### 1NC 1

#### Obama has a small lead in Ohio --- it will determine the election and the economy is key

Spinelli, 8/23 (John, 8/23/2012, “Latest Ohio Poll shows tight races between Obama and Romney, Brown and Mandel (Video),” http://www.examiner.com/article/latest-ohio-poll-shows-tight-races-between-obama-and-romney-brown-and-mandel)

In all-important Ohio, the tipping-point state that will make which ever candidate who wins it the next president, President Barack Obama holds a slim 3-point lead over former Massachusetts Governor Mitt Romney, according to the latest Ohio Poll released Thursday morning.

In the poll conducted this year with Ohio likely voters from August 16 to August 21, the contest—49% to 46%—between the incumbent president and his soon-to-be challenger makes it a toss-up race.

Overseen by Eric W. Rademacher, PhD and Kimberly Downing, PhD at the Institute for Policy Research at the University of Cincinnati, the poll of 847 likely voters from throughout the state shows just how close the race is in the Buckeye State and why er both campaigns will return over the next 74 days until Election Day on November 6.

President Obama visited the state on Tuesday for the 11th time this year. Mitt Romney and running mate Wisconsin Rep. Paul Ryan have been in Ohio separately before, but this Saturday morning in Powell, a small, affluent rural community north of the state capital, Columbus, they will campaign together.

The Ohio Poll also offered a measuring stick in the U.S. Senate race between incumbent Senator Sherrod Brown (48%) and Ohio Treasurer Josh Mandel (47%). Both races are within the survey's margin of error.

The pollsters said "the eyes of the world will once again look to Ohio as a bellwether of the American electorate. As the candidates hit Ohio’s campaign trails in earnest, they will find many voters still weighing their options." Nearly one in five (17%) Ohio voters say they may change their current presidential choice before Election Day or are undecided as to how they will vote. Similarly, 21 percent are still weighing their options in the race for U.S. Senate. The upcoming national conventions will no doubt offer more opportunities for the dynamics of these races to change.

What's the top issue? The economy, of course. A majority of voters (51%) cite economic considerations when asked to identify the most important issue in their presidential choice, the poll reported.

#### Obama is laying off his push for clean energy to avoid alienating voters

Macalino, 7/21 --- San Francisco/Bay Area-based journalist who has been writing about travel, parenting, culture, and the environment since 2004 (7/21/2012, Renee, “2012 US Election: The death of Obama's push for cap and trade,” <http://www.kalev.com/2012/07/21/2012-us-election-the-death-of-obamas-push-for-cap-and-trade/> )

Clean Energy Goals

Obama’s energy policy has since shifted from capping emissions to investing in clean energy sources, from wind, solar, and geothermal power to “clean coal” and safer nuclear energy. In a 2011 State of the Union address, he called for 80 percent of America’s electricity to come from clean sources by 2035.

During an election year, when one of Obama’s biggest priorities is re-establishing the public’s confidence in his ability to spur economic growth, the approach to the controversial topic of clean energy has been light-handed. The image of government subsidies in the industry took a downturn following Solyndra’s highly publicized bankruptcy. And the president’s critics, including Republican presidential nominee Mitt Romney, are revisiting cap and trade’s premise of emissions fees as evidence that Obama aims to cripple the coal industry.

“We know that Mr. Obama was true to his word when he promised to bankrupt an entire industry that employs tens of thousands of Americans,” Competitive Enterprise Institute’s Matt Patterson recently reported in a Washington Times opinion piece.

#### Solyndra criticisms will hurt Obama with swing voters

Restuccia, 9/6 (Andrew Restuccia and Darren Samuelsohn, 9/6/2012, “Who wins Solyndra message war?” <http://www.politico.com/news/stories/0912/80848.html> )

The White House and the Energy Department have insisted that the decisions to approve the Solyndra deal were based on merit, not ties between the company and Obama campaign donors. And Republicans haven’t found proof to the contrary, despite a wealth of emails and other documents showing high-level administration interest in the progress of the loan guarantee.

Meanwhile, evidence is scant on how much mileage the Republicans are getting out of all their Solyndra messaging — though their persistence is a sign that GOP strategists see promise there. And conservative groups have certainly spent big bucks promoting the message.

Luke Frans, executive director of the GOP-aligned polling firm Resurgent Republic, said the issue hits home when people in focus groups hear about Solyndra’s price tag and a version of how the Energy Department approved the company’s $535 million loan guarantee. He said it’s especially damaging for the president among swing voters.

“Solyndra is an issue that puts President Obama in the context of being just another politician, instead of the transformative, post-partisan figure introduced to the electorate in 2008,” said Frans, a former George W. Bush White House aide.

“If you’re a disillusioned Obama voter, this is an issue that reminds you why you’re disillusioned,” he added.

#### Obama victory key to prevent economic collapse, war and warming --- impact is extinction

Mogulescu, 12 --- Entertainment attorney, writer, and political activist (7/13/2012, Miles, “Progressive Critics of President Obama Must Go All Out to Defeat Romney,” [www.huffingtonpost.com/miles-mogulescu/progressive-critics-of-pr\_b\_1671367.html](http://www.huffingtonpost.com/miles-mogulescu/progressive-critics-of-pr_b_1671367.html) )

That said, I consider the possible election of Mitt Romney (and the likely election of reactionary Republican majorities in the Senate and the House if he prevails) to be the greatest threat to the nation since the Great Depression and perhaps since the Civil War.

Such a victory for a Republicans -- the most virulently reactionary American political party in historical memory -- would likely result in British/European-style austerity that would plunge a country already experiencing an unnecessarily slow recovery from the deepest recession since the 1930's into a full-blown depression. It would likely lead to tax cuts for the wealthy that would only increase the economic inequality between the top 1% (and top 0.01%) and the 99% that has been widening since the election of Ronald Reagan in 1980. It would likely lead to the unraveling of the economic reforms of the Progressive era, the New Deal, and the Great Society including Medicare and Social Security, which have done so much to turn America into the first largely middle class society in history. It would unravel even the relatively mild regulation of Too Big To Fail Banks of the Obama administration and make another financial crisis more likely. It would restore the neocons to leadership of American foreign policy which could lead to further unnecessary wars. It would lead to the appointment of up to three new Supreme Court Justices in the mold of Scalia/Alito/Thomas who would block progressive reforms for a generation to come. And it would unravel environmental regulation and guarantee that nothing is done to mitigate Global Climate Change which threatens the very fabric of human civilization.

Therefore, this progressive critic of President Obama intends to do as much, or more, to aid his reelection -- and the election of a Democratic Congress -- in 2012 as I did to aid their election in 2008. With all my heart, I urge other progressives to do likewise.

### 1NC 2

**The aff’s worship of a technological solution to the world’s problems creates a view of humanity as useless and incomplete and makes their solution inevitably fail**

**Ehrenfeld, 81** – (David, professor of biology at Rutgers University, studied at Harvard, Ph.D in Zoology from University of Florida, known author, The Arrogance of Humanism, Ch. 3 Pg. 84-86) Idriss

Here we see a remarkable aberration of perspective. During most of the story, the creatures affected by the Food are described as huge, gigantic. But at the end, suddenly the normalsized inhabitants of Earth are pictured as runts and pigmies. Now perspective does not work that way, for if the unaltered majority is to be considered tiny then the eaters of the Food can no longer be thought of as giants. We are talking about either giants or pigmies--not both. What this means, I believe, is that Wells had conflicting and equally powerful feelings about humanity. On the one hand he sees us as capable of creating giants, of manipulating ourselves and our surroundings almost at will. On the other he is overwhelmed by an oppressive sense of our imperfections. These are of all sorts, including terrible imperfections of the human spirit, but Wells chooses to summarize and symbolize them all in a bodily image, the description of all of us, including himself, as "pigmies." Human beings and the rest of living creation are inadequate, he is saying, and our actual stature and power are the best characteristics to symbolize this inadequacy. It is true that Wells abandoned this metaphor in other works--the miraculous change that occurs in his novella In the Days of the Comet affects only the quality of brotherly love, for example. Nevertheless he did write the pigmy speech.

A remarkable speech it is, too. We may learn how to do away with war, he says; we may learn how to control our population size; we may even create a "world-wide city" devoted to the practice of the arts. But what of it, he despairs, we will still be pigmies! This is a tragic self-image, but not an unusual one. And it is not the last contradiction we shall find in the arrogance of humanism.

The mingled and distorted themes of self-doubt and selfconfidence are carried forward in modern fiction. They certainly occur together in the repellent television saga of the bionic man. This hero, half flesh, half sleazy plastic, has an artificial leg, arm, and eye (but not an ersatz brain) with which he performs his super-human stunts. The interesting thing about his role is that it is so terribly wooden and contrived. I don't think that this can be attributed to bad acting, and perhaps only partly to poor script-writing; another factor is involved.

The cold truth is that our bionic devices and spare parts can never be the equals of the organs they are meant to replace. Evolution, wasteful and haphazard as it is, has had three billion years in which to match organisms to their environments. This does not mean that we are perfect as a result. It does mean, however, that it would be very difficult in practice to make fundamental changes in our bodies that would better equip us for what we consider life as a human to be. The evolutionary biologist Ernst Mayr once wrote in connection with the subject of macro-mutations: "Giving a thrush the wings of a falcon does not make it a better flier. Indeed, having all the other equipment of a thrush, it would probably hardly be able to fly at all." The very idea of a bionic human being hovers between the absurd and the profane--equally offensive to both scientific and religious sensibilities. How poignant, then, to read in the newspapers about large numbers of American children who are asking their parents for permission to have their limbs amputated and replaced by bionic substitutes.

**The worship of technology legitimizes violence that culminates in nuclear extinction**

**Ehrenfeld, 81** – (David, professor of biology at Rutgers University, studied at Harvard, Ph.D in Zoology from University of Florida, known author, The Arrogance of Humanism, Ch. 3 Pg. 103-104) Idriss

Despite the prevalence of the machine cult, machines are not particularly easy to worship. There is no morality or final purpose or even character inherent in our mechanisms of control--they can turn unpredictably on any teleology in whose name they are invoked. Like a jungle cat that has been made a "Pet," they are untrustworthy. In Jerzy Kosinski book Cockpit, the anti-hero, Tarden, moves like a shark through deep waters; the schools of humanity open to let him pass and close ranks after him, minus some of their members. Humans make no impression upon him; he is a machine with random settings; indeed his first victims are chosen randomly from the telephone directory. Here is a modern man in the worst sense, simultaneously devoid of love and of the knowledge of his own frailty and aimlessness. And his final destruction, however transient and symbolic, comes predictably at the hands of a machine. Trapped inside a broken and unbearably hot elevator, Tarden discovers that he is not equipped to cope with the random, unplanned vengeance of machinery: The elevator persisted in its constant shuttle, rebounding off the top floor only to begin its journey down again. Using the sole of my shoe as a lever, I attempted to force the doors apart, but they remained tightly shut. I then tried to pry open the instrument panel with a pocket knife, but the blade was too flimsy and snapped off at the base. Next, I used the edge of a metal money clip, but I managed only to twist the clip out of shape. The protective devices I always carry could defend me against hostile passengers, but in an empty elevator they were useless.

Next, he imagines that he has been deliberately trapped in the elevator by enemies, but this is not the case. Dizzy and sick, Tarden finally begins to appreciate the absolutely impersonal nature of the machine. Although I have always thought of myself as moving horizontally through space, invading other people's spheres, my life has always been arranged vertically: all my apartments have been at least midway up in tall buildings, making elevators absolutely essential. Now, one of these necessary devices had suddenly become a windowless cell. The forces that propelled it up and down seemed as arbitrary and autonomous as those that spin the earth on its axis. . . .

Later, after his release, Tarden discovers that an "Out of Ordeft" sign had been stolen as a prank.

Who has stolen the "Out of Order" sign from contemporary civilization? And is it likely that we will end our long spate of elevator-worship with nothing worse than a brief, bad trip? During the past few days I have read a number of articles praising the neutron bomb. The neutron bomb is desirable, its advocates say, because it destroys only people and leaves their constructions, machines, and money intact. With this grim and ghastly croaking, humanism has come full circle, and **humanity lies exposed to a punishment that makes the anger of a righteous God seem welcome by comparison.**

**The alternative is to embrace humanity’s inability to manage the world.**

**That’s the only way the atrocities of humanism be solved**

**Ehrenfeld, 81** – (David, professor of biology at Rutgers University, studied at Harvard, Ph.D in Zoology from University of Florida, known author, The Arrogance of Humanism, Ch. 7 Pg. 261-262) Idriss

To understand that we are not steering this planet in its orbit does not mean paralysis--it means new freedom and a great relief. Those with this understanding no longer have to strive to achieve the impossible, spending their energies in the vain and destructive attempt to manage the world, "controlling" floods only to make worse ones and "stamping out" diseases whose ecology we do not understand only to bring more terrible conditions down upon our heads. No longer do they have to feel guilty about not achieving the desired control. And no longer do they have to assuage the guilt by dishonestly pretending that the job is done or about to be done. This is the relief. The freedom is the chance and challenge to pursue an individual destiny, indeed just to have a destiny of one's own, separate from the great organizational web that is choking out life on this earth. A belief, once again, in the unknowable is already enabling some people, members of the fourth world of a few small independent nations, of communities, and strong families, to take the first steps along their own paths. And daily the circumstances of necessity are augmenting these numbers, as perceptive people flee from the stress of the humanist assumptions, choosing, like the Amish peoples, to try to craft decent lives for themselves largely outside the system. It is hard to make such a life in a humanist world: humanism is especially adept at co-optation. But it is possible to start. If humanism breaks down soon enough and gently enough, these people will have shown the way to a finer and more durable society, and they will be the nuclei of that society. There will be many units of survival, each with its own faith and beliefs and way of living, some much more successful than others. We will still be able to help one another, especially neighbors, but no longer will we all be roped together on the mountainside. There will be many cultures again, but no amorphous world culture. Cause and effect will once more become recognizable in our daily affairs. There will be life, death, fighting, suffering, joy, and triumph, as there always have been, and they will be accepted together as the inseparable stuff of existence, no part isolable: unity, beyond comprehension but not beyond experience, the one great gift of being. Tolkien wrote, in The Return of the King: Yet **it is not our part to master all the tides of the world**, but to do what is in us for the succour of those years wherein we are set, uprooting the evil in the fields that we know, so that those who live after may have clean earth to till. What weather they shall have is not ours to rule. This is the best that we can hope for, and it is enough.

### 1NC 3

#### Plan: The United States federal government should ban Nuclear Mining, Nuclear Waste Dumping and the use of coal plants on or near Tribal lands.

### 1nc Guidance Document CP Text

#### The Department of Energy should issue a guidance document about the enforcement of the wind power Tribal Energy Resource Agreements and the Indian Tribal Energy Development and Self-Determination Act of 2005. This guidance document will direct the Department of Energy to extend eligibility for wind power Tribal Energy Resource Agreements to tribal energy resource development organizations composed of Native American tribes and waive the federal environmental review requirements for wind power production under the Indian Tribal Energy Development and Self-Determination Act of 2005.

#### Guidance documents on energy issues are treated as binding and enforced

Nelson, 11 (3/23/2011, Gabriel, “Bush's Rulemaking Czar Blasts EPA's Use of 'Guidance'” <http://www.nytimes.com/gwire/2011/03/23/23greenwire-bushs-rulemaking-czar-blasts-epas-use-of-guida-47538.html?pagewanted=all>)

As businesses and states challenge U.S. EPA's new regulations on greenhouse gas emissions, coal mining and water pollution, they are putting increasing pressure on the agency's use of "guidance" to explain the rules of the road. Agencies have used guidance documents for decades to explain how they will interpret existing laws, often while they are working on new regulations. But some of the Obama administration's memos have been maligned by businesses, which say that the guidance documents are being used to change the rules without taking public comment or consulting with the rest of the administration. That argument got support yesterday from John Graham, an influential academic who was in charge of reviewing new regulations for the White House under President George W. Bush. Agencies have tried to argue that guidance documents are innocuous because they are not final rules, Graham said yesterday at a U.S. Chamber of Commerce event on "restoring balance to the regulatory process." But those memos have been used during both Republican and Democratic administrations to skirt public comment and avoid triggering review by the White House, he said. "The whole idea of guidance not being a rule -- there has to be an arrow shot right through the heart of that," Graham said, adding that Congress should pass legislation "to make sure that things that look like a duck and quack like a duck are a duck." Graham cited EPA's guidance for its new climate regulations, which tells state agencies how to decide whether new industrial plants are using the best available technology to cut down on emissions that are causing climate change.But other recent memos from EPA, mainly on water quality issues, have prompted lawsuits from the National Mining Association, Kentucky Coal Association and state of West Virginia. After the agency released new guidance on the acceptable impacts of mountaintop-removal mining on nearby streams, federal officials would not approve permits that were similar to ones that were given out before, the mining groups have argued in federal district court in Washington, D.C. The National Mining Association scored an early victory in January when District Judge Reggie Walton said he was likely to reject the guidance for the reasons outlined by Graham and other critics. Officials are using the 2009 and 2010 memos to make decisions on about 190 applications for coal-mining projects, and "it appears that the EPA is treating the guidance as binding," Walton wrote (E&ENews PM, Jan. 18).

#### Politics is a net benefit --- counterplan generates less opposition and not until after the guidance document has been issued

Raso, 10 --- J.D., Yale Law (January 2010, Connor N., The Yale Law Journal, “Note: Strategic or Sincere? Analyzing Agency Use of Guidance Documents,” Lexis)

A. Congressional and Presidential Preferences Guidance documents generally attract less attention from Congress and the President, giving agency leaders greater latitude to impose their preferred policy choices. Guidance is not subject to the many procedural requirements devised to alert the political branches to agency rulemaking activity. n92 In addition, guidance documents arouse less attention and opposition. Agencies can generally issue a guidance document without attracting advance publicity. The agency therefore has the opportunity to set a new status quo before opponents mobilize. This status quo may generate self-reinforcing feedbacks that strengthen the agency's position. By contrast, agencies must solicit comments on legislative rules. This process generates political activity that may be noticed by Capitol Hill and the White House; some important legislative rulemakings gain political salience as interest group conflict escalates during [\*800] the notice and comment process. n93 This comparison is not intended to suggest that interest groups are unaware of guidance documents. Rather, at the margin, legislative rules arouse more interest group attention and opposition, which results in greater congressional interest. Guidance documents, therefore, are relatively more attractive in cases where Congress and the President are likely to intervene against the agency.

### 1NC Solvency

#### Solar energy deployment requires large amount of REE’s create dependence on China

Vidal 12, John Vidal reporter for Guardian, “Rare minerals dearth threatens global renewables industry” 1-27-2012, http://www.guardian.co.uk/environment/2012/jan/27/rare-minerals-global-renewables-industry)

Shortages of a handful of rare minerals could slow the future growth of the burgeoning renewable energy industries, and affect countries' chances of limiting greenhouse gas emissions, business leaders were told at the World Economic Forum in Davos this week. Last year, prices of many scarce minerals exploded, rising as much as 10 times over 2010 levels before dropping back, said PricewaterhouseCoopers (PwC). Terbium, yttrium, dysprosium, europium and neodymium are widely used in the manufacture of wind turbines, solar panels, electric car batteries and energy-efficient lightbulbs. But because these "rare earths" are mined almost exclusively in China, it is becoming increasingly difficult and expensive to source them in the required quantities. In a survey of some of the largest clean energy manufacturers, 78% told PwC said they were already experiencing instability of supply of rare metals, and most said they did not expect shortages to ease for at least five years. Currently, 95% of the rare earth minerals needed by clean tech industries come from China which has set strict export quotas. Last year China reserved most for its own for its domestic wind, solar and battery industries, shifting costs to the US and Europe which do not mine any of the minerals. Scarcity of the mineral resources could affect disrupt entire supply chains and countries' attempts to meet emissions targets, said PwC. "The energy sector could face very great problems if the world turns to [renewables] in a big way. In the short term, there will be major supply problems. The availability of these metals will define the growth of these industry sectors. There are so far not many alternatives," said Rob Mathlener, author of a report that urged companies to build future strategies around recycling and reusing resources. Last December, Janez Potočnik, the EU commissioner for the environment, warned that the waste of valuable natural resources threatens to produce a fresh economic crisis. None of the minerals is likely to physically run out, but it can take 10 years for countries to open new mines. In the US there has been growing concerns that China dominates the supply of the materials considered crucial for the expansion of the US defence, computer and renewable energy sectors. A series of US government reports have urged an immediate increase in production of rare minerals. By mid-2012, US mining company Molycorp Minerals aims to produce 20,000 tonnes a year of nine of the 17 rare minerals, or about 25% of current western imports from China. Malcolm Preston, PwC's global sustainability leader, said: "It's a time bomb. Many businesses now recognise that we are living beyond the planet's means. If these industries, supply chains and economies are disrupted by shortages in supply, then the 'luxury of choice' lifestyle many in the Western world have become accustomed to, will also be affected." Six other core manufacturing industries, including aerospace, automotive and chemicals, were all found to be experiencing shortages. According to the US Congress report published last September, world demand for rare elements is estimated at 136,000 tonnes per year, with global production around 133,600 tonnes in 2010. It is projected to rise to at least 185,000 tonnes a year by 2015.

#### That causes Chinese internal collapse – waves of protest and resource warlords

Ruttinger & Feil ‘11

(Lukas, project manager for adelphi, mainly focusing on the fields of conflict analysis and peacebuilding as well as resources and governance, Moira, senior project manager for adelphi and has participated in more than 30 projects with various partners and clients on natural resource links to crises, “Beyond Supply Risks: The Conflict Potential of Natural Resources”, August 2011, http://sustainablesecurity.org/article/beyond-supply-risks-conflict-potential-natural-resources)

Like lithium, rare earths are likewise essential for some new technologies. China’s well publicized monopoly on 97 percent of the global production spurred a heated debate on the security of supply of strategic minerals. While our case study identifies supply risks for consuming countries, it also outlines some of the conflict risks China might face internally. First, local populations could protest against the severe ecological impact of rare earth mining and production. In addition, conflicts might arise if those who profit from economic development (entrepreneurs or regional power-holders) undermine the traditional centralized party structures and expand their own influence. International conflicts over access to Chinese rare earth resources, while they dominate the headlines, do not appear to be the dominant risk. Instead, internal political tensions could result in a weakened China that is not able to exploit its monopoly position for foreign policy gains. Or the government could enter into multilateral agreements and thus avoid a confrontational approach towards consumer nations.

#### Extinction

Plate 3

Tom, UCLA professor, Straits Times, June 28, LN.

But, while China's prosperity may be good for Americans, is it necessarily the same for the totalitarians running China? After all, having created a runaway economic elephant, will the Communist Party leaders be able to stay in the saddle? Before long, the Chinese middle class alone may approach the size of the entire population of America. It will want more freedom, not less - bet on it. But imagine a China disintegrating - on its own, without neo-conservative or Central Intelligence Agency prompting, much less outright military invasion - because the economy (against all predictions) suddenly collapses. That would knock Asia into chaos. A massive flood of refugees would head for Indonesia and other places with poor border controls, which don't want them and can't handle them; some in Japan might lick their lips at the prospect of World War II Revisited and look to annex a slice of China. That would send Singapore and Malaysia - once occupied by Japan - into nervous breakdowns. Meanwhile, India might make a grab for Tibet, and Pakistan for Kashmir. Then you can say hello to World War III, Asia-style. That's why wise policy encourages Chinese stability, security and economic growth - the very direction the White House now seems to prefer.

#### Failing to prevent a horrible outcome is just as bad as causing it – the aff is moral evasion

Nielsen – philosophy prof, Calgary - 93

Kai Nielsen, Professor of Philosophy, University of Calgary, Absolutism and Its Consequentialist Critics, ed. Joram Graf Haber, 1993, p. 170-2

Forget the levity of the example and consider the case of the innocent fat man. If there really is no other way of unsticking our fat man and if plainly, without blasting him out, everyone in the cave will drown, then, innocent or not, he should be blasted out. This indeed overrides the principle that the innocent should never be deliberately killed, but it does not reveal a callousness toward life, for the people involved are caught in a desperate situation in which, if such extreme action is not taken, many lives will be lost and far greater misery will obtain. Moreover, the people who do such a horrible thing or acquiesce in the doing of it are not likely to be rendered more callous about human life and human suffering as a result. Its occurrence will haunt them for the rest of their lives and is as likely as not to make them more rather than less morally sensitive. It is not even correct to say that such a desperate act shows a lack of respect for persons. We are not treating the fat man merely as a means. The fat man's person‑his interests and rights are not ignored. Killing him is something which is undertaken with the greatest reluctance. It is only when it is quite certain that there is no other way to save the lives of the others that such a violent course of action is justifiably undertaken. Alan Donagan, arguing rather as Anscombe argues, maintains that "to use any innocent man ill for the sake of some public good is directly to degrade him to being a mere means" and to do this is of course to violate a principle essential to morality, that is, that human beings should never merely be treated as means but should be treated as ends in themselves (as persons worthy of respect)." But, as my above remarks show, it need not be the case, and in the above situation it is not the case, that in killing such an innocent man we are treating him merely as a means. The action is universalizable, all alternative actions which would save his life are duly considered, the blasting out is done only as a last and desperate resort with the minimum of harshness and indifference to his suffering and the like. It indeed sounds ironical to talk this way, given what is done to him. But if such a terrible situation were to arise, there would always be more or less humane ways of going about one's grim task. And in acting in the more humane ways toward the fat man, as we do what we must do and would have done to ourselves were the roles reversed, we show a respect for his person. In so treating the fat man‑not just to further the public good but to prevent the certain death of a whole group of people (that is to prevent an even greater evil than his being killed in this way)‑the claims of justice are not overriden either, for each individual involved, if he is reasonably correct, should realize that if he were so stuck rather than the fat man, he should in such situations be blasted out. Thus, there is no question of being unfair. Surely we must choose between evils here, but is there anything more reasonable, more morally appropriate, than choosing the lesser evil when doing or allowing some evil cannot be avoided? That is, where there is no avoiding both and where our actions can determine whether a greater or lesser evil obtains, should we not plainly always opt for the lesser evil? And is it not obviously a greater evil that all those other innocent people should suffer and die than that the fat man should suffer and die? Blowing up the fat man is indeed monstrous. But letting him remain stuck while the whole group drowns is still more monstrous. The consequentialist is on strong moral ground here, and, if his reflective moral convictions do not square either with certain unrehearsed or with certain reflective particular moral convictions of human beings, so much the worse for such commonsense moral convictions. One could even usefully and relevantly adapt herethough for a quite different purpose‑an argument of Donagan's. Consequentialism of the kind I have been arguing for provides so persuasive "a theoretical basis for common morality that when it contradicts some moral intuition, it is natural to suspect that intuition, not theory, is corrupt."" Given the comprehensiveness, plausibility, and overall rationality of consequentialism, it is not unreasonable to override even a deeply felt moral conviction if it does not square with such a theory, though, if it made no sense or overrode the bulk of or even a great many of our considered moral convictions, that would be another matter indeed. Anticonsequentialists often point to the inhumanity of people who will sanction such killing of the innocent, but cannot the compliment be returned by speaking of the even greater inhumanity, conjoined with evasiveness, of those who will allow even more death and far greater misery and then excuse themselves on the ground that they did not intend the death and misery but merely forbore to prevent it? In such a context, such reasoning and such forbearing to prevent seems to me to constitute a moral evasion. I say it is evasive because rather than steeling himself to do what in normal circumstances would be a horrible and vile act but in this circumstance is a harsh moral necessity, he allows, when he has the power to prevent it, a situation which is still many times worse. He tries to keep his `moral purity' and avoid `dirty hands' at the price of utter moral failure and what Kierkegaard called `double‑mindedness.' It is understandable that people should act in this morally evasive way but this does not make it right.

#### Voting neg doesn’t necessitate absolute utilitarianism – there is a high threshold past which we should compromise morals to avoid catastrophic consequences

Moore – law prof, U San Diego – ‘97

Michael Moore, Warren Distinguished Professor of Law at University of San Diego School of Law, 1997, Placing Blame, p. 719-722

Non-Absolute Moral Norms: Threshold Deontology Apart from the exceptions that the content of moral norms must have for them to be plausible, a third modification of absolutism is the softening of the ‘whatever the consequences’ aspect mentioned earlier. This aspect of absolutism is often attributed to Kant, who held that though the heavens may fall, justice must be done. Despite my non­consequentialist views on morality, I cannot accept the Kantian line. It just is not true that one should allow a nuclear war rather than killing or torturing an innocent person. It is not even true that one should allow the destruction of a sizable city by a terrorist nuclear device rather than kill or torture an innocent person. To prevent such extraordinary harms extreme actions seem to me to be justified. There is a story in the Talmudic sources that may appear to appeal to a contrary intuition.122 It is said that where the city is sur­rounded and threatened with destruction if it does not send out one of its inhabitants to be killed, it is better that the whole city should perish rather than become an accomplice to the killing of one of its inhabitants. Benjamin Cardozo expressed the same intuition in rejecting the idea that those in a lifeboat about to sink and drown may jettison enough of their number to allow the remainder to stay afloat. As Cardozo put it: Where two or more are overtaken by a common disaster, there is no right on the part of one to save the lives of some by the killing of another. There is no rule of human jettison. Men there will often be who, when told that their going will be the salvation of the remnant, will choose the nobler part and make the plunge into the waters. In that supreme moment the dark­ness for them will be illumined by the thought that those behind will ride to safety. If none of such mold are found aboard the boat, or too few to save the others, the human freight must be left to meet the chances of the waters. 123 There is admittedly a nobility when those who are threatened with destruction choose on their own to suffer that destruction rather than participate in a prima facie immoral act. But what happens when we eliminate the choice of all concerned to sacrifice them­selves? Alter the Talmudic example slightly by making it the ruler of the city who alone must decide whether to send one out in order to prevent destruction of the city. Or take the actual facts of the lifeboat case’24 to which Cardozo was adverting, where it was a sea­man who took charge of the sinking lifeboat and jettisoned enough of its passengers to save the rest. Or consider Bernard Williams’s example, where you come across a large group of villagers about to be shot by the army as an example to others, and you can save most of them if you will but shoot one; far from choosing to ‘sink or swim’ together, the villagers beg you to shoot one of their number so that the rest may be saved.125 In all such cases it no longer seems virtuous to refuse to do an act that you abhor. On the contrary, it seems a narcissistic preoccupation with your own ‘virtue’—that is, the ‘virtue’ you could have if the world were ideal and did not pre­sent you with such awful choices—if you choose to allow the greater number to perish. In such cases, I prefer Sartre’s version of the Orestes legend to the Talmud: the ruler should take the guilt upon himself rather than allow his people to perish.’26One should feel guilty **in such cases,** but it is nobler to undertake such guilt than to shut one’s eyes to the horrendous consequences of not acting. I thus have some sympathy for the Landau Commission’s conclusion that ‘actual torture . . . would perhaps be justified in order to uncover a bomb about to explode in a building full of people’. If one does not know which building is going to explode, one does not have the consent of all concerned to ‘sink or swim’ together. On the contrary, one suspects that like Williams’s villagers, the occupants of the building, if they knew of their danger, would choose that one of their number (to say nothing of one of the ter­rorist group) be tortured or die to prevent the loss of all. In any case, the GSS interrogator must choose for others who will pay the costs for his decision if he decides not to act, a cost he does not have to bear; this situation is thus more like my variation of the Talmudic example than the original. Many think that the agent-relative view just sketched, allowing as it does consequences to override moral absolutes when those consequences are horrendous enough, collapses into a consequen­tialist morality after all. Glanville Williams, for example, in his discussion of the legal defence of necessity, recognizes the agent-relative view that ‘certain actions are right or wrong irrespective of their consequences’ and that ‘a good end never justifies bad means’. Williams nonetheless concludes that ‘in the last resort moral decisions must be made with reference to results’. Williams reaches this conclusion because, as Williams sees it, the agent-relative slogans just quoted reduce to the claim ‘that we ought to do what is right regardless of the consequences, as long as the consequences are not serious’. Contrary to Williams, there is no collapse of agent-relative views into consequentialism just because morality’s norms can be over­ridden by horrendous consequences.13’ A consequentialist is com­mitted by her moral theory to saying that torture of one person is justified whenever it is necessary to prevent the torture of two or more. The agent-relative view, even as here modified, is not com­mitted to this proposition. To justify torturing one innocent person requires that there be horrendous consequences attached to not tor­turing that person—the destruction of an entire city, or, perhaps, of a lifeboat or building full of people. On this view, in other words, there is a very high threshold of bad consequences that must be threatened before something as awful as torturing an innocent per­son can be justified. Almost all real-life decisions a GSS interroga­tor will face—and perhaps all decisions—will not reach that threshold of horrendous consequences justifying torture of the innocent. Short of such a threshold, the agent-relative view just sketched will operate as absolutely as absolutism in its ban on tor­turing the innocent.

#### Nuclear war must be prohibited absolutely

Kateb, Professor of Politics at Princeton University, ‘92 (George, “The Inner Ocean” p 111-112)

Schell's work attempts to force on us an acknowledgment that sounds far-fetched and even ludicrous, an acknowledgment hat the possibility of extinction is carried by any use of nuclear weapons, no matter how limited or how seemingly rational or seemingly morally justified. He himself acknowledges that there is a difference between possibility and certainty. But in a matter that is more than a matter, more than one practical matter in a vast series of practical matters, in the "matter" of extinction, we are obliged to treat a possibility-a genuine possibility-as a certainty. Humanity is not to take any step that contains even the slightest risk of extinction. The doctrine of no-use is based on the possibility of extinction. Schell's perspective transforms the subject. He takes us away from the arid stretches of strategy and asks us to feel continuously, if we can, and feel keenly if only for an instant now and then, how utterly distinct the nuclear world is. Nuclear discourse must vividly register that distinctiveness. It is of no moral account that extinction may be only a slight possibility. No one can say how great the possibility is, but no one has yet credibly denied that by some sequence or other a particular use of nuclear weapons may lead to human and natural extinction. If it is not impossible it must be treated as certain: the loss signified by extinction nullifies all calculations of probability as it nullifies all calculations of costs and benefits. Abstractly put, the connections between any use of nuclear weapons and human and natural extinction are several. Most obviously, a sizable exchange of strategic nuclear weapons can, by a chain of events in nature, lead to the earth's uninhabitability, to "nuclear winter," or to Schell's "republic of insects and grass." But the consideration of extinction cannot rest with the possibility of a sizable exchange of strategic weapons. It cannot rest with the imperative that a sizable exchange must not take place. A so-called tactical or "theater" use, or a so-called limited use, is also prohibited absolutely, because of the possibility of immediate escalation into a sizable exchange or because, even if there were not an immediate escalation, the possibility of extinction would reside in the precedent for future use set by any use whatever in a world in which more than one power possesses nuclear weapons. Add other consequences: the contagious effect on nonnuclear powers who may feel compelled by a mixture of fear and vanity to try to acquire their own weapons, thus increasing the possibility of use by increasing the number of nuclear powers; and the unleashed emotions of indignation, retribution, and revenge which, if not acted on immediately in the form of escalation, can be counted on to seek expression later. Other than full strategic uses are not confined, no matter how small the explosive power: each would be a cancerous transformation of the world. All nuclear roads lead to the possibility of extinction. It is true by definition, but let us make it explicit: the doctrine of no-use excludes any first or retaliatory or later use, whether sizable or not. No-use is the imperative derived from the possibility of extinction. By containing the possibility of extinction, any use is tantamount to a declaration of war against humanity. It is not merely a war crime or a single crime against humanity. Such a war is waged by the user of nuclear weapons against every human individual as individual (present and future), not as citizen of this or that country. It is not only a war against the country that is the target. To respond with nuclear weapons, where possible, only increases the chances of extinction and can never, therefore, be allowed. The use of nuclear weapons establishes the right of any person or group, acting officially or not, violently or not, to try to punish those responsible for the use. The aim of the punishment is to deter later uses and thus to try to reduce the possibility of extinction, if, by chance, the particular use in question did not directly lead to extinction. The form of the punishment cannot be specified. Of course the chaos ensuing from a sizable exchange could make punishment irrelevant. The important point, however, is to see that those who use nuclear weapons are qualitatively worse than criminals, and at the least forfeit their offices. John Locke, a principal individualist political theorist, says that in a state of nature every individual retains the right to punish transgressors or assist in the effort to punish them, whether or not one is a direct victim. Transgressors convert an otherwise tolerable condition into a state of nature which is a state of war in which all are threatened. Analogously, the use of nuclear weapons, by containing in an immediate or delayed manner the possibility of extinction, is in Locke's phrase "a trespass against the whole species" and places the users in a state of war with all people. And people, the accumulation of individuals, must be understood as of course always indefeasibly retaining the right of selfpreservation, and hence as morally allowed, perhaps enjoined, to take the appropriate preserving steps.

### Economic rationality is good- provides checks against excessive egocentrism and provides incentives for collective security

Aasland ‘9, (Dag, Prof. of Economics @ U of Agder, Norway, Ethics and Economy: After Levinas, pgs. 65-66)

Business ethics, in the sense of ethics for business, illustrates this: its perspective is that of an ‘enlightened self-interest’ where the constraints that are put on the individual, thanks to the ability to see the unfortunate consequences for oneself, postpone the ‘war’, in a direct or metaphoric sense of the word (ibid.: 70-71). This enlightened selfinterest forms the base not only of the market economy, but also of a social organization and manifestation of human rights, and even of some ethical theories. It is a calculated and voluntary renunciation of one’s own freedom in order to obtain in return security and other common goals (ibid.: 72). The fact that economic, political and legal theories appeal to enlightened self-interest does not imply, however, that we should discard them. Nor should we reject proclamations of human rights, legal constraints of individual freedom and, for that matter, business ethics, even if they are based on an enlightened self-interest. It is rather the opposite: such institutions and knowledge are indispensable because the primary quality of the enlightened self-interest is that it restricts egocentricity. Our practical reason (which was Kant’s words for the reason that governs our acts, where the moral law is embedded as a principle) includes the knowledge that it can be rational to lay certain restrictions on individual freedom. In this way practical reason may postpone (for an indefinite time) violence and murder among people. This has primarily been the raison-d’être of politics and the state, but it is today taken over more and more by corporate organizations, as expressed in the new term for business ethics, as corporate social responsibility and corporate citizenship (see chapter 2). Thanks to this ‘postponement of violence’ provided by politics and economic rationality, people may unfold their freedom within the laws and regulations set up by society (Burggraeve, 2003: 77).

### Economic rationalist inevitable – historically attempts to change culture and value system fail

Clark, Econ Prof UC Davis, 10 (Gregory, October 6, “Why Economics Must Explain The Modern World” Cato Unbound, http://www.cato-unbound.org/2010/10/06/gregory-clark/why-economics-must-explain-the-modern-world/)

But while I share McCloskey’s view, and that of Joel Mokyr in his recent The Enlightened Economy, that a shift in behaviors and values is the foundation of modern growth, and the true underpinning of the prosperous societies of the modern world, I cannot accept their view that growth culture is sui generis, the product of transient and ineffable intellectual fashions.

McCloskey’s own précis of her argument after all is, “Through a ‘Bourgeois Revaluation’ redefining such virtues, first in the Netherlands and then in Britain, people started accepting [my emphasis] the creative destruction of innovation.”[2]

This makes the supposed admiration of bourgeois virtue in seventeenth and eighteenth century England and the Netherlands seem as accidental as the fashion for powdered wigs in the early eighteenth century, or the fall from favor of the codpiece after the 1590s. In that case we have no account for why the Industrial Revolution waited so long. Why didn’t the right intellectual fashion emerge some time earlier in the 10,000 years of settled agriculture?

And if admiration for bourgeois virtue is like any other fashion, then we have no assurance that bourgeois virtue can survive the combined assault of Facebook, Fox TV, Twitter, Jersey Shore, and Paris Hilton. Modern high-income societies may be as transient as Athenian democracy, or the Paris Commune. Fashions are cyclical. We know that in some future society, men will once again proudly sport codpieces. Why must we not also assume, then, that in time bourgeois virtue will once again be despised, innovation cease, and the world slip back into the stasis that comprised most of human history?

If cultural shift is the foundation of modern high-income societies, then there must be an explanation for why that cultural shift took so long, why it took the direction it did, and why it seems a permanent change. For I agree with Matt Ridley in The Rational Optimist that the Industrial Revolution was an event from which there will be no going back.

Another reason I am wary of the public embrace of bourgeois virtues as a world historical force is that what people admire or disapprove of, and what they actually do are so frequently disconnected. Most people believe now that burning more fossil fuels will potentially devastate the planet. But Big Oil has little difficulty in recruiting the talented and driven engineers that allow it year by year to tap even deeper and more inaccessible deposits of the precious black fluid. The amount of actual reduction in fossil energy use in the modern United States is tiny compared to the emotional and intellectual energies devoted to this. There is just too much wriggle room between ideologies and acts for the one to constrain the other very tightly. China — home of a whole coterie of billionaires — is after all still a communist regime.

I believe modern growth is associated with a deeper, more basic shift in values and capacities than McCloskey identifies for a number of reasons. First, the behavioral shifts that took place in societies like England before the Industrial Revolution were much longer in development than some brief intellectual fashion of the seventeenth and eighteenth centuries. England already in 1300 was a fundamentally different type of society than that of our hunter-gatherer forbears. We are talking in some cases about at least 3,000 years of change.

Second, behaviors changed that people were not even aware of, or subjecting to public discussion. These fundamental changes include changes in how impatient people were, changes in how hard they liked to work, and changes in how much interpersonal violence they displayed. [3]

Third, the drive toward innovation, improvement, and consumption that moves capitalism ever forward is remarkably resistant to attempts at reformation. Mao could re-educate a whole generation of Chinese on the virtues of communism, yet they have turned en masse to a fervent pursuit of material goods and personal interest within two decades of his death.