## T-A

#### Interpretation—the aff may not specify a just government

#### A is an generic indefinite singular. Cohen 01

Ariel Cohen (Ben-Gurion University of the Negev), “On the Generic Use of Indefinite Singulars,” Journal of Semantics 18:3, 2001 <https://core.ac.uk/download/pdf/188590876.pdf>

\*IS generic = Indefinite Singulars

French, then, expresses the two types of reading differently. In English, on¶ the other hand, generic BPs are ambiguous between inductivist and normative¶ readings. But even in English there is one type of generic that can express only¶ one of these readings, and this is the IS generic. While BPs are ambiguous¶ between the inductivist and the rules and regulations readings, ISs are not. In¶ the supermarket scenario discussed above, only (44.b) is true:¶ (44) a. A banana sells for $.49/lb.¶ b. A banana sells for $1.00/lb.¶ The normative force of the generic IS has been noted before. Burton-Roberts¶ (1977) considers the following minimal pair:¶ (45) a. Gentlemen open doors for ladies.¶ b. A gentleman opens doors for ladies.¶ He notes that (45.b), but not (45.a), expresses what he calls “moral necessity.”7¶ Burton-Roberts observes that if Emile does not as a rule open doors for ladies, his mother could utter [(45.b)] and thereby successfully imply that Emile was not, or was¶ not being, a gentleman. Notice that, if she were to utter. . . [(45.a)] she¶ might achieve the same effect (that of getting Emile to open doors for¶ ladies) but would do so by different means. . . For [(45.a)] merely makes a¶ generalisation about gentlemen (p. 188).¶ Sentence (45.b), then, unlike (45.a), does not have a reading where it makes¶ a generalization about gentlemen; it is, rather, a statement about some social¶ norm. It is true just in case this norm is in effect, i.e. it is a member of a set of¶ socially accepted rules and regulations.¶ An IS that, in the null context, cannot be read generically, may receive a¶ generic reading in a context that makes it clear that a rule or a regulation is¶ referred to. For example, Greenberg (1998) notes that, out of the blue, (46.a)¶ and (46.b) do not have a generic reading:¶ (46) a. A Norwegian student whose name ends with ‘s’ or ‘j’ wears green¶ thick socks.¶ b. A tall, left-handed, brown haired neurologist in Hadassa hospital¶ earns more than $50,000 a year.¶ However, Greenberg points out that in the context of (47.a) and (47.b),¶ respectively, the generic readings of the IS subject are quite natural:¶ (47) a. You know, there are very interesting traditions in Norway, concerning the connection between name, profession, and clothing. For¶ example, a Norwegian student. . .¶ b. The new Hadassa manager has some very funny paying criteria. For¶ example, a left-handed. . .¶ Even IS sentences that were claimed above to lack a generic reading, such¶ as (3.b) and (4.b), may, in the appropriate context, receive such a reading:¶ (48) a. Sire, please don’t send her to the axe. Remember, a king is generous!¶ b. How dare you build me such a room? Don’t you know a room is¶ square?

#### Rules readings are always generalized – specific instances are not consistent. lCohen 01

Ariel Cohen (Ben-Gurion University of the Negev), “On the Generic Use of Indefinite Singulars,” Journal of Semantics 18:3, 2001 https://core.ac.uk/download/pdf/188590876.pdf

In general, as, again, already noted by Aristotle, rules and definitions are not relativized to particular individuals; it is rarely the case that a specific individual¶ forms part of the description of a general rule.¶ Even DPs of the form a certain X or a particular X, which usually receive¶ a wide scope interpretation, cannot, in general, receive such an interpretation in the context of a rule or a definition. This holds of definitions in general, not¶ only of definitions with an IS subject. The following examples from the Cobuild¶ dictionary illustrate this point:¶ (74) a. A fanatic is a person who is very enthusiastic about a particular¶ activity, sport, or way of life.¶ b. Something that is record-breaking is better than the previous¶ record for a particular performance or achievement.¶ c. When a computer outputs something it sorts and produces information as the result of a particular program or operation.¶ d. If something sheers in a particular direction, it suddenly changes¶ direction, for example to avoid hitting something.

#### That outweighs—only our evidence speaks to how indefinite singulars are interpreted in the context of normative statements like the resolution. This means throw out aff counter-interpretations that are purely descriptive

#### Violation—they specified China.

#### Vote neg:

#### 1] Precision –any deviation justifies the aff arbitrarily jettisoning words in the resolution at their whim which decks negative ground and preparation because the aff is no longer bounded by the resolution.

#### 2] Limits—specifying a just government offers huge explosion in the topic since they get permutations of hundreds of governments in the world depending on their definition of “just government”.

#### Topicality is a voting issue that should be evaluated through competing interpretations – it tells the negative what they do and do not have to prepare for

#### No RVIs—it’s your burden to be topical.

## CLS K

#### The right to strike is a dangerous distraction that prevents the labor movement from challenging systems at the root cause of class inequality and that make it structurally impossible for legal institutions to protect workers. Empirically “right to strike” legislation hamstrings actual strikes via circumventive policies that jail strikers for engaging in theft, violence, etc while allowing for a façade of acceptance and forcing union representation, wages, and economic equality to plummet. The AFF results in scattered, ineffective, and “respectable” strikes and labor disputes re-routed towards legal arbitration while increased legal incorporation results in more tools for the elite to constrain the labor movement -- turns case and kills workers’ movement writ large. Vote NEG for a “direct endorsement of militancy and a turn away from the law and instead towards a political program that might advance the interests of the working class regardless of what the law might hold”

White 18 (Ahmed White – Nicholaus Rosenbaum Professor of Law @ University of Colorado Law School, “Its Own Dubious Battle: The Impossible Defense of an Effective Right to Strike”, https://scholar.law.colorado.edu/cgi/viewcontent.cgi?article=2369&context=articles , 2018, pgs. 1065-1073, EmmieeM)

One of the most important statutes ever enacted, the National Labor Relations Act envisaged the right to strike as the centerpiece of a system of labor law whose central aims included dramatically diminishing the pervasive exploitation and steep inequality that are endemic to modern capitalism. These goals have never been more relevant. But they have proved difficult to realize via the labor law, in large part because an effective right to strike has long been elusive, undermined by courts, Congress, the NLRB, and powerful elements of the business community. Recognizing this, labor scholars have made the restoration of the right to strike a cornerstone of labor law scholarship. Authorities in the field have developed an impressive literature that stresses the importance of strikes and strongly criticizes the arguments that judges, legislators, and others have used to justify their degradation of the right to strike. But this literature has developed without its authors ever answering a fundamental question, which is whether an effective right to strike is a viable aspiration in the first place. This Article takes up this question. It documents the crucial role that strikes have played in building the labor movement, legitimating the labor law itself, and indeed validating the New Deal and, with this, the modern administrative state; and it confirms the integral role that strikes play in contesting the corrosive power capitalism accords employers over the workplace and the spoils of production. But this Article also shows how the strikes that were effective in these crucial ways were not conventional strikes, limited to the simple withholding of labor and the advertisement of workers’ grievances. Instead, they inevitably embraced disorderly, coercive tactics like mass picketing and sit-down strikes to a degree that suggests that tactics such as these are indeed essential if strikes are to be effective. Yet strikes that have featured these tactics have never enjoyed any legitimacy beyond the ranks of labor, radical activists, and academic sympathizers. Their inherent affronts to property and public order place them well beyond the purview of what could ever constitute a viable legal right in liberal society; and they have been treated accordingly by courts, Congress, and other elite authorities. From this vantage, it becomes clear that an effective right to strike is not only an impossible distraction but a dangerous fantasy that prevents labor’s champions from confronting the broader, sobering truths that this country’s legal and political system are, at root, anathema to a truly viable system of labor rights and that labor’s salvation must be sought elsewhere.

INTRODUCTION

“They say ‘you got a right to strike but you can’t picket,’ an’ they know a strike won’t work without picket-in’.”1 This is the angry lament of Mac McLeod, a central character in John Steinbeck’s 1936 novel, In Dubious Battle, delivered just after Mac and fellow unionists were enjoined by a carload of heavily-armed police “to keep order.”2 “You can march as long as you don’t block traffic,” said the head cop, “but you are not going to interfere with anybody. Get that?”3

Recently adapted to film in a movie that is notably long on stars but short on distribution,4 the novel is considered one of Steinbeck’s finest.5 It is also perhaps the most powerful depiction of a labor strike in American literature. A bitter reflection on the intense interpersonal conflicts, moral dilemmas, and political impasses that are central to labor struggles, and based on the author’s acquaintances with workers and organizers in the region, the book tells the tragic story of a fruitpickers strike led by radicals in Depression-era California.6 In Dubious Battle broaches a set of crucial issues, which are seldom discussed anymore, concerning the nature of strikes and the acceptable limits of class struggle and workers’ protests in liberal society.7

For much of this country’s post-Civil War history, “hitting the bricks” was a way for workers to try to push back against capitalist employers. Sometimes the strikers succeeded, gaining union recognition and better working conditions. But often enough, their impertinence was repaid with arrests, beatings, and blacklisting; and the strikes ended in failure, sometimes with blood pooled on the streets and soaked into the dirt, as in Steinbeck’s story. Hundreds, possibly thousands lost their lives8 —one can only roughly estimate the numbers, so commonplace and prosaic were these practices in the late nineteenth and early twentieth centuries. Nevertheless, excluding the years 1906 through 1913, for which there are no records, between 1881 and 1935, the year Congress enacted the National Labor Relations Act (or Wagner Act, in its early form), there were in the neighborhood of 80,000 strikes in America, involving about 30 million workers.9 Despite all the dangers and the likelihood that their efforts would prove futile, workers in these millions downed the tools and picketed, convinced that doing so was not only necessary to their immediate interests but a mandate of their position in class society.

The Wagner Act purported, for the first time in American history, to extend a definite, readily enforceable right to strike to most American workers. Not coincidentally, the years surrounding its enactment featured the most intense wave of labor conflict in the country’s history. When the statute became effective in 1937 (having been widely ignored by employers and blocked by hostile courts), the violence of strikes began to diminish, though not so much their frequency. For much of the period after the Second World War, strikes remained common even as they also became less ambitious in their aims and less militant in their conduct. Beginning about forty years ago, things changed again. Strikes suddenly became rare as well, to the point that workers today basically do not strike at all. From 1947 through 1976, the government documented an average of just over 300 “major work stoppages” (strikes and lockouts involving at least 1000 workers) every year; over the last decade, the annual average was only 14.10 Even the much-ballyhooed mini-strike wave of 2018 appears to be largely an illusion built on a combination of wishful thinking and a convenient misconstruction of a string of well-reported, and sometimes impressive, strikes, as a trend.11 In any event, militancy of the sort that was commonplace when Steinbeck wrote his book, along with the open strife and bloodshed that made the novel a work of undeniable realism, are nearly unheard of today.

The waning of bloody battles may be a good thing. But there is not much to celebrate about the overall demise of strikes—not if you are a worker or care about the working class. For strikes are the most important mode of working class protest, the best way, it seems, for workers to directly challenge capitalist hegemony by their own hand, to alter the terms of exploitation if not to build a new world. As they have declined, so has the strength of the labor movement and, with this, the ability of workers to contest the power that employers wield over their work lives and economic fortunes. And so it is that with the demise of strikes, union representation has plummeted, wages have stagnated, economic inequality skyrocketed, and the everyday caprices and tyrannies of capitalist management have been entwined in the web of demeaning indignities, patronizing indulgences, and suffocating bureaucratic rules that define the contemporary workplace.

Nevertheless, in most quarters the decline in strikes has been taken in stride, if noticed at all. For most people, strikes are hardly more than historical relics or quaint curiosities that seldom affect their daily lives or command much of their attention. Ironically, this is probably one reason the very modest labor conflict of the last year has been so overcharacterized. Once a preoccupation of newspaper editorialists, lawyers, and other commentators, a concern of government, and the subject of numerous hearings and reports, abundant litigation, and seemingly endless attempts at legislation, strikes are now rarely of any interest in any of these quarters. Where judges, politicians, and editorialists once worried greatly over how to deal with strikes of the kind that Steinbeck fictionalized, how to protect the economy (not to mention the interests of individual capitalists) from the disruptive effects of labor unrest, and sometimes how to preserve the ability of workers to strike in meaningful ways, their successors stand mute in the context of the near extinction of this form of protest. It has been two decades since Congress, which once grappled with these issues on a regular basis, has seriously confronted the question of strikes.12 Its last engagement with the right to strike attempts, in the early 1990s, to enact modest changes in the law relative to employers’ use of replacement workers during strikes. And even this effort, which collapsed in the mid 1990s, hardly seemed possessed of the kind of urgency that characterized earlier forays on these issues.13

Among the few Americans who well remember what strikes are and why they are important are labor scholars. For them, at least, strikes remain a preoccupation. Prominent students of labor like James Atleson, Julius Getman, Karl Klare, and James Pope—to name the most notable of this group—have expended much effort over the past few decades identifying and critiquing legal doctrines which have undermined the right to strike. Important to them in this regard are doctrines that give employers the prerogative to easily replace striking workers; that allow employers to enjoin and even fire strikers on the ground that they have engaged in coercive “misconduct,” or because they have protested the wrong issue or in the wrong way; that prohibit sympathy strikes and general strikes, and spontaneous “wildcat” strikes; and that funnel labor disputes off of picket lines and into legal proceedings and arbitrations.14

These doctrines have eviscerated a once-vital right to strike, these scholars tell us, subverting a prerogative that earlier in the century was central to improving conditions for workers and lending legitimacy to the very idea that workers have rights to claim in the first place. Indeed, in the 1930s and 1940s, especially, a massive and sustained campaign of strikes proved crucial to the formation of the modern labor movement, the political and legal validation of the Wagner Act, and ultimately the survival of the New Deal itself. This was true even as the Wagner Act itself seemed to play a crucial role in conveying to workers, for the first time, an effective right to strike. But the problem as far as the right to strike goes, we are told, is that the statute was later weakened and corrupted by the connivances of judges and Congress, urged on by a business community relentless in its contempt for organized labor, and abetted at times by inept or corrupt union leaders and a weak and politically diffident National Labor Relations Board (NLRB, the entity with primary authority for enforcing the labor law). And so the Wagner Act is said to have had a great potential, only to have been tragically “deradicalized,” as Klare puts it; and workers are said to have “lost” the right to strike, in Pope’s words, with devastating consequences for workers today and ominous portents for generations ahead.15 Critically, these authors argue, an effective right to strike must be restored at the expense of these unjustified impositions.16 Only then will the labor law regain its relevance and the labor movement its ability to improve the lives of workers.

Early on, this attempt to defend an effective right to strike was the object of mean-spirited criticism by more conventional scholars who, in the guise of unmasking its interpretative shortcomings, rejected its radicalism and recoiled at its underlying supposition that law is not only malleable and untethered to its formal, elite iterations, but within the province of workers to reshape around their own interests and visions.17 Despite these efforts, which focused on the work of Klare and Katherine Stone, whose critique of post-war “industrial pluralism” shared a similar reasoning—or maybe, to some extent, anyway, because of them—support for this campaign to restore the right to strike seems like a mandate among scholars and commentators who purport to take seriously the interests of workers.18 And yet for all its appeal, this project nevertheless suffers from a remarkably negligent oversight, one that has nothing to do with morality of its pretense that the law is malleable and that workers can remake it—a proposition that is broadly true and eminently defensible. Instead, it has to do with its practical feasibility. In fact, as this Article argues, a critical reflection on this question suggests that the effort to realize an effective right to strike is actually quite impossible and that attempts to do so, however earnest and thoughtful they may be, represent as dubious a battle as the hopeless walkout dramatized in Steinbeck’s book.

This doleful conclusion rests on a frank understanding of the legal and political realities in which strikes necessarily play out. There are many kinds of strikes, but those that are apt to be successful in challenging employers’ power and interests entail a level of militancy that sets them against well-entrenched notion of property and public order. This was true in the 1930s and 1940s when these values contradicted, at once, strike militancy and whatever radical potential the Wagner Act may have had. Ironically, it is perhaps even truer today, now that workers do in fact enjoy the right to strike, albeit only in more conventional ways. Seen in this light, those doctrines that have undermined the right to strike are not aberrations or jurisprudential failings—not mistakes in any sense, in fact, nor a retreat from some earlier, truer iteration of the labor law. Rather, they represent a settling of the labor law on bedrock precepts of the American life. However illegitimate those precepts may be from a vantage that questions capitalism’s essential legitimacy and takes the rights of workers seriously, they reign supreme, foreclosing an effective right to strike.

All of this, as I argue in this Article, is made plainly evident by a critical review of the history of strikes and striking. To anticipate a bit more of the argument that follows, the strikes most crucial to the building of the labor movement in the 1930s and 1940s were not built only around peaceful picketing and a withholding of labor. Rather, they were sit-down strikes and strikes built on mass picketing, as well as, to some extent, secondary boycotts. And strikes of this kind were never considered lawful or politically appropriate. Ironically, it was these strikes that legitimated the Wagner Act itself and the New Deal. But they could not legitimate themselves.

Those who call for resurrecting the right to strike contend that the flourishing of strike militancy reflected, if not the inherent politics of the original Wagner Act before it was “de-radicalized,” then at least its potential. To be sure, it is clear that the Wagner Act was a remarkable document which did more to advance workers’ rights than any statute in American history; and it was at least ambiguous on the question of the legal status of strike militancy. But what seemed like its support for worker militancy was not a product of any particular potential. Rather, it was a reflection of the difficulty that judges, legislators, and other authorities, who dedicated themselves to restraining these strikes even as they flourished, encountered in prosecuting these values amid the unique economic and political conditions of the 1930s and 1940s. These obstructive conditions were quite temporary, though, and the authorities’ efforts culminated soon enough in the near-categorical prohibition of the tactics that had made strikes so effective. It is in this way that the history of strikes shows less in the way of de-radicalization than an encounter with the unyielding outer boundaries of what labor protest and labor rights can be in liberal society.

As this all played out, it left in its wake a right to strike, but one whose power consists almost entirely of the ability of workers to pressure employers by withholding labor, while also maybe publicizing the workers’ issues and bolstering their morale. But while publicity and morale are not irrelevant, in the end they are not effective weapons in their own right. Nor are they generally advanced when strikes are broken. Moreover, the withholding of labor, unless it could be managed on a very large scale—something the law also tends to prohibit by its restrictions on secondary boycotts, by barring sympathy strikes and general strikes—is inherently ineffective in all but a small number of cases where workers remain irreplaceable. Of course, striking in such a conventional way accords with liberal notions of property and social order; but precisely because of this it is simply not coercive enough to be effective. And it is bound to remain ineffective, particularly in a context where workers far outnumber decent jobs, where mechanization and automation have steadily eaten away at the centrality of skill, where the perils that employers face in the course of labor disputes are as impersonal as the risks to workers are not, where employers wield overwhelming advantages in wealth and power over workers, where the state’s machinery for enforcing property rights and social order have never been more potent—where, in fact, capital is capital and workers are workers.

From this perspective, the quest for an effective right to strike emerges as a fantasy—an appealing fantasy for many, but a fantasy no less, steeped in a misplaced and exaggerated faith in the law and a misreading of the class politics of modern liberalism. The campaign to resurrect such a right appears, too, not only as a dead-end and a distraction, but an undertaking that risks blinding those who support viable unionism and the interests of the working class to the more important and fundamental fact that liberalism and the legal system are, in the end, antithetical to a meaningful system of labor rights. It is for this reason that the call for an effective right to strike should be set aside in favor of more direct endorsement of militancy and a turn away from the law and instead towards a political program that might advance the interests of the working class regardless of what the law might hold.

The argument that follows further elaborates these main contentions about the history of striking and the nature of strikes in liberal society, augmented by a discussion of the legal terrain on which all of this has played out. It unfolds in three main parts. Part I describes how the concept of a right to strike developed in concert with the history of striking itself, how both were influenced by the evolving condition of labor, and how this history created the circumstances under which it became possible to conceive of an effective right to strike without making this possible in fact. Part II consists of a critical review of the fate of coercive and disorderly strikes, especially those featuring sit-down tactics and mass picketing. It considers how the courts, the NLRB, and Congress confronted these strikes, and how they moved with increasing vigor to proscribe them as soon as these strikes emerged as effective forms of labor protest. Part III looks more carefully at the underpinnings of this repudiation of strike militancy, finding in court rulings and other pronouncements against the strikes an opposition to coercion and disorder that, even if sometimes invoked disingenuously, is nonetheless firmly anchored in modern liberalism and its conception of the appropriate boundaries of class protest and labor conflict. On this rests the argument that an effective right to strike is impossible and the pursuit of it, problematic. The final part is a brief conclusion that sums up some of the implications of this argument.

#### There is no strike wave, just media smoke tricks. Empirics on current strike trends and outcomes of “Right to Strike” legislation go heavily NEG – you cannot legalize revolution and all legislation is merely a ruse to constrain the workers’ movement through the guise of “legal management”

White 18 (Ahmed White – Nicholaus Rosenbaum Professor of Law @ University of Colorado Law School, “Its Own Dubious Battle: The Impossible Defense of an Effective Right to Strike”, https://scholar.law.colorado.edu/cgi/viewcontent.cgi?article=2369&context=articles , 2018, pgs. 1124-1131, EmmieeM)

In fact, at this crucial moment it was common for elites of all stripes to claim that they supported the right to strike and yet to assert that it was being abused by unionists who insisted on winning every labor dispute and using coercive and disorderly methods to do so. In 1946, Hebert Hoover, who might well have denied just such a thing fifteen years earlier, inveighed that “Nobody denies that there is a ‘right’ to strike”; but that right, he said, had been abused to the detriment of the public interest.295 Although considerably more liberal than Hoover, Walter Lippmann, the extremely popular political commentator, offered a similar judgement about a railroad strike that same year, concluding “we must henceforth refuse to regard the right to strike as universal and absolute, and as one of the inalienable rights of man.”296 Also writing in 1946, Henry Ford II, whose father had used a small army of thugs and toughs to enforce the open shop at his plants and bitterly fought unionization until 1941, now purported at once to support the right to strike—and to believe that it should be limited.297 “There is no longer any question of the right of organized workers to strike, but that right,” he said, “is being misused.”298

Like Taft-Hartley’s supporters in Congress, figures like Hoover, Lippmann, and Ford did not trouble themselves to confess that such tactics as they so blithely condemned might actually be necessary to counterbalance the power of employers and give life and meaning to a statute that did not take adequate account of this basic reality, let alone that they were essential in establishing the idea that workers enjoyed any enforceable right to strike. But they did not have to, either; for they honestly did not believe that labor should generally prevail. Liberal or conservative, it did not matter; these were capitalists in a capitalist society, contented, consistent with their values, with a right to strike that went little further than a right to withhold one’s labor.

To be sure, these were not the views of ordinary people. But the public’s perspective did not seem to vary all that much from those of elites. Although overall approval of union membership as measured in Gallup surveys slipped noticeably after 1937, it remained quite high— well above fifty percent right through the 1940s.299 Nevertheless, Gallup surveys taken in June 1937, after the big wave of sit-strikes had waned noticeably, but while mass picketing and overall levels of labor militancy remained high, revealed that fifty-seven percent supported the proposition that the militia should “be called out whenever strike trouble threatens.”300

As with the sit-down strikes, too, the status of mass picketing and other forms of strike militancy can also be gauged by the way these tactics were defended. During the hearings on Taft-Hartley, only a few labor leaders stood against the torrent of criticism of these practices by businessmen, conservative unionists, and congressmen and senators, and tried to parry the move to prohibit the strikes. With only a couple of exceptions, most of them consistently qualified their defense of these tactics by downplaying their coercive qualities—again the very thing that made them so effective in the first place—while also describing them as expedients, presumably temporary, that were justified by the unreasonable stances of some employers.301

While the political motivations and implications of this campaign against these forms of strike militancy might be as dubious as the attacks on the sit-down strikes, their value in expressing dominant political judgments concerning these tactics is not. Repeatedly, it was taken for granted that workers could not be allowed to excessively coerce their fellow workers, that they should be obliged to adhere to their contractual obligations, that they did not own the streets or the workplace, and that whatever the right to strike was, it was surely, as Brandeis had insisted, not an absolute right. Of course, all of this was controversial for many unionists. But unionists were almost the only ones to really push back against these measures. Even President Harry Truman’s dramatic veto of Taft-Hartley is widely regarded as a political move taken with the expectation that Congress would override the veto anyway.302 It is also notable that despite dedicating itself to this aim, the labor movement has never come close to repealing the Taft Hartley Act, or even securing the enactment of favorable amendments to any of its provisions.

And then there is the replacement worker doctrine where, if anything, the change in the law even more clearly reflected the depth and power of liberal norms. For the rule established in Mackay Radio came out of the blue. It was set forth in a case which required no such question to be resolved, in a manner that drew no support from the text of the Wagner Act, and on the basis of legislative history that was ambiguous at best. Worse, as Getman points out, the rule is in direct conflict with the very statutory principle of barring discrimination on the basis of a worker’s assertion of the basic labor rights laid out in § 7 that it was, itself, supposedly derived from.303

As an exercise in statutory construction and administration, Mackay Radio makes no sense; but as a defense of property rights it makes all the sense in the world. One way to see this is to consider what would have happened had the Court decided the matter in a fundamentally different way. If employers were barred from replacing economic strikers, it seems likely that strikes would have proliferated to an extraordinary extent, as workers could at least plausibly have expected to be able to strike under a broad array of circumstances and yet be restored to their jobs no matter the outcome. But precisely because such a doctrine would have given workers so much power, Congress would almost certainly have stepped in with its own rule, codifying employers’ right to permanently replace striking workers and bringing this to an end. Ultimately, it is difficult to imagine a much more liberal alternative to the Mackay Radio rule surviving for very long—a point that also draws support from labor’s failure to repeal the rule in Congress in the early 1990s.304

A simple exercise in counterfactual speculation bears similar fruit in regard to other, more basic, limitations on the right to strike, including those imposed relative to sit-down strikes, mass picketing, and secondary boycotts. Shrill and self-interested though it was, all the testimony from employers and their allies during the hearings on TaftHartley or Landrum-Griffin about the perils posed by these tactics, was fundamentally correct. For were workers able to make unfettered use of sit-down strikes, mass picketing, and general strikes and sympathy walkouts, they could have very much challenged the sovereignty of capitalists in and about the workplace, and with this the bedrock institutions and norms of liberal society. As Jim Pope puts it, Charles Evans Hughes’ opinion in Fansteel established the maxim that “the employer could violate the workers’ statutory rights without sacrificing its property rights, while the workers could not violate the employer’s property rights without sacrificing their statutory rights.”305 This is unquestionably true. But equally unquestionable is that neither this court nor any other important arbiter of legal rights in this country was ever prepared to endorse the contrary view that property rights might be sufficiently subordinate to labor rights as to justify the kinds of tactics by which workers could routinely defeat powerful employers on the fields of industrial conflict

Significantly, there is no reason to believe that any of this has changed or is poised to change today. Quite the contrary: In a culture and political system more immersed than ever in the veneration of order and control, mediated by criminal law and police work, by the celebration of property rights, and by a readiness to punish violence, it is all but unthinkable that the courts or the NLRB would deign to give legal sanction to workers to engage in any sustained way in the kinds of tactics that might make going on strike a worthwhile thing to do.

CONCLUSION

One of the outstanding ironies in a story rich with many is that the very things which made the prospect of an effective right to strike seem for a time so viable—the unlawful, illiberal, and altogether intolerable coerciveness of sit-down strike and mass picketing, especially—are also what made this concept impossible to ever realize. As we have seen, effective strikes could build the labor movement, validate the Wagner Act, secure the New Deal, and in many ways change America. But they could not make themselves legitimate.

So it is that workers have found themselves with a right to strike that equals little more than a right to quit work—and maybe lose their jobs or their houses and savings in the balance. They have a right to strike, as Steinbeck’s character, Mac, complained, but they “can’t picket”—at least, not in a way that is really apt to change anything. And so they do not strike—in fact, under these circumstances they usually should not strike.

The proof of this is readily evident, not only in the dramatic decrease in strikes since the 1970s, but in the sad regularity with which even the most vibrant strikes have ended in defeat for workers. Phelps Dodge (1983), Greyhound (1983 and 1990), Hormel (1985-1986), Caterpillar (1992, 1993, and 1994-1995), Detroit Daily News/Daily Free Press (1995-1997)—these are but the most notable of a litany of vibrant strikes since the 1970s that ended in failure.306 They are, in fact, the definitive labor struggles of this period, overshadowing a much smaller number of comparable disputes, like the strikes at United Parcel Service in 1997 and Verizon in 2016 that—often shaped by uniquely favorable labor dynamics—ended in something resembling victory for the union.307 Each of these big and unsuccessful strikes was motived by very modest, in fact anti-concessionary, goals and well-supported by workers and the larger public alike. And each featured mass picketing and other attempts at militancy. But these tactics were met with injunctions, civil suits, mass arrests, and criminal prosecutions, which ended the protests and left the employers free to exert their vast advantages in material wealth and political power, end the disputes on their terms, and leave thousands of strikers unemployed.308

It is true that the last year or so has witnessed what many people have declared to be a miniature strike wave, that has been widely celebrated by unionists and their allies as a welcome departure from past trends and portent, many hope, of a sustained resurgence of labor activism.309 Headlined by statewide teachers strikes in West Virginia, Oklahoma, and Arizona, all in the first part of 2018, the strikes commanded a great deal of media coverage, at least compared to what labor disputes usually receive nowadays.310 However, closer inspection suggests that this wave is mainly an artifact of wishful thinking exacerbated by the novelty for many people nowadays of seeing these strikes reported in the media. For in fact, the number of strikes over the last couple of years has remained close to the level that has prevailed for several decades now.311

Perhaps more significant in putting these strikes in proper context is a reflection on their character. None have been organizing strikes. All of these strikes have been over contracts and working conditions, with many driven by workers’ opposition to concessions and ended with less than spectacular gains by the strikers.312 Moreover, the strikes which comprise this supposed wave have been disproportionately mounted by government workers—teachers, mainly—who are not covered by the National Labor Relations Act. For this reason, several of the strikes have been unlawful, as state law typically denies such workers the right to strike anyway. But at the same time—and this may be the most crucial point—none of these strikes has unfolded in an especially militant way, at least by historical standards. There have been no big sit-down strikes, no threatening episodes of mass picketing, no routing of “scabs,” no destruction of property. Which is all to say that the kinds of strikes that built the labor movement eighty or more years ago remain thoroughly in check.

There is little hope within the prevailing political and juridical order that things could ever be any different. Perhaps the right to strike could be made effective if it were fundamentally reconfigured in illiberal, corporatist terms. The right could conceivably be reconfigured such that the government might intervene more aggressively and make the workers protests effective—for example, stepping in to decide by adjudication, mediation, or arbitration which side should win a strike. Elements of this approach, which was vigorously opposed by IWW and AFL unionists alike in the early twentieth century, can be found internationally, in industry-specific statutes like the Railway Labor Act, and in labor statutes that apply to government workers, although most often when the law goes down this path it all but dispenses with the right to strike anyway, treating it as a redundancy, a tool without a purpose. As Senator Wagner himself perceived, alignment between the excessive reliance on the authority of the state to manage labor relations and the denigration of the right to strike was both dysfunctional and dangerous. As he put it back in the summer of 1937, defending the recently-passed statute that bore his name and the right that he placed at the center of it, [t]he outlawry of the right to strike is a natural concomitant of authoritarian governments. It occurs only when a government is willing to assume definitive responsibility for prescribing every element in the industrial relationship—the length of the day, the size of the wage, the terms and conditions of work.313

Clearly no such regime will be instituted in any event, not least because, as interest in such schemes in the twentieth century makes clear, support for this kind of corporatist intervention in labor disputes has itself been an elite reaction against strike militancy that currently does not exist. Where does this leave workers and unions, possessed of a right they cannot afford to surrender but cannot rely on as a means of advancing their interests and standing in society? Are they bound like Steinbeck’s strikers to meet defeat, albeit in a more peaceful way? Maybe. In one of his many commentaries on the sit-down strikes as they raged across the country in the spring of 1937, Walter Lippmann took time to analyze one of the speeches in which James Landis had argued that the tactic might well become a new right, in the same way that the right to strike in general had been created through its persistent assertion in the face of opposition and incredulity. No revolutionary, Lippmann nonetheless understood what Landis apparently did not: that the right Landis spoke of was revolutionary in its conception, and therefore not just an impracticality but a contradiction. “Never in the history of the law has rebellion been made lawful. Only the rights demanded by the rebels have been legalized,” said Lippman.314

As the labor scholars who call for the restoration of an effective right to strike have all understood, the tactics that made such strikes possible were tolerated only so long as there was not a functional system of labor rights in place, one that could stand alone in courts and hearing rooms. Once this was the case—once the rebel unionists’ aims, or at least those imputed to them, were realized—the sit-down strikes were predictably banned, and then so were mass picketing, secondary boycotts, and so forth. Thus it is that in cases like Fansteel and the debates on Taft-Hartley, sit-down strikers, mass picketers, and the like were presented as enemies of the labor law. Even more recent attacks on the right to strike, such as complaints in the 1980s about union violence going uncensored and the modest moves by the NLRB to rein in this, too, have been inevitably justified not in terms of overthrowing the system of labor rights but managing it, reconciling its virtues with the normative and juridical mandates of liberal society. And so it is that the right to strike—the right to an effective strike—has been sacrificed not in the name of capitalist hegemony but on liberalism’s altar of labor peace. Unfortunately, so far as the interests of workers go, these are the same thing.

## Case

#### China is expansionist---any other interpretation is intellectual nonsense

Denny Roy 19. Senior Fellow at the East–West Center. 1-29-2019. "Assertive China: Irredentism or Expansionism?" Survival: Global Politics and Strategy. https://www-tandfonline-com.proxy.library.emory.edu/doi/full/10.1080/00396338.2019.1568044. accessed 6-25-2019//JDi

An alternative explanation for assertive Chinese behaviour on the country's periphery – one that Beijing explicitly denies – is that China is growing more expansionist as its relative power increases. It is demanding more because it can. Typical great powers strive to establish a sphere of influence, regardless of whether they have grounds for irredentist claims. They are usually dissatisfied if their influence over the international system falls short of their perceived relative power.[17](https://www-tandfonline-com.proxy.library.emory.edu/doi/full/10.1080/00396338.2019.1568044)17 See Robert Gilpin, War and Change in World Politics (Cambridge: Cambridge University Press, 1981).View all notes Seen in this way, assertive Chinese behaviour is not necessarily limited to the special case of disputed territory. This raises the possibility that China's determination to prevail in these disputes, through the use of military force if necessary, might also manifest itself in future Chinese strategic disagreements with regional countries that do not involve Chinese sovereignty claims. The essential features of a sphere of influence are control and exclusivity: the dominant country enjoys privileges in a geographic region outside of its recognised borders that other states do not enjoy. These privileges serve the dominant country's economic or security interests, or both. The United States, for example, has tried to make itself the sole great power in its own hemisphere. The 1823 Monroe Doctrine warned Europe against further colonisation of the New World. The Roosevelt Corollary in 1904 asserted the right of the US government to resolve legitimate European complaints in Latin America, and afterward American forces frequently intervened in the hemisphere in support of US interests. During the first half of the twentieth century, an upstart Japan acquired an economic hinterland in eastern Asia, administered by colonial or puppet governments, to provide the Japanese home islands with resources and markets. After the Second World War, the Soviet Union sought to establish a political and military buffer zone in Eastern Europe. Moscow organised the Warsaw Pact in 1955 out of a fear of a resurgent West Germany allied with the United States and the other Western European countries. Determined to maintain satellite governments in the region, the Soviet government sent military forces to quell dissent against the ruling regimes in Hungary in 1956 and Czechoslovakia in 1968. Similarly, Beijing demands exclusive control, mainly based on ownership rights, over areas on the Chinese periphery for both economic and security reasons. The Chinese government insists that other states must not take resources from Chinese-claimed areas in the South China Sea. Hence the annual fishing ban, the expulsion of non-Chinese fishing boats and the harassment of survey ships making preparations to drill for hydrocarbons. Additionally, Beijing's complaints about US military surveillance and the US Navy's ‘freedom of navigation’ patrols make clear that the Chinese want to create a zone near China's borders in which US military activity is constrained and subject to veto by Beijing. Much depends on whether outside observers accept China's own characterisation of its foreign policy as having limited aims, or whether the country is perceived as having much broader goals. A policy motivated by irredentism has limited aims by definition, because the set of geographic areas over which China can make a reasonable claim of sovereignty is finite. A policy of expansionism, on the other hand, is potentially open-ended in its aspirations. Beijing's arguments have, in fact, established a foothold internationally. Some analysts say China's behaviour in its near abroad is reasonable and should not alarm foreign governments. Rob Green has argued that China ‘feels entitled to defend its interests in its own backyard, especially when history is on its side regarding the disputed islands in the East and South China Seas’. In particular, he describes China's East China Sea ADIZ as a ‘long-delayed response, under severe provocation from the US and Japan, to the Japanese ADIZ’, adding that ‘The US, Russia, UK and France have had their own unilaterally declared zones for years.’[18](https://www-tandfonline-com.proxy.library.emory.edu/doi/full/10.1080/00396338.2019.1568044)18 Rob Green, ‘Myth: China Is a Military Threat’, World BEYOND War, 2016, <https://worldbeyondwar.org/myth-china-military-threat/>.View all notes Similarly, Richard Turcsanyi sees Chinese ‘assertiveness’ in the South China Sea as a defensive reaction to acts by other governments, such as the Philippines’ attempts to bolster its position on Second Thomas Shoal and Scarborough Shoal, the Permanent Court of Arbitration ruling, and Washington's announced policy of ‘pivoting’ or ‘rebalancing’ to Asia.[19](https://www-tandfonline-com.proxy.library.emory.edu/doi/full/10.1080/00396338.2019.1568044)19 Richard Q. Turcsanyi, ‘What's Really Behind Chinese Assertiveness in the South China Sea?’, Diplomat, 22 December 2017, <https://thediplomat-com.proxy.library.emory.edu/2017/12/whats-really-behind-chinese-assertiveness-in-the-south-china-sea/>.View all notes Gavin Choo has argued that assertive Chinese behaviour is less threatening if the presumed motivation for it is irredentism. He says an understanding of the deep-seated Chinese sense of entitlement to regional leadership and historical grievance over the loss of this position leads to a ‘more benign interpretation of Beijing's foreign policy’.[20](https://www-tandfonline-com.proxy.library.emory.edu/doi/full/10.1080/00396338.2019.1568044)20 Gavin Choo, ‘In Defense of Chinese “Expansionism” in the South China Sea’, Fair Observer, 14 March 2017, <https://www.fairobserver.com/region/asia_pacific/china-foreign-policy-south-china-sea-america-news-18686/>.View all notes Some observers contend that Chinese policies toward the disputed territories are not a harbinger of expansionism. ‘One should be cautious about generalizing from these maritime disputes to Chinese foreign policy writ large’, writes Alastair Iain Johnston.[21](https://www-tandfonline-com.proxy.library.emory.edu/doi/full/10.1080/00396338.2019.1568044)21 Alastair Iain Johnston, ‘How New and Assertive Is China's New Assertiveness?’, International Security, vol. 37, no. 4, Spring 2013, pp. 7–48.View all notesLikewise, Kyle Haynes asserts that: there is little indication that Chinese leaders harbor territorial ambitions beyond what was claimed in the immediate post-World War II period … The more aggressive pursuit of longstanding claims does not necessarily portend new, more expansive claims down the road.[22](https://www-tandfonline-com.proxy.library.emory.edu/doi/full/10.1080/00396338.2019.1568044)22 Kyle Haynes, ‘Would China Be a Benign Hegemon?’, Diplomat, 2 June 2017, <https://thediplomat-com.proxy.library.emory.edu/2017/06/would-china-be-a-benign-hegemon/>.View all notes Although some critics accused him of being anti-China, Malcolm Turnbull said during his premiership of Australia that in the context of international security, ‘We do not describe China as a threat’ because ‘we do not see any hostile intent from China’.[23](https://www-tandfonline-com.proxy.library.emory.edu/doi/full/10.1080/00396338.2019.1568044)23 Paul Karp, ‘China Is No Threat to Australia, Turnbull Says Before Visit to US’, Guardian, 21 February 2018, <https://www.theguardian.com/world/2018/feb/22/china-is-no-threat-to-australia-turnbull-says-before-visit-to-us>.View all notes Mark Valencia characterises Chinese claims in the South China Sea not as a manifestation of China's will to power, but rather as a product of nationalism combined with a sense of historical victimisation. ‘China has publicly positioned its sovereignty and claims in the South China Sea as a matter of national dignity and redemption for its “century of humiliation”‘, he writes. Consequently, the Chinese government ‘need[s] to accommodate’ the demands of a nationalistic Chinese public ‘to maintain legitimacy’, making it ‘very difficult for China's leadership to back down’. Valencia concludes that US challenges to Chinese claims in the South China Sea are ‘ill-advised and even dangerous’.[24](https://www-tandfonline-com.proxy.library.emory.edu/doi/full/10.1080/00396338.2019.1568044)24 Mark J. Valencia, ‘US Must Veer Away from Collision Course of Testing China's Claims in South China Sea’, South China Morning Post, 21 September 2015, <http://www.scmp.com/comment/insight-opinion/article/1860149/us-must-veer-away-collision-course-testing-chinas-claims>.View all notes Similarly, Charles Glaser argues that China is willing to fight to take ‘disputed’ territory such as Taiwan and the South China Sea islands but not for the territory of US allies ‘when the status quo is crystal clear’, implying that the main driver of Chinese behaviour is irredentism and not a desire for a sphere of influence. Aside from the areas where China claims sovereignty, ‘there is actually little reason to believe that [China] has or will develop grand territorial ambitions in its region or beyond’, says Glaser.[25](https://www-tandfonline-com.proxy.library.emory.edu/doi/full/10.1080/00396338.2019.1568044)25 Charles Glaser, ‘Will China's Rise Lead to War?’, Foreign Affairs, vol. 90, no. 2, March/April 2011.View all notes Doug Bandow argues the United States should avoid confronting China over Beijing's South China Sea claims because ‘the existing territorial and juridical order was established at a time of Chinese isolation and weakness’. He claims that Chinese actions are motivated by national pride, and that acquiescence to Chinese claims would have insignificant negative strategic impact on US interests.[26](https://www-tandfonline-com.proxy.library.emory.edu/doi/full/10.1080/00396338.2019.1568044)26 Doug Bandow, ‘Look Out, Asia: China's Peaceful Rise Is Over’, National Interest, 18 July 2016, <http://nationalinterest.org/blog/the-skeptics/look-out-asia-chinas-peaceful-rise-over-17026>.View all notes Similarly, Erwin Blaauw sees no intrinsic Chinese aspiration to control its external strategic environment. ‘In the end,’ he writes, ‘the over-arching driving factor behind foreign policy in China, and the common denominator to most of China's global activities, is China's own domestic economic development. China does not view itself as a superpower or a hegemon.’[27](https://www-tandfonline-com.proxy.library.emory.edu/doi/full/10.1080/00396338.2019.1568044)27 Erwin Blaauw, ‘The Driving Forces Behind China's Foreign Policy – Has China Become More Assertive?’, Rabo Bank Economic Research, 23 October 2013, <https://economics.rabobank.com/publications/2013/october/the-driving-forces-behind-chinas-foreign-policy-has-china-become-more-assertive/>.View all notes Ambrose Evans-Pritchard seems to buy the Communist Party's historical and cultural arguments, writing that ‘The Chinese have no recent history of sweeping territorial expansion (except Tibet) … [T]he Confucian ethic will over time incline China to a quest for global as well as national concord.’[28](https://www-tandfonline-com.proxy.library.emory.edu/doi/full/10.1080/00396338.2019.1568044) A critique of the irredentist paradigm Beijing's irredentist paradigm rests on three key propositions: that China is an exceptional great power with limited aims; that China is belligerent and uncompromising only over the territory it now claims as rightfully its own, but nothing beyond; and that China will never seek hegemony or a sphere of influence. For the purposes of accurately assessing Chinese intentions and crafting appropriate policy responses, accepting this paradigm is deeply problematic, for several reasons. It lends undue credence to Chinese propaganda While the official Chinese narrative offers a plausible explanation for China's combative behaviour, it does not necessarily follow that the country will not be assertive in other areas. To make the point bluntly, if an adversary says ‘I will kill your neighbour, but I will not kill you’, and then kills your neighbour, this does not prove that you are safe, only that your adversary is capable of murder. It lowers the costs of aggression for China and could mitigate the effects of the security dilemma Many theorists, including defensive realists, argue that the security dilemma acts as a powerful disincentive against a state taking strong, unilateral action to enhance control over its external environment. Other states might interpret that action as indicative of aggressive intentions and therefore see it as threatening, causing them to take counteractions. As a result, the state that acted first might find that it has effectually decreased rather than increased its own security.[29](https://www-tandfonline-com.proxy.library.emory.edu/doi/full/10.1080/00396338.2019.1568044)29 See Robert Jervis, ‘Cooperation Under the Security Dilemma’, World Politics, vol. 30, no. 2, January 1978, p. 178; Stephen M. Walt, The Origins of Alliances (Ithaca, NY: Cornell University Press, 1987); and Thomas J. Christensen and Jack Snyder, ‘Chain Gangs and Passed Bucks: Predicting Alliance Patterns in Multipolarity’, International Organization, vol. 44, no. 2, Spring 1990.View all notes This dynamic could be attenuated, however, if a state found a way to cloak strong, even aggressive external action in a rationale that limited the alarm caused to other states. In such a circumstance, even a closeted revisionist[30](https://www-tandfonline-com.proxy.library.emory.edu/doi/full/10.1080/00396338.2019.1568044)30 International theorists tend to dis-tinguish between a class of states they call ‘revisionist’, ‘dissatisfied’ or ‘greedy’ – states that seize territory or wrest concessions from neighbouring states by force or coercion whenever the opportunity arises – and those termed ‘status quo’, ‘satisfied’ or ‘security-seeking’ states, which are powerful enough to feasibly attempt this but refrain because they perceive themselves as sufficiently secure and prosperous under current arrange-ments. See Hans J. Morgenthau, Politics Among Nations: The Struggle for Power and Peace (New York: Alfred A. Knopf, 1948); Henry A. Kissinger, A World Restored: Castlereagh, Metternich, and the Problem of Peace, 1812–22(Boston, MA: Houghton Mifflin, 1957); Edward Hallett Carr, The Twenty Years’ Crisis: 1919–1939: An Introduction to the Study of International Relations (New York: Harper & Row, 1946); Arnold Wolfers, ‘The Balance of Power in Theory and Practice’, in Arnold Wolfers, Discord and Collaboration: Essays on International Politics(Baltimore, MD: Johns Hopkins University Press, 1962); Charles L. Glaser, ‘The Security Dilemma Revisited’, World Politics, vol. 50, no. 1, October 1997; and Charles L. Glaser, Rational Theory of International Politics: The Logic of Competition and Cooperation(Princeton, NJ: Princeton University Press, 2010).View all notes state could pay a discounted price, in the form of relatively weak counteraction by its neighbours, for moves that would ordinarily galvanise more determined and multilateral opposition. It legitimises questionable Chinese territorial claims The territorial holdings and borders of a state tend to fluctuate through history. These fluctuations are greater in the case of a large state with a long history. The principle that a state should today control every bit of territory it claims to have controlled at some time in the past is naive and unrealistic. Many of today's states have ‘lost’ territory, yet do not demand its return under the threat of military action. As Frank Ching points out, China has been much more of a beneficiary than a victim of expansionism: ‘China grew by subjugating neighbouring peoples,’ he writes, ‘such as those who lived in what's now called Xinjiang, whose very name – “new territory” – confirms the fact that it didn't use to be part of China.’[31](https://www-tandfonline-com.proxy.library.emory.edu/doi/full/10.1080/00396338.2019.1568044)31 Frank Ching, ‘Dark Side of the Great Renewal: Chinese Nationalism’, Globe and Mail, 10 May 2018, <https://www.theglobeandmail.com/opinion/dark-side-of-the-great-renewal-chinese-nationalism/article5973783/>.View all notes The willingness of the Chinese government to resort to violence to defend its territorial claims is out of proportion to the strength of many of these claims. In particular, the country's claim over almost the entire South China Sea based on ‘historical usage’ by Chinese mariners is patently absurd, analogous to the United States claiming ownership of the Pacific Ocean between the US west coast and the Hawaiian islands. This claim, along with China's occupation of features within the EEZ of the Philippines, and its insistence that Chinese-held rocks, shoals and sandbars in the Spratly group are entitled to the rights legally bestowed on ‘islands’, have all been invalidated by the arbitration process provided for in the UN Convention on the Law of the Sea, of which Beijing is a signatory. China could make a reasonably good case for some of its other claims if it chose to respect the accepted process that is already in place. Other countries should encourage China to take full advantage of the applicable international laws and institutions to seek redress for its grievances. Acquiescing in any way to the idea that China has the right to settle its political disputes with its smaller neighbours through coercion or brute force is a moral and political failure, with negative long-term consequences for the project of civilising international affairs. It allows China to practise a form of extortion against other states All governments recognise that the notion of defending national territory under threat of being seized by foreigners has a powerful mobilising effect on public opinion. The territorial disputes involving China tap into deep historical wellsprings of wounded national pride. Consequently, China benefits from a mass-public version of the ‘madman theory’,[32](https://www-tandfonline-com.proxy.library.emory.edu/doi/full/10.1080/00396338.2019.1568044)32 The ‘madman theory’ originally referred to US president Richard Nixon's negotiating strategy with then-adversary North Vietnam. Nixon reportedly instructed envoy Henry Kissinger to tell his hosts in Hanoi that Nixon was irrational and might take disproportionately aggressive action against North Vietnam if the admin-istration was dissatisfied with the progress of the negotiations. See H.R. Haldeman, The Ends of Power (New York: Times Books, 1978), p. 122. In my analogy, the Chinese public takes Nixon's place and the Chinese govern-ment is Kissinger.View all noteswhereby the Chinese public is beyond thinking rationally about this issue, and the Chinese government unable to resist citizens’ demands for fear of being overthrown, meaning that other countries must accommodate Chinese claims. Many have warned that foreign governments should avoid making policies that inflame Chinese nationalism.[33](https://www-tandfonline-com.proxy.library.emory.edu/doi/full/10.1080/00396338.2019.1568044)33 See, for example, Robert S. Ross, ‘Chinese Nationalism and Its Discontents’, National Interest, 25 October 2011, <http://nationalinterest.org/article/chinese-nationalism-its-discontents-6038>; Doug Bandow, ‘Is the South China Sea Worth the Risk of War for Anyone?’, China–US Focus, 19 June 2015, <https://www.chinausfocus.com/peace-security/is-the-south-china-sea-worth-the-risk-of-war-for-anyone/>; Feng Zhang, ‘Provoking Beijing in the South China Sea Will Only Backfire on Washington’, Foreign Policy, 21 May 2015, <https://foreignpolicy-com.proxy.library.emory.edu/2015/05/21/united-states-provoke-beijing-south-china-sea-air-defense-identification-zone/>; and Luo Xi, ‘The South China Sea Case and China's New Nationalism’, Diplomat, 19 July 2016, <https://thediplomat-com.proxy.library.emory.edu/2016/07/the-south-china-sea-case-and-chinas-new-nationalism/>.View all notes It is questionable, however, whether nationalistic public opinion really drives Chinese behaviour with regard to the disputed territories. To at least some extent, the reverse is true.[34](https://www-tandfonline-com.proxy.library.emory.edu/doi/full/10.1080/00396338.2019.1568044)34 See Andrew Chubb, ‘Assessing Public Opinion's Influence on Foreign Policy: The Case of China's Assertive Maritime Behavior’, Asian Security, vol. 14, no. 3, March 2018; and Wang Xiangwei, ‘Chinese Nationalism Is a Double-Edged Sword for Global Ambitions’, South China Morning Post, 27 May 2017, <https://www.scmp.com/week-asia/opinion/article/2095859/chinese-nationalism-double-edged-sword-global-ambitions>.View all notes Moreover, Beijing has frequently facilitated demonstrations of public outrage against foreigners and then used this outrage as leverage in China's foreign relations.[35](https://www-tandfonline-com.proxy.library.emory.edu/doi/full/10.1080/00396338.2019.1568044)35 See Jessica Chen Weis, Powerful Patriots: Nationalist Protest in China's Foreign Relations (Oxford: Oxford University Press, 2014); Yun Sun, ‘Chinese Public Opinion: Shaping China's Foreign Policy, or Shaped by It?’, Brookings East Asia Commentary, 13 December 2011, <https://www.brookings.edu/opinions/chinese-public-opinion-shaping-chinas-foreign-policy-or-shaped-by-it/>; and Jeff Kingston, ‘Asia and the Threat of Untethered Nationalism’, Japan Times, 1 October 2016, <https://www.japantimes.co.jp/opinion/2016/10/01/commentary/asia-threat-untethered-nationalism/#.W0PmPDpKjcs>.View all notes Other governments make Beijing's problems their own when they honour the communist regime's need to satisfy the demands of a nationalistic Chinese public. They reward Beijing for bad behaviour – for its playing up of territorial disputes in domestic propaganda, sometimes with unintended results, and its intentional cultivation of visible public anger as a means of signalling to foreigners that the Chinese government has no room to retreat or compromise. It could incentivise China to raise new irredentist claims in the future Beyond the territory now encompassed or claimed by the People's Republic, there are additional territories over which China might claim some form of historical association. The late historian Ramesh Chandra Majumdar observed, ‘It is characteristic of China that if a region once acknowledged her nominal suzerainty even for a short period, she should regard it as a part of her empire forever and would automatically revive her claim over it even after a thousand years whenever there was a chance of enforcing it.’[36](https://www-tandfonline-com.proxy.library.emory.edu/doi/full/10.1080/00396338.2019.1568044)36 Claude Arpi, ‘Chinese Irredentism and the Great Rejuvenation’, Indian Defence Review, 20 July 2016, <http://www.indiandefencereview.com/spotlights/chinese-irredentism-and-the-great-rejuvenation/>.View all notes Chinese claims have evolved, or more properly expanded, in keeping with its evolution from a poor, revolution-wracked underachiever into an emerging great power. The Republic of China cartographers who first drew a nine-dashed line on a map of the South China Sea in 1946 intended it to delineate Chinese-claimed islands, but not the surrounding ocean. The People's Republic's 1958 ‘Declaration on the Territorial Sea’ claimed ownership of South China Sea islands and the territorial waters around them, but recognised that they were separated from the Chinese mainland by ‘high seas’. The Chinese government did not begin to assert that it had ‘historic rights’ to all the resources contained within the nine-dashed line until 1998.[37](https://www-tandfonline-com.proxy.library.emory.edu/doi/full/10.1080/00396338.2019.1568044)37 See Bill Hayton, ‘China's “Historic Rights” in the South China Sea: Made in America?’, Diplomat, 21 June 2016, <https://thediplomat-com.proxy.library.emory.edu/2016/06/chinas-historic-rights-in-the-south-china-sea-made-in-america/>.View all notes Similarly, China's claims in the East China Sea are of recent vintage. A 1953 edition of the People's Daily noted that the ‘Senkaku’ (not Diaoyu) islands belonged to the Ryukyu archipelago, then and now Japanese territory. An atlas published by a government-owned press in 1958 depicted the Senkakus as part of Japan.[38](https://www-tandfonline-com.proxy.library.emory.edu/doi/full/10.1080/00396338.2019.1568044)38 See Bruce Jacobs, ‘Appeasement Will Only Encourage China’, Sydney Morning Herald, 1 November 2015, <https://www.smh.com.au/opinion/appeasement-will-only-encourage-expansionist-china-20151101-gknz2l.html>.View all notes A possible future target is strategically important Okinawa. In 2013, Chinese commentators with government connections publicly questioned Japan's ownership of the Ryukyu islands, which include Okinawa and its many US military bases. Separate articles making this point appeared in the Communist Party-run People's Daily and Global Times, as well as a magazine affiliated with China's Ministry of Foreign Affairs.[39](https://www-tandfonline-com.proxy.library.emory.edu/doi/full/10.1080/00396338.2019.1568044)39 See Xinhua, ‘China Does Not Accept Japanese Protest over Okinawa Article’, People's Daily, 10 May 2013, <http://en.people.cn/90883/8238929.html>; ‘Ryukyu Issue Offers Leverage to China’, Global Times, 10 May 2013, <http://www.globaltimes.cn/content/780732.shtml>; and Gordon G. Chang, ‘Now China Wants Okinawa, Site of U.S. Bases in Japan’, Daily Beast, 31 December 2015, <https://www.thedailybeast.com/now-china-wants-okinawa-site-of-us-bases-in-japan>.View all notes Additionally, Chinese PLA General Luo Yuan said in a media interview in 2013 that the islands were part of the Chinese tributary system as early as 1372, and that Japan stole them in 1872 during a period of relative Chinese weakness. In making this argument, Luo added the Ryukyus to the list of territories lost during the Century of Humiliation alongside Taiwan. ‘We can say with certainty’, Luo concluded, ‘that the Ryukyus do not belong to Japan.’[40](https://www-tandfonline-com.proxy.library.emory.edu/doi/full/10.1080/00396338.2019.1568044)40 ‘Jiěfàngjūn shàojiàng Luō Yuán jiědú jìnqí Zhōng Rì guānxì’ [People's Liberation Army Major General Luo Yuan Interprets Recent China–Japan Relations], China News Service, 14 May 2013, <http://www.chinanews.com/shipin/spfts/20130513/123.shtml>.View all notes A sphere-of-influence mentality China's irredentist claims cover an area so vast that it is already tantamount to a sphere of influence. On China's lengthy eastern coast, for example, the disputed land and maritime territories form a seamless geographic region beginning with the Yellow Sea in the north and continuing southward through the East China Sea, Taiwan and the Taiwan Strait, and the upper and lower halves of the South China Sea, apparently stretching as far south as the Natuna islands. Chinese officials have repeatedly said that they would continue to allow commercial shipping through major sea lanes in these areas, and it is possible that Beijing would make additional concessions to individual rival claimants that accepted its standing invitation to settle claims through bilateral negotiations. But China would nonetheless retain the unequalled privilege of setting the rules for the activities of other states in this zone. Moreover, China has shown itself to have a sphere-of-influence mentality that is independent of its irredentist claims. On occasion, Chinese senior officials have revealed that they see China as deserving of deference from ‘smaller countries’. This attitude is apparent in Beijing's demands that its neighbours grant privileges to China.[41](https://www-tandfonline-com.proxy.library.emory.edu/doi/full/10.1080/00396338.2019.1568044)41 At an ASEAN meeting in 2010, Chinese foreign minister Yang Jiechi infamously said, ‘China is a big country and other countries are small countries, and that's just a fact.’ See Ian Storey, ‘China's Missteps in Southeast Asia: Less Charm, More Offensive’, China Brief, vol. 10, no. 25, 17 December 2010. In 2014, then-foreign minister Wang Yi declared, ‘We will never accept unreasonable demands from smaller countries.’ See Edward Wong, ‘China's Hard Line: “No Room for Compromise”‘, New York Times, 8 March 2014, [http://www.nytimes.com.proxy.library.emory.edu/2014/03/09/world/asia/china.html?partner=rssnyt&emc=rss&\_r=1](http://www.nytimes.com.proxy.library.emory.edu/2014/03/09/world/asia/china.html?partner=rssnyt%26emc=rss%26_r=1). Bilahari Kausikan reported that during an ASEAN Senior Officials Meeting in an ASEAN country, the Chinese ambassador pressured the host government to move another country's delegation out of its hotel to accommodate a visit by former Chinese premier Wen Jiabao. See Kausikan, ‘Almost Impossible for Big Countries to Understand How Small Countries Think’, Straits Times, 1 October 2014, <https://www.straitstimes.com/opinion/almost-impossible-for-big-countries-to-understand-how-small-countries-think>.View all notes The Yellow Sea, for example, is the site of a dispute between China and South Korea over overlapping EEZs. China has exhibited domineering behaviour in this area that has less to do with any sovereignty dispute than with a sense of entitlement due to China's status as a larger country. The South Korean coastguard has frequently clashed with Chinese fishermen in areas of the Yellow Sea that are unambiguously under Seoul's administration. Chinese boats approached by South Korean coastguard vessels have frequently tried to ram them and repel boarding officers with pipes, iron bars, knives and hammers. Between 2008 and 2016, Seoul reported that Chinese fishermen had killed two of its coastguardsmen and injured 73.[42](https://www-tandfonline-com.proxy.library.emory.edu/doi/full/10.1080/00396338.2019.1568044)42 Lyle J. Morris, ‘South Korea Cracks Down on Illegal Chinese Fishing, with Violent Results’, Diplomat, 3 November 2016, <https://thediplomat-com.proxy.library.emory.edu/2016/11/south-korea-cracks-down-on-illegal-chinese-fisherman-with-violent-results/>.View all notes In 2010, Washington announced a US aircraft carrier would join US– South Korean naval exercises in response to North Korea's sinking of the South Korean navy vessel Cheonan. Chinese media unleashed a storm of opposition to what it termed US ‘gunboat diplomacy’. The basis of this opposition was not a territorial-sovereignty claim, but rather the lack of deference shown by the United States to China's desire that a US aircraft carrier not be present in the region. ‘The decision should be made with consideration given to China's wishes’, said one Chinese commentator. ‘It's a matter of the dignity of a big country’, said another.[43](https://www-tandfonline-com.proxy.library.emory.edu/doi/full/10.1080/00396338.2019.1568044)43 ‘Carrier Casts a Shadow over Northeast Asia’, Global Times, 8 June 2010, <http://www.globaltimes.cn/content/539583.shtml>; ‘US Has to Pay for Provoking China’, Global Times, 6 July 2010, <http://www.globaltimes.cn/content/548629.shtml>; Luo Yuan, ‘PLA General: US Engaging in Gunboat Diplomacy’, People's Daily, 13 August 2010, <http://en.people.cn/90001/90780/91343/7103900.html>.View all notes A few years later, a worsening North Korean missile threat prompted Seoul to consider deploying the US-made Theater High Altitude Area Defense (THAAD) anti-missile system. Beijing strenuously objected, even though China itself has a similar system in Shandong province to protect the country from North Korean missiles.[44](https://www-tandfonline-com.proxy.library.emory.edu/doi/full/10.1080/00396338.2019.1568044)44 Bruce W. Bennett, ‘Why THAAD Is Needed in Korea’, Korea Times, 6 August 2017, <https://www.koreatimes.co.kr/www/opinion/2017/08/197_234268.html>.View all notes Beijing argued that THAAD could slightly compromise China's nuclear second-strike capability by using its powerful radar to track Chinese missile launches. The US government said China's stated concerns were unfounded and invited China to send a delegation for a technical briefing, but the Chinese side refused. When Seoul made the decision in 2016 to deploy THAAD, China responded with several months of economic punishment that ended only when Beijing extracted three important concessions from South Korean President Moon Jae-in about limiting further US–South Korea security cooperation. In this case, China insisted that a marginal Chinese security concern outweighed the compelling security concern of its smaller neighbour, and that Seoul's insubordination justified harsh Chinese retaliation. While Beijing criticises the US military for conducting patrols and surveillance in the western Pacific rim, Beijing simultaneously claims the right to carry out its own patrols near neighbouring Japan. For example, in July 2017, a PLA Navy surveillance ship sailed through Japanese territorial waters between the main islands of Honshu and Hokkaido. When Japan publicised the incident, the Chinese government said, ‘Japan has ulterior motives with its accusations and hyping up of the situation.’[45](https://www-tandfonline-com.proxy.library.emory.edu/doi/full/10.1080/00396338.2019.1568044)45 Ankit Panda, ‘Chinese Navy Type 815 Intelligence Ship Transits Tsugaru Strait in Northern Japan’, Diplomat, 4 July 2017, <https://thediplomat-com.proxy.library.emory.edu/2017/07/chinese-navy-type-815-intelligence-ship-transits-tsugaru-strait-in-northern-japan/>.View all notes That same month, after Japan complained about six Chinese bombers flying over the Miyako Strait that separates the Japanese islands of Miyako and Okinawa (but that does not lie within Japanese territorial airspace), China's defence ministry released a statement saying, ‘The relevant side should not make a fuss about nothing or over-interpret, it will be fine once they get used to it.’[46](https://www-tandfonline-com.proxy.library.emory.edu/doi/full/10.1080/00396338.2019.1568044)46 Philip Wen, ‘“Get Used to It” China Says as It Flies Bombers Near Japan’, Reuters, 13 July 2017, <https://www.reuters.com/article/us-china-japan-military-idUSKBN19Z0NO>.View all notes Beijing has gone so far as to demand that Japan stop scrambling aircraft to observe Chinese planes and ships operating near its territory – something every country with an air force does routinely, including China. On one occasion in 2015, a Chinese defence-ministry spokesman said Japan's ‘following of, surveillance and interference with Chinese ships and aircraft’ was ‘threatening [their] safety’. He called on Japan to ‘stop behavior that hampers Chinese freedom of flight’.[47](https://www-tandfonline-com.proxy.library.emory.edu/doi/full/10.1080/00396338.2019.1568044)47 Ben Blanchard, ‘China Calls on Japan to Stop “Hampering” Military Flights’, Reuters, 29 October 2015, <http://www.reuters.com/article/2015/10/29/us-china-japan-idUSKCN0SN0W020151029>.View all notes The statement was blatantly hypocritical considering the crash between the Chinese fighter aircraft and the American P-3 in 2001, and the multiple cases of Chinese vessels ramming foreign ships. Elsewhere, Beijing does not refrain from leveraging its strong economic position to influence other countries’ views on important political issues in which China has an interest. Phnom Penh's effort to support Beijing by blocking Association of Southeast Asian Nations (ASEAN) criticism of China's South China Sea claims, for example, is well known.[48](https://www-tandfonline-com.proxy.library.emory.edu/doi/full/10.1080/00396338.2019.1568044)48 See David Hutt, ‘How China Came to Dominate Cambodia’, Diplomat, 1 September 2016, <https://thediplomat-com.proxy.library.emory.edu/2016/09/how-china-came-to-dominate-cambodia/>.View all notes Cambodia has also helped China to achieve its aim of reducing the US military presence in the region. It cancelled military exercises with the United States and Australia in 2017, and it sent home a US Navy Seabee construction unit that had been providing humanitarian assistance for nine years.[49](https://www-tandfonline-com.proxy.library.emory.edu/doi/full/10.1080/00396338.2019.1568044)49 See Aun Pheap and Michael Dickison, ‘In Further Shift, Military Cancels Drill with Australia’, Cambodia Daily, 1 March 2017, <https://www.cambodiadaily.com/news/in-further-shift-military-cancels-drill-with-australia-125943/>; and Hour Hum and Joshua Lipes, ‘US Seabees Expulsion Leaves Rural Cambodians in the Lurch’, Radio Free Asia, 19 March 2017, <https://www.rfa.org/english/news/cambodia/seabees-04192017165041.html>.View all notes As elsewhere, the Chinese have demonstrated a hankering for exclusivity and control in Cambodia. To the extent that Beijing is successful in promoting the perception that its assertive foreign and military policies are motivated by legitimate national grievances and overwhelming public pressure, China's neighbours are more likely to see the country's policies as reasonable, its aims as strictly limited and its profile as that of an exceptionally benevolent great power. Given that there are reasonable grounds for suspecting that China is a revisionist state disguised as a status quo state, and that it would still desire a sphere of influence even in the absence of any territorial disputes, this may be a strategic miscalculation. International-relations theory offers two competing models of inter-state conflict: the deterrence model and the spiral model.[50](https://www-tandfonline-com.proxy.library.emory.edu/doi/full/10.1080/00396338.2019.1568044)50 See Frank C. Zagare and D. Marc Kilgour, ‘Deterrence Theory and the Spiral Model Revisted’, Journal of Theoretical Politics, vol. 10, no. 1, 1998.View all notes The two models prescribe nearly opposite policy responses to an assertive state, depending on the diagnosis of its root motivations. The deterrence model treats assertive states as expansionist and sees their primary goal as grabbing territory, resources and power. In this view, appeasement will only encourage further expansionism. The proper response by threatened states is to signal resolute resistance as early as possible: the assertive state will be harder to defeat the more resources it gains control of. The spiral model, on the other hand, sees conflict as a tragic misunderstanding. In this model, the assertive state perceives itself as fundamentally insecure, and its seeming bellicosity is driven by an impulse to protect itself. Other states are advised to make themselves appear less threatening to pacify the assertive state and alleviate the risk of conflict, in particular by making unilateral concessions demonstrating a decrease in both their intent and ability to harm the assertive state. China's neighbours face a choice between acquiescing to Beijing's territorial demands and trusting in its assurances that China is a harmless giant, or standing firm against what may be viewed as unreasonable Chinese demands stemming from an appetite for power limited only by opportunity and feasibility. In making this decision, they would be wise to remember that other historical great powers did not rely on claims of recovering ‘territory left behind by our ancestors’ to establish the Monroe Doctrine, the Greater East Asia Co-prosperity Sphere and the Warsaw Pact. Wrapping the country's policies in a cloak of irredentism may serve China's interests well, but could be diverting attention away from the threat of Chinese encroachment.

#### Unipolarity is sustainable and creates a structural disincentive for great power war and escalation – power vacuums causes cascade prolif and extinction

Brands 15 (Hal Brands is on the faculty at the Sanford School of Public Policy at Duke University The Elliott School of International Affairs The Washington Quarterly Summer 2015 38:2 pp. 7–28)

The fundamental reason is that both U.S. influence and international stability are thoroughly interwoven with a robust U.S. forward presence. Regarding influence, the protection that Washington has afforded its allies has equally afforded the United States great sway over those allies’ policies.43 During the Cold War and after, for instance, the United States has used the influence provided by its security posture to veto allies’ pursuit of nuclear weapons, to obtain more advantageous terms in financial and trade agreements, and even to affect the composition of allied nations’ governments.44 More broadly, it has used its alliances as vehicles for shaping political, security, and economic agendas in key regions and bilateral relationships, thus giving the United States an outsized voice on a range of important issues. To be clear, this influence has never been as pervasive as U.S. officials might like, or as some observers might imagine. But by any reasonable standard of comparison, it has nonetheless been remarkable. One can tell a similar story about the relative stability of the post-war order. As even some leading offshore balancers have acknowledged, the lack of conflict in regions like Europe in recent decades is not something that has occurred naturally. It has occurred because the “American pacifier” has suppressed precisely the dynamics that previously fostered geopolitical turmoil. That pacifier has limited arms races and security competitions by providing the protection that allows other countries to under-build their militaries. It has soothed historical rivalries by affording a climate of security in which powerful countries like Germany and Japan could be revived economically and reintegrated into thriving and fairly cooperative regional orders. It has induced caution in the behavior of allies and adversaries alike, deterring aggression and dissuading other destabilizing behavior. As John Mearsheimer has noted, the United States “effectively acts as a night watchman,” lending order to an otherwise disorderly and anarchical environment.45 What would happen if Washington backed away from this role? The most logical answer is that both U.S. influence and global stability would suffer. With respect to influence, the United States would effectively be surrendering the most powerful bargaining chip it has traditionally wielded in dealing with friends and allies, and jeopardizing the position of leadership it has used to shape bilateral and regional agendas for decades. The consequences would seem no less damaging where stability is concerned. As offshore balancers have argued, it may be that U.S. retrenchment would force local powers to spend more on defense, while perhaps assuaging certain points of friction with countries that feel threatened or encircled by U.S. presence. But it equally stands to reason that removing the American pacifier would liberate the more destabilizing influences that U.S. policy had previously stifled. Long-dormant security competitions might reawaken as countries armed themselves more vigorously; historical antagonisms between old rivals might reemerge in the absence of a robust U.S. presence and the reassurance it provides. Moreover, countries that seek to revise existing regional orders in their favor—think Russia in Europe, or China in Asia—might indeed applaud U.S. retrenchment, but they might just as plausibly feel empowered to more assertively press their interests. If the United States has been a kind of Leviathan in key regions, Mearsheimer acknowledges, then “take away that Leviathan and there is likely to be big trouble.”46 Scanning the global horizon today, one can easily see where such trouble might arise. In Europe, a revisionist Russia is already destabilizing its neighbors and contesting the post-Cold War settlement in the region. In the Gulf and broader Middle East, the threat of Iranian ascendancy has stoked region-wide tensions manifesting in proxy wars and hints of an incipient arms race, even as that region also contends with a severe threat to its stability in the form of the Islamic State. In East Asia, a rising China is challenging the regional status quo in numerous ways, sounding alarms among its neighbors—many of whom also have historical grievances against each other. In these circumstances, removing the American pacifier would likely yield not low-cost stability, but increased conflict and upheaval. That conflict and upheaval, in turn, would be quite damaging to U.S. interests even if it did not result in the nightmare scenario of a hostile power dominating a key region. It is hard to imagine, for instance, that increased instability and acrimony would produce the robust multilateral cooperation necessary to deal with transnational threats from pandemics to piracy. More problematic still might be the economic consequences. As scholars like Michael Mandelbaum have argued, the enormous progress toward global prosperity and integration that has occurred since World War II (and now the Cold War) has come in the climate of relative stability and security provided largely by the United States.47 One simply cannot confidently predict that this progress would endure amid escalating geopolitical competition in regions of enormous importance to the world economy. Perhaps the greatest risk that a strategy of offshore balancing would run, of course, is that a key region might not be able to maintain its own balance following U.S. retrenchment. That prospect might have seemed far-fetched in the early post-Cold War era, and it remains unlikely in the immediate future. But in East Asia particularly, the rise and growing assertiveness of China has highlighted the medium- to long-term danger that a hostile power could in fact gain regional primacy. If China’s economy continues to grow rapidly, and if Beijing continues to increase military spending by 10 percent or more each year, then its neighbors will ultimately face grave challenges in containing Chinese power even if they join forces in that endeavor. This possibility, ironically, is one to which leading advocates of retrenchment have been attuned. “The United States will have to play a key role in countering China,” Mearshimer writes, “because its Asian neighbors are not strong enough to do it by themselves.”48 If this is true, however, then offshore balancing becomes a dangerous and potentially self-defeating strategy. As mentioned above, it could lead countries like Japan and South Korea to seek nuclear weapons, thereby stoking arms races and elevating regional tensions. Alternatively, and perhaps more worryingly, it might encourage the scenario that offshore balancers seek to avoid, by easing China’s ascent to regional hegemony. As Robert Gilpin has written, “Retrenchment by its very nature is an indication of relative weakness and declining power, and thus retrenchment can have a deteriorating effect on relations with allies and rivals.”49 In East Asia today, U.S. allies rely on U.S. reassurance to navigate increasingly fraught relationships with a more assertive China precisely because they understand that they will have great trouble balancing Beijing on their own. A significant U.S. retrenchment might therefore tempt these countries to acquiesce to, or bandwagon with, a rising China if they felt that prospects for successful resistance were diminishing as the United States retreated.50 In the same vein, retrenchment would compromise alliance relationships, basing agreements, and other assets that might help Washington check Chinese power in the first place—and that would allow the United States to surge additional forces into theater in a crisis. In sum, if one expects that Asian countries will be unable to counter China themselves, then reducing U.S. influence and leverage in the region is a curious policy. Offshore balancing might promise to preserve a stable and advantageous environment while reducing U.S. burdens. But upon closer analysis, the probable outcomes of the strategy seem more perilous and destabilizing than its proponents acknowledge.

#### Unchecked Chinese rise causes global nuclear war

Walton 7 – C. Dale Walton, Lecturer in International Relations and Strategic Studies at the University of Reading, 2007, Geopolitics and the Great Powers in the 21st Century, p. 49

Obviously, it is of vital importance to the United States that the PRC does not become the hegemon of Eastern Eurasia. As noted above, however, regardless of what Washington does, China's success in such an endeavor is not as easily attainable as pessimists might assume. The PRC appears to be on track to be a very great power indeed, but geopolitical conditions are not favorable for any Chinese effort to establish sole hegemony; a robust multipolar system should suffice to keep China in check, even with only minimal American intervention in local squabbles. The more worrisome danger is that Beijing will cooperate with a great power partner, establishing a very muscular axis. Such an entity would present a critical danger to the balance of power, thus both necessitating very active American intervention in Eastern Eurasia and creating the underlying conditions for a massive, and probably nuclear, great power war. Absent such a "super-threat," however, the demands on American leaders will be far more subtle: creating the conditions for Washington's gentle decline from playing the role of unipolar quasi-hegemon to being "merely" the greatest of the world's powers, while aiding in the creation of a healthy multipolar system that is not marked by close great power alliances.

#### US Primacy solves arms races, land grabs, rogue states, and great power war

**Brands 18** [Hal, Henry Kissinger Distinguished Professor at Johns Hopkins University's School of Advanced International Studies and a senior fellow at the Center for Strategic and Budgetary Assessments." American Grand Strategy in the Age of Trump." Page 129-133]

Since World War II, the United States has had a military second to none. Since the Cold War, America has committed to having overwhelming military primacy. The idea, as George W. Bush declared in 2002, that America must possess “strengths beyond challenge” has featured in every major U.S. strategy document for a quarter century; it has also been reflected in concrete terms.6

From the early 1990s, for example, the United States consistently accounted for around 35 to 45 percent of world defense spending and maintained peerless global power-projection capabilities.7 Perhaps more important, U.S. primacy was also unrivaled in key overseas strategic regions—Europe, East Asia, the Middle East. From thrashing Saddam Hussein’s million-man Iraqi military during Operation Desert Storm, to deploying—with impunity—two carrier strike groups off Taiwan during the China-Taiwan crisis of 1995– 96, Washington has been able to project military power superior to anything a regional rival could employ even on its own geopolitical doorstep.

This military dominance has constituted the hard-power backbone of an ambitious global strategy. After the Cold War, U.S. policymakers committed to averting a return to the unstable multipolarity of earlier eras, and to perpetuating the more favorable unipolar order. They committed to building on the successes of the postwar era by further advancing liberal political values and an open international economy, and to suppressing international scourges such as rogue states, nuclear proliferation, and catastrophic terrorism. And because they recognized that military force remained the ultima ratio regum, they understood the centrality of military preponderance.

Washington would need the military power necessary to underwrite worldwide alliance commitments. It would have to preserve substantial overmatch versus any potential great-power rival. It must be able to answer the sharpest challenges to the international system, such as Saddam’s invasion of Kuwait in 1990 or jihadist extremism after 9/11. Finally, because prevailing global norms generally reflect hard-power realities, America would need the superiority to assure that its own values remained ascendant. It was impolitic to say that U.S. strategy and the international order required “strengths beyond challenge,” but it was not at all inaccurate.

American primacy, moreover, was eminently affordable. At the height of the Cold War, the United States spent over 12 percent of GDP on defense. Since the mid-1990s, the number has usually been between 3 and 4 percent.8 In a historically favorable international environment, Washington could enjoy primacy—and its geopolitical fruits—on the cheap.

Yet U.S. strategy also heeded, at least until recently, the fact that there was a limit to how cheaply that primacy could be had. The American military did shrink significantly during the 1990s, but U.S. officials understood that if Washington cut back too far, its primacy would erode to a point where it ceased to deliver its geopolitical benefits. Alliances would lose credibility; the stability of key regions would be eroded; rivals would be emboldened; international crises would go unaddressed. American primacy was thus like a reasonably priced insurance policy. It required nontrivial expenditures, but protected against far costlier outcomes.9 Washington paid its insurance premiums for two decades after the Cold War. But more recently American primacy and strategic solvency have been imperiled.

THE DARKENING HORIZON For most of the post–Cold War era, the international system was— by historical standards—remarkably benign. Dangers existed, and as the terrorist attacks of September 11, 2001, demonstrated, they could manifest with horrific effect. But for two decades after the Soviet collapse, the world was characterized by remarkably low levels of great-power competition, high levels of security in key theaters such as Europe and East Asia, and the comparative weakness of those “rogue” actors—Iran, Iraq, North Korea, al-Qaeda—who most aggressively challenged American power. During the 1990s, some observers even spoke of a “strategic pause,” the idea being that the end of the Cold War had afforded the United States a respite from normal levels of geopolitical danger and competition. Now, however, the strategic horizon is darkening, due to four factors.

First, great-power military competition is back. The world’s two leading authoritarian powers—China and Russia—are seeking regional hegemony,

contesting global norms such as nonaggression and freedom of navigation, and developing the military punch to underwrite these ambitions. Notwithstanding severe economic and demographic problems, Russia has conducted a major military modernization emphasizing nuclear weapons, high-end conventional capabilities, and rapid-deployment and special operations forces— and utilized many of these capabilities in conflicts in Ukraine and Syria.10 China, meanwhile, has carried out a buildup of historic proportions, with constant-dollar defense outlays rising from US$26 billion in 1995 to US$226 billion in 2016.11 Ominously, these expenditures have funded development of power-projection and antiaccess/area denial (A2/AD) tools necessary to threaten China’s neighbors and complicate U.S. intervention on their behalf. Washington has grown accustomed to having a generational military lead; Russian and Chinese modernization efforts are now creating a far more competitive environment.

Second, the international outlaws are no longer so weak. North Korea’s conventional forces have atrophied, but it has amassed a growing nuclear arsenal and is developing an intercontinental delivery capability that will soon allow it to threaten not just America’s regional allies but also the continental United States.12 Iran remains a nuclear threshold state, one that continues to develop ballistic missiles and A2/AD capabilities while employing sectarian and proxy forces across the Middle East. The Islamic State, for its part, is headed for defeat, but has displayed military capabilities unprecedented for any terrorist group, and shown that counterterrorism will continue to place significant operational demands on U.S. forces whether in this context or in others. Rogue actors have long preoccupied American planners, but the rogues are now more capable than at any time in decades.

Third, the democratization of technology has allowed more actors to contest American superiority in dangerous ways. The spread of antisatellite and cyberwarfare capabilities; the proliferation of man-portable air defense systems and ballistic missiles; the increasing availability of key elements of the precision-strike complex— these phenomena have had a military leveling effect by giving weaker actors capabilities which were formerly unique to technologically advanced states. As such technologies “proliferate worldwide,” Air Force Chief of Staff General David Goldfein commented in 2016, “the technology and capability gaps between America and our adversaries are closing dangerously fast.”13 Indeed, as these capabilities spread, fourth-generation systems (such as F-15s and F-16s) may provide decreasing utility against even non-great-power competitors, and far more fifth-generation capabilities may be needed to perpetuate American overmatch.

Finally, the number of challenges has multiplied. During the 1990s and early 2000s, Washington faced rogue states and jihadist extremism—but not intense great-power rivalry. America faced conflicts in the Middle East—but East Asia and Europe were comparatively secure. Now, the old threats still exist—but the more permissive conditions have vanished. The United States confronts rogue states, lethal jihadist organizations, and great-power competition; there are severe challenges in all three Eurasian theaters. “I don’t recall a time when we have been confronted with a more diverse array of threats, whether it’s the nation state threats posed by Russia and China and particularly their substantial nuclear capabilities, or non-nation states of the likes of ISIL, Al Qaida, etc.,” Director of National Intelligence James Clapper commented in 2016. Trends in the strategic landscape constituted a veritable “litany of doom.”14 The United States thus faces not just more significant, but also more numerous, challenges to its military dominance than it has for at least a quarter century.