# NOCEMBER LD NEG: THIS WILL BE THE END

## I affirm the resolved: A just government ought to recognize an unconditional right of workers to strike.

## **Framework**

**I value morality**

**The standard is mitigating existential risk**

**Sánchez ’17** (David; 2/8/17; BA in Public Policy, BA in Economics and Philosophy, expert at the Kenan Institute for Ethics, citing Nick Bostrom, PhD in Philosophy; Duke’s The Chronicle; “Existential risks”;<http://www.dukechronicle.com/article/2017/02/existential-risks-questions-and-considerations>; DOA:  4/21/17) ahsBC

How often do you think about the end of the world? Some people think about it quite a bit. Within Effective Altruism circles, many people share a concern for the future of humanity. Effective Altruists attempt to combine good intentions with science and reasoning to find the best ways to do good, whether for humans or non-human animals. **Mitigation of** so-called “**existential risks” is a** huge **priority** for some of their more risk-seeking members. An existential risk, put simply, is some class of possible event that presents a risk of extinction to humanity. Nick Bostrom, Oxford philosopher and existential risk extraordinaire, defines it this way: “One where an adverse outcome would either annihilate Earth-originating intelligent life or permanently and drastically curtail its potential.” Some **main** classes of **existential risk include** catastrophic climate change, malicious artificial superintelligence, the emergence of malicious nanotechnology, **nuclear war** and malicious bio-tech, among others. When considering the threats posed by so-called “x-risks,” there are at least three factors to keep in mind. First, bear in mind that if humanity continues for the foreseeable future, then the number of potential people in the future will be significantly higher than the number who exist today or have existed in the past. Additionally, the expected disutility of extinction-level events is massive, meaning that even a small mitigation of those probabilities results in a huge positive. Per one interpretation of the evidence, “even if we use the most conservative of these estimates… we find that the expected loss of an existential catastrophe is greater than the value of 1016 human lives. This implies that **the** expected **value of reducing** existential **risk by** a mere **one millionth of one percentage point is** at least **a hundred times the value of a million human lives**.” If this holds even remotely true, then surely we should keep listening. Second, consider that some experts believe the probability of extinction-level events is somewhat high. In a report released by Oxford’s Future of Humanity Institute, a survey of experts found the likelihood of extinction by the year 2100 to be a whopping 19 percent. While this number should be taken with a grain of salt, it is unsettling that people in the know are so pessimistic about our odds. Third, bear in mind that there are very, very few people dedicated to mitigating these existential risks. Some limited efforts exist, but they are low-staffed and underfunded. As Nick Bostrom has noted, even “a million dollars could currently make a vast difference to the amount of research done on existential risks; the same amount spent on furthering world peace would be like a drop in the ocean.” If you’re looking for a cause with a funding gap, this might be just the ticket. Looking throughout history, **we can find plenty of examples of near-nuclear war**; the Future of Life Institute compiled a nice list of the most notable. What this might show us is that our planet has almost faced near-extinction level events in the past. One reason we are all still here is because people worked to craft systems that would avoid careless mistakes or oversights. In other words, we built systems that attempted to mitigate these risks. If these systems had not been in place, and lazy fail-safes failed to prevent disaster, then what would have happened? Perhaps not outright extinction, but disaster indeed. During the Cold War, the notion of “mutually assured destruction” was not some abstract; it was a working possibility, one that humanity had to take seriously. So today, in a world with ever-advancing technology and geopolitical uncertainty, we lack a compelling reason not to take these sorts of risks seriously. The need to mitigate existential risk stands or falls with free will—if it does not exist, then there is little or no case to be made. But if it does—even to an extent—then we have every reason to at least listen to the experts. So, perhaps my thesis is that insofar as a person believes humans have free will (i.e. a degree of autonomy over their destinies), he or she likely will have reason to support causes that mitigate the risks imposed by disaster scenarios. This is not meant to take a stand on cause prioritization. It might be more worthwhile still to donate to groups that fight global health problems or empower people economically. However, excluding opportunity cost, donating time or money to mitigating these threats is likely net positive, depending on the efficacy ofS the organization or project. Given that we have not observed an existential threat play out in the past, **we might be biased towards believing** that **one might never emerge**. Accordingly, this is an area where rational thinking is absolutely essential. In my view, whether or not to support or donate to these causes is an open question. But if the whole of humanity is at stake, it is at least a conversation worth having.

# **Contention 1: Racial discrimination**

#### The government needs to support strikes to mitigate racial discrepancies and discrimination; striking would help create unions. African-American workers are overrepresented at the lowest paid jobs, and their ability to unionize has been aggressively challenged by companies such as Amazon.

#### Perry et al., ‘21

[Andre M. Perry is a senior Fellow at the Metropolitan Policy Program, Molly Kinder is a David M. Rubenstein Fellow at the Metropolitan Policy Program, Laura Stateler is a Senior Research Assistant at the Metropolitan Policy Program, Carl Romer is a fromer research assistant at the Metropolitan Policy Program, Published: 3/16/21, “Amazon’s union battle in Bessemer, Alabama is about dignity, racial justice, and the future of the American worker”, Brookings Institute, https://www.brookings.edu/blog/the-avenue/2021/03/16/the-amazon-union-battle-in-bessemer-isabout-dignity-racial-justice-and-the-future-of-the-american-worker/ ] /Triumph Debate

AMAZON HAS GROWN EVEN MORE DOMINANT AND SHARED LITTLE OF ITS PANDEMIC PROFITS WITH WORKERS **Black workers are overrepresented among the risky essential jobs** **(like those at Amazon’s warehouses) on the COVID-19 frontlines**, and especially among frontline jobs that pay less than a living wage. Black workers comprise 27% of Amazon’s workforce, compared to just 13% of workers overall in the U.S**. In Amazon‘s Bessemer warehouse**, union organizers estimate that **85% of workers are Black.** **Amazon’s disproportionately Black workforce** has **risked their lives during the pandemic**, but the **company has shared little** of its astonishing **profits** **with them**. **Last year, Amazon earned an additional $9.7 billion in profit—a staggering 84% increase compared to 2019.** The company’s stock price has risen 82%, while founder Jeff Bezos has added $67.9 billion to his wealth—38 times the total hazard pay Amazon has paid its 1 million workers since March. **Despite soaring profits, Amazon ended its $2 per hour pandemic wage** increase last summer and replaced it with occasional bonuses. From March 2020 through the end of the year, Amazon’s frontline workers earned an average of $0.99 per hour of extra pay, or a roughly 7% pay increase. Amazon’s pandemic pay bump was less than half of the increased pay at competitor Costco, and a fraction of what it could have afforded from the extra profits it earned during—and largely because of—the pandemic. In fact, Amazon could have more than quintupled the hazard pay it gave its workers and still earned more profit than in 2019. And while Amazon frequently touts its $15 per hour starting wage, **Costco’s recent increase of its starting wage to $16 per hour (despite having significantly smaller profits than Amazon) shows that $15 is a floor, not a ceiling.** **A DRIVE FOR DIGNITY AND RACIAL JUSTICE SEEKS TO DEFY THE ODDS** Some of the workers at the Bessemer warehouse have called on Amazon to reinstate its $2 per hour hazard pay. Yet Amazon’s unwillingness to share its staggering profits with its workers is not the only—or even the primary— driver of the union effort in Bessemer. In an essay published in The Guardian last month, labor journalist Steven Greenhouse introduced Darryl Richardson, a 51-yearold “picker” at the Bessemer warehouse. Richardson voiced his frustration about the dehumanizing nature of his work at Amazon, including the unrelenting pace, the risk of being terminated at any point, and the constant surveillance. “**You don’t get treated like a person**,” Richardson said. “**They work you like a robot…You don’t have time to leave your workstation to get water. You don’t have time to go to the bathroom**.” As Amazon’s profits climb and its market dominance continues, workers like Richardson want a seat at the table to make their workplace humane. Bessemer’s pro-union workers face an uphill battle as they take on one of the most powerful companies in the world. Amazon’s **aggressive anti-union tactics** have garnered headlines, but they **are illustrative of the daunting challenges and uneven playing field facing organizing efforts in all work places**. Today, 65% of Americans approve of labor unions—the highest level since 2003. But after decades of declining union participation, only about 10% of American workers are members of one.

Black women have been historically excluded from work place protections. In order to provide them with what they need, we must increase the availability of such protections to create better work and living conditions.

Banks, ‘19

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**The black woman’s experience** in America **provides** arguably **the most overwhelming evidence of the persistent and ongoing drag from gender and race discrimination** on the economic fate of workers and families. **Black women’s labor market position is the result of employer practices and government policies that disadvantaged black women relative to white women and men.** Negative representations of black womanhood have reinforced these discriminatory practices and policies. Since the era of slavery, the dominant view of black women has been that they should be workers, a view that contributed to their devaluation as mothers with caregiving needs at home. African-American women’s unique labor market history and current occupational status reflects these beliefs and practices. Compared with other women in the United States, **black women have always had the highest levels of labor market participation regardless of age, marital status, or presence of children at home**. In 1880, 35.4 percent of married black women and 73.3 percent of single black women were in the labor force compared with only 7.3 percent of married white women and 23.8 percent of single white women. Black women’s higher participation rates extended over their lifetimes, even after marriage, while white women typically left the labor force after marriage. Differences in black and white women’s labor participation were due not only to the societal expectation of black women’s gainful employment but also to labor market discrimination against black men which resulted in lower wages and less stable employment compared to white men. Consequently, **married black women have a long history of being financial contributors—even co-breadwinners**—to two-parent households because of black men’s precarious labor market position. Black women’s main jobs historically have been in low-wage agriculture and domestic service.1 Even after migration to the north during the 20th century, most employers would only hire black women in domestic service work.2 Revealingly, although whites have devalued black women as mothers to their own children, black women have been the most likely of all women to be employed in the low-wage women’s jobs that involve cooking, cleaning, and caregiving even though this work is associated with mothering more broadly. Until the 1970s, employers’ exclusion of black women from better-paying, higher-status jobs with mobility meant that they had little choice but to perform private domestic service work for white families. The 1970s was also the era when large numbers of married white women began to enter into the labor force and this led to a marketization of services previously performed within the household, including care and food services. Black women continue to be overrepresented in service jobs. Nearly a third (28 percent) of black women are employed in service jobs compared with just one-fifth of white women. **Discriminatory public policies have reinforced the view of black women as workers** rather than as mothers **and contributed to black women’s economic precarity**. This has been most evident with **protective welfare policies that enabled poor lone white mothers to stay at home and provide care for their children since the early 20th century**. These policies were first implemented at the state level with Mother’s Pensions and then at the national level with the passage of the Social Security Act of 1935. Up until the 1960s, **caseworkers excluded most poor black women from receiving cash assistance because they expected black women to be employed moms and not stay-at-home moms like white women**.3 This exclusion meant that for most of the history of welfare, **the state actively undermined the well-being of black families by ensuring that black women would be in the labor force as low-wage caregivers for white families.** This helped to secure the well-being of white families and alleviated white women of having to do this work. **The state simultaneously undermined the well-being of black families by denying black mothers the cash assistance that they needed to support their children and leaving black women with no other option but to work for very low wages**. Indeed, the backlash against poor black moms receiving cash assistance eventually culminated in the dismantling of the AFDC program and the enactment of TANF—a program with strict work requirements.4 **Because of discriminatory employer and government policies against black men and women**, **black mothers with school-age children have always been more likely to be in the labor force compared with other moms.** Today, 78 percent of black moms with children are employed compared with an average of just 66 percent of white, Asian American, and Latinx moms.5 Although black women have a longer history of sustained employment compared with other women, in 2017, the **median annual earnings for full-time year-round black women workers was just over $36,000—an amount 21 percent lower than that of white women, reflecting black women’s disproportionate employment in low-wage service and minimum and sub-minimum wage jobs.** Black families, however, are more reliant on women’s incomes than other families are since **80 percent of black mothers are breadwinners in their families**. Despite black women’s importance as breadwinners, **the state has compounded the lack of protections afforded black mothers by failing to protect black women as workers**.6 In fact, **state policies have often left black women vulnerable to workplace exploitation** by excluding them from various worker protections. New Deal minimum wage, overtime pay, and collective bargaining legislation excluded the main sectors where black women worked—domestic service and farming. Although there have been inclusions since then, these sectors **still lack full access to worker protections. The legacy of black women’s employment in industries that lack worker protections has continued today** since black women are concentrated in low-paying, inflexible service occupations that lack employer-provided retirement plans, health insurance, paid sick and maternity leave, and paid vacations. Over a third (36 percent) of black women workers lack paid sick leave. All workers—especially the most vulnerable—need workplace protections, including minimum wages that are livable wages. Universally available family-friendly workplace policies would be especially beneficial to women given their care responsibilities: paid sick and parental leave, subsidized child and elder care, and flexible work options.

Unions disproportionately help those most in need, and therefore are a tool to help close the racial wealth gap.

**Weller & Madland, ‘18**

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**Being a union member creates a number of venues for workers to build more wealth than would be available for nonunion members.**4 Union members bargain collectively for wages, benefits, and procedures that affect their employment, such as when and how an employer can fire an employee. As a result of being covered by a collective bargaining agreement—the contract that employers and unions regularly sign and that governs these employment-related issues—**union members have higher wages**, on average; **more benefits**; and more stable employment than is the case for nonunion members. Higher wages then translate into more savings in absolute terms, as well as more tax incentives to save.5 Furthermore, more job-related benefits—such as **health insurance, defined benefit plans, and life insurance**—mean that **union members need to spend less money than do nonunion members to protect their families against future income losses.** Therefore, **they can save more money to pursue their own goals, such as paying for their children’s college education**.6 Lastly, **union membership leads to greater employment stability** **and job protections** that **translate into longer tenures** with one employer.7 This employment **stability translates into more savings**, as **union members** are more likely to be **eligible for key benefits** such as **retirement** savings and can **better plan for their futures**.8 This issue brief considers the relevant data broken down by union membership separately for whites and nonwhites. The data show that: **Union members have greater wealth than nonmembers**, and **the difference is much larger for nonwhites than whites**. From 2010 to 2016, **nonwhite families who were also union members had a median wealth that was almost five times—485.1 percent, to be exact—as large as the median wealth of nonunion nonwhite families**.**9 The difference between union and nonunion white families was much smaller, with the former having a median wealth that was only 139 percent that of the latter during that period.** (see Table 1) Union members have higher earnings, more benefits, and more employment stability than nonunion members. **Union members’** total annual **earnings are between 20 percent and 50 percent greater than those of nonunion** members. (see Table 2) **The gap in income, benefits, and employment stability** by union membership **is larger for nonwhite families than for white families.** The chance of having a 401(k) plan, for instance, is about 50 percent greater for nonwhite union members compared with their nonunion counterparts, but the gap among whites is only 21.7 percent. (see Table 1) The data suggest that nonwhite union members receive a particular boost in their wealth because they see larger increases in pay, benefits, and employment stability than white union members. This is primarily a result of the fact that **nonwhite workers** work more frequently than whites in low-paying jobs with few benefits, so they often have much more to gain.10 This disparity in working conditions is due to a wide array of factors, including but not limited to **unequal access to education, occupational segregation, and discrimination**.**11 Unions help all workers, and they do the most for those with less advantages**. As a result, **union membership can help shrink that racial gap in labor market outcomes. And this partial equalization translates into a boost in median wealth for nonwhite union families.**

#### Black labor leaders have been successful in the past, but need stronger ability to strike and make demands of corporations in order to reduce racial wealth inequalities. This will require actions by their government in order to succeed.

#### Perry et al., ‘21

[Andre M. Perry is a senior Fellow at the Metropolitan Policy Program, Molly Kinder is a David M. Rubenstein Fellow at the Metropolitan Policy Program, Laura Stateler is a Senior Research Assistant at the Metropolitan Policy Program, Carl Romer is a fromer research assistant at the Metropolitan Policy Program, Published: 3/16/21, “Amazon’s union battle in Bessemer, Alabama is about dignity, racial justice, and the future of the American worker”, Brookings Institute, https://www.brookings.edu/blog/the-avenue/2021/03/16/the-amazon-union-battle-in-bessemer-isabout-dignity-racial-justice-and-the-future-of-the-american-worker/ ] /Triumph Debate

BIRMINGHAM’S HISTORY SHOWS THAT **UNIONS ARE KEY TO A PROSPEROUS BLACK MIDDLE CLASS** While **the country’s decades-old labor laws make it extremely difficult for workers to form a union anywhere**, the pervasive right-to-work laws in the South and conservative states make organizing efforts like the one in Bessemer even more difficult. In the South, **anti-labor laws are inextricably linked to the** **historic suppression of Black workers.** Racism in the form of no- or low-wage Black labor has been part of the growth model of racialized capitalism. And when workers are unable to collectively bargain and demand their fair share, economic growth becomes concentrated in the hands of a few. Fortunately, the Birmingham metropolitan area—home to Bessemer—has already proven that unionized Black workers can create economic growth and shared prosperity. At the turn of the 20th century, Birmingham labor unions facilitated the establishment of a Black middle class. Black and white miners organized to form the United Mine Workers (UMW) union and, together, secured better wages. Following UMW’s success, what was then known as the Alabama Federation of Labor (AFL) followed the same strategy of a racially integrated membership—in part out of fear that nonunionized Black workers would replace striking workers. As a result, Black Alabamians earned leadership positions and spots in every committee of the AFL, and the union’s first five vice presidents were Black. This inclusive labor movement continued until the 1930s, when U.S. Steel—rife with Ku Klux Klan members—began to restrict job promotions for unionized Black workers, limiting access to senior positions they previously occupied. The Bessemer union battle comes after decades of concerted effort by business leaders and policymakers to beat back the 20th century victories of labor organizers. From Ronald Reagan’s breaking of the air traffic controllers’ strike to Janus v. American Federation of State, County and Municipal Employees, these forces have eroded labor union protections, and with it, workers’ say in their workplaces. **Fixing the country’s broken labor laws** to give workers like those in Bessemer a fighting chance **will require major legislative change**. Last week, the White House issued a statement backing the Protecting the Right to Organize (PRO) Act. The legislation would enable more workers to form a union, exert greater power in disputes, and exercise their right to strike, while curbing and penalizing employers’ retaliation and interference and limiting right-to-work laws. The PRO Act passed in the House of Representatives last week but faces long odds in the Senate due to strong Republican opposition and fierce resistance from business. Short of ending the filibuster, the act has little chance of passage. Ultimately, **change will require an empowered workforce** demanding it. In the words of Frederick Douglass, “Power concedes nothing without a demand”—and that demand looks like Bessemer workers standing up to one of the most powerful companies the world has ever seen. **In order for these and other workers to have a chance, they will need allies in Congress to create a more level playing field. In 1935, the 74th Congress passed the National Labor Relations Act because of the labor movement. In 1964, the 88th Congress passed the Civil Rights Act because of the civil rights movement.** Today, the 117th Congress needs similar pressure from the racial and economic justice movements. The workers in Bessemer are doing just that, which should inspire others across the nation to **demand better working conditions, higher wages, and stronger labor laws from both their own management and leaders in Washington.**

#### The Perry cards show that there is discrimination and people are unable to unionize. Unionizing would help mitigate these effects which the state has been linked to cause. Thus, the government ought to support strikes. The government has the ability to help this, and they ought to. This would decrease structural violence, and thus be the most moral.

# Contention 2: Labor Rights

#### The US violates international labor law with their meager right to strike protections. LABOR LAW IS KEY

**Pope et al. 17**

[James Gray Pope, academic at Rutgers Law School, Ed Bruno, unionist at the National Nurses Organizing Committee, and Peter Kellman, unionist at the Southern Maine Labor Council, 2017, “The Right to Strike and the Perils of Exclusive Representation,” SSRN, https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=3074092]/Kankee

As Lerner diagnosed the problem twenty years ago, U.S. labor law **blocks** unions and workers from effective organizing and striking. Then as now, the law’s protections for workers’ rights amount to little more than **paper guarantees**, while its restrictions are **downright deadly**.11 Indeed, the Committee on Freedom of Association of the International Labor Organization (**ILO**) has held that the **U**nited **S**tates is **violating** international standards by failing to protect the **right to organize**, by **banning secondary strikes** and boycotts across the board, and by allowing employers to **permanently replace** **workers** who strike.12 The ban on secondary strikes is especially debilitating, because it prevents workers who have some economic power, for example organized grocery workers, from aiding workers who don’t, for example unorganized packing house workers. If the grocery workers support striking packers by refusing to handle food packed by scabs, they are said to be engaging in an illegal secondary boycott.13 But the law cuts even deeper, deforming workers’ organizations at their inception. As amended by the Taft-Hartley Act of 1947 (tagged by unionists as the “Slave Labor Law”), the National Labor Relations Act (NLRA) confronts workers with a choice between two inadequate forms of organization: statutory “labor organizations,” popularly known as unions, and others, for example workers’ centers that organize outside the statutory framework. At first glance, the choice seems obvious. Only unions can demand and engage in collective bargaining.14 But unions are subject to so many restrictions that some workers’ organizations (like the Restaurant Opportunities Centers United) are willing to forego collective bargaining in order to avoid them, while others (like the Coalition of Immokalee Workers) consider themselves lucky to be excluded from the NLRA altogether.15 In the 1960s Cesar Chavez of the United Farm Workers rejected NLRA coverage for farm workers on the ground that it would inscribe “a glowing epitaph on our tombstone.”16 The obvious response would be to reform the law. But labor faces a double bind: American workers have **never** won a significant piece of workers rights legislation without first engaging in exactly the kind of strikes and other forms of noncooperation that current labor laws forbid.17 The Erdman Act of 1898, the Clayton Act of 1914, the Railway Labor Act of 1926, the Norris-LaGuardia Anti-Injunction Act of 1932, the Wagner Act (NLRA) of 1935 and the public sector collective bargaining laws of the 1970s were all preceded by dramatic strikes and mass disobedience.18 By comparison, organized labor’s more recent legislative campaigns all **failed** despite Democratic ascendancy in both houses of Congress and the White House. The Labor Law Reform bill of 1978, the striker replacement bills of the early 1990s, and the Employee Free Choice Act (EFCA) of 2007-2009 succumbed to a combination of tepid presidential support (Carter, Clinton, and Obama to labor leaders: “I’m with you; just wait until I’ve spent my political capital on other things”) and the filibuster.19 Even if enacted, those bills would have provided only modest protections for workers’ rights, well short of the far-reaching changes necessary to reverse union decline.20 Given the booming influence of money on politics, the skewed representation in the Senate, and the gerrymandered House, we simply can’t expect ordinary politics to produce the reforms that would give unions a fighting chance of revival. Organizing, it seems, must precede legislation. The Service Employees International Union (SEIU) is the only big Taft-Hartley union to launch the kind of confrontational campaign urged by Lerner. For the past four years, SEIU has poured money and organizers into the nationwide Fight for Fifteen campaign. With its combination of sectoral organizing and civil disobedience, Fight for Fifteen has scored a number of victories, including the enactment of $15 minimum wage laws in several jurisdictions as well as the inclusion of a $15 minimum wage plank in the Democratic Party platform. The campaign has gained SEIU few duespaying union members—which to some critics earns it a failing grade—but it has validated organized labor as a champion of low-wage workers and accelerated the shift toward class politics.21 It should come as no surprise that Fight for Fifteen has made more progress on wages than on union growth. Employers have always resisted unionization far more tenaciously than wage increases. They understand that unionism entails a workplace regime shift, while wage increases merely redistribute wealth for a time. Conversely, organized labor has never achieved major growth without prioritizing the rights to organize and strike above economic gain. The Fight for Fifteen and – for that matter – most of the labor movement’s activity, would be far more effective if it were tied to a long-term strategy for winning three core rights for workers: **rights to** organize, **strike**, and act in solidarity. Lacking those rights (whether defacto or official), the movement will be of little use in struggles for social justice or in alliances with other movements.22 The labor movement of the early twentieth century, which propelled unionism to its historic high point, grasped this point. Even the cigar-chomping business unionists of the Gompers era seized on opportunities to trumpet the constitutional rights to organize and strike, sometimes in support of open lawbreaking by leftist unions and workers.23 In order to win workers’ rights, organized labor should act like a rights movement. Judging from history, rights movements succeed when they claim a few key rights, exercise them at every opportunity, and place them front and center in every phase of movement activity, including organizing, protest, civil disobedience, legislative advocacy, administrative advocacy, and litigation. In addition to the labor movement of the early twentieth century, examples include the anti-slavery movement, the women’s suffrage movement, the civil rights movement, the LGBT rights movement, and the gun rights movement. This kind of focus serves not only to win public support on the merits, but also –perhaps more importantly– to assure adherents and convince opponents that the movement is serious. No group of workers that is contemplating the exercise of labor rights against official law should doubt either that the movement will come to their support or that they are participating in a historic struggle for rights that will be carried through to victory. How can workers claim their rights in defiance of duly enacted laws? Social movements typically answer this kind of question with reference to higher law, especially the Constitution.24 For example, the civil rights movement defied Jim Crow in the name of the constitution’s equal protection clause. The labor movement of the early twentieth century held that anti-strike laws established “involuntary servitude” in violation of the Thirteenth Amendment, while anti-picketing and anti-boycott laws transgressed the First Amendment freedoms of free speech and association.25 Neither movement waited for courts to recognize their rights; they interpreted the Constitution for themselves. International norms also protect the rights to organize, strike, and act in solidarity.26 A tremendous advance would be to bring U.S. labor law into compliance. In the meantime, workers are fully justified in deploying tactics of peaceful disobedience in the course of organizing, striking, and acting in solidarity. What would it mean in practice for labor to “act like a rights movement”? It would not mean that unions ride back to glory on the slogan of workers’ rights. Far more likely, struggles would continue to center on substantive demands – like the $15/hour wage or a union contract. But a long-term commitment to workers’ rights would entail basic changes not only in tactics, but conceivably in the very definition of unions as government-anointed exclusive representatives. \*\*

#### The first scenario is democracy collapse:

#### With no Right to Strike: Declining unionization causes massive income inequality that collapses institutional democracy – only a right to strike solve

**Rhomberg 12**

[Chris Rhomberg, Professor of Sociology at Fordham University with a PhD from UC Berkley, 2012, “The Return of Judicial Repression: What Has Happened to the Strike?,” The Forum, https://www.fordham.edu/download/downloads/id/1129/the\_return\_of\_judicial\_repression\_what\_has\_happened\_to\_the\_strike.pdf]/Kankee

The **consequences** of this regime go well beyond the fate of unionized workers, and are **damaging** for American society. In the last several decades economic inequality has **risen sharply** in the **U**nited **S**tates, as both academics and journalists have noted. During the middle of the 20th Century the distance between rich and poor in America steadily declined, but in the last quarter of the century the pattern was reversed. In the private sector labor market, wage inequality increased by 40 percent between 1973 and 2007, with declining unionization accounting for a fifth to a third of the increase (Western and Rosenfeld 2011). For more than a generation, the benefits of economic growth have gone disproportionately to corporate profits and to the top fifth of households, while incomes for the middle and bottom fifths have remained stagnant and fallen behind.For many political theorists, modern mass **democracy** requires multiple institutional spaces for **dialogue** and **decision-making** among plural collective actors, including the actors in the **workplace**. Decades of economic re-structuring have now radically altered the spaces for such dialogue, on the job, in the com munity, and in the public sphere. The **result** highlights the **historic** **dedemocratization** of the institutional regulation of labor in the United States, from the scope of collective bargaining in the workplace, to the civic spaces for group mediation, to the protection for workers’ and citizens’ rights to protest under the law. What’s Next? Recovering the Right to Collective Action The **right to strike** is **essential** to any discussion of the future of the **labor movement** in the United States. The renewal of American labor does not require the restoration of all the elements of the New Deal order, even if that were possible. It does, however, imply a challenge to the logic and legal mechanisms that reproduce the anti-union regime, including the practices of impasse and implementation, permanent replacement of strikers, and other limits on collective action. The current regime radically reduces the scope for public engagement and dialogue between the parties in the employment relationship. We need to restore the integrity of the **collective bargaining** process which rests, ultimately, on a **genuine right to strike**. This need not take the form of the institutional channeling established during the postwar accord. Rather, widening the scope of collective action could enlarge the spaces for public engagement and civic mediation among employers, unions, and community actors. That could encourage more flexibility, communication and innovation in negotiations between management and unions. It could also allow for the development of broader partnerships in support of the firm, its workers, and the local area. There is no a priori reason to credit company managers with exclusive wisdom to control the enterprise on behalf of all stakeholders. In the Detroit strike, the newspapers pursued a scorched-earth policy toward the strikers in a community that placed a high value on unionism. The newspapers lost a third of their circulation and at least $130 million and forced the dispute to go through years of litigation. It is not obvious that these actions benefitted the workplace, the community, or even the shareholders in the long run. Admittedly, reforming the law will be no easy task. Political forces in the United States make even modest labor law reform extremely difficult, and the record of union efforts to pass legislation in Congress is not encouraging. The labor movement may have to find its own ways to take back the right to collective action. As labor scholars have shown, **union growth** or revitalization in American history has frequently occurred in episodic bursts or “upsurges” (Freeman 1998; Clawson 2003). Strike mobilization is a **key driver** of these upsurges, especially in a liberal market economy with decentralized labor market institutions (like the U.S.). Such periods often coincide with the growth of new forms of organization or outreach to previously unorganized groups of workers. In the 1890s, nativeborn and Northern European immigrant skilled workers built the craft unions that came together in the **A**merican **F**ederation of **L**abor. During the 1930s, Southern and Eastern European ethnic factory workers joined the new wave of industrial unionism in the **C**ongress of **I**ndustrial **O**rganizations. Similarly, African American workers organized into public sector unions in conjunction with the civil rights movement the 1960s, and immigrant Hispanic and Asian workers form the base for union growth in low-wage service sectors today. The return of judicial repression underlines the extent of labor’s deinstitutionalization under the current regime. In response, unions have increasingly turned to innovative organizing tactics and mobilizing grassroots allies in the community. Yet, community coalitions are not a magic solution, and civil society is a competitive field no less than the economy and the state. In Detroit, the newspapers deployed tremendous resources to override the power of the NLRB and pressure from an alliance of unions, local civic leaders, and members of the reading public. The outcomes for future struggles will depend on the conjuncture of forces in the economy and the state as well as in civil society. In areas where labor and other structural inequalities coincide, where new immigrant or minority working-class communities combine with local cultures of union militancy, or where organizational and framing strategies re-define previously divided group identities, there may be greater possibilities for collective action. Moreover, the boundaries of mobilization are no longer strictly local. As corporations become larger and more globally integrated, unions have learned to use new leverage, from the strategic location of jobs in worldwide commodity chains, from regulations under national and international law, and from access to global media and civil society. Such changes may prefigure a new path of opposition to the now dominant anti-union regime.

#### Reviving unions is critical to restoring global democracy

**Nussbaum 19**

[Karen Nussbaum, former Director of the United States Women's Bureau at the Department of Labor with a BA from Goddard College, 2019, “Unions and Democracy,” Labor Studies Journal, https://sci-hub.se/https://doi.org/10.1177/0160449X19890523]/Kankee

Nottage was commissioned to write a play about an American revolution. She chose de-industrialization. Trump had not yet been elected when the play was written, but “Trumpism” is the coda in real life. I’ve seen this story repeated in communities across the country. Many have become inured to the decline of unions but were unprepared for the rise of authoritarianism around the globe. “You can’t have a strong middle class without unions, and you can’t have democracy without a strong middle class.” That succinct analysis didn’t come from a labor leader but from Tim Collins, CEO of the private equity firm Ripplewood. Collins is not representative of business leaders, but he is right. The **link** between unions and the middle class is **well-made**. But how **important** are unions to democracy? **Very**. Workers Do with Less So Big Business Gets More The reality depicted in “Sweat” started years ago, around the time I got my start in the labor movement. I got a job as a clerk-typist in 1970 and organized my coworkers— women office workers in Boston and then nationally in 9to5, a national association and our sister organization, District 925, SEIU. We built 9to5 on the wave of women’s liberation, a term our members would have rejected. But we were confronted by corporate opposition, characterized by an abrupt shift in strategy to maximize profits in an increasingly competitive world. American employers chose to cut workers’ pay. To do that, companies had to break workers’ collective power. Business Week laid it out in stark terms in a 1974 editorial: “It will be a bitter pill for many American to swallow the idea of doing with less so that big business can have more.” Bennett Harrison and Barry Bluestone (1988) called this new strategy and the corporate restructuring and the polarization of America it created “The Great U-Turn.” Rather than compete with Germany, Japan, and Scandinavia on product quality, worker productivity, and skill level, corporations **slashed wages and benefits**, and **outsourced jobs**. I remember discovering that law offices were outsourcing the typing of legal briefs to Asia, and coming to terms with the fact that it was cheaper to have non-English-speaking workers type what to them would be nonsense characters than to employ American workers who were likely not making much more than minimum wage. Union busting firms **sprang up** to go after organized industries. In the 1980s and 1990s, unions suffered **hallmark defeats** throughout the economy: PATCO in transportation,1 Phelps-Dodge in mining,2 Hormel in food processing,3 and Caterpillar in manufacturing,4 to name a few. Union busters even went after 9to5. One seminar which focused on beating back clerical worker organizing had a slide show warning “Don’t be fooled into thinking you need to look out for the likes of Jimmy Hoffa . . . Here’s who you should be worried about” with a picture of me.5 Americans did with less so that banks and big business could have more. The wealth from productivity gains, which had been distributed relatively evenly after World War II and built the middle class, now skewed dramatically to the top. According to Joseph Stiglitz, Some 90 percent [of American citizens] have seen their incomes stagnate or decline in the past 30 years. This is not surprising, given that the United States has the **highest** level of **inequality** among the advanced countries and one of the lowest levels of opportunity. The Economic Policy Institute (2018) reports that income inequality is continuing at such a dramatic pace that federal data can’t keep up with it. From Collective Power to Self-Reliance Public consciousness changed as well. In the 1970s, when I asked working women, “who do you turn to if you have a problem on the job?” they imagined calling their Congressperson or the Equal Employment Opportunity Commission, National Organization of Women, or 9to5. Over the years, their view of their options narrowed: “I’d complain to a co-worker”; “I’d call my mother”; “I’d pray to God.” After some years, the most typical answer was, “No one. I rely on myself.” Shaun Barclay, international secretary-treasurer of the United Food and Commercial Workers (UFCW), remembers being part of a strong community in his poor neighborhood. The community’s cohesion was reinforced by his job as a union clerk at an organized grocery store at the age of 16. But over the years he has seen the erosion of communal values in popular culture. “When I was young, the most popular magazine was Life. It was replaced by People—not as comprehensive as Life but still pretty broad. Us came along, narrower than People, to be replaced finally by Self.” Working America, the community affiliate of the AFL-CIO, sees the effects of declining unions as they go door to door in working-class communities. With twelve million conversations over the last sixteen years, they found fewer people who had a family member in a union. Without the anchor of a labor union, Working America canvassers found that working people were **vulnerable** to right-wing social **wedge issues**, and since 2016 more explicitly **racist appeals**. Unions, a Cornerstone of Civic Life Unions provide **trusted information** to members about issues and elections and boost voter **civic participation**. Union members are 12 points more likely to vote than nonunion workers (Freeman 2003). The passage of Right to Work laws reduced turnout by 2 percent in presidential elections (Feigenbaum, Hertel-Fernandez, and Williamson 2018). And democracy **declines** with union density. In states with low union density (Bureau of Labor Statistics, U.S. Department of Labor 2018), new voter suppression laws (Brennan Center for Justice n.d.) were passed in ten states,6 compared to two states with high union density.7 How does the union have this impact? By engaging it’s members on politics. Consider one historical example. One million women belonged to the United Auto Workers (UAW) Union Women’s Auxiliary in the 1950s. The Auxiliary’s membership was far more than the union’s. It was the biggest political action organization in the country. The women had an ambitious agenda. They lobbied for free nurseries for working mothers, maternity leave, equal pay, and an end to job discrimination against African Americans. And, according to the UAW, the women led discussions around the dinner table with their children about the role of work and unions. Union influence on members was tested when Barack Obama ran for president in 2008. Elected labor leaders struggled with how to communicate to white members who didn’t want to vote for a black man. Rich Trumka, then secretary-treasurer of the AFL-CIO, led by example in a speech to the United Steelworkers that fall. He described meeting a woman in his home town of Nemocolin, Pennsylvania. They talked about the election. “I just don’t trust Obama,” she said. When Trumka pressed her on why, she admitted, “because he’s black.” Trumka then said, Look around. Nemacolin’s a dying town. There’re no jobs here. Kids are moving away because there’s no future here. And here’s a man, Barack Obama, who’s going to fight for people like us and you won’t vote for him because of the color of his skin. He went on to tell his steelworker audience, Brothers and sisters, we can’t tap dance around the fact that there are a lot of folks out there just like that woman. A lot of them are good union people; they just can’t get past this idea that there’s something wrong with voting for a black man. Well, those of us who know better can’t afford to look the other way. Labor leaders around the country leaned into this complicated, racially charged discussion with members. A massive member outreach campaign reached one-third of union members at the workplace, and 83 percent received mail from their unions about the election. Sixty-seven percent of union members voted for Obama that year.8 The Culinary Workers Union 226, UNITE HERE in Las Vegas is a stunning example of member political mobilization today. They represent 60,000 workers who come from 178 countries and speak more than forty languages. Despite these challenges, they have good paying, stable jobs in hotels and casinos. They are engaged and militant, and run the most impressive political outreach program in the country by building community among their members. Their members can get two months of time off to work on elections, and they have been turning the state a political “blue.” Organizers for Working America connect with working people on economic issues and find common ground outside of a workplace context through door-todoor canvassing. Canvasser Mike Logan worked on the 2017 Virginia governor’s race near Lynchburg, a very conservative part of the state. “Who are you voting for?” Mike asked a middle-aged white male voter. “The Republican.” “What’s your biggest issue?” Mike continued. “Confederate statues.” “Well, check out this petition for expanding Medicaid,” Mike pressed on. “Oh yeah, my daughter’s on Medicaid,” the voter responded, signing the petition, talking to Mike about the election, and being open to now voting for the Democrat. Those conversations resulted in moving the vote by 8 points in a part of the state that voted more than 20 points for Trump the year before.9 The Rise of Authoritarianism The democratic civic space provided by unions and the subsequent decline of unions as a **countervailing force** to corporate power, contributes to the appalling trends of the last fifty years: Gilded Age levels of inequality, devastated communities, and heightened civic polarization by race, religion, and ethnic origin. These conditions have led to a wave of **autocratic governments** around the globe. Alarm is growing. How Democracies Die (Levitsky and Ziblatt 2019) is a New York Times bestseller; The People Vs. Democracy (Mounk 2019) warns, “this may be our last chance to save democracy.” When people lose high-paying, unionized jobs they do not just lose their footing in the middle class; rather they also stand to lose a whole set of social connections that structure their lives and give them meaning. Cas Mudde (2019) in The Far Right Today describes the evolution of right-wing ideologies since World War II. “In the fourth wave, which roughly started in the 21st century, radical right parties have become mainstreamed and, increasingly **normalized**, not just in Europe, but across the world.” Unions, Bridging Divides I talked to union leaders in Minnesota about how they deal with the rise of anti-democratic ideologies and how they bridge divides among their members in a state that voted both for Ilhan Omar in Minneapolis and Donald Trump in the southern and northern parts of the state. “We need more organizations where people take minutes!” insisted Bethany Winkels,10 political director of the Minnesota AFL-CIO: There’s a lack of opportunity for people to experience democracy—debate issues, argue about how to spend dues money, vote, take minutes—the tools of transparency and accountability. People need to experience power on issues. They need structures and systems. Unions are a place where people can get that, and can change their minds. Political strategist Michael Podhorzer says, “there is a growing **consensus** that unions are an agent keeping **authoritarianism** at bay.”11 He cites the daily work of union activists who handle grievances, bargain contracts, and organize new workers. In each instance, to be successful you have to include everyone. And success is tangible, in better wages and benefits, fair working conditions, and solidarity. He notes that studies show that union members are more likely to have racially progressive views than nonunion working people. “Can you have a liberal progressive America without unions? (Plumer 2012)” asks historian Nelson Lichtenstein? “History says no. For 200 years the existence of the union movement has been wedded to the rise of democracy. We saw this here, in South Korea, in Spain, in Africa.” And the decline of unions is wedded to the rise of the authoritarianism. A major shift by working-class voters in Brazil elected right-winger Jair Bolsonaro in October 2018. Brazilian sociologist Ruy Braga (2019) argues that “Bolsonaro’s election marked the decline of trade unions as the primary site of working-class organization; and the rise of Evangelical churches in their place” with collective identities being shaped by the church rather than by unions. Braga points to a painful symbol of this shift in influence in the working class—the sale of the labor federation, CUT, headquarters in Sao Paulo to the World Church of the Power of God. On the positive side is Tunisia, the birthplace of the Arab Spring in 2011. The union federation backed the uprising, 150,000 workers went on strike, and President Ben Ali fled the country. The Nobel Committee recognized the role of unions in promoting democracy when it granted the 2015 Peace Prize to the Tunisian General Labor Union as one of four civic society partners (the Tunisian National Dialogue Quartet), which created a constitutional form of government. Solutions: Policy + Organizing We can strengthen unions and rebuild this crucial element of civic society through public policy. The key bill for broadening the rights of workers to organize in Congress is the Protect the Right to Organize (PRO) Act. It eliminates right to work provisions, expands the coverage of eligible workers, prohibits the use of permanent replacement workers during strikes, repeals the restriction on secondary activity, provides for first contract arbitration, addresses misclassification of workers and the overuse of independent contractors, and imposes much tougher penalties for employer violations. There are other bills focused on expanding bargaining rights to all public sector workers. But good legislation will need much more than rhetorical from politicians. Lynn Rhinehart, labor lawyer and former general counsel of the AFL-CIO, argues that as part of strengthening protections for workers engaged in collective action, giving workers the power to act in solidarity with each other beyond the borders of their own workplaces is key: Workers should have the right to require multiple employers to sit down and bargain with them at the same time. And the law needs to allow for strikes, picketing, and other solidarity actions by workers outside their own workplace, including up and down the supply chain.12 Rhinehart is cautious about embracing a tripartite wage board-type system to set wages for an industry. “I worry that a focus on government wage boards might undermine efforts to build strong, democratic, member-based worker organizations because of the distance this government process puts between workers and the decisions affecting their working lives.”13 Worker mobilization is key to getting new laws passed and enforced. Union organizing, including in new forms, is growing. The wave of teachers’ strikes continues throughout the country. Gig drivers are finding ways to bargain, with the help of unions including the Teamsters, National Taxi Workers Alliance, and the Machinists union. And developers in the video game industry are reacting to profit maximization at their expense, calling for unionization. These gamers are getting support from the International Association of Theater Stage Employees, which represents illustrators and others in the entertainment industry, the Writers Guild East, and a new association called Game Workers Unite. These are encouraging efforts, but still not at the scale we need to turn around historic low union density. In the meantime, we need to build intermediate forms of organization that bridge divides within the working class and promote collective power. A number of organizations are connecting with workers through membership: Working America, which reaches more than half a million working people face-to-face every year, two-thirds of whom sign up as members; Fight for $15 with organizing in 300 cities around the world; and local advocacy organizations such as Casa de Maryland, organizing immigrant workers since 1985. Building organizations that confront citizen polarization isn’t easy. Josh Lewis,14 a long-time Working America lead organizer, talked about how ugly it can get and why he perseveres. “There was a lot of hate at the doors,” Josh summed up his experience as a black organizer in white working-class communities in 2018: It was especially bad for black women. Our biggest challenge was to keep people on the job. It wasn’t enough for me to do one-on-ones with black staff. We went to Sartre in the tool box. I said, “We’re in this fight because it’s the right thing to do. We may not win. But we are fighting fascism, staring down the beast.” We expect the hostility to be worse in 2020, when the worst racists will feel backed into a corner and come out even more. But I’m not going to let them get me down. The fire in my belly is too strong. There is a crisis in democracy. We should heed Bethany Winkels’ call for democratic structures, and Josh Lewis’ challenge to have the passion and discipline that is needed. We need unions, not because they boost turnout and change a voter’s choice, but because they create the muscle memory of democratic control. Without that, democracy is lost.

#### Auth or assertive govts lead to extinction:

Thomas H. **Henricksen 17**, emeritus senior fellow at the Hoover Institution, 3/23/17, “Post-American World Order,” <http://www.hoover.org/research/post-american-world-order>

The tensions stoked by the assertive regimes in the Kremlin or Tiananmen Square could **spark a political or military incident** that might set off a chain reaction leading to a **large-scale war**. Historically, powerful rivalries nearly always lead to at least skirmishes, if not a full-blown war. The anomalous Cold War era **spared** the United States and Soviet Russia a direct conflict, largely from concerns that one would trigger a **nuclear exchange destroying** both states and much of **the world**. Such a repetition **might** reoccur in the unfolding three-cornered geopolitical world. It seems safe to acknowledge that an ascendant China and a resurgent Russia will persist in their geo-strategic ambitions.

What Is To Be Done?

The first marching order is to dodge any kind of perpetual war of the sort that George Orwell outlined in “1984,” which engulfed the three super states of Eastasia, Eurasia, and Oceania, and made possible the totalitarian Big Brother regime. A long-running Cold War-type confrontation would almost certainly take another form than the one that ran from 1945 until the downfall of the Soviet Union.

What prescriptions can be offered in the face of the escalating competition among the three global powers? First, by **staying militarily and economically strong**, the United States will have the resources to deter its peers’ hawkish behavior that might otherwise trigger a **major conflict**. Judging by the history of the Cold War, the coming strategic chess match with Russia and China will prove tense and demanding—since **all the countries boast nuclear arms** and long-range ballistic missiles. Next, the United States should widen and sustain willing coalitions of partners, something at which America excels, and at which China and Russia fail conspicuously.

There can be **little room for error** in fraught **crises among nuclear-weaponized** and **hostile powers**. Short- and long-term standoffs are likely, as they were during the Cold War. Thus, the playbook, in part, involves a **waiting game** in which each power looks to its rivals to suffer grievous internal problems which could entail a collapse, as happened to the Soviet Union.

#### The second scenario is the economy:

#### Reviving unions revives the economy

**Hindrey 20**

[Leo Hindrey Jr., columnist for Fortune, 10-19-2020, "Commentary: Why stronger labor unions would speed up America's post-COVID recovery," https://fortune.com/2020/10/19/labor-unions-covid-19-economic-recovery/]/Kankee

Recessions always inflict the most pain on Americans in the middle and lower end of the income distribution range, destroying jobs, eroding wages and wiping out savings for those working in industries such as construction, manufacturing, hospitality and retail. But the crushing economic impacts of the COVID-19 pandemic have reached levels unseen in the last four decades, and the long-term scarring will be severe without intervention from Congress – not just in the form of emergency relief, but also with targeted policy solutions. One solution lawmakers should prioritize is a historic workers’ rights proposal, given that defanged labor protections are a large part of the reason the downturn has been so devastating to those who can least afford it. We need to bring back fairness to an economy that is increasingly **plagued** by a fundamental **imbalance of power** between workers and employers. And at a time when our nation is engaged in a vital conversation about economic justice, we need to make union membership a **civil** **right**. When the pandemic struck, only about one in ten workers were unionized, a steep decline from the nearly one-third of workers who were members of a union in 1964, myself among them. As a result, millions of Americans—many of them essential workers—were left without a voice at the table when employers were deciding their fate. They had no ability to **minimize layoffs** or to define what paid sick leave would look like during the pandemic. The consequences of this are hard to overstate. At the peak of the pandemic, jobs in **low-wage** occupations—many of which have chronically low rates of union membership, such as food services—disappeared at roughly eight times the rate at which high-wage jobs did. This inequity has especially ravaged communities of color. It’s long past time to reverse the trend in declining union membership. The Protecting the Right to Organize Act (PRO Act), which passed the House in February just weeks before the coronavirus began to spread in the US, would authorize financial penalties for employers that violate workers’ rights, strengthen the ability of workers to join together in boycotts and strikes, and facilitate collective bargaining agreements, along with a number of other sweeping reforms. In so doing, the PRO Act would modernize federal labor laws. Republicans in the Senate said in February that they would not take up the legislation, and some in the business community have claimed that it is “completely stacked against employers.” But after eight months of economic devastation to workers, Senate leadership owes it to the American people to give the bill a fair hearing. When enabled, unions have proven remarkably effective in helping workers during the pandemic. The International Brotherhood of Teamsters, for example, reached an agreement with UPS guaranteeing paid leave for any worker who is diagnosed with COVID-19 or who is required to be quarantined due to their illness or that of a family member. Stronger union membership must be a **pillar** of our nation’s recovery plan. When unions are strong, America is strong: Unions **boost wages** of both union and non-union workers, they create a more **balanced economy**, and they improve the health and safety of the workplace. By contrast, when unions are weak, inequality **skyrockets**. In order to protect America’s most vulnerable workers, it’s time for lawmakers to update our nation’s outdated labor laws. And we especially need to make union membership a civil right which is just as codified and protected as all other civil rights.

#### Economic tensions also lead to increased likelihood of nuclear conflict.

# Contention 3: Property Rights

**Right to strike increases fundamental right to life. Cross apply Weller and Madland 18**

**Zoorob 18** [Michael Zoorob, Postdoctoral Research Associate, Boston Area Research Initiative (BARI), September 25,  2018, “HOW UNIONS HELP PREVENT WORKPLACE DEATHS IN THE UNITED STATES,” Scholars Strategy Network,  https://scholars.org/contribution/how-unions-help-prevent-workplace-deaths-united-states]/ Triumph Debate

**Between 1992 and 2016, about 138,000 workers in the United States died in on-the-job accidents**, an important if overlooked  topic in public health. Worryingly, the number of workplace deaths has risen in recent years, reversing earlier trends toward fewer deaths. In **2016**, 5,190 US  workers died on the job, **marking the third consecutive year of increasing occupational mortality, and reaching the  highest number of workplace fatalities since 2008.** **This reversal has coincided with the uptick in adoption of anti union legislation, such as so-called “right-to-work” laws that prohibit labor unions from charging fees to members of  the collective bargaining units they represent**. If workers who benefit from union-bargained improvements do not join and pay dues, union  finances suffer and so do their abilities to perform key functions. Right to work laws have recently proliferated across the United States.  Since 2000, seven states – Oklahoma (2001), Michigan (2012), Indiana (2012), Wisconsin (2015), West Virginia (2016),  Kentucky (2017) and Missouri (2017) have implemented this legislation. The U.S. South, a region with high rates of  workplace fatalities, has had such laws for decades, and now twenty-eight states have right to work rules. Overall, the  accelerated passage of right to work laws has exacerbated U.S. union decline, a trend sure to be furthered by the  recent Supreme Court decision in Janus vs American Federation of State, County, and Municipal Employees to ban  membership fees for all government employee unions. So what? Negative effect of union losses on wages and benefits are well established.  But unions also organize and work to improve safety and health. My research explores how union declines – and right to work laws in  particular – shape rates of workplace mortality at the state level**.** How Unions Promote Workplace Safety Scholars have identified several ways that **unions promote  workplace safety**. Unions make complaints to the Occupational Safety and Health Administration, the federal agency charged with enforcing workplace safety  regulations and investigating and fining companies for violations. Unionized workplaces are more likely to be inspected; and the threat  of **unionization may prod employers to improve workplace safety. Unionized workplaces tend to have better health  insurance, which could improve the overall health of workers and reduce employee stress about medical expenses**. Union collective bargaining agreements frequently contain language that restricts excessive shifts and requires safety  equipment like gloves, goggles, and helmets. Union Density and Variations in Workplace Deaths Across States My research tracks changes in  unionization rates and rates of workplace fatalities across the 50 U.S. states over the 25-year period from 1992 to 2016, the years for which the Census of Fatal  Occupational Injuries has been conducted. After controlling for other variables, the statistical model finds that unions have a protective effect on workplace fatalities  across the states. Specifically, a one-percentage point increase in the unionized workforce was associated with a 2.8% decline in the rate of occupational fatalities.  By weakening unions, right to work legislation has been associated with about a 14% increase in the rate of  occupational fatalities. These results held even when I took into account the industry patterns in states and included an overall index of policy liberalism that  can account for variations in state openness to regulation. Though workplace fatalities have declined overall in the United States, the declines were greater in states  with more robust unions. Anti-Union Legislation Jeopardizes Workplace Safety The implications of my study are stark. In Wisconsin, for example, from  2000 to 2016 the percentage of the workforce that was part of a union declined from about 18% to about 8%.  According to the statistical model, a change of this magnitude corresponds to an increase in the predicted rate of  workplace fatalities from about 3.5 to about 5 deaths per 100,000 workers. The decline of unionization – stemming, in part, from anti union policies like “right-to-work” legislation as adopted by Wisconsin – may undermine workplace safety at the cost of human lives and limbs. As scholars have  pinpointed in detail, unions make the workplace safer, and my new study suggests that falling unionization rates are associated with higher rates of death on the job.  Union organizers, social reformers, and lawmakers alike would do well to consider how laws that hinder unionization might have harmful consequences for safety on  the job.

**A right to strike is key to other labor rights like freedom of association and collective bargaining**

**Vogt 16** [Jeffrey S Vogt, Legal Director of the International Trade Union Confederation (ITUC), 2016, “The Right to Strike and the International Labour Organisation (ILO),” King’s Law Journal, https://sci-hubtw.hkvisa.net/10.1080/09615768.2016.1148297]/Kankee

II. FREEDOM OF ASSOCIATION AND THE RIGHT TO STRIKE The Employers’ Group relies on a deeply flawed argument in which the right to freedom of association is a self-contained, individual right, wholly divorced from the context of industrial relations. For them, freedom of association confers no more than the right to gather together into organisations. However, the right to **f**reedom **o**f **a**ssociation has long been understood also as a collective right, particularly in the context of industrial relations, and indeed is a bundle of rights exercised jointly and protected individually which enable those in the association to further the purposes for which it was formed. The right to associate in a trade union is **commonly understood** to include the right to strike (and to bargain collectively). Indeed, without these attendant rights, the right to association in the industrial relations context would be **wholly meaningless**. The theory of freedom of association applied in the industrial relations context by the ILO, human rights courts and high courts is specific to the context of the workplace. Combination in a trade union may be a function of individual liberty, but this liberty has **little meaning** if workers are unable to pursue their own interests through such organisations. Worker solidarity allows workers to overcome the limitations inherent in entering individual contracts of employment, to achieve fair conditions of employment and to participate in making decisions which affect their own lives and society at large. In the absence of a right to strike, it remains difficult (if not **impossible**) for workers to achieve these goals given the **unequal power** in the employment relationship. From this premise stems the view that freedom of association implies not only the right of workers and employers to form freely organisations of their own choosing, but also the right to pursue collective activities for the defence of workers’ occupational, social and economic interests. While some have sought to argue that freedom of association should be regarded as a mere individual liberty without reference to its context, here the industrial context,9 this is not a view which has held sway in academic10 or judicial opinion.11 The unquestioned (and **unquestionable**) international right to collective bargaining gives further support to the existence of the right to strike as a derivative right of freedom of association. While the right to strike is not to be confined to the advancement or defence of collective bargaining,12 Certainly, as early as 1924, the ILO ‘Nicod’ Report considered freedom of association in tandem with industrial action, self-evidently seeing the two as linked.14 And the stated view of the International Labour Office by 1927 was that there was an ‘intimate relationship between the right to combine for trade union purposes and the right to strike’ with a strong case being made for international legislation relating to both.15 Space does not permit a full treatment of the legal foundations of the right to strike.16 However, I will here provide a brisk review of the right to strike as it has been developed by the ILO supervisory system as well as the jurisprudence of regional courts which have relied on the ILO’s views, consistent with the Vienna Convention on the Law of Treaties, to interpret their own charters which protect freedom of association—and by extension the right to strike. A. ILO and the Right to Strike

**Right to strike is key to supporting property rights**

**Chicktay 6** [Mohamed Alli Chicktay, academic at the University of the Witwatersrand, 2006, “PLACING THE RIGHT TO STRIKE WITHIN A HUMAN RIGHTS FRAMEWORK,” No Publication, https://journals.co.za/doi/pdf/10.10520/EJC85180]/Kankee

3 The right to strike is a civil and/or political right The right to strike should be seen as a civil and/or political right, which is given greater protection under international law. This is because it is closely associated with traditional civil and political rights such as freedom of association, freedom of speech, the right to life, the right to dignity, the right not to be subject to slavery and the right to property. Employees usually associate in the form of trade unions for the purpose of bargaining collectively. Without the right to strike employees would not be taken seriously during bargaining. The right to strike is thus **essential** for the purpose of collective bargaining and for the freedom of association of workers. The European Convention for the Protection of Human Rights and Fundamental Freedoms does not contain a specific provision relating to strikes. Parties to the Convention have, however, argued that the right to freedom of association guaranteed in article 11 should be interpreted to provide employees with the right to strike. The International Labour Organisation (ILO) Conventions also do not contain an express right to strike, yet the ILO Committee of Experts have interpreted ILO Conventions 87 and 98, which provide employees with a right to freedom of association, to include a right to strike (ILC Provisional Record (1992) 27). Freedom of speech is also said to include the right to strike. A number of American cases have equated strikes with freedom of speech. In NAACP v Clairborne Hardware C (458 US 886 (1982)), for instance, a consumer boycott was protected as freedom of speech. In State v Traffic Telephone Workers Federation of New Jersey (66 A.2d 616, 1 N.J. 335, 9 A.L.R.2d 854 (1949)) the court held that picketing amounts to freedom of speech. The right to strike is moreover integral to the right to life. The right to life could either be interpreted narrowly to refer to the right to be physically alive and to breathe, or it could be interpreted broadly to include the basic necessities of life, such as housing, education, health care, etcetera. The Indian courts have used this broad definition of the right to life to provide Indian citizens with socio-economic rights. They have held that the refusal of the state to provide its citizens with socio-economic rights constitutes a denial of their basic necessities of life and therefore violates their right to life in the Indian Constitution (Francis Corallie Mullin v Administrator of Delhi AIR 1981 SC 746; and see also Gabriel “Socio-Economic Rights in the Bill of Rights: Comparative Lessons from India” 1997 1 Human Rights and Constitutional Law Journal of Southern Africa 8). One could take this argument further and state that the right to strike is essential to acquire the basic necessities of life. If workers are denied the right to strike for a living wage they would also not be able to afford other basic necessities such as education, health care and housing, etcetera. Labour rights have often been associated with property rights. In the American case of Perry v Sindermann (408 US 593 (1971)) an employee was employed at a Texas university for a period of 10 years on consecutive oneyear contracts. The college did not have a formal tenure system; instead it had an informal practice of tenure. The college refused to renew his tenth one-year contract. The court held that if the respondent could prove that there was an informal tenure system he would have a property interest protected by the fourteenth amendment of the American Constitution. In addition, in terms of the concept of “self-ownership”. We can do whatever we wish with our bodies, provided that we are not aggressive to others who also have “self-ownership” over their bodies (Cohen Self-ownership, Freedom and Equality (1995) 68). Since we own our bodies, we also own the labour that we can perform with our bodies just as we do any other **property**. Being forced to work without the right to strike could therefore be seen as an **infringement** of one’s property rights. One may also argue that our body belongs to us and hence is our property. By striking we are withholding the use of our body and **any prevention** of the right to strike would thus be a violation of our property rights. Israel has argued that the denial of the right to strike **violates** one’s freedom from forced labour. He argues that by prohibiting strikes or imposing criminal and civil which would be a violation of their right not to be subjected to forced labour (Israel International Labour Standards (1989) 25). The right to strike is also a violation of one’s right to dignity. Workers find a sense of self-worth in their work, which is hindered if they are exploited by employers and have no say in this environment. One of the most effective ways in which workers can have a meaningful say in the workplace is if they have the power to halt production (Harmer “The Right to Strike Charter Implications and Interpretations” 1992 47 University of Toronto Faculty of Law Review 438). Strikes allow workers to retain their dignity and to show that they are not just cogs in a machine. It is a self-expressive activity releasing feelings of frustration and powerlessness when faced with injustice. According to Chief Justice Dickinson of Canada, strikes “go far beyond an exclusively pecuniary nature to involve issues of livelihood and dignity” (re Public Service Employee Relations Act (1987) 1 S.C.R. 313, (1987), 38 D.L.R. (4th) 161). According to Weiler, “collective bargaining (and strikes) set the terms and conditions of employment rather than accepting what the employer gives them. It provides them with self-determination, which is the mark of a true human community” (cited Harmer 1992 47 University of Toronto Faculty of Law Review 438). The connection between the right to strike and the right to dignity has also been recognised by the Constitutional Court. In NUMSA v Bader Bop (Pty) Ltd (2003 ILJ 305 (CC)) the Constitutional Court had to determine whether section 21 read with section 65(2) of the Labour Relations Act 66 of 1995 (hereafter “the LRA”), which provide representative unions with the right to strike for the purposes of acquiring organisational rights, restrict nonrepresentative unions from striking. The court indicated that it did not since section 20 of the LRA enables parties to bargain for organisational rights and this also applies to non-representative unions. It said that representative unions can use section 21 read with section 65(2) of the LRA. They can either strike for organisational rights or refer the dispute to arbitration. It interpreted the LRA broadly to protect the right to strike and the right to dignity. It indicated that a failure to interpret the LRA broadly would not only violate the right to strike but also the right to dignity. The court said that strikes are “of importance for the dignity of workers who in our constitutional order may not be treated as coerced employees” (par 13). Since the right to strike is integral to these traditional civil and political rights, a violation of the right to strike would violate these rights, hence entrenching the place of this right within the human rights hierarchy, especially against states that have not ratified ILO instruments. For example, states such as the United States of America, that have failed to sign a number of ILO instruments but who are party to the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, and thus would not normally be required to provide employees with the right to strike, would now be required to do so. One must note, however, that protection given to employees’ right to strike within these dimensions would not be absolute and could be restricted where it is reasonable to do so. This is recognised by a number of international and regional bodies, including the ILO, and by the South African legislature and judiciary. According to the ILO, strikes can be restricted in essential services, during wars and emergencies, where disputes are rights disputes or where parties voluntarily agree to avoid strikes. These restrictions are acceptable to the ILO provided that they do not unduly restrict the right to strike (International Labour Office Freedom of Association: A Workers Educational Manual Second Edition (1987) 66). In South Africa, although section 23(2)(c) of the 1996 Constitution provides employees with a constitutional right to strike this right can be restricted by reasonable limitations in accordance with section 36 of the Constitution. These limitations have been given effect to by the LRA. The LRA requires employees to partake in pre-strike procedures and also prohibits strikes in circumstances recognised by the ILO, that is, section 65 of the LRA prohibits strikes on issues covered or prohibited by collective agreements, strikes in essential services, and in most rights disputes. Section 64 requires strikers to comply with pre-strike conciliation and notice periods prior to striking. In Mzeku v Volkswagen SA (Pty) Ltd (2001 ILJ 1575 (LAC)) the Labour Appeal Court held that it was substantively fair for an employer to dismiss employees who had failed to comply with the pre-strike procedures. In this case the dismissed strikers argued that pre-strike procedures as regulated by the LRA violate international law. This argument was rejected by the Labour Court of Appeal who held that “There is no provision in [ILO] Conventions 87 and 98 to the effect that employees can resort to a strike as and when they please without following any procedures that may be laid down by national law or that national law falls foul of these conventions if it prescribes procedures that must be followed before there can be an exercise of the right to strike” (par 26). The ILO allows national legislation to require employees to partake in reasonable pre-strike procedures provided that the method, quorum and majority required are not such as to make the exercise of the right to strike difficult or improbable (ILO Freedom of Association and Collective Bargaining: Report of the Committee of Experts on the Application of Conventions and Recommendations International Labour Conference (1994) par 171). 4 Conclusion

# **1st OFF: Customary Law DA**

#### **The right to strike is Customary International Law, but the US fails to meet opinio juris standards. Perception of US insufficiency breeds uncertainty with confidence in international law and spirals into noncompliance – that causes a legitimacy crisis.**

Brudney 21 [James; 2/8/21; Joseph Crowley Chair in Labor and Employment Law, Fordham Law School; “The Right to Strike as Customary International Law,” THE YALE JOURNAL OF INTERNATIONAL LAW, Vol 46, <https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1710&context=yjil>] Justin \*\* Brackets in original

II. THE INTERNATIONAL RIGHT TO STRIKE AS CIL That an international right to strike is widely recognized by governments does not mean the right has assumed the status of CIL. This Part seeks to forge that link, to show how the international right to strike qualifies as CIL. It begins (II.A) by identifying the two basic elements of CIL and explaining why the right to strike is an integral textual and conceptual component of FOA. It then establishes (II.B and C) that FOA and the right to strike satisfy both elements of CIL—a general practice accepted by States, stemming from a sense of legal obligation. While there are variations and qualifiers at the national level, the contours of CIL status are clear: a basic right subject to three substantive restrictions; a recognition that strikers retain their employment relationship during the strike itself; and certain procedural prerequisites or limitations. 105 This Part next demonstrates (II.D) that the two U.S. practices discussed earlier as deviating from the international right to strike—denying all public employees the right and authorizing permanent replacement of lawful strikers— contravene core aspects of the right to strike as CIL. Finally (II.E), this Part introduces the complexities of the U.S. position on FOA and the right to strike as international rights, reflected in the failure to ratify Convention 87 while both Congress and the executive branch embrace Convention 87 principles including the right to strike. A. Initial Definitions and Considerations 1. CIL Standards The two basic elements that determine the existence and content of a rule of CIL are first, the requirement of a general practice by States, and second, the requirement that the general practice be undertaken from a sense of legal right or obligation (opinio juris).106 The first element is objective: whether there is a sufficiently widespread and consistent practice of States endorsing and adhering to the rule. Evidence of such a general practice may include governmental conduct in connection with treaties; legislative or administrative acts; decisions of national courts; conduct in relation to resolutions adopted by an international organization; diplomatic acts and correspondence; and executive operational conduct on the ground.107 The second element, opinio juris, is more subjective: the general practice must be undertaken based on its acceptance as law, rather than being accepted based on mere usage or habit or some pragmatic motive. As is true for general practice, evidence of acceptance as law may come in a range of forms. These include public statements made on behalf of States; government legal opinions; decisions of national courts; treaty provisions; diplomatic correspondence; and conduct related to resolutions adopted by an international organization.108 2. The Right to Strike as Integral to FOA Freedom of association is one of the core principles on which the ILO was founded and continues to exist. 109 As set forth under Convention 87, FOA includes a series of integral elements, of which the right to strike is one. The two ILO supervisory mechanisms that have regularly applied or interpreted Convention 87 have understood it to include the right to strike from the early days of the Convention’s existence.110 Leading U.N. human rights covenants also recognize FOA as a basic right, including the right to strike as a component. 111 And the labor provisions of the 2019 U.S.-Mexico-Canada trade agreement include the following statement: “For greater certainty, the right to strike is linked to the right to freedom of association, which cannot be realized without protecting the right to strike.”112 Accordingly, if FOA is seen as Customary International Law (CIL), and the right to strike is an essential component of FOA, then the right to strike should also be understood to be part of CIL. Consider in this regard the following integral elements of Convention 87. The fact that as part of FOA, workers and employers “shall have the right to establish and . . . to join organizations of their own choosing without previous authorization”113 means the State may not impose unreasonably high membership requirements that hinder the establishment of organizations, or require that members may not join several different organizations. 114 Similarly, the fact that under FOA, workers and employers “shall have the right to . . . elect their representatives in full freedom [and that] public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof,”115 means the State may not impose limits on candidates due to their nationality, literacy, political opinions, moral standing, or for workers, their non-employment in the employer’s occupation or enterprise. 116 And the fact that as part of FOA, workers “shall have the right . . . to organize their. . . activities and to formulate their programs” free “from any interference [by the public authorities]”117 means that worker organizations, in order to defend the occupational interests of their members, have the right to hold trade union meetings, the right to have access to places of work and to communicate with management, and the right to organize nonviolent protest action including strikes. 118 B. FOA and the Right to Strike as General Practice There is ample support that FOA is widely accepted in objective terms. Convention 87 has been ratified by 155 countries, or 83 percent of the 187 ILO Member States. 119 In addition, the ILO Constitution, endorsed by all members, specifies the critical role of FOA both in its 1919 founding document and the 1944 Declaration of Philadelphia as a constitutional addition.120 More recently, ILO Declarations issued in 1998 and 2008, again embraced by all members, make clear that even Member States that have not ratified Convention 87 are obligated to act in good faith to respect and effectuate FOA principles.121 Beyond the ILO realm, workers’ freedom of association, including the right to form and join trade unions and expressly the right to strike, is recognized in the International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted by the United Nations General Assembly to be effective 1976.122 The Covenant has been ratified by 171 countries, including two of the four large-population countries that have not ratified Convention 87.123 Another major UN Human Rightstreaty, the International Covenant on Civil and Political Rights (ICCPR), also adopted by the U.N. General Assembly to be effective in 1976, recognizes FOA including the right to form and join trade unions. 124 The ICCPR has been ratified by 173 countries, including three of the four largepopulation countries that have not ratified Convention 87; its human rights committee has consistently recognized the right to strike as part of FOA under the Covenant. 125 Indeed, of the 187 ILO Member States, only 11 relatively smallpopulation countries have not ratified at least one of Convention 87, the ICESCR, or the ICCPR.126 FOA is also expressly recognized in a labor setting in the European Convention on Human Rights, which has been ratified by all 48 countries in the Council of Europe. 127 At a national level, the vast majority of constitutions provide for freedom of association, although some use general language that (unlike the international instruments just mentioned) does not specify workers or trade unions. 128 Apart from States’ nearly-universal embrace of FOA as a general matter, the right to strike itself has been broadly accepted by governments. As noted earlier, more than 90 countries have made a public commitment to the right to strike in their constitutions. 129 These commitments have translated to actual practice when national courts have relied on guidance from the CEACR and CFA in assuring compliance with their constitutional right to strike. Judicial interpretation of the international right as part of applying a domestic constitution often involves assuring compliance by governments or employers,130 though it also may require compliance by unions. 131 And compliance with the international right to strike may even emanate from application of a national constitution that endorses FOA without being explicit about the right to strike.132 Among the many national courts that have invoked the CEACR and/or CFA in support of a right to strike,133 two other cases worth noting involve Brazil and Kenya because neither country has ratified Convention 87. In 2012, the Labour Court in Brazil ordered reinstatement of workers terminated for participating in a work stoppage. 134 Under Brazil’s Constitution, “norms that define fundamental rights and guarantees are directly applicable.”135 Given that the Court found that the employer’s conduct had violated the principle of freedom of association and the free exercise of the right to strike, it seems that the “principle of freedom of association” was being directly applied as a matter of customary international law rather than through a ratified treaty or convention.136 In 2013, the Industrial Court of Kenya ordered the reinstatement of five workers dismissed for participating in a strike and strike-related activities. The Court’s reasoning derived from Kenya’s general participation in the ILO, including “respect for International Labour Standards,” rather than direct application of fundamental norms as in the Brazil case.137 The Industrial Court invoked a report by the CEACR and decisions by the CFA to support its decision; its recognition of FOA as an accepted international standard suggests that reports from the ILO supervisory bodies served as evidence of CIL.138 Finally, states’ widespread practice is reflected in the negotiation of trade agreements over the past two decades that recognize both FOA and the right to strike. Since 2003, labor provisions in U.S. trade agreements have regularly featured linkages to FOA as one of the fundamental ILO norms. 139 The commitment by signatory states to FOA as understood under the 1998 ILO Declaration has been progressively strengthened during this period—from providing that parties “shall strive to ensure” protection of FOA under domestic laws140 to specifying that parties shall “adopt and maintain [FOA rights] in [their] statutes and regulations, and practices thereunder.”141 The latest trade agreement, involving the United States, Mexico, and Canada (approved as a successor to NAFTA) expressly provides that the right to FOA necessarily includes protection for the right to strike.142 Trade agreements involving EU countries also feature commitments to respect and implement under domestic law the principles of FOA as understood in the ILO context. 143 This wide network of similarly worded, mostly bilateral trade agreements addressing the subject of FOA constitutes additional evidence of general practice for CIL purposes. 144 The pervasive nature of actual practice regarding FOA and the right to strike does not mean that the right’s content is static or fixed. To be sure, there is broad acceptance of the two previously discussed features on which U.S. law is out of step: the prohibition on permanent replacements145 and public employees’ right to strike with certain exceptions. 146 And although particular limits on the right may vary from one country to another, there is an international consensus that the right exists and that any limits should be reasonable.147 The International Court of Justice (ICJ) does not require uniformity in practice in order to establish CIL, and indeed, it has countenanced some degree of variation: The Court does not consider that, for a rule to be established as customary, the corresponding practice must be in absolutely rigorous conformity with the rule. In order to deduce the existence of customary rules, the Court deems it sufficient that the conduct of States should, in general be consistent with such rules.148 C. FOA and the Right to Strike as Opinio Juris There is also considerable support for the proposition that the general practice of states on FOA and the right to strike stems from acceptance as a matter of legal obligation. Admittedly, while the existence of opinio juris may be inferred from a general practice, the International Court of Justice (ICJ) has at times noted the insufficiency or inconclusiveness of such practice, instead seeking confirmation that “[states’] conduct is ‘evidence of a belief that this practice is rendered obligatory by the existence of a rule of law requiring it.’”149 Trade agreements, for instance, may represent treaty law and may qualify as evidence of general practice, but they are typically entered into by States that have specific economic or political objectives rather than from a desire to embrace obligations arising under international law.150 Further, it is possible that even with respect to ILO conventions, widespread ratification is in part a function of acculturation, insofar as endorsements across a region contribute to socialized acceptance of norms on FOA, reassuring peer countries that protecting rights to association including the right to strike will not place them in an inferior competitive position.151 That said, the ICJ often does infer the existence of opinio juris from a general practice and/or from determinations by national or international tribunals.152 And there are ample reasons to draw such an inference here. To start, FOA is consciously accepted as an obligation by ILO member states not simply through ratification of Convention 87 (covering more than 80 percent of them) but by virtue of membership itself. The ILO Constitution expressly requires support for FOA principles, and these principles are further imbedded through a tripartite governance structure that allocates power-sharing roles to worker organizations alongside governments and employers.153 Thus, ILO members understand there is an underlying obligation to respect FOA in law and practice.154 A second reason is that domestic law can provide relevant evidence regarding the presence of opinio juris among states. Commitments to FOA expressed in national constitutions, statutes, and court decisions are not necessarily evidence of a state’s belief that the principle is international as opposed to domestic law. Nonetheless, the International Law Commission has made clear that evidence of acceptance as law (opinio juris) “may take a wide range of forms,” including but not limited to “official publications; government legal opinions; [and] decisions of national courts.”155 In this regard, the CEACR in 2012 identified 92 countries where “the right to strike is explicitly recognized, including at the constitutional level”; the list includes six countries that have not ratified Convention 87.156 Recognition in domestic law of a right to strike alongside a conscious decision not to ratify Convention 87 could give rise to an inference that these six countries are rejecting the right as a principle of international law. However, as explained earlier, national courts for two of the six non-ratifying countries (Brazil and Kenya) expressly invoke ILO membership and/or principles as guidance in their domestic law decisions. 157 In addition, Canada—a country not listed among the 92 endorsing the right to strike in the 2012 General Survey— has since recognized a constitutional right to strike under national law, relying in part on international law principles including CEACR and CFA determinations. 158 The Canadian Supreme Court had previously been explicit in invoking Convention 87, ICESCR, and ICCPR as “documents [that] reflect not only international consensus but also principles that Canada has committed itself to uphold.”159 Further, a third country in the group of six—South Korea—has affirmed in its trade agreements with the United States and the EU its obligation to “adopt and maintain in its statutes and regulations, and practices” FOA in accordance with the ILO Declaration.160 And in various CFA complaints against South Korea for violating FOA principles, including the right to strike, the Government has disputed the facts of the complaints while at the same time recognizing that such rights are embedded in international law.161 Accordingly, a more relevant reference point in this setting may be that “when States act in conformity with a treaty provision by which they are not bound . . . this may evidence the existence of acceptance as law (opinio juris) in the absence of any explanation to the contrary.”162 Stepping back, domestic law on FOA and the right to strike, which for many countries developed after Convention 87 and its initial applications by the CEACR and CFA, may be viewed in part as a window into countries’ sense of obligation in law and practice. A state may at times adopt labor provisions of a trade agreement for reasons of comity or relative competitive advantage. These reasons may play a more modest role with respect to adoption of certain human rights treaties or ILO conventions. 163 But evidence of practice and obligation in the domestic law sphere—especially when informed by regard for international instruments—seems almost by definition to be a function of acceptance as law rather than susceptibility to strategic motivations. In this regard, there are numerous instances in recent years where governments have expanded their legislative protections for the right to strike following a period of dialogue with the CEACR, and that committee has recognized and applauded the changes in law.164 Of particular relevance to the U.S. setting, these expansions have included assuring the right to strike for public sector employees and prohibiting the hiring of replacements for strikers.165 A third reason to infer opinio juris (in addition to the centrality of FOA principles within the ILO Constitution and the strong evidence of FOA and rightto-strike practice and obligation under domestic law) involves recent statements from high officials in the United Nations indicating that the right to strike is understood by its leaders as CIL. In his 2016 report to the U.N. General Assembly, the U.N. Special Rapporteur on the rights to freedom of peaceful assembly and association explained, “The right to strike has been established in international law for decades, in global and regional instruments, and is also enshrined in the constitutions of at least 90 countries. The right to strike has, in fact, become customary international law.”166 In 2018, responding to a press briefing on a strike by U.N. employees following announced pay cuts, the Deputy Spokesman for the U.N. SecretaryGeneral reiterated the U.N. view that the right to strike is indeed CIL and did so in the context of the right being asserted by public employees not involved in the administration of the state: Question: Does the Secretary-General believe that U.N. staff have a right to take part in industrial action? Deputy Spokesman: We believe the right to strike is part of customary international law.167 These statements did not simply materialize in recent times. Two major U.N. Human Rights treaties—the ICESCR and the ICCPR—have been interpreted by their relevant treaty bodies to include a right to strike; these bodies have reaffirmed their joint commitment to the right to strike as part of FOA, and they regularly monitor governments’ record of compliance with this right. 168 And as noted earlier, the two treaties—each ratified by over 80 percent of U.N members—include a clause explicitly identifying respect for ILO Convention 87. In sum, the principles of FOA including the right to strike would appear to satisfy both prongs of the CIL test. The widely recognized general practice on strikes has sufficient shape and contours: a basic right, three substantive exceptions (public servants involved in administration of the state, essential services in the strict sense of the term, and acute national emergencies), a recognition that strikers retain their employment relationship during the strike itself, and certain procedural prerequisites or attached conditions. 169 There are variations in national practice and also disagreements at the margins about what the right to strike protects, but these aspects are not different in kind from diversity and contests regarding international rights prohibiting child labor, or for that matter domestic constitutional rights involving freedom of expression or the right to bear arms. As for opinio juris, a broad range of sources combine to establish that the general practice stems from a sense of acceptance and obligation: ILO foundation and structure; two widely endorsed United Nations human rights treaties; national constitutions; government representations; domestic legislative and judicial decisions that expressly refer to or impliedly accept international standards and practices; and contemporary U.N. leadership.

#### That prevents harmonization of norms and throws the functioning of international institutions into question – prefer empirics.

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For several decades, the right to strike has been one of the most controversial parts of the law of the International Labour Organisation (ILO). Even though it has not been explicitly enshrined in the Conventions on the right to freedom of association (especially not in Convention 87 on Freedom of Association and Protection of the Right to Organise (1948) and in Convention 98 on the Application of the Principles of the Right to Organise and to Bargain Collectively (1949)), since the early 1950s, the ILO supervisory bodies have recognised the right to strike as an essential element of trade union rights enabling workers to collectively defend their economic and social interests. Since its seminal recommendation in the United Kingdom of Great Britain and Northern Ireland case of 1952,1 the Governing Body’s Committee on Freedom of Association (CFA) has considered that Article 3 of Convention 87 also guarantees the right to strike, and has developed, since then, detailed ‘case law’ which has been summarised by the International Labour Office in a ‘Digest’ and since 2018 in a ‘Compilation’.2 The Committee of Experts on the Application of Conventions and Recommendations (CEACR), another body established by the ILO Governing Body, has taken the same path since the late 1950s.3 Despite this long-standing interpretive practice of these two important supervisory bodies in respect of Convention No. 87, the right to strike has become controversial since the end of the Cold War. In the 81st session of the International Labour Conference (ILC) in 1994, it was already being challenged by the employers’ group.4 But the Rubicon was definitely crossed in 2012, when the employers’ representatives on the ILO Conference Committee on the Application of Standards (CAS) refused, for the first time, to deal—as it had done previously—with a list of Member States that had seriously violated Conventions of the ILO as long as the workers’ group would not accept a revision of the mandate of the CEACR.5 At the heart of this incident was the recognition of the right to strike by the CEACR even though, according to the view of the employers’ side, the Committee was not empowered to interpret ILO law with binding effect. This incident temporarily resulted in an institutional crisis within the ILO supervisory system, since the ILO’s tripartite structure which underlies the constitution of the ILO presupposes that the three constituents cooperate in good faith within the organisation’s bodies. An attitude of refusal on the part of only one of the constituents therefore necessarily brings into question the functioning of the ILO.

#### Independent frictions in International Law prevent cooperation over international issues.

Brudney 21 [James; 2/8/21; Joseph Crowley Chair in Labor and Employment Law, Fordham Law School; “The Right to Strike as Customary International Law,” THE YALE JOURNAL OF INTERNATIONAL LAW, Vol 46, <https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1710&context=yjil>] Justin

It is worth emphasizing this series of developments. United States political diplomacy and input from executive branch experts has helped the transnational legal process to strengthen the international right to strike. The U.S. has been a leading advocate on the international stage promoting both FOA principles and the right to strike—in its trade legislation, bilateral and regional trade agreements, and official positions at the ILO Governing Body. That the U.S. has not ratified Convention 87 does not mean it is somehow undemocratic or improper for U.S. officials to be bound by rules that U.S. influence helped create. To be sure, Sosa recognizes that Congress may “shut the door to the law of nations” explicitly or implicitly by treaties or statutes that occupy the field.271 And there is some domestic law that is inconsistent with the right to strike set forth in CIL. As discussed in Part I.C, this law notably includes a 1935 statutory provision exempting states as “employers” under the NLRA, thereby relegating public employees to state-by-state regulation of FOA and the right to strike; and a 1938 Supreme Court decision allowing private employers to hire permanent replacements for strikers.272 But these expressions of domestic law do not appear to be “controlling” in the relevant sense of addressing or responding to the CIL that is asserted here. The 1935 statutory provision and 1938 Supreme Court decision predate the promulgation of Convention 87 by a decade or more—hence they are not in any way responsive to the existence of FOA or the right to strike at an international level.273 The Court has relied on its 1938 statutory interpretation decision approving of permanent replacements in more recent decades.274 And there were legislative efforts in the early 1990s to overturn the permanent replacement doctrine that did not succeed. 275 It is possible to contend that despite the absence of legislative approval for permanent replacements, the Court’s continuing endorsement of its jurisprudence, and Congress’s failure to override those decisions, are sufficiently controlling in this context. On the other hand, there is a respectable and perhaps persuasive argument that these judicial decisions and instances of congressional inaction do not amount to a sufficiently comprehensive scheme of statutes and regulations addressing the precise issue.276 Relatedly, there is no indication that either the Court or Congress acted with a purpose to preclude the application of CIL in the right-to-strike setting, or even with an awareness that relevant CIL existed.277 In this regard, it is noteworthy that the international right to strike assumed increased visibility and importance beginning in the mid to late 1990s, following elevation of FOA as one of the eight fundamental ILO conventions and the promulgation of the 1998 Declaration. The Supreme Court in the context of admiralty law—relying on the law of nations—has applied recent CIL to overrule its own precedents, or to bypass or distinguish earlier statutory provisions. 278 In doing so, the Court has recognized the primacy of evolving developments in CIL so long as these changes in the law of nations are not directly contradicted by earlier federal statutory text. 279 Violations of CIL, like violations of international law generally, can produce friction between nations that hinders the accomplishment of foreign relations goals.280 As noted earlier, government officials and scholars have expressed concern in recent decades that failure to ratify Convention 87 and other fundamental ILO conventions can undermine U.S. standing on matters of international labor and human rights law.281 At the same time, the U.S. has been a leading advocate on the international stage promoting both FOA principles and the right to strike—in its trade legislation, bilateral and regional trade agreements, and official positions at the ILO Governing Body. And again, while CIL can give way when there is genuinely controlling positive law, such law must be meant to control an otherwise applicable CIL. The mere presence of a relevant statutory provision or judicial decision, without evidence that Congress or the court was aware the CIL existed, is unlikely to qualify. Moreover, if there is a potential conflict between established CIL and sufficiently clear federal statutes, the relative timing of these two sources of law becomes important. The Court has made clear that Congress can override CIL based on subsequent clear legislation.282 It is also well-settled that federal statutes and treaties are equal in authority such that “if a treaty and a federal statute conflict, ‘the one last in date will control the other.’”283 Given the status accorded to CIL as federal law comparable to treaties, it should follow that the last-in-time rule also applies to resolve any differences between an earlierenacted federal statute and a later CIL norm, at least one that meets the Sosa standard of definiteness, specificity, and widespread acceptance.284 Applying the last-in-time rule in our setting, the two most prominent divergences between CIL and existing federal statutory law would be resolved in favor of CIL. The NLRA doctrine allowing employers to permanently replace lawful strikers is not addressed at all in the text. It was derived from the 1935 law as part of a 1938 Supreme Court interpretation that has been relied upon in subsequent Court decisions through the late 1980s. The exemption of state and local government workers from federal law was itself part of the 1935 statute. Both the Court decisions establishing a permanent replacement doctrine and the text exempting state and local governments arose well before—and with no evident awareness of—the establishment and evolution of CIL on FOA and the right to strike. This CIL began emerging in the late 1960s and became fully developed from the late 1990s, continuing to the present.

#### Harmonizing international labor standards are key to Sustainable Development Goals – compliance is key.

ILO 15 [International Labor Organization; The International Labour Organization is a United Nations agency whose mandate is to advance social and economic justice through setting international labour standards. Founded in October 1919 under the League of Nations, it is the first and oldest specialised agency of the UN; “The benefits of International Labour Standards,” No date stated but most recent event cited is 2015, <https://www.ilo.org/global/standards/introduction-to-international-labour-standards/the-benefits-of-international-labour-standards/lang--en/index.htm>] Justin

International labour standards are first and foremost about the development of people as human beings. In the Declaration of Philadelphia (1944), the international community recognized that “labour is not a commodity”. Labour is not an inanimate product, like an apple or a television set, that can be negotiated for the highest profit or the lowest price. Work is part of everyone’s daily life and is crucial to a person’s dignity, well-being and development as a human being. Economic development should include the creation of jobs and working conditions in which people can work in freedom, safety and dignity. In short, economic development is not undertaken for its own sake, but to improve the lives of human beings. International labour standards are there to ensure that it remains focused on improving the life and dignity of men and women. Decent work resumes the aspirations of humans in relation to work. It brings together access to productive and suitably remunerated work, safety at the workplace and social protection for families, better prospects for personal development and social integration, freedom for individuals to set out their claims, to organize and to participate in decisions that affect their lives, and equality of opportunity and treatment for all men and women. Decent work is not merely an objective, it is a means of achieving the specific targets of the new international programme of sustainable development. At the United Nations General Assembly in September 2015, decent work and the four pillars of the Decent Work Agenda – employment creation, social protection, rights at work and social dialogue – became the central elements of the new Sustainable Development Agenda 2030 . Goal 8 of the 2030 Agenda calls for the promotion of sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all. Moreover, the principal elements of decent work are broadly incorporated into the targets of a large number of the 16 Goals of the United Nations new vision of development. An international legal framework for fair and stable globalization Achieving the goal of decent work in the globalized economy requires action at the international level. The world community is responding to this challenge in part by developing international legal instruments on trade, finance, the environment, human rights and labour. The ILO contributes to this legal framework by elaborating and promoting international labour standards aimed at making sure that economic growth and development go hand-in-hand with the creation of decent work. The ILO’s unique tripartite structure ensures that these standards are backed by governments, employers and workers alike. International labour standards therefore lay down the basic minimum social standards agreed upon by all the players in the global economy. A level playing field An international legal framework on social standards ensures a level playing field in the global economy. It helps governments and employers to avoid the temptation of lowering labour standards in the hope that this could give them a greater comparative advantage in inter- national trade. In the long run, such practices do not benefit anyone. Lowering labour standards can encourage the spread of low-wage, low-skill and high-turnover industries and prevent a country from developing more stable high-skilled employment, while at the same time slowing the economic growth of trade partners. Because international labour standards are minimum standards adopted by governments and the social partners, it is in everyone’s interest to see these rules applied across the board, so that those who do not put them into practice do not undermine the efforts of those who do. A means of improving economic performance International labour standards have been sometimes perceived as being costly and therefore hindering economic development. However, a growing body of research has indicated that compliance with international labour standards is often accompanied by improvements in productivity and economic performance. Minimum wage and working-time standards, and respect for equality, can translate into greater satisfaction and improved performance for workers and reduced staff turnover. Investment in vocational training can result in a better trained workforce and higher employment levels. Safety standards can reduce costly accidents and expenditure on health care. Employment protection can encourage workers to take risks and to innovate. Social protection, such as unemployment schemes, and active labour market policies can facilitate labour market flexibility, and make economic liberalization and privatization sustainable and more acceptable to the public. Freedom of association and collective bargaining can lead to better labour–management consultation and cooperation, thereby improving working conditions, reducing the number of costly labour conflicts and enhancing social stability. The beneficial effects of labour standards do not go unnoticed by foreign investors. Studies have shown that in their criteria for choosing countries in which to invest, foreign investors rank workforce quality and political and social stability above low labour costs. At the same time, there is little evidence that countries which do not respect labour standards are more competitive in the global economy. International labour standards not only respond to changes in the world of work for the protection of workers, but also take into account the needs of sustainable enterprises. A safety net in times of economic crisis Even fast-growing economies with high-skilled workers can experience unforeseen economic downturns. The Asian financial crisis of 1997, the 2000 dot-com bubble burst and the 2008 financial and economic crisis showed how decades of economic growth can be undone by dramatic currency devaluations or falling market prices. For instance, during the 1997 Asian crisis, as well as the 2008 crisis, unemployment increased significantly in many of the countries affected. The disastrous effects of these crises on workers were compounded by the fact that in many of these countries social protection systems, notably unemployment and health insurance, active labour market policies and social dialogue were barely developed. The adoption of an approach that balances macroeconomic and employment goals, while at the same time taking social impacts into account, can help to address these challenges. A strategy for reducing poverty Economic development has always depended on the acceptance of rules. Legislation and functioning legal institutions ensure property rights, the enforcement of contracts, respect for procedure and protection from crime – all legal elements of good governance without which no economy can operate. A market governed by a fair set of rules and institutions is more efficient and brings benefit to everyone. The labour market is no different. Fair labour practices set out in international labour standards and applied through a national legal system ensure an efficient and stable labour market for workers and employers alike. In many developing and transition economies, a large part of the work- force is engaged in the informal economy. Moreover, such countries often lack the capacity to provide effective social justice. Yet international labour standards can also be effective tools in these situations. Most ILO standards apply to all workers, not just those working under formal employment arrangements. Some standards, such as those dealing with homeworkers, migrant and rural workers, and indigenous and tribal peoples, deal specifically with certain areas of the informal economy. The reinforcement of freedom of association, the extension of social protection, the improvement of occupational safety and health, the development of vocational training, and other measures required by international labour standards have proved to be effective strategies in reducing poverty and bringing workers into the formal economy. Furthermore, international labour standards call for the creation of institutions and mechanisms which can enforce labour rights. In combination with a set of defined rights and rules, functioning legal institutions can help formalize the economy and create a climate of trust and order which is essential for economic growth and development. (Note 1 ) The sum of international experience and knowledge International labour standards are the result of discussions among governments, employers and workers, in consultation with experts from around the world. They represent the international consensus on how a particular labour problem could be addressed at the global level and reflect knowledge and experience from all corners of the world. Governments, employers’ and workers’ organizations, international institutions, multinational enterprises and non-governmental organizations can benefit from this knowledge by incorporating the standards in their policies, operational objectives and day-to-day action. The legal nature of the standards means that they can be used in legal systems and administrations at the national level, and as part of the corpus of international law which can bring about greater integration of the international community.

#### That’s key to head off a laundry list of interacting catastrophic risks, the combination of which causes extinction and amplifies every other threat. Climate change is good example.

Tom Cernev & Richard Fenner 20, Australian National University; Centre for Sustainable Development, Cambridge University Engineering Department, "The importance of achieving foundational Sustainable Development Goals in reducing global risk," Futures, Vol. 115, January 2020, Elsevier. Recut Justin

4.1. Cascading failures Fig. 3 demonstrates that cascade failures can be transmitted through the complex inter-relationships that link the Sustainable Development Goals. Randers, Rockstrom, Stoknes, Goluke, Collste, Cornell, Donges et al. (2018) have suggested that where meeting some SDGs impact negatively on others, this may lead to “crisis and conflict accelerators” and “threat multipliers” resulting in conflicts, instability and migrations. Ecosystem stresses are likely to disproportionately affect the security and social cohesion of fragile and poor communities, amplifying latent tensions which lead to political instabilities that spread far beyond their regions. The resulting “bad fate of the poor will end up affecting the whole global system"(Mastrojeni, 2018). Such possibilities are likely to go beyond incremental damage and lead to runaway collapse. The World Economic Forums’ Global Risks Report for 2018 shows the top five global risks in terms of likelihood and impact have changed from being economic and social in 2008 to environmental and technological in 2018, and are closely aligned with many SDGs (World Economic Forum, 2018). The report notes “that we are much less competent when it comes to dealing with complex risks in systems characterised by feedback loops, tipping points and opaque cause-and-effect relationships that can make intervention problematic”. The most likely risks expected to have the greatest impact currently include extreme weather events natural disasters, cyber attacks, data fraud or theft, failure of climate change mitigation and water crises. These are represented in Fig. 3 by the following exogenous variables. “Climate change” drives the need for Climate Action (SDG 13), “Cyber threat” may adversely impact technology implementation and advancement which will disrupt Sustainable Cities and Communities (SDG 11); Decent Work and Economic Growth (SDG 8) and the rate of introduction of Affordable and Clean Energy (SDG 7), with reductions in these goals having direct consequences in also reducing progress in the other goals which they are closely linked to. “Data Fraud or Threat” has the capacity to inhibit innovation and Industrial Performance (SDG 9), reducing competitiveness (and having the potential to erode societal confidence in governance processes). “Water Crises” (linked with climate change) have a direct impact on Human Health and Well Being (SDG 3) as well as reducing access to Clean Water and Sanitation (SDG 6) and reducing agricultural production which increases Hunger (SDG 2). The causal loop diagram also highlights “Conflict” as a variable (driven by multiple environmental-socio-economic factors) which together with regions most impacted by climate degradation will lead to an increase in migrant refugees enhancing the spread of disease and global pandemic risk, thus impacting directly on Human Health and Well Being (SDG 3) 4.2. Existential and catastrophic risk The level and consequences of these risks may be severe. Existential Risks (ER) have a wide scope, with extreme danger, and are “a risk that threatens the premature extinction of humanity or the permanent and drastic destruction of its potential for desirable future development” (Farquhar et al., 2017,) essentially being an event or scenario that is “transgenerational in scope and terminal in intensity” (Baum & Handoh, 2014). With a smaller scope, and lower level of severity, global catastrophic risk is defined as a scenario or event that results in at least 10 million fatalities, or $10 trillion in damages (Bostrom & Ćirković, 2008). Global Catastrophic Risk (GCR) events are those which are global, but they are durable in that humanity is able to recover from them (Bostrom & Ćirković, 2008; Cotton-Barratt, Farquhar, Halstead, Schubert, & Snyder-Beattie, 2016) but which still have a long-term impact (Turchin & Denkenberger, 2018b). Achieving the Sustainable Development Goals can be considered to be a means of reducing the long-term global catastrophic and existential risks for humanity. Conversely if the targets represented across the SDGs remain unachieved there is the potential for these forms of risk to develop. This association combined with the likely emergence of new challenges over the next decades (Cook, Inayatullah, Burgman, Sutherland, & Wintle, 2014) means that it is of great value to identify points within the systems representations of the Sustainable Development Goals that could both lead to global catastrophic risk and existential risk, and conversely that could act as prevention, or leverage points in order to avoid such outcomes. This identification in turn enables sensible policy responses to be constructed (Sutherland & Woodroof, 2009). Whilst existential threats are unlikely, there is extensive peril in global catastrophic risks. Despite being lesser in severity than existential risks, they increase the likelihood of human extinction (Turchin & Denkenberger, 2018a) through chain reactions (Turchin & Denkenberger, 2018a), and inhibiting humanity’s response to other risks (Farquhar et al., 2017). It is necessary to consider risks that may seem small, as when acting together, they can have extensive consequences (Tonn, 2009). Furthermore, the high adaptability potential of humans, and society, means that for humanity to become extinct, it is most likely that there would be a series of events that culminate in extinction as opposed to one large scale event (Tonn & MacGregor, 2009; Tonn, 2009). Whilst the prospect of existential risk, or global catastrophic risk can seem distant, the Stern Review on the Economics of Climate Change estimated the risk of extinction for humanity as 0.1 % annually, which accumulates to provide the risk of extinction over the next century as 9.5 % (Cotton-Barratt et al., 2016). With respect to identifying these risks, it is known that in particular, “positive feedback loops… represent the gravest existential risks” (Kareiva & Carranza, 2018), with pollution also having the potential to pose an existential risk. With respect to reinforcing feedback loops, there is particular concern about the effects of time delay, and the level of uncertainty when feedback loops interact (Kareiva & Carranza, 2018). It is difficult to identify the exact thresholds that are associated with tipping points (Moore, 2018), which leads to global catastrophic risk or existential risk, and thus it is necessary to understand the events that can lead to existential risks (Kareiva & Carranza, 2018). Table 1 identifies possible global catastrophic risks and existential risks as reported in the literature and from Fig. 3 these are aligned to the Sustainable Development Goals they impact on the most. 4.3. Linking risks with progress in the SDGs Generally it is the Outcome/Foundational and Human input SDGs that are most directly related. For example as the movement of refugees increases pandemic risk, poverty levels in low and middle income countries increase reducing the health of the population, and so restricting access to education which further enhances poverty and birth rates rise as family sizes increases generating unsustainable population growth which furthers the migration of refugees (Fig. 5). Fig. 3 shows that leverage points to reduce refugees lies in SDG 16 (Peace Justice and Strong Institutions), reducing malnutrition through alleviating SDG 2 (Zero Hunger) and taking SDG 13 (Climate Action) to avoid the mass movement of people to avoid the impacts of global warming. Global warming itself will drive disruptive changes in both terrestial and aquatic ecosystems affecting SDG 15 (Life on Land) and SDG 14 (Life Below Water) adding to their vulnerability to increases in pollution driven by a growing economy. Loop B (in Fig. 4)shows the constraints associated with SDG 13 (Climate Action) may slow the economic investment in industry and infrastructure reducing the pollution generated, encouraging adoption of SDG 7 (Affordable and Clean Energy) whilst stimulating carbon reduction and measures such as afforestation, which will also improve the foundational environmental goals. Depletion of resources and biodiversity are strongly linked to SDG 12 (Responsible Consumption and Production) through measures such as halving global waste, reducing waste generation through recycling reuse and reduction schemes, and striving for more efficient industrial processes. The more resources that are used, the less responsible is Consumption and Production which may thus reduce biodiversity (Fig. 3) and increase the amounts of wastes accumulating in the environment. The final driver of Global Catastrophic Risk is an agricultural shortfall which will increase global Hunger (SDG 2) and widen the Inequality (SDG 10) between rich and poor nations and individuals. Quality Education (SDG 4) is important as a key leverage point to stimulate the generation and adoption of new technologies to improve energy (SDG 7) and water supplies (6) which can enhance agricultural production. Such linkages are convincingly examined and demonstrated in the recent film “The Boy Who Harnessed the Wind” (2019), based on a factual story of water shortages in Malawi in the mid 2000s. These examples may appear self evident, but it is the connections between the goals and how they adjust together that is important to consider so the consequence of policy actions in one area can be fully understood. Because of the underlying system structures global threats can quickly transmit through the system. Water Crises will limit the water available for agriculture and basic needs which in turn will stimulate a decline in Gender Equality (SDG 5). Technology disruption from cyber attacks will restrict the ability to operate Sustainable Cities and Communities (SDG 11) and potentially expose populations to extreme events by disrupting transport, health services, and the ability to pay for adaptation and mitigation of climate related threats from a weakened economy. Conflict (in all forms) will increase refugees and climate change provides the backdrop against which all these interactions will play out.

## UV

1]. 1AR theory is necessary in order to deal with problematic abuse from the neg.

- Abuse: The neg gets 7 minutes to load on shells while I have to win them to keep going, but I only have four minutes to address everything.

- The 1AR theory is a necessary defense.

- There cannot be RVI’s or Counter Interps in the NR because I do not have time to deal with all of that in the 2AR.

2]. They get to dump in blocks of time, and it is impossible for me to respond to all of it.