## 1

#### [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 drawn 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.

#### [2] 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.

#### [3] Rationality fails as an objective starting point for ethics – through drugs like alcohol individuals can temporarily cease to be agents yet can still make decisions. Irrationalism resolves this contradiction of identity – individuals take action based on subconscious emotive responses to pain and pleasure.

Schlimme 04 (Jann Schlimme is a professor of psychiatry and philosophy. “Philosophy and Psychiatry: Towards a Philosophical Anthropology of Addiction.” Walter de Gruyter. January 1, 2004. Page 271-273.) **//WW JA 2/15/18**

This understanding of the human being changed radically in the Age of Enlightenment and especially with Immanuel Kant (1724-1804), however, the difference of subject and object was deepened even further and not overcome. Kant argued that the inner perspective was performed by conditions a priori always structuring the possibilities of perception and cognition. Therefore, it is impossible for a human being to know something about the Ding an Sich (Descartes was of the opinion that humans knew something about the real thing for itself), since all knowledge is prestructured by unchangeable conditions of being human. Beginning with Kant, the world "rotated" around the subject comparable with the copernicaman change. In connection with this self-understanding as rational and autonomous human beings, new and "sober ecstasies" like coffee, cocoa, tea or tobacco conquered the enlightened or civil classes. The societies were divided and polarized between sobriety and intoxication (Spode 1993). Problems of repeated or constant alcohol consumption were named (organic damages or apoplexy) and the question arose, how it was possible to overcome the vice or habit of drinking. Traditional understanding of repeated, constant and often excessive alcohol consumption as a Christian vice, referring to Augustine's concept of a "wrong will" (Flasch 1994) or as a customary and conscious decision (as formulated especially by the German physician Heinrich Stromer in 1531, Spode 1993), dominated culturally the common idea of chronic alcohol consumption. This can be seen in movements of moderation evident particularly in Europe and in the United States, which called for a more moderate consumption of alcohol. A transformation of this understanding was necessary for the enlightened individual. Following Kant in his Grundlegung der Metaphysik der Sitten (1785), chronic intoxication simply made a rational way of life impossible. The rational way of life was laid down as a basis for morality of the individual. Therefore, a drunkard was not a sinner, rather a more or less irrational person (Kant 1990). Nevertheless, an important question still remained unanswered. Although the enlighteners and the sanitarians claimed that teetotalism would be advisable for a healthy and rational way of life, many people were reluctant to reduce their alcohol intake. If drunkenness was not considered a vice, then how could a lack of rationality be interpreted? Parallel to enlightenment, another movement took place, namely, "irrationalism". It appeared as a counterpoint, emphasizing non-rational phenomena and the importance pf emotions for being human. Non rational phenomena e.g. culminating in magnetism of Anton Mesmer ( 1734-1815) demonstrated that a person was not only rational but always "irrational". According to this theory, each person possessed deeper structures that were always associated with the ratio and appeared as the other or dark side of himself. As Henry Ellenberger once claimed, this movement was important for the concept of unconsciousness and, therefore, the origin of the modern dynamic psychology and psychiatry (Ellenberger 1996). The understanding of the human being as always having subconscious or deeper Structures besides his rational mind gained great significance for the increasing knowledge concerning addiction. This holds especially true for Brownianism, important for a new and more rational understanding of addiction (Wiesemann 2000). The Scottish physician and philosopher John Brown (1735-1788) developed an understanding of living organisms divided from inanimate matter, due to irritability and excitation, connecting vitalism and actual physiological insights. An equilibrium of environmental and bodily excitations and irritability of the organisms donated health. Pathologic processes — understood as an inequilibrium — were caused by over or underexcitation. Nowadays, Brownianism has been established as an "unspecific" model of disease because excitations influence organisms only indirectly and unspecifically, thus changing the relation between excitations and irritability. Therefore in Brownianism normal and pathologic processes are fundamentally comparable with each other (concerning the difference Of "specific" and "unspecific" medical concepts Of disease (Shyrock 1971, Wiesemann 2000). Furthermore, Brownianism was based on the concept of vitalism. Vitalism defined vitality as the central and unchangeable condition of life, as immaterial and animating inanimate matter (Putscher 1974). Concerning vitalism, a central question remained: how is it possible that the surroundings or, for instance, medicine are able to affect the organism and that the organism is still able to preserve its unity? Where does the connection lie between vitality and inanimate matter? This problem was solved by Brownianism, since excitations affected the organic irritability, thus changing the equilibrium, however, without vitality, all excitations would contribute nothing to an organism. For Brownianism, excitations do not cause specific diseases but are influenced in a more general way via changes of the equilibrium (Tsouyopoulos 1984).

#### [4] States must use util.

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.

**[5] Ethical frameworks must be theoretically legitimate. All frameworks are functionally topicality interpretations of the word ought so they must theoretically justified. Prefer – ground – both debaters are guaranteed access to ground – Aff gets plans and advantages, while Neg gets disads and counterplans. Additionally, anything can function as an impact as long as an external benefit is articulated, so all your offense applies. B] topic lit – most debate education comes from debating the topic, o/w phil edu – we can learn about phil in books but clash is unqiue to debate**

**[6] 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.**

**[7] 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.**

**[8] 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.**

**[9] Science proves non util ethics are impossible.**

**Greene 10** – Joshua, Associate Professor of Social science in the Department of Psychology at Harvard University

(The Secret Joke of Kant’s Soul published in Moral Psychology: Historical and Contemporary Readings, accessed: www.fed.cuhk.edu.hk/~lchang/material/Evolutionary/Developmental/Greene-KantSoul.pdf)

**What turn-of-the-millennium science** **is telling us is that human moral judgment is not a pristine rational enterprise**, that our **moral judgments are driven by a hodgepodge of emotional dispositions, which themselves were shaped by a hodgepodge of evolutionary forces, both biological and cultural**. **Because of this, it is exceedingly unlikely that there is any rationally coherent normative moral theory that can accommodate our moral intuitions**. Moreover, **anyone who claims to have such a theory**, or even part of one, **almost certainly doesn't**. Instead, what that person probably has is a moral rationalization. It seems then, that we have somehow crossed the infamous "is"-"ought" divide. How did this happen? Didn't Hume (Hume, 1978) and Moore (Moore, 1966) warn us against trying to derive an "ought" from and "is?" How did we go from descriptive scientific theories concerning moral psychology to skepticism about a whole class of normative moral theories? The answer is that we did not, as Hume and Moore anticipated, attempt to derive an "ought" from and "is." That is, our method has been inductive rather than deductive. We have inferred on the basis of the available evidence that the phenomenon of rationalist deontological philosophy is best explained as a rationalization of evolved emotional intuition (Harman, 1977). Missing the Deontological Point I suspect that **rationalist deontologists will remain unmoved by the arguments presented here**. Instead, I suspect, **they** **will insist that I have simply misunderstood what** Kant and like-minded **deontologists are all about**. **Deontology, they will say, isn't about this intuition or that intuition**. It's not defined by its normative differences with consequentialism. **Rather, deontology is about taking humanity seriously**. Above all else, it's about respect for persons. It's about treating others as fellow rational creatures rather than as mere objects, about acting for reasons rational beings can share. And so on (Korsgaard, 1996a; Korsgaard, 1996b). **This is, no doubt, how many deontologists see deontology. But this insider's view**, as I've suggested, **may be misleading**. **The problem**, more specifically, **is that it defines deontology in terms of values that are not distinctively deontological**, though they may appear to be from the inside. **Consider the following analogy with religion. When one asks a religious person to explain the essence of his religion, one often gets an answer like this: "It's about love**, really. It's about looking out for other people, looking beyond oneself. It's about community, being part of something larger than oneself." **This sort of answer accurately captures the phenomenology of many people's religion, but it's nevertheless inadequate for distinguishing religion from other things**. This is because many, if not most, non-religious people aspire to love deeply, look out for other people, avoid self-absorption, have a sense of a community, and be connected to things larger than themselves. In other words, secular humanists and atheists can assent to most of what many religious people think religion is all about. From a secular humanist's point of view, in contrast, what's distinctive about religion is its commitment to the existence of supernatural entities as well as formal religious institutions and doctrines. And they're right. These things really do distinguish religious from non-religious practices, though they may appear to be secondary to many people operating from within a religious point of view. In the same way, I believe that most of **the standard deontological/Kantian self-characterizatons fail to distinguish deontology from other approaches to ethics**. (See also Kagan (Kagan, 1997, pp. 70-78.) on the difficulty of defining deontology.) It seems to me that **consequentialists**, as much as anyone else, **have respect for persons**, **are against treating people as mere objects,** **wish to act for reasons that rational creatures can share, etc**. **A consequentialist respects other persons, and refrains from treating them as mere objects, by counting every person's well-being in the decision-making process**. **Likewise, a consequentialist attempts to act according to reasons that rational creatures can share by acting according to principles that give equal weight to everyone's interests, i.e. that are impartial**. This is not to say that consequentialists and deontologists don't differ. They do. It's just that the real differences may not be what deontologists often take them to be. What, then, distinguishes deontology from other kinds of moral thought? A good strategy for answering this question is to start with concrete disagreements between deontologists and others (such as consequentialists) and then work backward in search of deeper principles. This is what I've attempted to do with the trolley and footbridge cases, and other instances in which deontologists and consequentialists disagree. **If you ask a deontologically-minded person why it's wrong to push someone in front of speeding trolley in order to save five others, you will get** characteristically deontological **answers**. Some **will be tautological**: **"Because it's murder!"** **Others will be more sophisticated: "The ends don't justify the means**." "You have to respect people's rights." **But**, as we know, **these answers don't really explain anything**, because **if you give the same people** (on different occasions) **the trolley case** or the loop case (See above), **they'll make the opposite judgment**, even though their initial explanation concerning the footbridge case applies equally well to one or both of these cases. **Talk about rights, respect for persons, and reasons we can share are natural attempts to explain, in "cognitive" terms, what we feel when we find ourselves having emotionally driven intuitions that are odds with the cold calculus of consequentialism**. Although these explanations are inevitably incomplete, **there seems to be "something deeply right" about them because they give voice to powerful moral emotions**. **But, as with many religious people's accounts of what's essential to religion, they don't really explain what's distinctive about the philosophy in question**.

## 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 police 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).

## 3

#### CP Text: A just government ought to recognize the right of workers to strike if:

#### The reason for a strike must be justifiable and lawful under the National Labor Relations Board

#### An impasse must be reached before a strike is commenced

**National Labor Relations Board**, No date, "The Right to Strike," <https://www.nlrb.gov/strikes>

The Right to Strike Section 7 of the National Labor Relations Act states in part, “Employees shall have the right. . . to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.” Strikes are included among the concerted activities protected for employees by this section. Section 13 also concerns the right to strike. It reads as follows: Nothing in this Act, except as specifically provided for herein, shall be construed so as either to interfere with or impede or diminish in any way the right to strike, or to affect the limitations or qualifications on that right. It is clear from a reading of these two provisions that: the law not only guarantees the right of employees to strike, but also places limitations and qualifications on the exercise of that right. See for example, restrictions on strikes in health care institutions (set forth below). Lawful and unlawful strikes. The lawfulness of a strike may depend on the object, or purpose, of the strike, on its timing, or on the conduct of the strikers. The object, or objects, of a strike and whether the objects are lawful are matters that are not always easy to determine. Such issues often have to be decided by the National Labor Relations Board. The consequences can be severe to striking employees and struck employers, involving as they do questions of reinstatement and backpay. It must be emphasized that the following is only a brief outline. A detailed analysis of the law concerning strikes, and application of the law to all the factual situations that can arise in connection with strikes, is beyond the scope of this material. Employees and employers who anticipate being involved in strike action should proceed cautiously and on the basis of competent advice. Strikes for a lawful object.Employees who strike for a lawful object fall into two classes “economic strikers” and “unfair labor practice strikers.” Both classes continue as employees, but unfair labor practice strikers have greater rights of reinstatement to their jobs. Economic strikers defined. If the object of a strike is to obtain from the employer some economic concession such as higher wages, shorter hours, or better working conditions, the striking employees are called economic strikers. They retain their status as employees and cannot be discharged, but they can be replaced by their employer. If the employer has hired bona fide permanent replacements who are filling the jobs of the economic strikers when the strikers apply unconditionally to go back to work, the strikers are not entitled to reinstatement at that time. However, if the strikers do not obtain regular and substantially equivalent employment, they are entitled to be recalled to jobs for which they are qualified when openings in such jobs occur if they, or their bargaining representative, have made an unconditional request for their reinstatement. Unfair labor practice strikers defined.Employees who strike to protest an unfair labor practice committed by their employer are called unfair labor practice strikers. Such strikers can be neither discharged nor permanently replaced. When the strike ends, unfair labor practice strikers, absent serious misconduct on their part, are entitled to have their jobs back even if employees hired to do their work have to be discharged. If the Board finds that economic strikers or unfair labor practice strikers who have made an unconditional request for reinstatement have been unlawfully denied reinstatement by their employer, the Board may award such strikers backpay starting at the time they should have been reinstated. Strikes unlawful because of purpose. A strike may be unlawful because an object, or purpose, of the strike is unlawful. A strike in support of a union unfair labor practice, or one that would cause an employer to commit an unfair labor practice, may be a strike for an unlawful object. For example, it is an unfair labor practice for an employer to discharge an employee for failure to make certain lawful payments to the union when there is no union-security agreement in effect (Section 8(a)(3). A strike to compel an employer to do this would be a strike for an unlawful object and, therefore, an unlawful strike. Strikes of this nature will be discussed in connection with the various unfair labor practices in a later section of this guide. Furthermore, Section 8(b)(4) of the Act prohibits strikes for certain objects even though the objects are not necessarily unlawful if achieved by other means. An example of this would be a strike to compel Employer A to cease doing business with Employer B. It is not unlawful for Employer A voluntarily to stop doing business with Employer B, nor is it unlawful for a union merely to request that it do so. It is, however, unlawful for the union to strike with an object of forcing the employer to do so. These points will be covered in more detail in the explanation of Section 8(b)(4). In any event, employees who participate in an unlawful strike may be discharged and are not entitled to reinstatement. Strikes unlawful because of timing—Effect of no-strike contract. A strike that violates a no-strike provision of a contract is not protected by the Act, and the striking employees can be discharged or otherwise disciplined, unless the strike is called to protest certain kinds of unfair labor practices committed by the employer. It should be noted that not all refusals to work are considered strikes and thus violations of no-strike provisions. A walkout because of conditions abnormally dangerous to health, such as a defective ventilation system in a spray-painting shop, has been held not to violate a no-strike provision. Same—Strikes at end of contract period.Section 8(d) provides that when either party desires to terminate or change an existing contract, it must comply with certain conditions. If these requirements are not met, a strike to terminate or change a contract is unlawful and participating strikers lose their status as employees of the employer engaged in the labor dispute. If the strike was caused by the unfair labor practice of the employer, however, the strikers are classified as unfair labor practice strikers and their status is not affected by failure to follow the required procedure. Strikes unlawful because of misconduct of strikers. Strikers who engage in serious misconduct in the course of a strike (like) may be refused reinstatement to their former jobs. This applies to both economic strikers and unfair labor practice strikers. Serious misconduct has been held to include, among other things, violence and threats of violence. The U.S. Supreme Court has ruled that a “sitdown” strike, when employees simply stay in the plant and refuse to work, thus depriving the owner of property, is not protected by the law. Examples of serious misconduct that could cause the employees involved to lose their right to reinstatement are: Strikers physically blocking persons from entering or leaving a struck plant. Strikers threatening violence against nonstriking employees. Strikers attacking management representatives. Section 8(g)—Striking or Picketing a Health Care Institution Without Notice. Section 8(g) prohibits a labor organization from engaging in a strike, picketing, or other concerted refusal to work at any health care institution without first giving at least 10 days’ notice in writing to the institution and the Federal Mediation and Conciliation Service.

#### Aff specifically defends unconditional strikes

**Merriam Webster** (https://www.merriam-webster.com/dictionary/unconditional)//ww pbj not conditional or limited

Impacts – If any strike is considered lawful, it gives unlimited leverage to workers over businesses because they can demand unfair wages or conditions which leads to corruption

## Case

#### Top level on the aff - -

#### [1] Strikes cause loss of individuality – they give up their radical freedom to choose when forced to partake in union bargaining

**Hunter 99** Robert P. Hunter 8-24-1999 "Disadvantages of Union Representation" <https://www.mackinac.org/2313> (Robert P. Hunter served as the regional director of the Federal Labor Relations Authority in Washington, D.C., and was a senior fellow in labor policy for the Mackinac Center for Public Policy. Hunter was director of labor policy for the Mackinac Center from 1996 to 2003.) JG

Another disadvantage for unionized workers **is the loss of individuality**. When a union is certified as the exclusive employee representative in a workplace, employees become members **of an overall bargaining unit** in **which the majority rules**. The ruling majority may not be sympathetic **with each individual's specific employment needs** or aspirations. Individual agreements between employees and management **are not allowed** because the employer is under an obligation to deal exclusively with the union. **The union leaders make decisions for all employees, which many may deem not to be in their best individual interest.** Loss of individuality is of prime concern for many employees, as well as the loss of the opportunity to negotiate for themselves an individual arrangement.

#### [2] Jaeggi concludes in a later work that capitalism fails to be normatively unjust and normative critiques of it collapse to a consequentialist analysis of coercion.

Jaeggi 16 (Rahel Jaeggi is Professor of Practical Philosophy at Humboldt-University in Berlin, and has been the visiting Theodor Heuss Professor at the New School for Social Research. She works primarily in the areas of social philosophy and critical theory, drawing extensively on the traditions of German Idealism, as well as recent Anglo-American thought. “WHAT (IF ANYTHING) IS WRONG WITH CAPITALISM? DYSFUNCTIONALITY, EXPLOITATION AND ALIENATION: THREE APPROACHES TO THE CRITIQUE OF CAPITALISM,” The Southern Journal of Philosophy Volume 54, Spindel Supplement. Page 55-57. 2016) **//WW JA 4/17/18**

But exploitation entails not just that child labor pays too poorly. Likewise, the suspicion that “surrogate motherhood” constitutes a relation of exploitation does not hinge primarily on that practice’s inadequate financial compensation. Indeed, our suspicion in these instances is much more that an exchange relation is being conducted where an exchange relation ought not to be conducted. Exploitation—or so it appears, at least—refers in such cases to the qualitative inadequacy of an exchange relation (which we can spell out in terms of instrumentalization, disrespect, degradation, or reification). Lastly, we perceive in all these relations a kind of asymmetry and an unequal distribution of power at play and, hence, some kind of domination or coercion. What, then, does all of this mean for a critique of capitalism based on the claim of exploitation? Insofar as a critique depends on this (complex) everyday understanding, it is to some extent clear in what sense capitalism could be a (moral) evil—namely, to the degree that it purportedly involves exploitation. (And I have already mentioned that these factors and phenomena have and have had a high mobilizing force for movements resisting capitalism.) To be sure, it is not clear whether this applies to an evil that is specific to capitalism. After all, there had been child labor, a slave trade, and additional, grave forms of exploitative oppression in precapitalist societies as well. Moreover, the champions of the free market will not tire of stressing that the admittedly deplorable excesses of capitalist globalization (say, sweatshops, child labor, and the persistence of forced labor) are to be blamed not on the capitalist market per se, but on the fact that this market is still not fully established. If we wish to take up the moral critique, then—one based on the concept of exploitation—we must show that even human relations not afflicted by these blatant and obvious signs of pauperization and coercion are still based on exploitation—that there is such a thing as exploitation beyond the Oliver Twist scenarios (even if those kinds of scenarios are still all too real today). Above all, however, we must show that there is a specific kind of exploitation that is characteristic of capitalism and that merits criticism. Therefore, we must not only claim that capitalism also exploits human beings—as did feudal society or the slave-holding society of antiquity—but that it does so systematically and in a specific and distinct way. It is with this problem in mind that we look to Marx’s concept of exploitation, which is both (a) specifically addressed to capitalism and (b) preoccupied precisely with the question of exploitation’s systematic-necessary character (as well as the resulting injustice). How, then, do things look with Marx’s theory of exploitation? I have already indicated the double significance of this theory: On the one hand, Marx, too, appears to endorse the interpretation sketched above. If Marx calls for “overturning all relations in which man [is] a demeaned, subjugated, abandoned, disdained being,”14 then it can be hard to mistake the moral outrage he expresses. Exploitation is one of the evils that human beings experience from other human beings, while a societal order that rests upon or generates this evil deserves critique. Yet, on the other hand, “exploitation” in Marx is also an analytic-technical concept, whose meaning only partially coincides with the everyday understanding of the concept. Against the background of the Marxist labor theory of value, exploitation is understood as appropriation of the workers’ surplus labor by capitalism, that is, as appropriation of that which the worker has produced in addition to what is necessary for the reproduction of his or her labor power. In other words, exploitation is the appropriation of surplus value.15 In its capitalist form, then, exploitation does not rest on open relations of domination or direct violence, but on the indirect coercion of circumstances. Moreover, it is not accurately described as robbery.16 Now, this analysis has an interesting consequence, for exploitation on this view pertains not in the first place to compassion-inspiring child labor, but to altogether normal wage labor. At the same time, “exploitation” in the just-sketched technical sense is not a moral scandal, but simply designates capitalism’s mode of functioning. “Exploitation” would then simply name what capitalism does, insofar as this feature is—in a sense—the condition of its functioning.17 If, therefore, Marx describes exploitation as a skimming of surplus product, hence a relation inherent in all wage labor that produces surplus value—does this mean a banalization or reduction [Entdramatisierung] of the concept of exploitation or, conversely, an exaggeration or de-banalization [Dramatisierung] of the evils that accompany wage labor? And, further, could it be that Marx was able to isolate the capitalism-specific character of exploitation only at the cost of letting the critique-worthiness of these relations effectively slip through his fingers? Here, we must come to terms with the fact that Marx claims, disconcertingly, that the mode of production analyzed by him is not in itself unjust. In other words, once we have accepted the basic conditions and prerequisites of capitalist economics, we are left with no problem to resolve and, thus, nothing to criticize. However, does this effectively entail the conclusion that exploitation, according to Marx, is not supposed to be a relation that is normatively problematic and worthy of critique?

#### [3] The inability to normatively justify why capitalism is bad through an analysis of alienation fails to generate action – their framework is reliant on an external mechanism.

Jaeggi 16 (Rahel Jaeggi is Professor of Practical Philosophy at Humboldt-University in Berlin and has been the visiting Theodor Heuss Professor at the New School for Social Research. She works primarily in the areas of social philosophy and critical theory, drawing extensively on the traditions of German Idealism, as well as recent Anglo-American thought. “WHAT (IF ANYTHING) IS WRONG WITH CAPITALISM? DYSFUNCTIONALITY, EXPLOITATION AND ALIENATION: THREE APPROACHES TO THE CRITIQUE OF CAPITALISM,” The Southern Journal of Philosophy Volume 54, Spindel Supplement. Page 64. 2016) **//WW JA 4/17/18**

2. The moral or justice-theoretic critique, on the other hand, even if it provides us with normative criteria,24 is not specific to capitalism. For this reason, it fails to account for capitalism as a specific source of determinate moral evil. It is, thus, oriented to effects, while lacking any focus on the specific dynamics and constitution of those economic and social institutions that bring about these effects. (That is, it both amounts to a “black box approach,” as criticized above, and incurs the notorious charge of the “impotence of the moral ought.”) As I have suggested, this is (one of the) reason(s) why Marx didn’t engage in a moral critique of capitalism—even when referring to exploitation. 3. The ethical critique has, apart from (possibly repairable) weaknesses relating to the specific frame of its object, a difficulty identifying its normative criteria. In turn, this problem threatens us with a standstill at an (equally “empty”) discourse on virtue.

#### Off jaeggi 4 -

#### [1] The process of appropriating oneself is indistinct from phenomenological introspection – that collapses to util

Sinhababu 12(Neil Sinhababu. 03/07/2012Sinhababu is the Associate Professor of Philosophy at National University of Singapore. “The epistemic argument for hedonism”. National University of Singapore. <https://philpapers.org/archive/SINTEA-3.pdf>) **//TruLe**

Phenomenal introspection, a reliable way of forming true beliefs about our experiences, produces the belief that pleasure is good. Even as our other processes of moral belief-formation prove unreliable, it provides reliable access to pleasure's goodness, justifying the positive claims of hedonism. This section clarifies what phenomenal introspection and pleasure are and explains how phenomenal introspection provides reliable access to pleasure's value. Section 2.2 argues that pleasure's goodness is genuine moral value, rather than value of some other kind. In phenomenal introspection we consider our subjective experience, or phenomenology, and determine what it's like. Phenomenal introspection can be reliable while dreaming or hallucinating, as long as we can determine what the dreams or hallucinations are like. By itself, phenomenal introspection doesn't produce beliefs about things outside experience, or about relations between our experiences and non-experiential things. So it doesn't produce judgments about the rightness of actions or the goodness of non-experiential things. It can only tell us about the intrinsic properties of experience itself. Phenomenal introspection is generally reliable, even if mistakes about immediate experience are possible. Experience is rich in detail, so one could get some of the details wrong in belief. Under adverse conditions involving false expectations, misleading evidence about what one's experiences will be, or extreme emotional states that disrupt belief-formation, larger errors are possible. Paradigmatically reliable processes like vision share these failings. Vision sometimes produces false beliefs under adverse conditions, or when we're looking at complex things. Still, it's so reliable as to be indispensible in ordinary life. Regarding phenomenal introspection as unreliable is about as radical as skepticism about the reliability of vision. While contemporary psychologists reject introspection into one's motivations and other psychological causal processes as unreliable, phenomenal introspection fares better. Daniel Kahneman, for example, writes that “experienced utility is best measured by moment-based methods that assess the experience of the present.”22 Even those most skeptical about the reliability of phenomenal introspection, like Eric Schwitzgebel, concede that we can reliably introspect whether we are in serious pain.23 Then we should be able to introspectively determine what pain is like. So I'll assume the reliability of phenomenal introspection. One can form a variety of beliefs using phenomenal introspection. For example, one can believe that one is having sound experiences of particular noises and visual experiences of different shades of color. When looking at a lemon and considering the phenomenal states that are yellow experiences, one can form some beliefs about their intrinsic features – for example, that they're bright experiences. And when considering experiences of pleasure, one can make some judgments about their intrinsic features – for example, that they're good experiences. Just as one can look inward at one's experience of lemon yellow and recognize its brightness, one can look inward at one's experience of pleasure and recognize its goodness. 24 When I consider a situation of increasing pleasure, I can form the belief that things are better than they were before, just as I form the belief that there's more brightness in my visual field as lemon yellow replaces black. And when I suddenly experience pain, I can form the belief that things are worse in my experience than they were before. Having pleasure consists in one's experience having a positive hedonic tone. Without descending into metaphor, it's hard to give a further account of what pleasure is like than to say that when one has it, one feels good. As Aaron Smuts writes in defending the view of pleasure as hedonic tone, “to 'feel good' is about as close to an experiential primitive as we get.” 25 Fred Feldman sees pleasure as fundamentally an attitude rather than a hedonic tone.26 But as long as hedonic tones are real components of experience, phenomenal introspection will reveal pleasure's goodness. Opponents of the hedonic tone account of pleasure usually concede that hedonic tones exist, as Feldman seems to in discussing “sensory pleasures,” which he thinks his view helps us understand. Even on his view of pleasure, phenomenal introspection can produce the belief that some hedonic tones are good while others are bad. There are many different kinds of pleasant experiences. There are sensory pleasures, like the pleasure of tasting delicious food, receiving a massage, or resting your tired limbs in a soft bed after a hard day. There are the pleasures of seeing that our desires are satisfied, like the pleasure of winning a game, getting a promotion, or seeing a friend succeed. These experiences differ in many ways, just as the experiences of looking at lemons and the sky on a sunny day differ. It's easy to see the appeal of Feldman's view that pleasures “have just about nothing in common phenomenologically” (79). But just as our experiences in looking at lemons and the sky on a sunny day have brightness in common, pleasant experiences all have “a certain common quality – feeling good,” as Roger Crisp argues (109).27 As the analogy with brightness suggests, hedonic tone is phenomenologically very thin, and usually mixed with a variety of other experiences.28 Pleasure of any kind feels good, and displeasure of any kind feels bad. These feelings may or may not have bodily location or be combined with other sensory states like warmth or pressure. “Pleasure” and “displeasure” mean these thin phenomenal states of feeling good and feeling bad. As Joseph Mendola writes, “the pleasantness of physical pleasure is a kind of hedonic value, a single homogenous sensory property, differing merely in intensity as well as in extent and duration, which is yet a kind of goodness” (442). 29 What if Feldman is right and hedonic states feel good in fundamentally different ways? Then phenomenal introspection suggests a pluralist variety of hedonism. Each fundamental flavor of pleasure will have a fundamentally different kind of goodness, as phenomenal introspection more accurate than mine will reveal. This isn't my view, but I suggest it to those convinced that hedonic tones are fundamentally heterogenous. If phenomenal introspection reliably informs us that pleasure is good, how can anyone believe that their pleasures are bad? Other processes of moral belief-formation are responsible for these beliefs. Someone who feels disgust or guilt about sex may not only regard sex as immoral, but the pleasure it produces as bad. Even if phenomenal introspection on sexual pleasure disposes one to believe that it's good, stronger negative emotional responses to it may more strongly dispose one to believe that it's bad, following the emotional perception model suggested in section 1.4. Explaining disagreement about pleasure's value in terms of other processes lets hedonists maintain that phenomenal introspection univocally supports pleasure's goodness. As long as negative judgments of pleasure come from unreliable processes instead of phenomenal introspection, the argument from disagreement eliminates them. The parallel between yellow’s brightness and pleasure’s goodness demonstrates the objectivity of the value detected in phenomenal introspection. Just as anyone's yellow experiences objectively are bright experiences, anyone's pleasure objectively is a good experience.30 While one's phenomenology is often called one's “subjective experience”, facts about it are still objective. “Subjective” in “subjective experience” means “internal to the mind”, not “ontologically dependent on attitudes towards it.” My yellow-experiences objectively have brightness. Anyone who thought my yellow-experiences lacked brightness would be mistaken. Pleasure similarly is objectively good. It's true that anyone's pleasure is good. Anyone who denies this is mistaken. As Mendola writes, the value detected in phenomenal introspection is “a plausible candidate for objective value” (712). Even though phenomenal introspection only tells me about my own phenomenal states, I can know that others' pleasure is good. Of course, I can't phenomenally introspect their pleasures, just as I can't phenomenally introspect pleasures that I'll experience next year. But if I consider my experiences of lemon yellow and ask what it would be like if others had the same experiences, I must think that they would be having bright experiences. Similarly, if in a pleasant moment I consider what it's like for others to have exactly the experience I'm having, I must think that they're having good experiences. If they have exactly the same experiences I'm having, their experiences will have exactly the same intrinsic properties as mine. This is also how I know that if I have the same experience in the future, it'll have the same intrinsic properties. Even though the only pleasure I can introspect is mine now, I should believe that others' pleasures and my pleasures at other times are good, just as I should believe that yellow experienced by others and myself at other times is bright. My argument thus favors the kind of universal hedonism that supports utilitarianism, not egoistic hedonism.

#### [2] Fails in the realm of policy making – the entire body of congress can’t collectively appropriate the same thing, the plan fails to be normatively obligational

#### [3] Util hijacks – there’s no justification for why appropriation happens in the first place – we appropriate things because it produces pleasure and disregard alienation because being stripped from that pleasure causes pain

#### Off Jaeggi 2 --

#### [1] Capitalism is only alienating in the context of labor – neoliberalism is a distinct form of capital construction, strike aren’t occupations

#### [2] Criticisms of capitalism as an alienating system collapse into a desire for the nostalgic – liberal markets actually enable increased freedom for laborers. – this also takes out gilabert 17

Jaeggi 3 (Rahel Jaeggi is Professor of Practical Philosophy at Humboldt-University in Berlin and has been the visiting Theodor Heuss Professor at the New School for Social Research. She works primarily in the areas of social philosophy and critical theory, drawing extensively on the traditions of German Idealism, as well as recent Anglo-American thought. “WHAT (IF ANYTHING) IS WRONG WITH CAPITALISM? DYSFUNCTIONALITY, EXPLOITATION AND ALIENATION: THREE APPROACHES TO THE CRITIQUE OF CAPITALISM,” The Southern Journal of Philosophy Volume 54, Spindel Supplement. Page 63-63. 2016) **//WW JA 4/17/18**

More pressing, however, is the second problem, which concerns the identification of criteria for the critique in question. In particular, what is problematic about the features I have listed? We can point to the indifference of the market to concrete properties, or its leveling of heterogeneities, and thereby criticize it for reducing meaning or “impoverishing” our lives. We can denounce the objectification and depersonalization of social relations under the rubrics of atomization and instrumentalization. We can criticize the liquidation of certain features and skills as objectifying and reifying. Yet, many of these diagnoses turn on cultural criticism and cultural pessimism, which tend, in each case, to nostalgically romanticize previous ways of life, along with their products, practices, and customs. Just as people were confident when the railway was introduced that its speed would lead inevitably to insanity, so today we praise the tranquility of the railway, the “genuine, meaningful experience of traveling” it provides, against the acceleration of life initiated by EasyJet. And, if, at the time, the introduction of labor-divided, assembly line work was synonymous with alienated labor and inhuman disciplining, so in retrospect the “Fordist” system of welfare has already been nearly vindicated, since it sowed identity and community attachment against the identity-destroying dynamics and experience-impoverishment of the new, accelerated, and “flexible capitalism.” At the very least, the principle of nostalgia at work here, all things considered, allows one to doubt how reliable and fruitful the operative criteria really are. With good reason, Georg Simmel’s description of modern life under the signs of interchangeability and of money—a still unsurpassed achievement in describing capitalism as a form-of-life—is markedly ambivalent. Indifference to special relationships and the intrinsic properties of goods also means freedom. The detachment [Bindungslosigkeit] enabled by money also means independence. And—with all its precariousness and rigidity—insofar as the free labor market has replaced feudal hierarchies, this market is not merely premised on the value of efficiency (inasmuch as it succeeds). Beyond this, the market also embodies an ethical principle, such that the freedom of modernity—as a freedom of choice—consists in living one’s life independently of others. (Marx, by the way, was certainly aware of these merits of modern capitalism: just remember his praise of capitalism as the driving force of modernity, in which “all that is solid melts into the air.”23)

#### [3] The counter role of the ballot is to vote for the best policy option:

#### [a] Scenario planning teaches us how to engage in politics – individual criticism won’t spill over to macro change, but my model trains students to keep up with politics and make political demands.

#### [b] Engagement – their role of the ballot is self-serving and unpredictable – justifies infinite hyper-specific aff role of the ballots that exclude neg offense – turns their framing

#### [c] Best critical analysis involve contestation from multiple angles.

#### [d] Prior question to their epistemological questioning – we can’t test their claims due to a lack of engagement so err neg.

### Off the contention

#### Pics DO negate --

**[1] Reciprocal: permutation includes all of the plan and part of the counter-plan is legit even though it’s partially inclusive of the counter-plan**

**[2] Leads to better plantexts: prevents affs from reading plantexts that have negative implications based on the rhetoric or implementation of the plan – DOES NOT steal ground bc its k2 check the aff from multiple angles**

**[3] Every counter-plan is a PIC: they must include all or part of the plan.**

#### Off objectification –

#### [a] cross apply jaggi 3 – it answers this

#### Off standardization –

#### [a] we don’t prevent all workers from striking – the CPs the neg has are net better

#### Off appropriation –

#### [a] cross apply all of the warrants under jaeggi 4

#### Off over-identification –

#### [a] cross apply jaeggi 3

#### [b] the cps recognize the right to strike

### Off FW

#### [1] top level – THE WHOLE AFF devolves to util

#### [3] on action theory

#### [a] we never said wishes = actions

#### [b] util upholds their action theory so vote util

#### [4] on performativity

#### [a] we’ve already disproven normativity via the aff in jaeggi 16

#### [5] group all of their args about solving oppression together

#### [a] the CPs solve for the oppression the ac talks about

#### [b] it also prevents further oppression by preventing police from striking

#### 9] Permissibility and presumption negate – A] this is the only logically coherent model because it is the aff’s burden of proof to prove a proposition true – neg gets anything that tests that – B] there are also more ways for a statement to be false than true. It. Logic is a side-constraint because debate is foundationally a game of logical reasoning.

#### Government recognition doesn’t involve policy action or any change – this is terminal defense to the aff’s solvency since they don’t actually cause strikes or even protect it.

Law Dictionary ‘ND [The Law Dictionary; Featuring Black's Law Dictionary Free Online Legal Dictionary 2nd Ed.; No Date; “What is RECOGNIZE?”; https://thelawdictionary.org/recognize/; Accessed 10-28-2021] AK

To try; to examine in order to determine the truth of a matter. Also to enter into a recognizance.

#### Strikes create a stigmatization effect over labor and consumption that devastates the Economy

Tenza 20, Mlungisi. "The effects of violent strikes on the economy of a developing country: a case of South Africa." Obiter 41.3 (2020): 519-537. (Senior Lecturer, University of KwaZulu-Natal)

When South Africa obtained democracy in 1994, there was a dream of a better country with a new vision for industrial relations.5 However, the number of violent strikes that have bedevilled this country in recent years seems to have shattered-down the aspirations of a better South Africa. South Africa recorded 114 strikes in 2013 and 88 strikes in 2014, which cost the country about **R6.1 billion** according to the Department of Labour.6 The impact of these strikes has been hugely felt by the mining sector, particularly the platinum industry. The biggest strike took place in the platinum sector where about 70 000 mineworkers’ downed tools for better wages. Three major platinum producers (Impala, Anglo American and Lonmin Platinum Mines) were affected. The strike started on 23 January 2014 and ended on 25 June 2014. Business Day reported that “the five-month-long strike in the platinum sector pushed the economy to the brink of recession”. 7 This strike was closely followed by a four-week strike in the metal and engineering sector. All these strikes (and those not mentioned here) were characterised with violence accompanied by damage to property, intimidation, assault and sometimes the killing of people. Statistics from the metal and engineering sector showed that about 246 cases of intimidation were reported, 50 violent incidents occurred, and 85 cases of vandalism were recorded.8 Large-scale unemployment, soaring poverty levels and the dramatic income inequality that characterise the South African labour market provide a broad explanation for strike violence.9 While participating in a strike, workers’ stress levels leave them feeling frustrated at their seeming powerlessness, which in turn provokes further violent behaviour.10 These strikes are not only violent but **take long to resolve.** Generally, a lengthy strike has a **negative effect on employment, reduces business confidence and increases the risk of economic stagflation**. In addition, such strikes have a major setback on the growth of the economy and investment opportunities. It is common knowledge that consumer spending is directly linked to economic growth. At the same time, if the economy is not showing signs of growth, employment opportunities are shed, and poverty becomes the end result. The economy of South Africa is in need of rapid growth to enable it to deal with the high levels of unemployment and resultant poverty. One of the measures that may boost the country’s economic growth is by attracting potential investors to invest in the country. However, this might be difficult as investors would want to invest in a country where there is a likelihood of getting returns for their investments. The wish of getting returns for investment may not materialise if the labour environment **is not fertile** for such investments as a result of, for example, unstable labour relations. Therefore, investors may be reluctant to invest where there is an unstable or fragile labour relations environment. 3 THE COMMISSION OF VIOLENCE DURING A STRIKE AND CONSEQUENCES The Constitution guarantees every worker the right to join a trade union, participate in the activities and programmes of a trade union, and to strike. 11 The Constitution grants these rights to a “worker” as an individual.12 However, the right to strike and any other conduct in contemplation or furtherance of a strike such as a picket13 can only be exercised by workers acting collectively.14 The right to strike and participation in the activities of a trade union were given more effect through the enactment of the Labour Relations Act 66 of 199515 (LRA). The main purpose of the LRA is to “advance economic development, social justice, labour peace and the democratisation of the workplace”. 16 The advancement of social justice means that the exercise of the right to strike must advance the interests of workers and at the same time workers must refrain from any conduct that can affect those who are not on strike as well members of society. Even though the right to strike and the right to participate in the activities of a trade union that often flow from a strike17 are guaranteed in the Constitution and specifically regulated by the LRA, it sometimes happens that the right to strike is exercised for purposes not intended by the Constitution and the LRA, generally. 18 For example, it was not the intention of the Constitutional Assembly and the legislature that violence should be used during strikes or pickets. As the Constitution provides, pickets are meant to be peaceful. 19 Contrary to section 17 of the Constitution, the conduct of workers participating in a strike or picket has changed in recent years with workers trying to emphasise their grievances by causing disharmony and chaos in public. A media report by the South African Institute of Race Relations pointed out that between the years 1999 and 2012 there were 181 strike-related deaths, 313 injuries and 3,058 people were arrested for public violence associated with strikes.20 The question is whether employers succumb easily to workers’ demands if a strike is accompanied by violence? In response to this question, one worker remarked as follows: “[T]here is no sweet strike, there is no Christian strike … A strike is a strike. [Y]ou want to get back what belongs to you ... you won’t win a strike with a Bible. You do not wear high heels and carry an umbrella and say ‘1992 was under apartheid, 2007 is under ANC’. You won’t win a strike like that.” 21 The use of violence during industrial action affects not only the strikers or picketers, the employer and his or her business but it also affects innocent members of the public, non-striking employees, the environment and the economy at large. In addition, striking workers visit non-striking workers’ homes, often at night, threaten them and in some cases, assault or even murder workers who are acting as replacement labour. 22 This points to the fact that for many workers and their families’ living conditions remain unsafe and vulnerable to damage due to violence. In Security Services Employers Organisation v SA Transport & Allied Workers Union (SATAWU),23 it was reported that about 20 people were thrown out of moving trains in the Gauteng province; most of them were security guards who were not on strike and who were believed to be targeted by their striking colleagues. Two of them died, while others were admitted to hospitals with serious injuries.24 In SA Chemical Catering & Allied Workers Union v Check One (Pty) Ltd,25 striking employees were carrying various weapons ranging from sticks, pipes, planks and bottles. One of the strikers Mr Nqoko was alleged to have threatened to cut the throats of those employees who had been brought from other branches of the employer’s business to help in the branch where employees were on strike. Such conduct was held not to be in line with good conduct of striking.26 These examples from case law show that South Africa is facing a problem that is affecting not only the industrial relations’ sector but also the economy at large. For example, in 2012, during a strike by workers employed by Lonmin in Marikana, the then-new union Association of Mine & Construction Workers Union (AMCU) wanted to exert its presence after it appeared that many workers were not happy with the way the majority union, National Union of Mine Workers (NUM), handled negotiations with the employer (Lonmin Mine). AMCU went on an unprotected strike which was violent and resulted in the loss of lives, damage to property and negative economic consequences including a weakened currency, reduced global investment, declining productivity, and increase unemployment in the affected sectors.27 Further, the unreasonably long time it takes for strikes to get resolved in the Republic has a negative effect on the business of the employer, the economy and employment. 3 1 Effects of violent and long strikes on the economy Generally, South Africa’s economy is on a downward scale. First, it fails to create employment opportunities for its people. The recent statistics on unemployment levels indicate that unemployment has increased from 26.5% to 27.2%. 28 The most prominent strike which nearly brought the platinum industries to its knees was the strike convened by AMCU in 2014. The strike started on 23 January 2014 and ended on 24 June 2014. It affected the three big platinum producers in the Republic, which are the Anglo American Platinum, Lonmin Plc and Impala Platinum. It was the longest strike since the dawn of democracy in 1994. As a result of this strike, the platinum industries lost billions of rands.29 According to the report by Economic Research Southern Africa, the platinum group metals industry is South Africa’s second-largest export earner behind gold and contributes just over 2% of the country’s Gross Domestic Product (GDP).30 The overall metal ores in the mining industry which include platinum sells about 70% of its output to the export market while sales to local manufacturers of basic metals, fabricated metal products and various other metal equipment and machinery make up to 20%. 31 The research indicates that the overall impact of the strike in 2014 was driven by a reduction in productive capital in the mining sector, accompanied by a decrease in labour available to the economy. This resulted in a sharp increase in the price of the output by 5.8% with a **GDP declined by 0.72 and 0.78%**.32