the same full range of abilities, this claim might be false. I am here assuming that this claim is true when applied to me. I am also assuming that it would be possible to connect a transplanted half-brain with the nerves in its new body. And I am assuming that we could divide, not just the upper hemispheres, but also the lower brain. My first two assumptions may be able to be made true if there is enough progress in neurophysiology. But it seems likely that it would never be possible to divide the lower brain, in a way that did not impair its functioning.¶ Does it matter if, for this reason, this imagined case of complete division will always remain impossible? Given the aims of my discussion, this does not matter. This impossibility is merely technical. The one feature of the case that might be held to be deeply impossible—the division of a person's consciousness into two separate streams—is the feature that has actually happened. It would have been important if this had been impossible, since this might have supported some claim about what we really are. It might have supported the claim that we are indivisible Cartesian Egos. It therefore matters that the division of a person's consciousness is in fact possible. There seems to be no similar connection between a particular view about what we really are and the impossibility of dividing and successfully transplanting the two halves of the lower brain. This impossibility thus provides no ground for refusing to consider the imagined case in which we suppose that this can be done. And considering this case may help us to decide both what we believe ourselves to be, and what in fact we are. As Einstein's example showed, it can be useful to consider impossible thought-experiments.¶ It may help to state, in advance, what I believe this case to show. It provides a further argument against the view that we are separately existing entities. But the main conclusion to be hdrawn is that personal identity is not what matters.¶ It is natural to believe that our identity is what matters. Reconsider the Branch-Line Case, where I have talked to my Replica on Mars, and am about to die. Suppose we believe that I and my Replica are different people. It is then natural to assume that my prospect is almost as bad as ordinary death. In a few days, there will be no one living who will be me. It is natural to assume that this is what matters. In discussing My Division, I shall start by making this assumption.¶ In this case, each half of my brain will be successfully transplanted into the very similar body of one of my two brothers. Both of the resulting people will be fully psychologically continuous with me, as I am now. What happens to me?¶ There are only four possibilities: (1) I do not survive; (2) I survive as one of the two people; (3) I survive as the other; (4) I survive as both.¶ The objection to (1) is this. I would survive if my brain was successfully transplanted. And people have in fact survived with half their brains destroyed. Given these facts, it seems clear that I would survive if half my brain was successfully transplanted, and the other half was destroyed. So how could I fail to survive if the other half was also successfully transplanted? How could a double success be a failure?¶ Consider the next two possibilities. Perhaps one success is the maximum score. Perhaps I shall be one of the two resulting people. The objection here is that, in this case, each half of my brain is exactly similar, and so, to start with, is each resulting person. Given these facts, how can I survive as only one of the two people? What can make me one of them rather than the other?¶ These three possibilities cannot be dismissed as incoherent. We can understand them. But, while we assume that identity is what matters, (1) is not plausible. My Division would not be as bad as death. Nor are (2) and (3) plausible. There remains the fourth possibility: that I survive as both of the resulting people.¶ This possibility might be described in several ways. I might first claim: ‘What we have called “the two resulting people” are not two people. They are one person. I do survive this operation. Its effect is to give me two bodies, and a divided mind.’¶ This claim cannot be dismissed outright. As I argued, we ought to admit as possible that a person could have a divided mind. If this is possible, each half of my divided mind might control its own body. But though this description of the case cannot be rejected as inconceivable, it involves a great distortion in our concept of a person. In my imagined Physics Exam I claimed that this case involved only one person. There were two features of the case that made this plausible. The divided mind was soon reunited, and there was only one body. If a mind was permanently divided, and its halves developed in different ways, it would become less plausible to claim that the case involves only one person. (Remember the actual patient who complained that, when he embraced his wife, his left hand pushed her away.)¶ The case of complete division, where there are also two bodies, seems to be a long way over the borderline. After I have had this operation, the two ‘products’ each have all of the features of a person. They could live at opposite ends of the Earth. Suppose that they have poor memories, and that their appearance changes in different ways. After many years, they might meet again, and fail even to recognise each other. We might have to claim of such a pair, innocently playing tennis: ‘What you see out there is a single person, playing tennis with himself. In each half of his mind he mistakenly believes that he is playing tennis with someone else.’ If we are not yet Reductionists, we believe that there is one true answer to the questionwhether these two tennis-players are a single person. Given what we mean by ‘person’, the answer must be No. It cannot be true that what I believe to be a stranger, standing there behind the net, is in fact another part of myself.

**That justifies util.**

**Gruzalski 86.** Bart Gruzalski 86 [UChicago], “Parfit's Impact on Utilitarianism”, Ethics, Vol. 96, No. 4, July 1986.

Parfit concludes his discussion of distributive moral principles by claiming that, “when we cease to believe that persons are separately existing entities, the Utilitarian view becomes more plausible. Is the gain in plausibility great, or small? My argument leaves this question open” (p. 342). In contrast, I have argued that the Reductionist View strongly supports the utilitarian account of desert and distributive justice. The argument has two aspects. One is the recognition of the utilitarian emphasis on secondary rules, including principles of distributive justice and policies of desert. These rules, principles, and policies are treated within the utilitarian account as if they have self-standing, whereas in fact they are justified on the principle of utility which alone has self-standing within the utilitarian program. The other aspect of the argument involves the recognition that the utilitarian’s dual treatment of secondary principles dovetails with the dual account of the nature of persons on the Reductionist View: persons exist, yet their existence just involves bodies and interrelated mental and physical events, and a complete description of our lives need not claim that persons exist. Furthermore, a body, brain, and interrelated series of mental and physical events are more fundamental and basic than the person whose existence just consists in them, much as the citizens and the territory are more fundamental and basic than the nation whose existence just consists in them. This corresponds precisely with the utilitarian account, for utilitarianism treats persons as fundamental and separate existents, while grounding this treatment on the impersonal elements of pain, suffering, happiness, and contentment. Because util-itarianism accurately reflects in this way the true nature of persons, it is much more plausible than has been previously recognized. In addition, since many of the current competitors to utilitarianism presuppose that the person is separate from the body, brain, and interrelated mental and physical events, it follows that these views err by being too personal and are therefore implausible. It follows that when we cease to believe that persons are separately existing entities, utilitarianism becomes significantly more plausible than any of its person-centered theoretical competitors.

**[2] Actor Spec— States must use util. Any other standard dooms the moral theory**

**Goodin 90.** Robert Goodin 90, [professor of philosophy at the Australian National University college of arts and social sciences], “The Utilitarian Response,” pgs 141-142 //RS

My larger argument turns on the proposition that there is something special about the situation of public officials that makes utilitarianism more probable for them than private individuals. Before proceeding with the large argument, I must therefore say what it is that makes it so special about public officials and their situations that make it both more necessary and more desirable for them to adopt a more credible form of utilitarianism. Consider, first, the argument from necessity. Public officials are obliged to make their choices under uncertainty, and uncertainty of a very special sort at that. All choices – public and private alike – are made under some degree of uncertainty, of course. But in the nature of things, private individuals will usually have more complete information on the peculiarities of their own circumstances and on the ramifications that alternative possible choices might have for them. Public officials, in contrast, are relatively poorly informed as to the effects that their choices will have on individuals, one by one. What they typically do know are generalities: averages and aggregates. They know what will happen most often to most people as a result of their various possible choices, but that is all. That is enough to allow public policy-makers to use the utilitarian calculus – assuming they want to use it at all – to choose general rules or conduct.

**[3] Extinction First –**

**[a] Forecloses future improvement – we can never improve society because our impact is irreversible**

**[b] Turns suffering – mass death causes suffering because people can’t get access to resources and basic necessities**

**[c] Moral uncertainty – if we’re unsure about which interpretation of the world is true – we ought to preserve the world to keep debating about it**

**[4] Pleasure and pain are the starting point for moral reasoning—they’re our most baseline desires and the only things that explain the intrinsic value of objects or actions**

**Moen 16**, Ole Martin (PhD, Research Fellow in Philosophy at University of Oslo). "An Argument for Hedonism." Journal of Value Inquiry 50.2 (2016): 267.

Let us start by observing, empirically, that **a widely shared judgment about intrinsic value** and disvalue **is that pleasure is intrinsically valuable and pain is intrinsically disvaluable**. On virtually any proposed list of intrinsic values and disvalues (we will look at some of them below), pleasure is included among the intrinsic values and pain among the intrinsic disvalues. This inclusion makes intuitive sense, moreover, for **there is something undeniably good about the way pleasure feels and something undeniably bad about the way pain feels**, and neither the goodness of pleasure nor the badness of pain seems to be exhausted by the further effects that these experiences might have. “Pleasure” and “pain” **are** here **understood inclusively**, as encompassing anything hedonically positive and anything hedonically negative. 2 The special value statuses of pleasure and pain are manifested in how we treat these experiences in our everyday reasoning about values. If you tell me that you are heading for the convenience store, **I might ask: “What for**?” This is a reasonable question, for when you go to the convenience store you usually do so, not merely for the sake of going to the convenience store, but for the sake of achieving something further that you deem to be valuable. You might answer, for example: “To buy soda.” This answer makes sense, for soda is a nice thing and you can get it at the convenience store. I might further inquire, however: “What is buying the soda good for?” This further question can also be a reasonable one, for it need not be obvious why you want the soda. You might answer: “Well, I want it for the pleasure of drinking it.” If I then proceed by asking “But what is the pleasure of drinking the soda good for?” the discussion is likely to reach an awkward end. **The reason is that the pleasure is not good for anything further; it is simply that for which going to the convenience store and buying the soda is good**. 3 As Aristotle observes: “**We never ask** [a man] **what** his **end is in being pleased, because we assume that pleasure is choice worthy in itself**.”4 Presumably, a similar story can be told in the case of pains, for if someone says “This is painful!” we never respond by asking: “And why is that a problem?” We take for granted that **if something is painful, we have a sufficient explanation of why it is bad**. If we are onto something in our everyday reasoning about values, it seems that **pleasure and pain are both places where we reach the end of the line in matters of value. Although pleasure and pain thus seem to be good candidates for intrinsic value and disvalue**, several objections have been raised against this suggestion: (1) that pleasure and pain have instrumental but not intrinsic value/disvalue; (2) that pleasure and pain gain their value/disvalue derivatively, in virtue of satisfying/frustrating our desires; (3) that there is a subset of pleasures that are not intrinsically valuable (so-called “evil pleasures”) and a subset of pains that are not intrinsically disvaluable (so-called “noble pains”), and (4) that pain asymbolia, masochism, and practices such as wiggling a loose tooth render it implausible that pain is intrinsically disvaluable. I shall argue that these objections fail. Though it is, of course, an open question whether other objections to P1 might be more successful, I shall assume that if (1)–(4) fail, we are justified in believing that P1 is true itself a paragon of freedom—there will always be some agents able to interfere substantially with one’s choices. The effective level of protection one enjoys, and hence one’s actual degree of freedom, will vary according to multiple factors: how powerful one is, how powerful individuals in one’s vicinity are, how frequent police patrols are, and so on. Now, we saw above that what makes a slave unfree on Pettit’s view is the fact that his master has the power to interfere arbitrarily with his choices; in other words, what makes the slave unfree is the power relation that obtains between his master and him. The difﬁculty is that, in light of the facts I just mentioned, there is no reason to think that this power relation will be unique. A similar relation could obtain between the master and someone other than the slave: absent perfect state control, the master may very well have enough power to interfere in the lives of countless individuals. Yet it would be wrong to infer that these individuals lack freedom in the way the slave does; if they lack anything, it seems to be security. A problematic power relation can also obtain between the slave and someone other than the master, since there may be citizens who are more powerful than the master and who can therefore interfere with the slave’s choices at their discretion. Once again, it would be wrong to infer that these individuals make the slave unfree in the same way that the master does. Something appears to be missing from Pettit’s view. If I live in a particularly nasty part of town, then it may turn out that, when all the relevant factors are taken into account, I am just as vulnerable to outside interference as are the slaves in the royal palace, yet it does not follow that our conditions are equivalent from the point of view of freedom. As a matter of fact, we may be equally vulnerable to outside interference, but as a matter of right, our standings could not be more different. I have legal recourse against anyone who interferes with my freedom; the recourse may not be very effective—presumably it is not, if my overall vulnerability to outside interference is comparable to that of a slave— but I still have full legal standing.68 By contrast, the slave lacks legal recourse against the interventions of one speciﬁc individual: his master. It is that fact, on a Kantian view—a fact about the legal relation in which a slave stands to his master—that sets slaves apart from freemen. The point may appear trivial, but it does get something right: whereas one cannot identify a power relation that obtains uniquely between a slave and his master, the legal relation between them is undeniably unique. A master’s right to interfere with respect to his slave does not extend to freemen, regardless of how vulnerable they might be as a matter of fact, and citizens other than the master do not have the right to order the slave around, regardless of how powerful they might be. This suggests that Kant is correct in thinking that the ideal of freedom is essentially linked to a person’s having full legal standing. More speciﬁcally, he is correct in holding that the importance of rights is not exhausted by their contribution to the level of protection that an individual enjoys, as it must be on an instrumental view like Pettit’s. Although it does matter that rights be enforced with reasonable effectiveness, the sheer fact that one has adequate legal rights is essential to one’s standing as a free citizen. In this respect, Kant stays faithful to the idea that freedom is primarily a matter of standing—a standing that the freeman has and that the slave lacks. Pettit himself frequently insists on the idea, but he fails to do it justice when he claims that freedom is simply a matter of being adequately (and reliably) shielded against the strength of others. As Kant recognizes, the standing of a free citizen is a more complex matter than that. One could perhaps worry that the idea of legal standing is something of a red herring here—that it must ultimately be reducible to a complex network of power relations and, hence, that the position I attribute to Kant differs only nominally from Pettit’s. That seems to me doubtful. Viewing legal standing as essential to freedom makes sense only if our conception of the former includes conceptions of what constitutes a fully adequate scheme of legal rights, appropriate legal recourse, justiﬁed punishment, and so on. Only if one believes that these notions all boil down to power relations will Kant’s position appear similar to Pettit’s. On any other view—and certainly that includes most views recently defended by philosophers—the notion of legal standing will outstrip the power relations that ground Pettit’s theory.

**[5] Util is a lexical pre-requisite to any other framework-threats to bodily security and life preclude the ability for moral actors to effectively utilize and act upon other moral theories since they are in a constant state of crisis that inhibit the ideal moral conditions which other theories presuppose – so, util comes first and my offense outweighs theirs under their own framework.**

**[6] No intent-foresight distinction — if we foresee a consequence, then it becomes part of our deliberation which makes it intrinsic to our action since we intend it to happen.**

**[7] 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 take a dying person to the hospital. Only the consequences of breaking the promise explain why the second one is much worse than the first.**

**[8] No act-omission distinction – We are responsible for intentional omissions because we actively choose not to act—we intend and act upon omissions.**

## 2

#### CP Text: A just government should recognize the unconditional right of workers to strike with the exception of police officers.

#### Police strikes are the blue flu and allow for power grabbing through fearmongering and public pressure – that shores up police authority and legitimizes brutality

Grim 20 Andrew Grim, 7-1-2020, Ph.D. candidate in history at the University of Massachusetts Amherst, is at work on a dissertation on anti-police brutality activism in post-WWII Newark. "Perspective," Washington Post, [**https://www.washingtonpost.com/outlook/2020/07/01/what-is-blue-flu-how-has-it-increased-police-power/**](https://www.washingtonpost.com/outlook/2020/07/01/what-is-blue-flu-how-has-it-increased-police-power/)**] //ww dl**

What is the “blue flu,” and why might it strike New York City police? This weekend, officers from the New York City Police Department are rumored to be planning a walkout to protest calls to defund the police. This builds on a similar tactic used by police in Atlanta less than a month ago. On June 16, Fulton County District Attorney, Paul L. Howard Jr. announced that Garrett Rolfe, the Atlanta police officer who fatally shot Rayshard Brooks, would face charges of felony murder and aggravated assault. That night, scores of Atlanta Police Department officers caught the “blue flu,” calling out sick en masse to protest the charges against Rolfe. Such walkouts constitute, in effect, illegal strikes — laws in all 50 states prohibit police strikes. Yet, there is nothing new about the blue flu. It is a strategy long employed by police unions and rank-and-file officers during contract negotiations, disputes over reforms and, like in Atlanta, in response to disciplinary action against individual officers. The intent is to dramatize police disputes with municipal government and rally the citizenry to their side. But the result of such protests matter deeply as we consider police reform today. Historically, blue flu strikes have helped expand police power, ultimately limiting the ability of city governments to reform, constrain or conduct oversight over the police. They allow the police to leverage public fear of crime to extract concessions from municipalities. This became clear in Detroit more than 50 years ago. In June 1967, tensions arose between Detroit Mayor Jerome Cavanagh and the Detroit Police Officers Association (DPOA), which represented the city’s 3,300 patrol officers. The two were at odds primarily over police demands for a pay increase. Cavanagh showed no signs of caving to the DPOA’s demands and had, in fact, proposed to cut the police department’s budget. On June 15, the DPOA escalated the dispute with a walkout: 323 officers called in sick. The number grew over the next several days as the blue flu spread, reaching a height of 800 absences on June 17. In tandem with the walkout, the DPOA launched a fearmongering media campaign to win over the public. They took out ads in local newspapers warning Detroit residents, “How does it feel to be held up? Stick around and find out!” This campaign took place at a time of rising urban crime rates and uprisings, and only a month before the 1967 Detroit riot, making it especially potent. The DPOA understood this climate and used it to its advantage. With locals already afraid of crime and displeased at Cavanagh’s failure to rein it in, they would be more likely to demand the return of the police than to demand retribution against officers for an illegal strike. The DPOA’s strategy paid off. The walkout left Detroit Police Commissioner Ray Girardin feeling “practically helpless.” “I couldn’t force them to work,” he later told The Washington Post. Rather than risk public ire by allowing the blue flu to continue, Cavanagh relented. Ultimately, the DPOA got the raises it sought, making Detroit officers the highest paid in the nation. This was far from the end of the fight between Cavanagh and the DPOA. In the ensuing months and years, they continued to tussle over wages, pensions, the budget, the integration of squad cars and the hiring of black officers. The threat of another blue flu loomed over all these disputes, helping the union to win many of them. And Detroit was not an outlier. Throughout the 1960s, ’70s and ’80s, the blue flu was a [ubiquitous and highly effective](https://www.akpress.org/our-enemies-in-blue.html) tactic in Baltimore, Memphis, New Orleans, Chicago, Newark, New York and many other cities. In most cases, as author Kristian Williams writes, “When faced with a walkout or slowdown, the authorities usually decided that the pragmatic need to get the cops back to work trumped the city government’s long term interest in diminishing the rank and file’s power.” But each time a city relented to this pressure, they ceded more and more power to police unions, which would turn to the strategy repeatedly to defend officers’ interests — particularly when it came to efforts to address systemic racism in police policies and practices. In 1970, **black residents** of Pittsburgh’s North Side neighborhood raised an **outcry** over the “**hostile sadistic treatment**” they experienced at the **hands** of **white police officers**. They lobbied Mayor Peter F. Flaherty to assign more black officers to their neighborhood. The mayor agreed, transferring several white officers out of the North Side and replacing them with black officers. While residents cheered this decision, white officers and the Fraternal Order of Police (FOP), which represented them, were furious. They slammed the transfer as “**discrimination**” against whites. About 425 of the Pittsburgh Police Department’s 1,600 police officers called out sick in protest. Notably, black police officers broke with their white colleagues and refused to join the walkout. They praised the transfer as a “long overdue action” and viewed the walkout as a betrayal of officers’ oath to protect the public. Nonetheless, the tactic paid off. After several days, Flaherty caved to the “open revolt” of white officers, agreeing to halt the transfers and instead submit the dispute to binding arbitration between the city and the police union. Black officers, though, continued to speak out against their union’s support of racist practices, and many of them later resigned from the union in protest. Similar scenarios played out in Detroit, Chicago and other cities in the 1960s and ’70s, as white officers continually staged walkouts to preserve the segregated status quo in their departments. These blue flu strikes amounted to an authoritarian **power grab** by police officers bent on avoiding oversight, rejecting reforms and shoring up their own authority. In the aftermath of the 1967 Detroit walkout, a police commissioner’s aide strongly criticized the police union’s strong-arm tactics, saying “it smacks of a police state.” The clash left one newspaper editor wondering, “Who’s the Boss of the Detroit Police?” But in the “law and order” climate of the late 1960s, such criticism did not resonate enough to stir a groundswell of public opinion against the blue flu. And police unions dismissed critics by arguing that officers had “no alternative” but to engage in walkouts to get city officials to make concessions. Crucially, the very effectiveness of the blue flu may be premised on a myth. While police unions use public fear of crime skyrocketing without police on duty, in many cases, the absence of police did not lead to a rise in crime. In New York City in 1971, [for example](https://untappedcities.com/2020/06/12/the-week-without-police-what-we-can-learn-from-the-1971-police-strike/), 20,000 officers called out sick for five days over a pay dispute without any apparent increase in crime. The most striking aspect of the walkout, as one observer noted, “might be just how unimportant it seemed.” Today, municipalities are under immense pressure from activists who have taken to the streets to protest the police killings of black men and women. Some have already responded by enacting new policies and cutting police budgets. As it continues, more blue flus are likely to follow as officers seek to wrest back control of the public debate on policing and reassert their independence.

#### These strikes strengthen unions that contribute to increased violence, and protection of misconduct

Serwer 6/24 [Serwer, Adam. “Bust the Police Unions.” The Atlantic, Atlantic Media Company, 24 June 2021, [www.theatlantic.com/magazine/archive/2021/07/bust-the-police-unions/619006/](http://www.theatlantic.com/magazine/archive/2021/07/bust-the-police-unions/619006/)] //recut ww dl

Police unions found that they had new leverage at the bargaining table. In contract negotiations with cities, they sought not merely higher pay or better benefits, but protections for officers accused of misconduct. At this, they proved remarkably successful. Reviewing 82 active police-union contracts in major American cities, a 2017 Reuters investigation found that a majority “call for departments to erase disciplinary records, some after just six months.” Many contracts allow officers to access investigative information about complaints or charges against them before being interrogated, so they can get their stories straight. Some require the officer’s approval before making information regarding misconduct public; others set time limits on when citizens can file complaints. A 2017 Washington Post investigation found that since 2006, of the 1,881 officers fired for misconduct at the nation’s largest departments, 451 had been reinstated because of requirements in union contracts. For many police unions, enacting and enforcing barriers to accountability became a primary concern. In 2014, in San Antonio, the local police union was willing to accept caps on pay and benefits as long as the then–city manager abandoned her efforts to, among other reforms, prevent police from erasing past misconduct records. The damage that these types of provisions have done is hard to overstate. In one recent study, the economist Rob Gillezeau of the University of Victoria found that after departments unionized, there was a “substantial increase” in police killings of civilians. Neither crime rates nor the safety of officers themselves was affected. The provisions do more than simply protect bad actors. They cultivate an unhealthy and secretive culture within police departments, strengthening a phenomenon known as the code of silence. In a 2000 survey of police officers by the National Institute of Justice, only 39 percent of respondents agreed with the statement “Police officers always report serious criminal violations involving abuse of authority by fellow officers.”

#### That leads to endless amounts of racist violence and the bolstering of the prison industrial complex.

Chaney and Ray 13, Cassandra (Has a PhD and is a professor at LSU. Also has a strong focus in the structure of Black families) , and Ray V. Robertson (Also has a PhD and is a criminal justice professor at LSU). "Racism and police brutality in America." *Journal of African American Studies* 17.4 (2013): 480-505. SM//do I really need a card for this

Racism and Discrimination According to Marger (2012), “racism is an ideology, or belief system, designed to justify and rationalize racial and ethnic inequality” (p. 25) and “discrimination, most basically, is behavior aimed at denying members of particular ethnic groups’ equal access to societal rewards” (p. 57). Defining both of these concepts from the onset is important for they provide the lens through which our focus on the racist and discriminatory practices of law enforcement can occur. Since the time that Africans [African Americans] were forcibly brought to America, they have been the victims of racist and discriminatory practices that have been spurred and/or substantiated by those who create and enforce the law. For example, The Watts Riots of 1965, the widespread assaults against Blacks in Harlem during the 1920s (King 2011), law enforcement violence against Black women (i.e., Malaika Brooks, Jaisha Akins, Frankie Perkins, Dr. Mae Jemison, Linda Billups, Clementine Applewhite) and other ethnic women of color (Ritchie 2006), the beating of Rodney King, and the deaths of Amadou Diallo in the 1990s and Trayvon Martin more recently are just a few public examples of the historical and contemporaneous ways in which Blacks in America have been assaulted by members of the police system (King 2011; Loyd 2012; Murch 2012; Rafail et al. 2012). In Punishing Race (2011), law professor Michael Tonry’s research findings point to the fact that Whites tend to excuse police brutality against Blacks because of the racial animus that they hold against Blacks. Thus, to Whites, Blacks are viewed as deserving of harsh treatment in the criminal justice system (Peffley and Hurwitz 2013). At first glance, such an assertion may seem to be unfathomable, buy that there is an extensive body of literature which suggests that Black males are viewed as the “prototypical criminal,” and this notion is buttressed in the media, by the general public, and via disparate sentencing outcomes (Blair et al. 2004; Eberhardt et al. 2006; Gabiddon 2010; Maddox and Gray 2004; Oliver and Fonash 2002; Staples 2011). For instance, Blair et al. (2004) revealed that Black males with more Afrocentric features (e.g., dark skin, broad noses, full lips) may receive longer sentences than Blacks with less Afrocentric features, i.e., lighter skin and straighter hair (Eberhardt et al. 2006). Shaun Gabiddon in Criminological Theories on Race and Crime (2010) discussed the concept of “Negrophobia” which was more extensively examined by Armour (1997). Negrophobia can be surmised as an irrational of Blacks, which includes a fear of being victimized by Black, that can result in Whites shooting or harming an AfricanAmerican based on criminal/racial stereotypes (Armour 1997). The aforementioned racialized stereotypical assumptions can be deleterious because they can be used by Whites to justify shooting a Black person on the slightest of pretense (Gabiddon 2010). Finally, African-American males represent a group that has been much maligned in the larger society (Tonry 2011). Further, as victims of the burgeoning prison industrial complex, mass incarceration, and enduring racism, the barriers to truly independent Black male agency are ubiquitous and firmly entrenched (Alexander 2010; Chaney 2009; Baker 1996; Blackmon 2008; Dottolo and Stewart 2008; Karenga 2010; Martin et al. 2001; Smith and Hattery 2009). Thus, racism and discrimination heightens the psychological distress experienced by Blacks (Robertson 2011; Pieterse et al. 2012), as well as their decreased mortality in the USA (Muennig and Murphy 2011). Police Brutality Against Black Males According to Walker (2011), police brutality is defined as “the use of excessive physical force or verbal assault and psychological intimidation” (p. 579). Although one recent study suggests that the NYPD has become better behaved due to greater race and gender diversity (Kane and White 2009), Blacks are more likely to be the victims of police brutality. A growing body of scholarly research related to police brutality has revealed that Blacks are more likely than Whites to make complaints regarding police brutality (Smith and Holmes 2003), to be accosted while operating [driving] a motorized vehicle (“Driving While Black”), and to underreport how often they are stopped due to higher social desirability factors (TomaskovicDevey et al. 2006). Interestingly, data obtained from the General Social Survey (GSS), a representative sample conducted biennially by the National Opinion Research Center at the University of Chicago for the years 1994 through 2004, provide further proof regarding the acceptance of force against Blacks. In particular, the GSS found Whites to be significantly (29.5 %) more accepting of police use of force when a citizen was attempting to escape custody than Blacks when analyzed using the chi-squared statistical test (p The average Southern policeman is a promoted poor White with a legal sanction to use a weapon. His social heritage has taught him to despise the Negroes, and he has had little education which could have changed him….The result is that probably no group of Whites in America have a lower opinion of the Negro people and are more fixed in their views than Southern policeman. (Myrdal 1944, pp. 540–541) Myrdal (1944) was writing on results from a massive study that he undertook in the late 1930s. He was writing at a time that even the most conservative among us would have to admit was not a colorblind society (if one even believes in such things). But current research does corroborate his observations that less educated police officers tend to be the most aggressive and have the most formal complaints filed against them when compared to their more educated counterparts (Hassell and Archbold 2010; Jefferis et al. 2011). Tonry (2011) delineates some interesting findings from the 2001 Race, Crime, and Public Opinion Survey that can be applied to understanding why the larger society tolerates police misconduct when it comes to Black males. The survey, which involved approximately 978 non-Hispanic Whites and 1,010 Blacks, revealed a divergence in attitudes between Blacks and Whites concerning the criminal justice system (Tonry 2011). For instance, 38 % of Whites and 89 % of Blacks viewed the criminal justice system as biased against Blacks (Tonry 2011). Additionally, 8 % of Blacks and 56 % of Whites saw the criminal justice system as treating Blacks fairly (Tonry 2011). Perhaps most revealing when it comes to facilitating an environment ripe for police brutality against Black males, 68 % of Whites and only 18 % of Whites expressed confidence in law enforcement (Tonry 2011). Is a society wherein the dominant group overwhelming approves of police performance willing to do anything substantive to curtail police brutality against Black males? Police brutality is not a new phenomenon. The Department of Justice (DOJ) office of Civil Rights (OCR) has investigated more than a dozen police departments in major cities across the USA on allegations of either racial discrimination or police brutality (Gabbidon and Greene 2013). To make the aforementioned even more clear, according to Gabbidon and Greene (2013), “In 2010, the OCR was investigating 17 police departments across the country and monitoring five settlements regarding four police agencies” (pp. 119–120). Plant and Peruche (2005) provide some useful information into why police officers view Black males as potential perpetrators and could lead to acts of brutality. In their research, the authors suggest that since Black people in general, and Black males in particular, are caricatured as aggressive and criminal, police are more likely to view Black men as a threat which justifies the disproportionate use of deadly force. Therefore, it is not beyond the realm of possibility that police officers’ decisions to act aggressively may, to some extent, be influenced by race (Jefferis et al. 2011). The media’s portrayals of Black men are often less than sanguine. Bryson’s (1998) work in this area provides empirical evidence that the mass media that has been instrumental in portraying Black men as studs, super detectives, or imitation White men and has a general negative effect on how these men are regarded by others. Such characterizations can be so visceral in nature that “prototypes” of criminal suspects are more likely to be African-American (Oliver et al. 2004). Not surprisingly, the more Afrocentric the African-American’s facial features, the more prone he or she is expected to be deviant (Eberhardt et al. 2006). Interestingly, it is probable that less than flattering depictions of Black males on television and in news stories are activating pre-existing stereotypes possessed by Whites as opposed to facilitating their creation. According to Oliver et al. (2004), “it is important to keep in mind that media consumption is an active process, with viewers’ existing attitudes and beliefs playing a larger role in how images are attended to, interpreted, and remembered” (p. 89). Moreover, it is reductionist to presuppose that individual is powerless in constructing a palatable version of reality and is solely under the control of the media and exercises no agency. Lastly, Peffley and Hurwitz (2013) describe what can be perceived as one of the more deleterious results of negative media caricatures of Black males. More specifically, the authors posit that most Whites believe that Blacks are disproportionately inclined to engage in criminal behavior and are the deserving on harsh treatment by the criminal justice system. On the other hand, such an observation is curious because most urban areas are moderate to highly segregated residentially which would preclude the frequent and significant interaction needed to make such scathing indictments (Bonilla-Silva 2009). Consequently, the aforementioned racial animus has the effect of increased White support for capital punishment if questions regarding its legitimacy around if capital punishment is too frequently applied to Blacks (Peffley and Hurwitz 2013; Tonry 2011). Ultimately, erroneous (negative) portrayals of crime and community, community race and class identities, and concerns over neighborhood change all contribute to place-specific framing of “the crime problem.” These frames, in turn, shape both intergroup dynamics and support for criminal justice policy (Leverentz 2012).

## Case

### FW

### Solvency

#### Non-UQ – Strikes are already high and increasing.

Greenhouse 11/4 – [Steven Greenhouse [American labor and workplace journalist and writer], “Op-Ed: Why unions are striking — and winning more public support than in 50 years,” *Los Angeles Times* (Web). Nov. 4, 2021. Accessed Nov. 5, 2021. (https://www.latimes.com/opinion/story/2021-11-04/unions-strikes-economic-justice-agenda-public-approval)] WWVL

The **U.S.** is experiencing an unusual **surge of strikes** — **10,000 John Deere workers** went on strike in October, and so did **1,400 Kellogg workers**, and now **35,000 Kaiser Permanente healthcare workers** are threatening to walk out. Workplace experts generally point to two reasons for this surge. First, after working so hard and often risking their lives during the pandemic, many workers believe that they deserve better pay and treatment. Second, American workers — especially long-underappreciated essential and low-wage workers — are suddenly feeling empowered because of today’s labor shortage. These factors have certainly helped cause the wave of walkouts, but there’s another huge but often overlooked factor behind the strikes: It takes two to tangle. The **companies** that have faced strikes have often been **stubborn and stingy** — they’re part of a backward-looking group that is clinging to corporate America’s philosophy of recent decades: **Squeeze your workers and battle your unions.** They’re acting as if it’s still the 1980s when President Reagan’s move to crush the air traffic controllers’ union set off an era of anti-union attacks. The corporations facing strikes don’t seem to realize that times are changing, with a labor shortage giving employees more bargaining power and with the public feeling greater sympathy for underpaid front-line workers as income inequality soars. Neither Deere nor Kellogg seems to have gotten that message, nor did **Nabisco,** which recently faced a **six-week strike**. Nor has Kaiser Permanente, which has proposed a two-tier contract in which future nurses and other healthcare workers would be paid 26% to 39% less than current workers. Belinda Redding, a Kaiser Permanente nurse in Woodland Hills, feels insulted by that contract offer; after the nurses put their lives on the line day after day for months, Kaiser has offered a raise of just 1% a year for three years. “It feels like almost a slap in the face,” Redding told me. Kaiser Permanente, a nonprofit with $45 billion in reserves, maintains that its compensation levels are 27% higher than “the average market wage” and are unsustainable. Many companies, however, do know it’s time to treat workers better. Bank of America has raised its minimum pay to $21 an hour, while Costco has adopted a $17 minimum. CVS says it will raise its minimum to $15 by next July, and Amazon is raising its average starting wage to $18 an hour. But some corporations view things differently, seeing it as a time for rollbacks and takebacks. Even though John Deere has forecast record profits of at least $5.7 billion this year, more than double last year’s level, and even though its CEO’s pay jumped 160% last year and it raised shareholder dividends by 17%, Deere originally offered its workers a basic raise of 12% over six years, which workers said wouldn’t begin to keep up with inflation. Chris Laursen, a painter at Deere’s farm equipment factory in Ottumwa, Iowa, earns $20.82 an hour after 19 years and complained that Deere first offered him a raise of just $1 in the contract’s first year. The strikers were also angry that Deere proposed a new, lower compensation tier that would eliminate pensions for new hires. Deere and the U.A.W. leadership reached a tentative deal on a better contract offer on Oct. 30, but union members rejected that offer Tuesday and remain on strike. Kellogg employees complain of working 30 days straight during the pandemic and frequent 12-hour and 16-hour shifts. After a grueling year, many were upset that Kellogg demanded a two-tier compensation system that would pay new hires $13 an hour less than current workers — the company says they average $35.26 an hour — and give them fewer benefits. If **today’s strikes** have a specific cause, it’s management’s demand **for two-tier pay systems** that will mean **lower wages and reduced benefits** — indeed worse living standards — **for future workers**. To many corporations, demanding two pay tiers makes sense: It placates current employees by maintaining their pay and benefits, while reducing overall labor costs by paying future workers less. (Deere and Kellogg say they need a two-tier structure to cut costs and stay competitive.) Of course, the reason corporate leaders love two-tier pay systems is that they **undermine unions and divide workers.** Two tiers foment tensions and make new employees angry at their unions for having agreed to management’s demands to pay new people less. And once established, two-tier systems are extremely **hard to undo.** For unions, it may be tempting to trade away wages and benefits for future workers, who aren’t there to complain — yet. But there’s also **rising resistance** to corporate efforts **to push down pay and living standards for** the **next gen**eration. “These are our kids and grandkids. We don’t want a worse future for them,” said Laursen, the Deere striker. In taking firm stances on this issue and others, unions are setting an economic justice agenda. By doing that, along with a spate of high-profile strikes, unions have won higher public approval this year than at any time since 1965.

#### Their solvency page proves you can vote on presumption – workers are already striking which means the aff isn’t necessary

#### Illegal strikes solve better and aff strikes become water downed and negotiated out by the state – TURNS CASE

Reddy 21 Reddy, Diana (Doctoral Researcher in the Jurisprudence and Social Policy Program at UC Berkeley) “" There Is No Such Thing as an Illegal Strike": Reconceptualizing the Strike in Law and Political Economy." Yale LJF 130 (2021): 421. <https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy>

In recent years, consistent with this vision, there has been a shift in the kinds of strikes workers and their organizations engage in—increasingly public-facing, engaged with the community, and capacious in their concerns.[178](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref178) They have transcended the ostensible apoliticism of their forebearers in two ways, less voluntaristic and less economistic. They are less voluntaristic in that they seek to engage and mobilize the broader community in support of labor’s goals, and those goals often include community, if not state, action. They are less economistic in that they draw through lines between workplace-based economic issues and other forms of exploitation and subjugation that have been constructed as “political.” These strikes do not necessarily look like what strikes looked like fifty years ago, and they often skirt—or at times, flatly defy—legal rules. Yet, they have often been successful. Since 2012, tens of thousands of workers in the Fight for $15 movement have engaged in discourse-changing, public law-building strikes. They do not shut down production, and their primary targets are not direct employers. For these reasons, they push the boundaries of exiting labor law.[179](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref179) Still, the risks appear to have been worth it. A 2018 report by the National Employment Law Center found that these strikes had helped twenty-two million low-wage workers win $68 billion in raises, a redistribution of wealth fourteen times greater than the value of the last federal minimum wage increase in 2007.[180](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref180) They have demonstrated the power of strikes to do more than challenge employer behavior. As Kate Andrias has argued: [T]he Fight for $15 . . . reject[s] the notion that unions’ primary role is to negotiate traditional private collective bargaining agreements, with the state playing a neutral mediating and enforcing role. Instead, the movements are seeking to bargain in the public arena: they are engaging in social bargaining with the state on behalf of all workers.”[181](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref181) In the so-called “red state” teacher strikes of 2018, more than a hundred thousand educators in West Virginia, Oklahoma, Arizona, and other states struck to challenge post-Great Recession austerity measures, which they argued hurt teachers and students, alike.[182](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref182) These strikes were illegal; yet, no penalties were imposed.[183](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref183) Rather, the strikes grew workers’ unions, won meaningful concessions from state governments, and built public support. As noted above, public-sector work stoppages are easier to conceive of as political, even under existing jurisprudential categories.[184](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref184) But these strikes were political in the broader sense as well. Educators worked with parents and students to cultivate support, and they explained how their struggles were connected to the needs of those communities.[185](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref185) Their power was not only in depriving schools of their labor power, but in making normative claims about the value of that labor to the community. Most recently, 2020 saw a flurry of work stoppages in support of the Black Lives Matter movement.[186](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref186) These ranged from Minneapolis bus drivers’ refusal to transport protesters to jail, to Service Employees International Union’s Strike for Black Lives, to the NBA players’ wildcat strike.[187](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref187) Some of these protests violated legal restrictions. The NBA players’ strike for instance, was inconsistent with a “no-strike” clause in their collective-bargaining agreement with the NBA.[188](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref188) And it remains an open question in each case whether workers sought goals that were sufficiently job-related as to constitute protected activity.[189](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref189) Whatever the conclusion under current law, however, striking workers demonstrated in fact the relationship between their workplaces and broader political concerns. The NBA players’ strike was resolved in part through an agreement that NBA arenas would be used as polling places and sites of civic engagement.[190](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref190) Workers withheld their labor in order to insist that private capital be used for public, democratic purposes. And in refusing to transport arrested protestors to jail, Minneapolis bus drivers made claims about their vision for public transport. Collectively, all of these strikes have prompted debates within the labor movement about what a strike is, and what its role should be. These strikes are so outside the bounds of institutionalized categories that public data sources do not always reflect them.[191](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref191) And there is, reportedly, a concern by some union leaders that these strikes do not look like the strikes of the mid-twentieth century. There has been a tendency to dismiss them.[192](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref192) In response, Bill Fletcher Jr., the AFL-CIO’s first Black Education Director, has argued, “People, who wouldn’t call them strikes, aren’t looking at history.”[193](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref193) Fletcher, Jr. analogizes these strikes to the tactics of the civil-rights movement.