Negative Brief: Motorcycle Helmets

By “Coach Vance” Trefethen

AFF Plan requires mandatory motorcycle helmet laws at the state level, most likely by having the federal government withhold state highway funds for states not in compliance. There are two main arguments usually given for the plan: 1) saves lives; 2) reduces social costs.

For #1, it's hard to argue that helmets don't save lives, and there probably aren't any reliable studies that say they don't. However, there is evidence that the savings are exaggerated and the benefits are insignificant. And the Neg will argue that the personal freedom to assume the risk for oneself outweighs the loss of life, since the one wearing or not-wearing the helmet is the only one affected by the decision. If "saving lives" were a sufficient justification for public policy, then the correct public policy would be to ban motorcycles (and cars too, for that matter). If the Affirmative will not advocate that, then they must admit that the benefits of freedom to ride or drive outweigh the risk of lives lost in both activities and that "saving lives" is not an absolute justification for public policy.

For #2, there are several responses. "Social costs" are expenses that are shifted to society whenever a rider has an accident and his medical costs are paid by someone else. This problem, though not significant, would easily be solved with a minor repair: Require all riders to carry adequate insurance. Many states already do, and the remaining states could minor repair their insurance laws to fix it. When that happens, each rider is completely paying the cost of his own decisions and there's no impact to society.

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OPENING QUOTES

Public health gets taken over by politics and we need to be skeptical

Dr. Bruce Charlton M.D. 2001 Public Health and personal freedom - Kings college lecture <https://www.hedweb.com/bgcharlton/healthfreed.html>

In sum, there is a tendency for Public Health to be conscripted by politics, and to coerce the citizen - and to become a kind of 'medical police' to enforce the will of the state (Skrabanek, 1994). Public Health policies require continual watching with a skeptical eye.

NEG PHILOSOPHY / AFF CRITERION RESPONSE

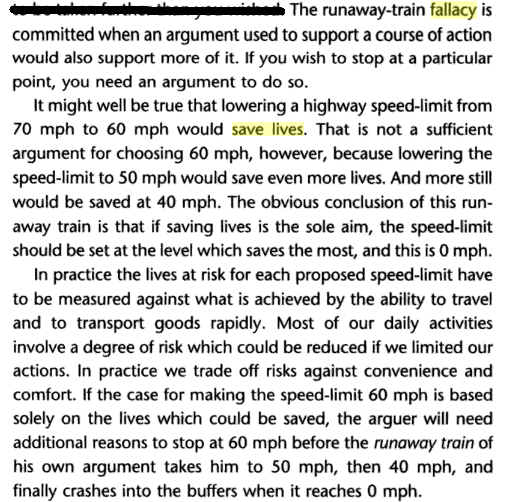
If "saving lives" is all that matters, we should ban motorcycles. Even with helmets, they are more dangerous than cars

Radly Balko 2006 (former policy analyst with Cato Institute;  graduated from Indiana University with a degree in journalism and political science ) 14 June 2006 Helmetless Non-Fatal Motorcycle Accident Causing No Permanent Injuries Proves the Need for Helmet Laws <https://www.cato.org/blog/helmetless-non-fatal-motorcycle-accident-causing-no-permanent-injuries-proves-need-helmet-laws>

If we’re really concerned about the safety of motorcycle riders, we should probably just ban motorcycles altogether. [USA Today, for example](http://www.usatoday.com/news/opinion/editorials/2006-06-13-our-view_x.htm), notes that wearing a helmet would prevent 37 percent of motorcycle fatalities. But the paper also points out that motorcycle riders are 32 times more likely to die on the roadways than drivers or passengers in automobiles. So the paper is advocating a law preventing people from assuming the low-level risk associated with riding without a helmet versus riding with one, but still advocating allowing people to assume the exponentially higher risk of riding a motorcycle in the first place (as opposed riding in a car or truck). Just think of all the lives and health care costs we could save if we banned motorcycles!

Affirmative commits the "runaway train" fallacy and has the burden to prove why we shouldn't ban motorcycles, if they really believe their own "saving lives" justification arguments

Dr. Madsen Pirie 2006. (PhD philosophy) How to Win Every Argument: The Use and Abuse of Logic <https://books.google.com/books?id=Gh5UjNNc0v4C&pg=PA143&lpg=PA143&dq=%22save+lives%22+fallacy&source=bl&ots=bKHWmy7Pdx&sig=4fUfXqaibPmfk5oRENVa6mP5ecY&hl=en&sa=X&ved=0ahUKEwifhMK8g73YAhWDS98KHbroCfI4ChDoAQguMAI#v=onepage&q=%22save%20lives%22%20fallacy&f=false>



Motorcyclists agree: Politicians who talk about saving lives with helmets might ban motorcycles next

Jacob Sullum 2005 (journalist) "Freedom Riders" Nov 2005 REASON magazine <https://reason.com/archives/2005/11/01/freedom-riders>

Motorcyclists may have been quicker to recognize the importance of the principle because riding a motorcycle is much more dangerous than most other modes of transportation and forms of recreation. If the government can save lives and taxpayer money by requiring helmets, it could save even more by banning motorcycles altogether. The National Motorists Association's Baxter suggests that motorcyclists' consciousness of their minority status also fed their determination to resist helmet laws. "They knew that if they didn't directly get involved, nobody else was going to," he says.

Analysis: If the AFF plan doesn't advocate banning motorcycles, it proves they don't believe their own criterion that we have to do whatever it takes to protect people and save lives. They concede that some measure of freedom – the freedom to ride a motorcycle – outweighs the risk of losing your life. And if that freedom outweighs, logically they cannot then argue that the freedom to not wear a helmet is outweighed by loss of life.

EXTRA-TOPICALITY

1. Requires more than just federal policy change

Link: Motorcycle helmet laws are at the state level

Insurance Institute for Highway Safety 2018. "Motorcycles" <http://www.iihs.org/iihs/topics/laws/helmetuse/mapmotorcyclehelmets>

 Currently, 19 states and the District of Columbia have laws requiring all motorcyclists to wear a helmet, known as universal helmet laws. Laws requiring only some motorcyclists to wear a helmet are in place in 28 states. There is no motorcycle helmet use law in three states (Illinois, Iowa and New Hampshire).

Link: Resolution says only "federal" policy

The Affirmative can do any changes to federal policy regarding transportation, and their plan has to be judged based on the results of the change in federal policy.

Violation: Requires State policies too

The Affirmative will concede, because they must, that the plan achieves nothing until the States change their motorcycle helmet laws.

Impact: No solvency without violating the resolution

If no state complies with the federal request, then nothing happens. As soon as one state changes its laws, the plan becomes extra-topical because it requires the federal government PLUS MORE to solve the harms. If the plan cannot solve by staying within the resolution, it does not meet the criteria the Affirmative agreed to uphold in today's debate and a Negative ballot is justified.

INHERENCY

1. Insurance rates solve social costs

States without helmet laws pay higher insurance. Motorcyclists themselves are paying for their cost of freedom and its risks

Cover Hound insurance broker 2015. (insurance brokerage based in California) 19 Feb 2015 " [Helmet Laws Might Influence Your Motorcycle Insurance Premium](https://coverhound.com/insurance-learning-center/helmet-laws-might-influence-your-motorcycle-insurance-premium)" <https://coverhound.com/insurance-learning-center/helmet-laws-might-influence-your-motorcycle-insurance-premium>

For example, in Michigan, drivers were forced to wear motorcycle helmets for more than four decades, but when the state eased up on the helmet laws and made it only mandatory for riders 21 and under - insurance rates went up significantly. The state actually made it a requirement to have at least $200,000 in medical coverage on their [motorcycle insurance](http://coverhound.com/?hero_lob=motorcycle) if they plan to ride without a helmet. For most riders, that amount of coverage would likely raise their insurance rate.

Riskier motorcyclists will pay more on insurance premiums

Cover Hound insurance broker 2015. (insurance brokerage based in California) 19 Feb 2015 " [Helmet Laws Might Influence Your Motorcycle Insurance Premium](https://coverhound.com/insurance-learning-center/helmet-laws-might-influence-your-motorcycle-insurance-premium)" <https://coverhound.com/insurance-learning-center/helmet-laws-might-influence-your-motorcycle-insurance-premium>

As of now, there are only 19 states that require motorcycle riders to wear a helmet while on the road, the HLDI report stated. Also, there are 28 states that have helmet laws only for certain riders, but this could continue to change. Motorcyclists who are riskier to insurance companies will often have to pay more on their premiums, and riding without a helmet puts riders in that exact dilemma.

MINOR REPAIR - States should require extra insurance. Allows freedom and solves for social costs!

Some states do require it now, but sometimes it's not enforced or the amount isn't high enough

Irwin Dawid 2016 (journalist) 12 Jan 2016 " The High Cost of 'Motorcycle Freedom'" (brackets added) <https://www.planetizen.com/node/83185/high-cost-motorcycle-freedom>

Motorcyclists are required to buy additional insurance, "[at least $20,000](http://www.insurancejournal.com/news/midwest/2012/04/17/243752.htm) of first party medical benefits coverage — in case they are involved in an accident," but [trauma doctor Carlos] Rodriguez [M.D.] states that it is rarely enforced. Even if they do, "[(i)nsurer AAA Michigan](http://www.insurancejournal.com/news/midwest/2006/05/26/68873.htm)said the extra insurance won’t be enough to cover motorcycle accident victims’ medical costs if they’re severely injured," [noted Insurance Journal](http://www.insurancejournal.com/news/midwest/2012/04/17/243752.htm) after the bill's signing.

States can, and sometimes do, require more insurance after repealing motorcycle helmet laws

Jon Langston 2013 (journalist) 15 Apr 2013 "How do helmets affect motorcycle insurance premiums?" <http://www.motorcycle.com/insurance/how-do-helmets-affect-motorcycle-insurance-premiums.html>

Unlike auto insurance laws, motorcycle insurance laws in many states do not require the carrier’s insurance to cover medical costs. Florida and Michigan, among others, have repealed their mandatory helmet laws, instead mandating riders to carry additional medical insurance – pushing premiums in those states to higher levels.

HARMS / SIGNIFICANCE

1. Insignificant impact

Universal helmet law would have insignificant impact in terms of money and lives

Jacob Sullum 2005 (journalist) "Freedom Riders" Nov 2005 REASON magazine <https://reason.com/archives/2005/11/01/freedom-riders>

NHTSA's [US Dept of Transportation National Highway Traffic Safety Administration] numbers indicate that a universal helmet law would prevent about a dozen fatalities a year in Minnesota, for example. As Robert Illingworth of the Minnesota Motorcycle Riders Association bluntly put it in a 1992 interview with the Minneapolis Star Tribune, "We're talking about an insignificant amount of money and an insignificant amount of carnage."

1. No public health issue

Doesn’t hurt anyone other than the rider himself

Steve Chapman 2010 (journalist; member of the Chicago Tribune's editorial board) “The case against motorcycle helmet laws” 25 Nov 2010 CHICAGO TRIBUNE <http://articles.chicagotribune.com/2010-11-25/news/ct-oped-1125-chapman-20101125_1_helmet-motorcycle-medical-costs>

Said NTSB Vice Chairman Christopher Hart, "It's a public health issue." Oh, no, it's not. A public health issue arises when masses of people are exposed to illness or injury by dangers beyond their control — contaminated water, sooty air, natural disaster, marauding bands of hyenas — or when I get a serious disease that I may pass on to you against your will. In these cases, government action is necessary. It's perfectly legitimate for governments to regulate pollution, build levees and require people to get vaccinations. But riding a motorcycle without a cranial cushion poses no danger to anyone except the rider. Skull fractures are not contagious. The public is not at risk if I decide to mount a Harley with nothing but a pinwheel hat on my head.

Not a public health issue because it affects no one but the individual rider himself

David Boaz 2010 (executive vice president of the Cato Institute) 18 Nov 2010 The ‘Public Health’ Confusion Again <https://www.cato.org/blog/public-health-confusion-again>

“It’s a public health issue.” No, it’s not. Motorcycle deaths are not a public health problem. If motorcyclist A doesn’t wear a helmet, that has no impact on cyclist B. Riding a motorcycle without a helmet may be a bad idea, but it is an individual and non-contagious problem.

1. A/T “Health care costs”

First response: Insurance solves, see Inherency and Minor Repair above. Your insurance pays for your costs, not society. Next…

Lots of things potentially raise health costs – you’d have to ban everything

Steve Chapman 2010 (journalist; member of the Chicago Tribune's editorial board) “The case against motorcycle helmet laws” 25 Nov 2010 CHICAGO TRIBUNE <http://articles.chicagotribune.com/2010-11-25/news/ct-oped-1125-chapman-20101125_1_helmet-motorcycle-medical-costs>

It's also hard to see why we single out motorcyclists for the sin of saddling everyone with higher health care costs. Plenty of patients suffer from self-inflicted ailments — lung cancer from smoking, liver damage from drinking, diabetes from eating unhealthy foods, AIDS from unprotected sex. Yet we don't ban these activities.

Fix health care instead of expanding government control over people's lives

David Boaz 2010 (executive vice president of the Cato Institute) 18 Nov 2010 The ‘Public Health’ Confusion Again <https://www.cato.org/blog/public-health-confusion-again>

An astute reader asks: But what about the costs to the taxpayer if an uninsured, helmetless motorcyclist is injured? That’s still not a public health problem, and it’s not the claim NTSB is making. It might be a public finance problem, but libertarians have generally [argued](https://www.cato.org/pub_display.php?pub_id=5226) that a free market in health insurance is a better response to that problem than a smothering nanny state that bans all dangerous behavior on the grounds of socialized medical costs.

SOLVENCY

1. Benefits exaggerated

American Journal of Public Health (AJPH) study finds only small improvement in lives saved with helmet laws

Jacob Sullum 2008 (journalist) "Motorcycle Helmet Laws Save Lives, but Not Very Many" 1 Apr 2008 <https://reason.com/blog/2008/04/01/motorcycle-helmet-laws-save-li>

A new [study](http://www.ajph.org/cgi/content/abstract/97/11/2063) reported in the American Journal of Public Health finds that the repeal of motorcycle helmet requirements for adults has been associated with an increase in motorcycle fatalities, beyond the general increase that has been seen throughout the country in the last decade or so. Although the researchers argue that their study reinforces the case for universal helmet laws, the impact they found looks pretty modest:  
On average, when compared to state experience with no helmet mandate, universal helmet laws were associated with an 11.1% reduction in motorcyclist fatality rates, whereas rates in states with partial coverage statutes [applying only to riders younger than 21] were not statistically different from those with no helmet law. Furthermore, in the states in which recent repeals of universal coverage have been instituted, the motorcyclist fatality rate increased by an average of 12.2% over what would have been expected had universal coverage been maintained. Since 1997, an additional 615 motorcyclist fatalities have occurred in these states as a result of these changes in motorcycle helmet laws.   
In terms of fatalities prevented each year, the effect estimated by this study is not very impressive. In 2004, for example, "an estimated 135 (or 5.8%) fewer fatalities would have occurred" in the 31 states without universal helmet laws had those states forced adult motorcyclists to wear head protection. That's just a handful of fatalities per state each year.

Even the small benefit found in the AJPH study may be exaggerated because there were other factors involved

Jacob Sullum 2008 (journalist) "Motorcycle Helmet Laws Save Lives, but Not Very Many" 1 Apr 2008 <https://reason.com/blog/2008/04/01/motorcycle-helmet-laws-save-li>

Even the undramatic results of this study may overestimate the impact of helmet laws. To the researchers' credit, instead of doing a simple before-and-after comparison in a single state or a few states, they looked at accident data from all 50 states and D.C. for 1975 through 2004. They took into account the general upward trend in motorcycle deaths since 1996 and several potential confounding variables, including other traffic-related laws, weather patterns, alcohol consumption, population density, and the age breakdown of each state's population. But since the outcome measure they used was fatalities per 10,000 registered motorcycles, they did not take into account miles traveled. That could matter if motorcyclists who hate helmets start riding more often or longer distances once they are no longer required to wear them. In that case, some of the increase in deaths could be due to an increase in miles traveled. Another possible factor: If people who stopped riding motorcycles because they were irked by a helmet requirement suddenly start riding them again once the requirement is repealed, the percentage of motorcyclists who are out of shape and out of practice might increase, which could independently raise the frequency of crashes.

2. Social costs not solved

Helmets don't solve, nor even substantially reduce, the alleged costs to society of motorcycle injuries

Jacob Sullum 2005 (journalist) "Freedom Riders" Nov 2005 REASON magazine <https://reason.com/archives/2005/11/01/freedom-riders>

Having failed in the courts, helmet law opponents have fended off the "social cost" argument in state legislatures partly by noting that taxpayer expenses associated with injuries that might have been prevented by motorcycle helmets do not amount to much. Although riding a motorcycle is much riskier than driving a car, helmets are considerably less effective at preventing injuries than seat belts are. As NHTSA noted in a 1996 report to Congress, "Helmets cannot protect the rider from most types of injuries." Based on accident data from seven states, NHTSA estimated that motorists involved in crashes who wore seat belts were 20 percent less likely to be injured and 60 percent less likely to be killed than motorists who didn't. The figures for motorcyclists who wore helmets were 9 percent and 35 percent, respectively.

DISADVANTAGES

1. Masking DA: Focus on helmets distracts from real safety

Focus should be on preventing crashes, not helmets

Joshua Placa 2013 (journalist) “Federally-Mandated Helmets Are coming – Freedom or Safety?” n 7 Nov 2013 <https://rideapart.com/articles/federal-government-working-on-national-helmet-law> (brackets added)

“Motorcyclists would be best served if regulators and legislators focus on programs to prevent motorcycle crashes from occurring in the first place,” said the AMA [American Motorcyclist Association] spokesman. The association recommends the use of all [safety](https://rideapart.com/tagged/safety/) equipment, including gloves, proper footwear and a motorcycle helmet certified by its manufacturer to meet DOT standards. Said Wayne Allard, AMA Vice President for Government Relations, “We also believe adults should have the right to voluntarily choose to wear a helmet.”

1. Loss of freedom

Personal freedom for motorcycle riders outweighs injury risk

Steve Chapman 2010 (journalist; member of the Chicago Tribune's editorial board) “The case against motorcycle helmet laws” 25 Nov 2010 CHICAGO TRIBUNE <http://articles.chicagotribune.com/2010-11-25/news/ct-oped-1125-chapman-20101125_1_helmet-motorcycle-medical-costs>

Plenty of patients suffer from self-inflicted ailments — lung cancer from smoking, liver damage from drinking, diabetes from eating unhealthy foods, AIDS from unprotected sex. Yet we don't ban these activities. Why not? Because we retain a respect for individual freedom and choice — even in matters of life and death, even when individual choices have collective costs. Motorcycle helmet laws are an unwarranted exception to our normal, sound approach, which can be summarized: It's your life, and it's your funeral.

People have a human right to be free of government coercion unless there is a public justification, and even if there is some justification, we have to count the cost of the coercion against the benefits

Prof. Kevin Vallier 2017 (associate professor of philosophy at Bowling Green State University ) 3 Jan 2017 A Rawlsian Case for Libertarianism <https://www.libertarianism.org/publications/essays/rawlsian-case-libertarianism>

We now turn to Gaus’s case for a right against legal coercion. For Gaus, rights of agency are among our most fundamental rights, and they include a right not to be coerced in the absence of a compelling justification. Libertarians might rejoice here, but not so fast: Gaus claims that reasonable people disagree about which forms of social order are most coercive, so some nonlibertarian views about the coerciveness of the market may present problems for libertarian property rights claims. Nonetheless, there are certain obvious core cases of coercion, such as the forms of coercion used by police, that all recognize as coercive. Legislation is also typically coercive. Gaus then argues that, insofar as we have a settled scheme of basic liberties (which include a right of private property), these rights set a baseline against which coercion must be justified. If the government proposes to use coercion to force you to wear a motorcycle helmet or evict you from your home and if you have a publicly justified right to make your own decisions with regard to those issues, then the right against legal coercion prohibits state action. Gaus also notes that publicly justified legislation, despite justifying the use of legal coercion, must be evaluated by counting its coerciveness as one of the reasons to oppose the law (even if those reasons are ultimately overridden). States are not exempt from this standard. Gaus stresses that the right against legal coercion is a right that coercion be prohibited in the absence of a public justification. Further, a law’s coerciveness continues to count against it even when the factors favoring the law are stronger.

Impact: Cost of government coercion offsets the benefits of the plan

Prof. Kevin Vallier 2017 (associate professor of philosophy at Bowling Green State University ) 3 Jan 2017 A Rawlsian Case for Libertarianism <https://www.libertarianism.org/publications/essays/rawlsian-case-libertarianism>

It should be plain that a right against legal coercion pushes public reason in an even more classically liberal direction. Not only is there a strong right against the state to not be coerced in the absence of a public justification, but also the cost of coercion must still figure into the justification of a law we think is, all things considered, publicly justified. Given the diverse, moderately idealized reasons of the public, the right against legal coercion will be a powerful one, including when it comes to the protection of private property rights.

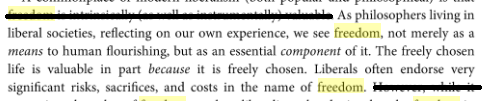
Impact: Totalitarian society. Using health care costs to justify banning certain behaviors creates totalitarian government

Jacob Sullum 1994. (Articles editor of National Review) Do Smokers Have Rights? The Science and Politics of Tobacco Nov/Dec 1994 <https://www.cato.org/policy-report/novemberdecember-1994/do-smokers-have-rights-science-politics-tobacco>

A major problem is that the government pays some people's medical bills, so the costs of medical care do not figure into a person's decision to smoke. Anti-smoking activists argue that because it provides public health insurance, the government is justified in taxing cigarettes or using other measures to discourage smoking. Since the government picks up the tab, it should be able to regulate behavior that generates the expense. If you follow the debates over motorcycle helmet laws or seatbelt laws or drug prohibition, you know that that sort of rationale is used for all kinds of things. It doesn't take more than a moment's reflection to see the totalitarian implications of that argument. If the government may regulate risky behavior to avoid future outlays under public health insurance, there is no end to the controls it may impose. I'm sure each and every one of you engages in behavior that could be thought to raise your risk of getting various kinds of diseases or injuries. And I'm sure that you wouldn't want to see your behavior either banned or taxed prohibitively.

Impact: Freedom is worth the risk

Dr. Tim Mulgan 2015 (PhD philosophy) PURPOSE IN THE UNIVERSE <https://books.google.com/books?id=eipUCgAAQBAJ&pg=PT257&lpg=PT257&dq=freedom+outweighs+lives&source=bl&ots=_aS_zgkiDU&sig=mfkfdmhoFFkj4Zt-FPAIB4m4MBo&hl=en&sa=X&ved=0ahUKEwiFlbO2iL3YAhVBTt8KHS78CCsQ6AEIQDAE#v=onepage&q=freedom%20outweighs%20lives&f=false>



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