# 1NC vs HW MT

## 1

### 1nc – t

#### 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?

#### 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 the US—we’ve inserted a list of other potentially just governments in the doc – there are at least 96 countries that could count as “just governments” as a democracy, with more depending on their definition and metric.

A close up of a map

Description automatically generated

#### 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 more than 50 just governments in the world depending on their definition of just government. Neg positions like Eurocentrism, Orientalism, specific CPs and DAs to countries, etc. are jettisoned when the aff specifies a country that we don’t have specific ev to. PICs doesn’t apply since 1AR theory solves and it’s a non-sequitur to be preemptively abusive.

**3] TVA solves – read the aff as advantage – most authors advocate for a change in a strike writ large**

#### 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.

#### T ow/s 1ar theory – norms – we only have a couple of months to set a caselist of topical affs but people have been reading condo, pics, etc. for decades.

## 2

### 1nc – t

#### Interpretation: the affirmative must defend that only just governments ought to recognize the right to strike

#### Just governments respect liberties

Dorn 12 James A. Dorn, Cato Journal, "The Scope of Government in a Free Society", Fall 2012, https://www.cato.org/sites/cato.org/files/serials/files/cato-journal/2012/12/v32n3-10.pdf

If laws are just, liberty and property are secure. The most certain test of justice is negative—that is, justice occurs when injustice (the violation of natural rights to life, liberty, and property) is prevented. The emphasis here is on what Hayek (1967) called “just rules of conduct,” not on the fairness of outcomes. No one has stated the negative concept of justice better than the 19th century French classical liberal Frederic Bastiat ([1850] 1964: 65): When law and force confine a man within the bounds of justice, they do not impose anything on him but a mere negation. They impose on him only the obligation to refrain from injuring others. They do not infringe on his personality, or his liberty or his property. They merely safeguard the personality, the liberty, and the property of others. They stand on the defensive; they defend the equal rights of all. They fulfill a mission whose harmlessness is evident, whose utility is palpable, and whose legitimacy is uncontested. In short, the purpose of a just government is not to do good with other people’s money, but to prevent injustice by protecting property and securing liberty.

#### Violation—the US is not just – their CJS is racist and doesn’t respect liberty

Nellis, Ph.D., 18, Report to the United Nations on Racial Disparities in the U.S. Criminal Justice System, https://www.sentencingproject.org/publications/un-report-on-racial-disparities/, Sentencing Project,

The United States criminal justice system is the largest in the world. At yearend 2015, over 6.7 million individuals1) were under some form of correctional control in the United States, including 2.2 million incarcerated in federal, state, or local prisons and jails.2) The U.S. is a world leader in its rate of incarceration, dwarfing the rate of nearly every other nation.3) Such broad statistics mask the racial disparity that pervades the U.S. criminal justice system, and for African Americans in particular. African Americans are more likely than white Americans to be arrested; once arrested, they are more likely to be convicted; and once convicted, and they are more likely to experience lengthy prison sentences. African-American adults are 5.9 times as likely to be incarcerated than whites and Hispanics are 3.1 times as likely.4) As of 2001, one of every three black boys born in that year could expect to go to prison in his lifetime, as could one of every six Latinos—compared to one of every seventeen white boys.5) Racial and ethnic disparities among women are less substantial than among men but remain prevalent.6) The source of such disparities is deeper and more systemic than explicit racial discrimination. The United States in effect operates two distinct criminal justice systems: one for wealthy people and another for poor people and people of color. The wealthy can access a vigorous adversary system replete with constitutional protections for defendants. Yet the experiences of poor and minority defendants within the criminal justice system often differ substantially from that model due to a number of factors, each of which contributes to the overrepresentation of such individuals in the system. As former Georgetown Law Professor David Cole states in his book No Equal Justice,

#### Prefer –

#### 1] Precision — anything else 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 – there are 200 governments in the world – letting them pick an unjust ones explodes limits via infinite permutations of governments

#### C/A paradigm issues

## 3

### 1nc – theory

#### Vote them down for not disclosing to me at all – that moots 1NC strategy and skews preround prep. Drop the debater to deter abuse. At the very least, err heavily neg since I wasn’t able to prep. They read new cards this debate so they skewed 1NC strategy

Graphical user interface, text, application, website

Description automatically generated

## 4

### 1nc – da

#### Build Back Better passes now

**Tasolides et al 11-5** [Justin Tasolides, Breanne Deppisch and Spectrum News Staff] “House passes $1 trillion bipartisan infrastructure bill: 'A monumental step forward as a nation'” Spectrum News, [https://spectrumlocalnews.com/nc/coastal/news/2021/11/05/biden-social-climate-bill-congress 11-5-21](https://spectrumlocalnews.com/nc/coastal/news/2021/11/05/biden-social-climate-bill-congress%2011-5-21) RE

Progressives agreed to pass the smaller bill Friday night, while moderates pledged to back the larger $1.85 trillion Build Back Better bill later this month, provided official estimates of the cost via the Congressional Budget Office are in line with expectations.

"We commit to voting for the Build Back Better Act, in its current form other than technical changes, as expeditiously as we receive fiscal information from the Congressional Budget Office – but in no event later than the week of November 15th," the group of five moderates wrote.

Asked Saturday about the future of his Build Back Better legislation, Biden told reporters, "Let me be clear: We will pass this in the House. And we will pass it in the Senate."

Biden declined to say whether moderate Democrats had given him any assurances that they plan to approve the spending package, saying only, "I'm not going to answer that question … but I feel confident we will have enough votes."

The infrastructure bill, which passed the Senate in August with significant bipartisan support, includes $550 billion in new spending, focusing on “hard” infrastructure projects, like roads, bridges, airports, clean water and expanding broadband internet access.

The bipartisan bill will be funded largely by repurposing other money, including unused COVID-19 relief funds, as well as other revenue streams and spending cuts. An analysis from the Congressional Budget Office projected that it could add $256 billion to projected deficits over the next decade.

The House also voted late, along party lines (221-213) on a rule to end debate on the 10 year, allowing for a vote on President Biden's $1.85 trillion Build Back Better act the week of Nov. 15. The bill would boost health and family programs and devote $550 billion to climate initiatives, the largest legislative investment to combat the climate crisis in history.

"I’m also proud that a rule was voted on that will allow for passage of my Build Back Better Act in the House of Representatives the week of November 15th," Biden wrote in his statement.

"The Build Back Better Act will be a once-in-a-generation investment in our people," he continued. "It will lower bills for healthcare, child care, elder care, prescription drugs, and preschool. And middle-class families get a tax cut."

"This bill is also fiscally responsible, fully paid for, and doesn’t raise the deficit. It does so by making sure the wealthiest Americans and biggest corporations begin to pay their fair share and doesn’t raise taxes a single cent on anyone making less than $400,000 per year."

"Generations from now, people will look back and know this is when America won the economic competition for the 21st Century," Biden said.

#### Manchin’s broadly opposed to strike activity – plan causes a fight

Furman & Winant 10/17/21 [Jonah Furman is a labor movement organizer and writer for Labor Notes based in Maryland. Gabriel Winant is an assistant professor of history at the University of Chicago. He is the author of “The Next Shift: The Fall of Industry and the Rise of Health Care in Rust Belt America.” "The John Deere Strike Shows the Tight Labor Market Is Ready to Pop." https://theintercept.com/2021/10/17/john-deere-strike-labor-market/]

In terms of strike activity, the current private sector wave picks up where the teachers left off, after an interlude of relative inaction during the height of the pandemic. In 2020, moreover, teachers formed the first major group of workers to refuse to accept whatever terms the employer dictated for reopening the workplace. It is difficult to imagine teachers speaking out against returning to work in unsafe conditions as much as they did without the national wave of militant teachers’ strikes in the two preceding years. This resistance has now spread across the economy, in both organized and individual forms.

TODAY, WORKERS’ ECONOMIC resistance — whether through organized strikes or in the refusal of dangerous, underpaid, and unappealing jobs — is shaping the political agenda. Many of the policies in the Democrats’ $3.5 trillion budget proposal would pursue the same ends as workers’ actions but in the realm of social policy. Proposed subsidies for home health care and child care, the child tax credit, Medicaid expansion, and investments in housing and green energy would all indirectly support workers’ power. Either by increasing demand for labor further or by alleviating some of the grotesque social pressures that have forced employees to accept whatever terms employers offered them, the federal government would strengthen workers’ bargaining position. When Sen. Joe Manchin, D-W.Va., warns against becoming an “entitlement society,” what he is opposing is the shift in labor market power that such policy measures help secure.

#### Passage allows an unprecedented investment in combatting climate change

Morton 10/28 [Joseph Morton, "Democrats tout climate spending in reconciliation", 10/28/21, https://www.rollcall.com/2021/10/28/framework-includes-clean-energy-tax-credits-omits-methane-fee/]

“At the same time, substantial investments in electric vehicle charging stations and clean heavy-duty vehicles, like school buses, will serve the dual purpose of slashing our carbon emissions while helping American manufacturing stay globally competitive,” Pallone said. Rep. Cindy Axne, D-Iowa, had pushed for funding to support biofuels infrastructure, complaining it was left out of the bipartisan infrastructure bill even as that measure delivered significant funding for electric vehicles. The latest reconciliation package text includes $1 billion over 10 years in funding for the Agriculture Department to provide grants for expanding biofuel pump infrastructure, upgrade existing infrastructure and increase usage of higher blends of ethanol and biodiesel. “Not only does the Build Back Better Act represent the largest investment in clean energy and combating climate change ever — it also confirms that my colleagues have listened to my central argument in our clean energy discussions: biofuels can and should be a part of our fight against climate change,” Axne said in a statement. The White House framework released earlier in the day envisions that $320 billion would be delivered in the form of clean energy tax credits to accelerate the transition from coal and gas-fired power plants to renewable energy sources such as wind turbines and solar panels. That includes incentives for both utilities and residents and support for additional transmission and storage capacity — areas where bottlenecks have hampered the development of renewable energy sources. The framework includes incentives intended to cut the cost for Americans to put rooftop solar panels on their homes and make it easier to purchase electric vehicles. New EV tax credits would lower the cost of a vehicle by $12,500 for a middle-class family, according to the White House. The framework calls for $105 billion for climate resiliency and addressing legacy pollution in communities. For example, a new Clean Energy and Sustainability Accelerator that would invest in climate-related projects around the country would allocate 40 percent of those benefits to disadvantaged communities — part of a pledge the Biden administration has made to deliver climate spending to communities traditionally on the front lines of environmental damage. It also would fund grants to support environmental justice in disadvantaged communities and create a new Civilian Climate Corps with more than 300,000 members working on conservation projects that could help mitigate climate change. The framework includes $110 billion in spending and incentives to boost domestic supply chains supporting solar power and batteries. It also would fund grants, loans and tax credits aimed at moving steel, cement and aluminum industries toward decarbonization. There’s also $20 billion for the government to purchase new technologies such as long-duration storage, small modular reactors and clean construction materials. While the size of the package falls short of initial proposals, some Capitol Hill Democrats declined to say they were disappointed with the climate portion. Sen. Christopher S. Murphy, D-Conn., said he didn’t want to undersell the framework, as it would represent the most significant spending on climate policy since he joined Congress. The fact that climate makes up about one-third of the overall spending shows how much the issue has been elevated within the Democratic Party, he said, and negotiations over bolstering it aren’t finished. “I think there's a number of things that we can still find consensus on that might not be in this agreement. So climate is something you’ve got to work on every single day,” Murphy said. “If we're not passing climate change legislation every year, then we're not doing our job. So this is just one admittedly very big piece of the overall policy puzzle.”

#### It causes extinction.

Dunlop 17. (Ian Dunlop chaired the Australian Coal Association in 1987-88, chaired the Australian Greenhouse Office Experts Group on Emissions Trading from 1998-2000 and was CEO of the Australian Institute of Company Directors from 1997-2001. He has a particular interest in the interaction of corporate governance, corporate responsibility and sustainability. An engineer by qualification, he holds an MA (Mechanical Sciences) degree from the University of Cambridge, he is a Fellow of the Australian Institute of Company Directors, the Australasian Institute of Mining and Metallurgy, and the Energy Institute (UK), and a Member of the Society of Petroleum Engineers of AIME (USA). He also chairs the Australian National Wildlife Collection Foundation. David Spratt is a Research Director for Breakthrough and co-author of Climate Code Red: The case for emergency action (Scribe 2008). His recent reports include Recount: It’s time to “Do the math” again; Climate Reality Check and Antarctic Tipping Points for a Multi-metre Sea-level Rise. A Failure of Imagination on Climate Risks. July 26, 2017. www.resilience.org/stories/2017-07-26/a-failure-of-imagination-on-climate-risks/)

Climate change is an existential risk that could abruptly end human civilisation because of a catastrophic “failure of imagination” by global leaders to understand and act on the science and evidence before them. At the London School of Economics in 2008, Queen Elizabeth questioned: “Why did no one foresee the timing, extent and severity of the Global Financial Crisis?” The British Academy answered a year later: “A psychology of denial gripped the financial and corporate world… [it was] the failure of the collective imagination of many bright people… to understand the risks to the system as a whole”. A “failure of imagination” has also been identified as one of the reasons for the breakdown in US intelligence around the 9/11 attacks in 2001. A similar failure is occurring with climate change today. The problem is widespread at the senior levels of government and global corporations. A 2016 report, Thinking the unthinkable, based on interviews with top leaders around the world, found that: “A proliferation of ‘unthinkable’ events… has revealed a new fragility at the highest levels of corporate and public service leaderships. Their ability to spot, identify and handle unexpected, non-normative events is… perilously inadequate at critical moments… Remarkably, there remains a deep reluctance, or what might be called ‘executive myopia’, to see and contemplate even the possibility that ‘unthinkables’ might happen, let alone how to handle them. Such failures are manifested in two ways in climate policy. At the political, bureaucratic and business level in underplaying the high-end risks and in failing to recognise that the existential risk of climate change is totally different from other risk categories. And at the research level in underestimating the rate of climate change impact and costs, along with an under-emphasis on, and poor communication of, those high-end risks. Existential risk An existential risk is an adverse outcome that would either annihilate intelligent life or permanently and drastically curtail its potential. For example, a big meteor impact, large-scale nuclear war, or sea levels 70 metres higher than today. Existential risks are not amenable to the reactive (learn from failure) approach of conventional risk management, and we cannot necessarily rely on the institutions, moral norms, or social attitudes developed from our experience with managing other sorts of risks. Because the consequences are so severe — perhaps the end of human global civilisation as we know it — researchers say that “even for an honest, truth-seeking, and well-intentioned investigator it is difficult to think and act rationally in regard to… existential risks”. Yet the evidence is clear that climate change already poses an existential risk to global economic and societal stability and to human civilisation that requires an emergency response. Temperature rises that are now in prospect could reduce the global human population by 80% or 90%. But this conversation is taboo, and the few who speak out are admonished as being overly alarmist. Prof. Kevin Anderson considers that “a 4°C future [relative to pre-industrial levels] is incompatible with an organized global community, is likely to be beyond ‘adaptation’, is devastating to the majority of ecosystems, and has a high probability of not being stable”. He says: “If you have got a population of nine billion by 2050 and you hit 4°C, 5°C or 6°C, you might have half a billion people surviving”. Asked at a 2011 conference in Melbourne about the difference between a 2°C world and a 4°C world, Prof. Hans Joachim Schellnhuber replied in two words: “Human civilisation”.

## 5

### 1nc – nc

#### Any moral valuation presupposes the unconditional worth of humanity—that means treating others as ends in themselves.

Christine Korsgaard 83, “Two Distinctions in Goodness” Library of Ethics and Applied Philosophy, 1983 RE

The argument shows how Kant’s idea of justification works. It can be read as a kind of regress upon the conditions, starting from an important assumption. The assumption is that when a rational being makes a choice or undertakes an action, he or she supposes the object to be good, and its pursuit to be justified. At least**,** if there is a categorical imperative there must be objectively good ends, for then there are necessary actions and so necessary ends(G 45-46/427-28; Doctrine of Virtue 43- 44/384-85). In order for there to be any objectively good ends, however, there must be something that is unconditionally good and so can serve as a sufficient condition of their goodness. Kant considers what this might be: it cannot be an object of inclination, for those have only a conditional worth, “for if the inclinations and the needs founded on them did not exist, their object would be without worth” (G 46/428). It cannot be the inclinations themselves because a rational being would rather be free from them. Nor can it be external things, which serve only as means. So, Kant asserts, the unconditionally valuable thing must be “humanity” or “rational nature,” which he defines as the capacity to set an end (G 56/437; DV 51/392). Kant explains that regarding your existence as a rational being as an end in itself is a “subjective principle of human action.” By this I understand him to mean that we must regard ourselves as capable of conferring value upon the objects of our choice, the ends that we set, because we must regard our ends as good. But since “every other rational being thinks of his existence by the same rational ground which holds also for myself” (G 47/429), we must regard others as capable of conferring value by reason of their rational choices and so also as ends in themselves. Treating another as an end in itself thus involves making that person’s ends as far as possible your own (G 49/430). The ends that are chosen by any rational being, possessed of the humanity or rational nature that is fully realized in a good will, take on the status of objective goods. They are not intrinsically valuable, but they are objectively valuable in the sense that every rational being has a reason to promote or realize them. For this reason it is our duty to promote the happiness of others – the ends that they choose – and, in general, to make the highest good our end.

#### Impacts:

#### All other frameworks collapse—non-Kantian theories source obligations in extrinsically good objects, but that presupposes the goodness of the rational will.

#### this requires that maxims be universal: to make an exception for yourself is to value your own humanity above the humanity of others and thus treat them as means. Violating freedom is non-universalizable b/c you simultaneously will the extension and limitation of your own freedom.

#### Thus the standard is respecting liberty.

#### Prefer the standard: freedom is a pre-requisite to culpability. People can only be held accountable for actions they chose to do. For example, if you hold a gun to my head and force me punch someone I can’t be held responsible b/c I didn’t make that decision freely.

#### Contention:

#### 1] Strikes violate individual autonomy by exercising coercion.

Gourevitch 18 [Alex; Brown University; “The Right to Strike: A Radical View,” American Political Science Review; 2018; [https://sci-hub.se/10.1017/s0003055418000321]](https://sci-hub.se/10.1017/s0003055418000321%5d//SJWen) Justin

\*\*Edited for ableist language

Every liberal democracy recognizes that workers have a right to strike. That right is protected in law, sometimes in the constitution itself. Yet strikes pose serious problems for liberal societies. They involve violence and coercion, they often violate some basic liberal liberties, they appear to involve group rights having priority over individual ones, and they can threaten public order itself. Strikes are also one of the most common forms of disruptive collective protest in modern history. Even given the dramatic decline in strike activity since its peak in the 1970s, they can play significant roles in our lives. For instance, just over the past few years in the United States, large illegal strikes by teachers ~~paralyzed~~ froze major school districts in Chicago and Seattle, as well as statewide in West Virginia, Oklahoma, Arizona, and Colorado; a strike by taxi drivers played a major role in debates and court decisions regarding immigration; and strikes by retail and foodservice workers were instrumental in getting new minimum wage and other legislation passed in states like California, New York, and North Carolina. Yet, despite their significance, there is almost no political philosophy written about strikes.1 This despite the enormous literature on neighboring forms of protest like nonviolence, civil disobedience, conscientious refusal, and social movements.

The right to strike raises far more issues than a single essay can handle. In what follows, I address a particularly significant problem regarding the right to strike and its relation to coercive strike tactics. I argue that strikes present a dilemma for liberal societies because for most workers to have a reasonable chance of success they need to use some coercive strike tactics. But these coercive strike tactics both violate the law and infringe upon what are widely held to be basic liberal rights. To resolve this dilemma, we have to know why workers have the right to strike in the first place. I argue that the best way of understanding the right to strike is as a right to resist the oppression that workers face in the standard liberal capitalist economy. This way of understanding the right explains why the use of coercive strike tactics is not morally constrained by the requirement to respect the basic liberties nor the related laws that strikers violate when using certain coercive tactics.

#### 2] Means to an end: employees ignore their duty to help their patients in favor of higher wages which treats them as a means to an end, violating the premises of an agreed upon duty based on freedom

#### 3] The aff homogenizes all strikes as an unconditional right which is unethical.

Loewy 2K, Erich H. "Of healthcare professionals, ethics, and strikes." Cambridge Q. Healthcare Ethics 9 (2000): 513. (Erich H. Loewy M.D., F.A.C.P., was born in Vienna, Austria in 1927 and was able to escape first to England and then to the U.S. in late 1938. He was initially trained as a cardiologist. He taught at Case Western Reserve and practiced in Cleveland, Ohio. After 14 years he devoted himself fully to Bioethics and taught at the University of Illinois for 12 years. In 1996 he was selected as the first endowed Alumni Association Chair of Bioethics at the University of California Davis School of Medicine and has taught there since., rc HKR-RM)

It would seem then that the ethical considerations for workers striking in an industry such as a shoe factory or a chain grocery store are quite different from the ethical considerations for workers in sanitation, police, or fire departments, or for professionals such as teachers or those involved directly in healthcare. Even in the latter “professional” category, there are subtle but distinct differences of “rights” and obligations. However, one cannot conclude that for workers in essential industries strikes are simply ethically not permissible, whereas they are permissible for workers in less essential industries. Strikes, by necessity, injure another, and injuring another cannot be ethically neutral. Injuring others is prima facie ethically problematic —that is, unless a good and weighty argument for doing so can be made, injuring another is not ethically proper. Striking by a worker, inasmuch as doing so injures another or others, is only a conditional right. A compelling ethical argument in favor of striking is needed as well as an ethical argument in favor of striking at the time and in the way planned. It remains to delineate the conditions under which strikes, especially strikes by workers in essential industries and even more so by persons who consider themselves to be “professionals,” may legitimately proceed and yet fulfill their basic purpose.

## 6

### 1nc – cp

#### The National Labor Relations Board should, after soliciting notice and comment, should recognize by rule an unconditional right to strike for workers in the United States.

#### Solves and competes - notice and comment rulemaking solves the case and spills over to set a precedent that the courts will uphold

Zeisler 14 [Royce Zeisler, J.D. Candidate 2014, Columbia Law School; B.S., B.A. 2012, University of British Columbia, "CHEVRON DEFERENCE AND THE FTC: HOW AND WHY THE FTC SHOULD USE CHEVRON TO IMPROVE ANTITRUST ENFORCEMENT", Columbia Business Law Review, 2014, HeinOnline]

An instructive use of this style of regulation occurred in 1991 with the National Labor Relations Board's ("NLRB") promulgation of 29 C.F.R. § 103.30. There, the NLRB promulgated its first rule seeking to cease the costly, frequent, and ineffective litigation aimed at determining collective bargaining units in hospitals.1 3 1 Specifically, the regulation created the legal presumption that, absent "extraordinary circumstances," there were only eight possible collective bargaining units in acute care hospitals. 132 In limiting the presumed form of bargaining units, the NLRB specifically intended to overrule conflicting precedent and create a legal presumption for courts to employ. After promulgation, this rule was challenged and a unanimous Supreme Court upheld the regulation partly based on Chevron deference. 33 Notably, this regulation did not turn litigation into a simple application of predetermined values (as the rules in Vermont Yankee did). 3'4 It simply set the presumption for generalist courts to deploy in deciding the existence of bargaining units.

#### It avoids politics – it’s under the radar

Estreicher 15 [Samuel Estreicher. Dwight D. Opperman Professor of Law & Director, Center for Labor and Employment Law, NYU School of Law. I appreciate the comments of several current members of the NLRB, as well of those of former chair Wilma Liebman and NLRB attorneys John Colwell and Joan Flynn. All persisting errors are my fault. Copyright© 2015 by Samuel Estreicher. All rights are reserved. "‘DEPOLITICIZING’ THE NATIONAL LABOR RELATIONS BOARD: ADMINISTRATIVE STEPS." https://scholarlycommons.law.emory.edu/cgi/viewcontent.cgi?article=1173&context=elj]

The charge of politicization contains a kernel of truth but is nearly always an overstatement. The members of the Board and the General Counsel, the other presidential appointee, are conscientious professionals aware of their distinct obligations in serving a public agency. Most cases involve relatively fact-specific applications of the Act by administrative law judges; these rulings stir little controversy and are summarily affirmed by three-member panels of the agency without dissent (and routinely enforced by the courts of appeals). It is with respect to a relatively small number of cases and certain agency initiatives, such as the promulgation of national rules, where the law is either unclear or reversal of the agency law is being sought, and where Board members are likely to be especially responsive to their pre-NLRB political or ideological inclinations.3 It is this relatively narrow, yet important, sphere of the agency’s work that triggers the politicization charge.

#### Congress is normal means – not courts

McNicholas 19 [Celine, director of policy and government affairs/general counsel at the Economic Policy Institute, a nonprofit, nonpartisan think tank. “Unprecedented: The Trump NLRB’s attack on workers’ rights” https://www.epi.org/publication/unprecedented-the-trump-nlrbs-attack-on-workers-rights/]

While rulemaking in labor and employment matters is not uncommon, the NLRB has historically used rulemaking very rarely. The board has preferred to announce rules through decisions in particular cases. The U.S. Supreme Court has made clear that the NLRB’s use of rulemaking by adjudication is valid and lawful.54 Nevertheless, over the years, a variety of academics and commentators have urged the NLRB to undertake more rulemaking. However, until recently, the NLRB—under both Republican and Democratic administrations—has continued to focus on case adjudication as its chief policy tool.

#### Macleod just says that rights could be protected, not that they would be protected in all cases

#### Legal Dictionary says that they are capable of being enforced in court, not that the aff does that, which proves CP solvency but not aff

#### Key to democracy and court acquiescence---notice and comment engages participants and creates deference.

Harry First and Spencer Weber Waller 13. Harry First, New York University School of Law. Spencer Weber Waller, Loyola University Chicago School of Law. “Antitrust’s Democracy Deficit”. Fordham Law Review, Volume 81 Issue 5 Article 13. https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=4890&context=flr

Redressing antitrust’s democracy deficit on the procedural side can be done with the tools of administrative law. Administrative law is the body of law that controls the procedures of governmental decision making.151 It allows interested persons to participate in decisions that affect their interests. Normally, it requires appropriate notice, the right to be heard, fair procedures, protection of fundamental rights, and judicial review of the resulting decision. These basic features are present in the administrative laws of most foreign legal systems and are part of a growing international consensus.152 The tradeoff is that the decisions of administrative agencies that properly follow these strictures normally are granted a degree of deference as to the interpretation of the laws they enforce.153 Frequently, but not inevitably, private parties also have the right to proceed with actions for damages against private parties who violate their regulatory obligations and even against the government itself when it acts unlawfully, either substantively or procedurally. These tools of administrative law are available to make antitrust enforcement decisions more transparent and more responsive to the interests that the antitrust laws were meant to serve, thereby promoting both better decision making and greater democratic legitimacy.

CONCLUSION

Free markets and free people cannot be assured by the efforts of technocrats. Ultimately, both come about through the workings of democratic institutions, respectful of the legislature’s goals and constrained from engaging in arbitrary action. Antitrust has moved too far from democratic institutions and toward technocratic control, in service to a laissez-faire approach to antitrust enforcement. We need to move the needle back. Doing so will strengthen the institutions of antitrust, the market economy, and the democratic branches of government themselves.

#### Undermining of US democracy is bad – c/a lingis ev

## 7

### 1nc – cp

#### CP: The United States federal government should request the International Court of Justice to issue an advisory opinion over whether they should establish an unconditional right to strike for incarcerated workers. The United States federal government should abide by the outcome of the advisory opinion.

#### Solves – the ICJ will rule in favor of an unconditional right to strike.

Seifert ’18 (Achim; Professor of Law at the University of Jena, and adjunct professor at the University of Luxembourg; December 2018; “The protection of the right to strike in the ILO: some introductory remarks”; CIELO Laboral; http://www.cielolaboral.com/wp-content/uploads/2018/12/seifert\_noticias\_cielo\_n11\_2018.pdf; Accessed: 11-3-2021; AU)

The **recognition of a right to strike** in the legal order of the **International Labour Organization** (ILO) is probably one of the most controversial questions in international labor law. Since the foundation of the ILO in the aftermath of World War I, the recognition of the right to strike as a **core element** of the principle of freedom of association has been discussed in the International Labour Conference (ILC) as well as in the Governing Body and the International Labour Office. As is well known, the ILO, in its long history spanning almost one century, has not explicitly recognized a right to strike: neither Article 427 of the Peace Treaty of Versailles (1919), the Constitution of the ILO, including the Declaration of Philadelphia (1944), nor the Conventions and Recommendations in the field of freedom of association - namely Convention No. 87 on Freedom of Association and Protection of the Right to Organise (1948) - have explicitly enshrined this right. However, the Committee on Freedom of Association (CFA), established in 1951 by the Governing Body, recognized in 1952 that Convention No. 87 guarantees also the **right to strike** as an **essential element of trade** union rights enabling workers to collectively defend their economic and social interests1. It is worthwhile to note that it was a complaint of the World Federation of Trade Unions (WFTU), at that time the Communist Union Federation on international level and front organization of the Soviet Union2, against the United Kingdom for having dissolved a strike in Jamaica by a police operation; since that time the controversy on the right to strike in the legal order of the ILO was also embedded in the wider context of the Cold War. In the complaint procedure initiated by the WFTU, the CFA **recognized** a **right to strike** under Convention No. 87 but considered that the police operation in question was lawful. In the more than six following decades, the CFA has elaborated a **very detailed case law** on the right to strike dealing with many concrete questions of this right and its limits (e.g. in essential services) and manifesting an even more complex structure than the national rules on industrial action in many a Member State. This case law of the CFA has been compiled in the “Digest of Decisions and Principles of the Freedom of Association Committee of the Governing Body of the ILO”3. In 1959, i.e. seven years after case No. 28 of the CFA, the Committee of Experts for the Application of Conventions and Recommendations (CEACR) also recognized the right to strike as **a core element of freedom** of association under Article 3 of Convention No. 874. Since then, the CEACR has **reconfirmed** its view on many occasions. Both CFA and CEACR coordinate their interpretation of Article 3 of Convention No. 875. Hence there is one single corpus of rules on the right to strike developed by both supervisory Committees of the Governing Body. Moreover, the ILC also has made clear in various Resolutions adopted since the 1950s that it considers the **right to strike** as an **essential element of freedom of association6**. On the whole, the recognition of the right to strike resulted therefore from the interpretative work of CFA and CEACR as well as of the understanding of the principle of freedom of association the ILC has expressed on various occasions. It should not be underestimated the wider political context of the Cold War had in this constant recognition of a right to strike under ILO Law. Although the very first recognition of the right to strike -as mentioned above- went back to a complaint procedure before the CFA, initiated by the Communist dominated WFTU, it was the Western world that particularly emphasized on the right to strike in order to blame the Communist Regimes of the Warsaw Pact that did not explicitly recognize a right to strike in their national law or, if they legally recognized it, made its exercise factually impossible; to this end, unions, employers’ associations but also Governments of the Western World built up an alliance in the bodies of the ILO7. In accomplishing their functions, CFA and CEACR necessarily have to interpret the Conventions and Recommendations of the ILO whose application in the Member States they shall control. In so doing, they need to concretize the principle of freedom of association that is only in general terms guaranteed by the ILO Conventions and Recommendations on freedom of association. But as supervisory bodies, which the Governing Body has established and which are not foreseen in the ILO Constitution, both probably do not have the power to interpret ILO law with binding effect8. This is also the opinion that the CEACR expresses itself in its yearly reports to the ILC when explaining that, “its opinions and recommendations are non-binding”9. As a matter of fact, the Governing Body, when establishing both Committees, could not delegate to them a power that it has never possessed itself: nemo plus iuris ad alium transferre potest quam ipse haberet10. According to Article 37(1) of the ILO Constitution, it is within the **competence of the International Court of Justice** to decide upon “any question or dispute relating to the **interpretation of this Constitution** or of any subsequent Convention concluded by the Members in pursuance of the provisions of this Constitution.” Furthermore, the ILC has not established yet under Article 37(2) of the ILO Constitution an ILO Tribunal, competent for an authentic interpretation of Conventions11. However, it **cannot be denied** that this constant interpretative work of CFA and CEACR possesses an **authoritative character** given the high esteem the twenty members of the CEACR -they are all internationally renowned experts in the field of labor law and social security law- and the nine members of the CFA with their specific expertise have. As the CEACR reiterates in its Reports, “[the opinions and recommendations of the Committee] derive their persuasive value from the legitimacy and rationality of the Committee’s work based on its impartiality, experience and expertise”12. Already this interpretative authority of both Committees justifies that **national legislators or courts take into consideration** the views of these supervisory bodies of the ILO when implementing ILO law. Furthermore, the long-standing and uncontradicted interpretation of the principle of freedom of association by CFA and CEACR as well as its recognition by the Member States may be considered as a **subsequent practice** in the application of the ILO Constitution under Article 31(3)(b) of the Vienna Convention on the Law of Treaties (1968): such subsequent practices shall be taken into account when interpreting the Agreement. Their constant supervisory practice probably reflects a volonté ultérieure, since other bodies of the ILO also have **recognized a right to strike** as the two above-mentioned Resolutions of the ILC of 1957 and 1970 as well as the constant practice of the Conference Committee on the Application of Standards to examine **cases of violation** of the right to strike as **examples for breaches of the principle of freedom of association** demonstrate. As this constant practice of the organs of the ILO has not been contradicted by Member States, there is a **strong presumption** for recognition of a right to strike as a subsequent practice of the ILO under Article 31(3)(b) of the **Vienna Convention** on the Law of Treaties.

#### Compliance ensures faith in global democratic institutions – solves nuclear war.

Hawksley ’16 [Humphrey; formerly the BBC’s Beijing Bureau Chief and author of The Third World War: A Novel of Global Conflict and Asian Waters: American, China, and the Global Paradox; 11-19-2016; "Trump makes International Law Crucial for Peace"; Humphrey Hawksley; https://www.humphreyhawksley.com/trump-makes-international-law-crucial-for-peace/; Accessed 4-1-2020; AH]

Major powers tend to reject international law when rulings run counter to their interests insisting that the distant courts carry no jurisdiction. China rejected a Permanent Court of Arbitration’s ruling in July and clings to expansive claims in the South China Sea, including Scarborough Shoal near the Philippines. China’s response mirrored US rejection of a 1986 International Court of Justice ruling against US support for rebels in Nicaragua. “With these stands, both China and the United States weakened a crucial element of international law – consent and recognition by all parties,” writes journalist Humphrey Hawksley for YaleGlobal Online. Disregard for the rule of law weakens the legal system for all. Hawksley offers two recommendations for renewing respect for international law: intuitional overhaul so that the all parties recognize the courts, rejecting decisions only as last resort, and governments accepting the concept, taking a long-term view on balance of power even when rulings go against short-term strategic interests. Reforms may be too late as China organizes its own parallel systems for legal reviews and global governance, Hawksley notes, but international law, if respected, remains a mechanism for ensuring peace. – YaleGlobal LONDON: Flutter over the surprise visit to China by Philippines President Rodrigo Duterte may soon fade. But his abrupt and public dismissal of the United States in favor of China has weakened the argument that international rule of law could underpin a changing world order. The issue in question was the long-running dispute between China and the Philippines over sovereignty of Scarborough Shoal, situated 800 kilometers southeast of China and 160 kilometers west of the Philippines mainland, well inside the United Nations–defined Philippines Exclusive Economic Zone. Despite a court ruling and Duterte’s cap in hand during his October mission to Beijing, Philippine fishing vessels still only enter the waters around Scarborough Shoal at China’s mercy. The dispute erupted in April 2012, when China sent ships to expel Filipino fishing crews and took control of the area. The standoff became a symbol of Beijing’s policy to lay claim to 90 percent of the South China Sea where where it continues to build military outposts on remote reefs and artificially created islands in waters claimed by other nations. Lacking military, diplomatic or economic muscle, the Philippines turned to the rule of law and the Permanent Court of Arbitration in the Hague. A panel of maritime judges ruled China’s claim to Scarborough Shoal invalid in July this year. China refused to recognize the tribunal from the start and declared the decision “null and void,” highlighting the complex balance in the current world order between national power and the rule of law. Beijing’s response mirrored a 1986 US response to Nicaragua’s challenge in the International Court of Justice. The court ruled against the United States for mining Nicaragua’s harbors and supporting right-wing Contra rebels. The United States claimed the court had no jurisdiction. China’s response on the South China Sea ruling mirrors a 1986 US response.With these stands, both China and the United States weakened a crucial element of international law – consent and recognition by all parties. The Western liberal democratic system is being challenged, and confrontations in Asia and Europe, as in Crimea and Ukraine, replicate the lead-up to the global conflicts of last century’s Cold War. As Nicaragua and Central America were a flashpoint in the 1980s, so Scarborough Shoal and South China Sea are one now. Other flashpoints are likely to emerge as China and Russia push to expand influence. Western democracies being challenged by rising powers have a troubled history. The 1930s rise of Germany and Japan; the Cold War’s proxy theaters in Vietnam, Nicaragua and elsewhere; and the current US-Russian deadlock over Syria are evidence that far more thought must be given in the deployment of international law as a mechanism for keeping the peace The view is supported, on the surface at least, by Russia and China who issued a joint statement in June arguing that the concept of “strategic stability” being assured through nuclear weapons was outdated and that all countries should abide by principles stipulated in the “UN Charter and international law.” Emerging power India, with its mixed loyalties, shares that view. “The structures for international peace and security are being tested as never before,” says former Indian ambassador to the UN, Hardeep Singh Puri, author of Perilous Interventions: The Security Council and the Politics of Chaos. “It is everyone’s interest to re-establish the authority of the Security Council and reassert the primacy of law.”

## Case

### Framing

#### Utilitarianism is bad:

#### 1] Induction fails—induction assumes that things will always happen the same way in the future as they have in the past. But this begs the question of how we know what happened in the past will happen in the future. Thus, induction is logically fallacious. Answers Goodin.

#### 2] Moral cluelessness—consequences are wholly unknowable so it when it comes to assessing the moral quality of our actions, we are without a clue and any action can lead to a domino effect that has unpredictable bad consequences in the end

#### 3] Calculative regress—util would require we calculate how much time to spend on our calculations and so on—means it paralyzes policy and we’re never ever to take productive actions.

#### 4] If aggregation is true, no impact to anything—the universe is infinite.

Bostrom, 11 -- Nick Bostrom (Professor, Faculty of Philosophy & Oxford Martin School Director, Future of Humanity Institute Director, Oxford Martin Programme on the Impacts of Future Technology University of Oxford) “Infinite Ethics” Analysis and Metaphysics, Vol. 10 (2011): pp. 9-59

In the standard Big Bang model, assuming the simplest topology (i.e., that space is singly connected), there are three basic possibilities: the universe can be open, flat, or closed. Current data suggests a flat or open universe, although the final verdict is pending. If the universe is either open or flat, then it is spatially infinite at every point in time and the model entails that it contains an infinite number of galaxies, stars, and planets. There exists a common misconception which confuses the universe with the (finite) “observable universe”. But the observable part—the part that could causally affect us—would be just an infinitesimal fraction of the whole. Statements about the “mass of the universe” or the “number of protons in the universe” generally refer to the content of this observable part; see e.g. [1]. Many cosmologists believe that our universe is just one in an infinite ensemble of universes (a multiverse), and this adds to the probability that the world is canonically infinite; for a popular review, see [2]. The “many worlds” of the Everett version of quantum physics, however, would not in any obvious way amount to the relevant kind of infinity; both because whether the “world”-count reaches infinity or merely a large finitude might be an artifact of convenient formalism rather than reflecting of physical reality, and also because the ethical significance of each Everettian “world” should, plausibly, be weighted by its associated measure (amplitude squared), which is a normalized; see e.g. [3].

### Solvency (contention 3)

#### T/L – The aff is just not good.

#### 1) They do not have a piece of evidence saying that the RTS is key to solve income inequality. Even if their ev is right that income inequality writ large is bad they dont resovle a large enough portion. Read their uniqueness evidence it cites education and healthcare.

#### 2) Their argument about income inequality is about the global differences between states wealth and average incomes. Even if there is an increase in income in some sectors, that doesnt mean the disparities b/w the countries get resolved.

#### 3) Their link evidence says they increase incomes by 2-5% which is woefully inefficient to solve, their are massive differences between these countries i.e their uniqueness evidence cites other countries having a 16x difference, that minor increase is insufficient to solve

#### Ill LBL solvency ev –

#### burns

#### Not about the right to strike in all cases

#### Makes a perception argument and says that unions can do their work “through the threat of union- ization “

#### Nolan ev - not reading an advantage CP so irrelevant – they’re just process lol

#### Mordock flows neg – means that strikes are inev so vote neg on presumption.

#### Skolkin – you have to win that the thesis of the DA is wrong to win this – don’t just assert that our ev is bad without specifics

#### Craig – how does this apply to our scenarios? – c/a skolkin answers

#### Ydstie – inflation is irrelevant since I’m not making an argument regarding that

### Advantage (contention 1 + 2)

#### Advantage ev is also great ☹ -

#### AT Abdelmahmoud –

#### wrong. wages high and rising

Patti Domm 21—CNBC Markets Editor. (“Workers’ wages are rising at the fastest pace in years. Companies’ profits could take a hit,” May 22, 2021, from CNBC, https://www.cnbc.com/2021/05/22/wages-rise-at-the-fastest-pace-in-years-firms-profits-could-take-a-hit.html)

Workers are getting higher wages, but at some point that could bite into companies’ profits.

As the economy reopens, costs are climbing for everything from packaging and raw materials to shipping. In addition to these expenses, companies are also paying more to get workers to come in the door.

But the disparity between labor costs and profits has been so wide for so long, that employers should be able to increase pay if they can raise prices for goods and services or improve productivity.

McDonald’s said last week that it was boosting wages for the 36,500 hourly workers at company-owned stores by 10%, and Chipotle announced it will raise wages to an average of $15 an hour by the end of June. Bank of America said it would raise minimum wages for its hourly workers to $25 an hour, from the current $20, by 2025.

Sports equipment company Under Armour also announced it would boost the minimum hourly wage for its retail and distribution workers to $15 from $10.

“It’s some of the strongest wage growth we’ve seen in a quarter century,” said Mark Zandi, Moody’s Analytics chief economist. He said the 3% wage growth for private workers in the first quarter was the strongest since the 1990s and productivity has picked up at the same time.

“All the anecdotes we were getting in the last few months would suggest it’s continuing,” he said.

#### AT Lingis

#### a) Ev just says a gap can lead to a marginalization of democracy but doesn’t describe a terminal

#### b) No impact to any of these scenarios was substantiated so a 1ar would be new – just says the rich may struggle to reverse but doesn’t prove anything

#### AT Greenhouse

#### a) this is just in the context of trade workers/unions, not all workers writ large – also no real terminal impact

#### AT Pope

#### a) is about social disunity not necessarily people earning less than one another but being disunited that would still exist in the aff because ppl like jeff bezos will still be much wealtheir than the avg person

#### b) Cribb cites alt causes such as political economic and religious divides which they cant resolve

#### AT Richter

#### a) doesn’t substantiate that economic decline really implicates war

#### b) structural violence perpetuates economic inequality, and theres no reason whyt he aff solves the root cause

#### AT Aldhous

#### a) No reason why civil unrest will occur – trump is out of office so why the hell would there be a civil war lol???

#### b) just says like populism + disagreements but no escalation scenario

#### c) hes a buzzzfeed person lmao

#### AT Clarkin

#### a) there is no reason why heg is lost – just says theres no reason why education housing food etc. would be l9ost

#### b) alt solves this – decolonization prevents us civil war because indigenous tribes have soverignty over land

#### AT Laitman

#### Zero risk of a civil war – reject hyperbolic pundits

Greenhut 20 [Steven Greenhut is Western region director for the R Street Institute and a member of the Southern California News Group editorial board. Write to him at sgreenhut@rstreet.org. "Let’s knock off the blithe talk of a coming civil war." https://www.ocregister.com/2020/06/05/lets-knock-off-the-blithe-talk-of-a-coming-civil-war/]

It’s time to take a deep breath and consider our current divisions within some historical context. The nation has faced divided, troubling times throughout its history. Our founding revolution pitted Americans against their neighbors, with as many as a third of the American population backing the British crown. And the Civil War was no walk in the park.

“The Civil War’s rate of death, its incidence in comparison with the size of the American population, was six times that of World War II,” according to the National Park Service website. “A similar rate, about 2 percent, in the United States today would mean 6 million fatalities.” That just looks at deaths – not at the incomprehensible number of injuries, widespread suffering and destruction.

We should never make light of what a Civil War would mean. Nor should we think that our current discord comes close to the level of division that had existed in our past. After the Civil War, the nation struggled through Reconstruction, decades of civil-rights battles because of the systemic denial of equal rights to a large portion of the citizenry and, of course, the 1960s-era protests over the Vietnam War.

These current events are the most disruptive times in many of our lifetimes, but they are nothing new – nor are they particularly awful. We are not headed toward a new civil war, so everyone – on the Left and Right – should stop using over-the-top rhetoric. It only encourages us to view our fellow Americans as enemies, to see ourselves as members of warring tribes rather than citizens of a nation, and desensitizes us to violence. The nation has real divisions, and singing Kumbaya won’t heal them, but our society still functions remarkably well.

Civil wars take place when neither side sees any hope under the current arrangements. I see lots of hope. If you spend hours on social media, you might conclude otherwise. But try taking a break from reading the odd thoughts of your Aunt Agnes or arguing about politics with a “friend” you may never have even met in person. Do you see people at each other’s throats when you head to the bank, store or office? Of course not.

We may not be united, but this remains a wealthy and generally peaceful nation. Even the latest conflicts can be resolved with reasonable solutions that are entirely attainable within our system. Before the riots, Americans seemed to agree on the need for police reforms. We don’t need a revolution to, say, reform the union protections that keep bad officers on the force. Whatever one thinks of Trump, his administration will one day pass.

#### Capitalism is sustainable and humanity’s only hope against catastrophic climate change

Shi-Ling Hsu 21, D'Alemberte Professor of Law at the Florida State University College of Law, Sept 2021, Capitalism and the Environment, Cambridge University Press, p. 50-52

2.8 CHOOSING CAPITALISM TO SAVE THE ENVIRONMENT: LARGE-SCALE DEPLOYMENT Finally, a third reason that capitalism is suited to the job of environmental restoration and protection is its ability to undertake and complete projects at very large scales. In keeping with a major thesis of this book, construction at very large scales should give us a little pause, because of the propensity of capital to metastasize into a source of political resistance to change. But some global problems, especially climate change, may require very large-scale enterprises. For example, because greenhouse gas emissions may already have passed a threshold for catastrophic climate change, technology is almost certainly needed to chemically capture carbon dioxide from ambient air. But carbon dioxide is only about 0.15% of ambient air by molecular weight, and a tremendous amount of ambient air must be processed just to capture a small amount of carbon dioxide. This technology has often been referred to as "direct air capture," or "carbon removal." Given that inherent limitation, direct air capture technology must be deployed at vast scales in order to make any appreciable difference in greenhouse gas concentrations. There is certainly no guarantee that direct air capture will be a silver bullet. But if it is to be an effectual item on a menu of survival techniques, it will more assuredly be accomplished under the incentives of a capitalist economy. Capitalism might also help with the looming crisis of climate change by helping to ensure the supply of vital life staples such as food, water, and other basic needs in future shortages caused by climate-change. In a climate-changed future, there is the distinct possibility that supplies of vital life staples may run short, possibly for long periods of time. Droughts are projected to last longer, with water supplies and growing conditions increasingly precarious. Capitalist enterprise could, first of all, provide the impetus to finally reform a dizzying multitude of price distortions that plague water supply and agriculture worldwide. Second, capitalist enterprise can undertake scale production of some emergent technologies that might alleviate shortages. Desalination technology can convert salty seawater into drinkable freshwater.54 A number of environmental and economic issues need to be solved to deploy these technologies at large scales, but in a crisis, solutions will be more likely to present themselves. A technology that is already being adopted to produce food is the modernized version of old-fashioned greenhouses. The tiny country of the Netherlands, with its 17 million people crowded onto 13,000 square miles, is the second largest food exporter in the world,55 exporting fully three-quarters that of the United States in 2017.56 The secret to Dutch agriculture is its climate-controlled, low-energy green-houses that project solar panel-powered artificial sunlight around the clock. Dutch greenhouses produce lettuce at ten times the yield57 and tomatoes at fifteen times the yield outdoors in the United States58 while using less than one-thirteenth the amount of water,59 very little in the way of synthetic pesticides and, of course, very little fertilizer given its advanced composting techniques. Sustained shortages in a climate-changed future might require that a capitalist take hold of greenhouse growing and expand production to feed the masses that might otherwise revolt. 2.9 CHOOSE CAPITALISM Clearly, the job in front of humankind is enormous, complex, and many-faceted. The best hope is to be able to identify certain human impacts that are clearly harmful to the global environment, and to disincentivize them. Getting back to notions of institutions in capitalism, what is crucial is aligning the right incentives with profit-making activity. What capitalism does so well — beyond human comprehension — is coordinate activity and send broad signals about scarcity. Information about a wide variety of environmental phenomena is extremely difficult to collect and process. If a set of environmental taxes can help establish a network of environ-mental prices, then an unfathomably large and complex machinery will have been set in motion in the right direction. Also, because of the need for new scientific solutions to this daunting list of problems, new science and technology is desperately needed. Capitalism is tried and true in terms of producing innovation. Again drawing upon the study of institutions, it is not so much that individuals need a profit-motive in order to tinker, but the prospect of profit-making has to be present in order for institutions, including corporations, to devote resources, attention, and energy towards the development of solutions to environmental problems. Corporations can and should demonstrate social responsibility by attempting to mitigate their impacts on the global environment, but a much more conscious push for new knowledge, new techniques, and new solutions are needed. Finally, the scale of needed change is profound. Huge networks of infrastructure centered upon a fossil fuel-centered economy must somehow be replaced or adapted to new ways of generating, transmitting, consuming, and storing energy. A global system of feeding seven billion humans (and counting), unsustainable on its face, must be morphed into something else that can fill that huge role. About a billion and a half cars and trucks in the world must, over time, be swapped out for vehicles that must be dramatically different. This is a daunting to-do list, but look a bit more carefully among the gloomy news. Elon Musk, a freewheeling, pot-smoking entrepreneur shows signs of breaking into not one, but two industries dominated by behemoths with political power. Thanks to California emissions standards, automobile manufacturers have developed cars that emit a fraction of what they did less than a generation ago. Hybrid electric vehicles have thoroughly penetrated an American market that powerful American politicians had tried to cordon off for American manufacturers only. At least two companies have developed meat substitutes that are now widely judged to be indistinguishable from meat, and have established product outposts in the ancient power centers of fast food, McDonald's and Burger King. The tiny country of the Netherlands, about half the size of West Virginia, exports almost as much food as the United States, able to ship fresh produce all the way to Africa. At bottom, all of these accomplishments and thousands more are and were capitalist in nature. While they collectively repre-sent a trifle of what still needs to be accomplished, they were also undertaken without the correct incentives in place, and thus also represent the tremendous promise of capitalism.

#### Cap solves war---liberal order good and won’t collapse

Michael Mousseau 19, PhD, studies international politics with a particular focus on the link between economic conditions, institutions, and conflict, 7/29/19, “The End of War: How a Robust Marketplace and Liberal Hegemony Are Leading to Perpetual World Peace,” https://www.mitpressjournals.org/doi/full/10.1162/isec\_a\_00352?mobileUi=0

If my argument is correct, the world is on the cusp of tremendous change: across the globe, contractualism is overtaking status-personalism and, in so doing, launching an era of peace and prosperity. This conclusion is reached without any monotonic or teleological assumptions: anything that collapses the contractualist economies for a generation or two would stop or reverse this trend.81 All else being equal, the contractualist hegemony has made the odds of unit-level change from a status to a contractualist economy more likely than the reverse. At the start of the twentieth century, only the United States had a contractualist economy; by the end, at least thirty-five states were contractualist.82 The Westphalian system has never been as conducive to transitions to contractualist economies as it has been under the contractualist hegemony, which prohibits states from starting wars for booty, debt collection, or territory. Nor has the world ever had such widespread access to capital, mobility, and equity in trade as it has had since the contractualist hegemony made it so with the signing of the Atlantic Charter and the implementation of the Bretton Woods agreements. The number of transitions also predictably increased after the Cold War, when the contractualist hegemony emerged as largely unchallenged. In this way, system change toward contractualist hegemony within the anarchic order, rooted in unit-level change, ultimately promotes more unit-level change toward a contractualist world.

Reports of the Demise of the Liberal Order Are Greatly Exaggerated

I have argued that the liberal global order is on the rise; yet, liberal values around the world seem to be in retreat. In recent years, two contractualist states with populist governments—Hungary and Poland—have begun to embrace anti-immigrant and anti-globalization positions. In the United States, President Donald Trump appears to favor status values such as power, rank, and loyalty over contractualist values such as equity and respect for the rule of law. In foreign policy, Trump does not seem to share contractualists' opposition to Russia's efforts to sow chaos, and he sees trade in terms of winners and losers.

Reports of the demise of the liberal order, however, are greatly exaggerated. First, Hungary and Poland are newly contractualist states. The sociological nature of economic norms theory means that contractualist values should be more firmly rooted in older contractualist societies than in newer ones. This is corroborated with the natural experiment of Germany: in 1962 West Germany embraced contractualism (see table 1), but it was only after 1991 that East Germany could have become contractualist, when massive investments from the Federal Republic caused incomes in the marketplace to become higher than incomes obtainable from status relationships. Today, Germany's populist movement is concentrated in the eastern part of the country and is largely nonexistent in the western part,83 which corroborates the expectation that some newly contractualist societies retain some of their status values even after a generation of robust opportunity in the marketplace. Deeper changes in values may not occur until generational cohorts initially socialized into status or axial economies have passed on.

Second, the electorates in most of the thirty-five contractualist states listed in table 1 in 2010 have not experienced substantial increases in populist sentiment. Italy's Five Star movement is often called populist but largely because of its anti-immigrant stance. Although an embrace of immigrants would seem consistent with contractualist values, opposition to large numbers of immigrants is arguably a rational response to what is essentially a huge external shock that has intensified in recent years. Britons voted to leave the European Union, but largely because they believed they were being treated unfairly in it. The rejection of unfair terms of trade, whether perceived correctly or not, is consistent with contractualist values.

Third, the strength of institutions far exceeds that of any one person, including the president of the United States. Liberal values and institutions are rooted in contractualist economic norms and will not disappear simply because some leaders choose not to abide by them. For instance, although Trump may want the United States to withdraw from the North Atlantic alliance, this is not a view shared by Congress and the American people. Even members of Trump's administration have often restrained him in ways consistent with contractualist values and institutions.84

In economic norms theory, the only way the United States' contractualist values could shift to status or axial values would be through radical economic change. As mentioned above, economics is ultimately at the mercy of politics, as an influential coalition of rent-seekers could potentially collapse a contractualist economy by failing to sustain the highly inclusive marketplace or uphold the state's credibility in enforcing of contracts. In recent years, the U.S. economy has begun tilting toward rent-seekers, given the growing role of private money in electoral campaigns and the increasing sophistication of rent-seekers in masking their activities though the manipulation of public opinion, including through their concentrated ownership of media outlets. Such rentierism could precipitate a change in U.S. values if it results in a retraction of the market substantial enough that newer generations began to obtain higher wages in newfound status networks than in the marketplace.

In this way, the Trump phenomenon may reflect a pathology in U.S. governing institutions; but at least so far, it arguably has not extended to the American people. Most of Trump's supporters seem to be drawn to him not for his expressions of status values, but for his pledges to fight a “rigged” system and create well-paying jobs. Whether or not Trump means what he says, many of his supporters saw a vote for him as an act of protest against the increasing corruption occurring in the United States, a clear contractualist expression.85 Although a collapse of the U.S. economy and transition to an axial or a status economy is always possible, the feedback loop of popular insistence on economic growth and a highly inclusive marketplace makes this unlikely. Aside from an external shock (such as nuclear war or climate devastation), such a transition could happen only if the rentiers somehow manage to remain in power long enough to institutionalize a permanently underemployed underclass.

Fourth, even if the U.S. economy were to collapse and the United States became an axial or a status power, the combined economic might of all the other contractualist countries in the world is nearly twice that of the United States. The soft power of the United States in world politics lies not in its power to persuade, but in it being the largest of the contractualist states, and in its willingness to provide the public good of global security since the collapse of the pound sterling in late 1946. If the United States withdrew from its leadership role, the remaining contractualist powers would fill the vacuum. None of them has an economy relatively large enough to enable it to act as a natural leader and principal provider of global security, but it is the temperament of these states that they can easily form an international organization to coordinate and act on their shared security interests, even if some may choose to free ride.

Fifth, current events need to be viewed within a larger context. Fernand Braudel pinpoints the rise of the modern world economy as starting around the year 1450 in northwestern Europe.86 The first contractualist economy emerged more than two centuries ago. Since then, contractualist states have confronted numerous shocks and threats to their systems, including the American Civil War, the Great Depression, two world wars, and the Cold War. The present populist mini-wave and pathologies in U.S. democracy are mere trifling episodes in a larger historical frame.

Conclusion

This article has introduced a new liberal theory of global politics and argues that global alignments are rooted in factors internal to states: status states want expansion and disorder wherever they lack control; contractualist states want universal stability and order based on the principle of self-determination for all states. As such, global patterns of war, peace, and cooperation can be explained without recourse to such external factors as trade interdependence, international institutions, interstate images, or intersubjective structure; economic norms theory can explain these patterns from states' internal conditions alone. If this argument is correct, then the relative power of states does determine the perception of threat, as realists have long maintained, but with an essential qualifi- cation: only among status states. In this way, internal conditions can explain why 2,400 years ago Sparta feared the rising power of Athens, and why today the distribution of power seems to be playing an ever reduced role in global politics.

My analyses of most states from 1946 to 2010 corroborate the prediction of a liberal global hierarchy managed by a natural alliance of states with contractualist economies. States with contractualist and export-oriented economies tend to agree on issues voted on in the United Nations General Assembly, regardless of their power status or capability, because they have common interests in a global order based on self-determination. Among states with status and insular economies, in contrast, major powers and those with greater capability are more likely to balance the contractualist hegemony, which they fear. Meanwhile, minor powers and those with less capability are more likely to bandwagon with it, which they fear less than they do the status major powers.

Additionally, the theory provides an explanation for a large number of observed facts in international politics. It can explain the decline of war. It can explain the United States' enduring soft power, and why its leadership continues utterly unchallenged by other market powers, despite its relative economic decline since the mid-twentieth century. It offers an account for why developing states with weak institutions tend to bandwagon with the Western powers;87 and why land powers tend to provoke counterbalancing coalitions, and sea powers, which tend to be trading powers, do not.88 It can account for the democratic peace; why democracies tend to win theirwars; and why the probability of war among market democracies is practically zero. It can explain how states become prosperous; how democracy consolidates; the tenacity of corruption in developing countries; why Western powers reproach their clients for their corruption;89 and why states fail. It can explain global terrorism and anti-Americanism.90

If the theory is right, war is becoming obsolete, and not for reasons supposed in most international relations theorizing. There is no security dilemma in international politics, as realists contend there is: relative power reliably matters only to leaders of status states, which always consider all other states enemies. Yet, the trajectory of peace is not at all caused by democracy, trade, or international institutions, as liberals maintain. As argued here, democracy, trade, and institutions are epiphenomenal. Contractualist economies are not the only explanation for these factors, but they are a cause of democratic consolidation, foreign policy preferences for equitable trade, and international organization. Leaders of contractualist states assess threats based not on their images of other states' regime types, economic types, or their capabilities, but on their behavior.

What economic norms theory cannot explain is the triggering environmental and political origins of economic change. Although the theory predicts systemic effects (contractualist hegemony) on unit-level change (national transitions toward contractualist economies), it cannot predict when and where leaders of status and axial states might seek to support the market; when and where contractualist economies will emerge; or when and where systemic effects will result in changes in the units. The theory treats economic change largely exogenously.91

Thus, the theory cannot predict what China will do in the future, because it is impossible to know whether it will become a contractualist power. The theory can predict, however, that conflict with China is not inevitable, and that it can be avoided if the contractualist powers do not confuse China's mercantilist pursuits with incipient revisionism, and if they grasp that China's leadership increasingly has interests in the global market order. If China transitions to a contractualist economy—and such a prospect is likely if current trends continue—the proportion of people in the contractualist mind-set worldwide will more than double, from 16 percent to 35 percent. This would greatly increase the speed of the trajectory toward peace, as long as the planet can ecologically sustain the contractualist economies' high levels of productivity.

Russia, in contrast, is the natural enemy of the contractualist hegemony: its status economy encourages the sowing of chaos anywhere Russia lacks control, putting it in direct opposition to the contractualists' interest in order. Russia has a substantial nuclear arsenal, but this does not diminish the overwhelming might of the contractualist hegemony, because nuclear weapons can be used rationally only to deter attacks. Contractualist states do not attack states to make them contractualist, so Russia's deterrent capability has no effect on the power of this hegemony and the trajectory of peace.

Since the defeat of the Axis powers in 1945, an alliance of contractualist states has sought to impose a global order based on the principle of self-determination—a principle that applies to all states, large and small. This global order is increasing the odds of states transitioning from status to contractualist economies and reducing the odds of reverse transitions. In this way, economic norms theory supports the proposition that the world may be nearing half a millennium of change that began with the rise of axial markets in northwestern Europe around 1450. If the theory is correct, the beginning of the end of this change may have been the emergence of the contractualist hegemony in the mid-twentieth century. This article has argued that no status power could ever overtake the combined might of this hegemony. Thus, barring some dark force that brings about a collapse of the global economy, the world is now in the endgame of a five-century-long trajectory toward permanent peace and prosperity.

#### Cap solves income inequality and the market is stable now but big crash in the US would cause global economic decline – independently collapses capitalism’s legitimacy

Halligan 18 [Liam Halligan is a British economist, journalist and broadcaster. Since 2003, Halligan has written his weekly "Economics Agenda" column in The Sunday Telegraph – which has been recognised with a British Press Award. This is the stock market crash we needed. February 10, 2018.https://www.spectator.co.uk/2018/02/this-is-the-stock-market-crash-we-needed/]

A fully blown stock-market crash would have major political implications, of course. The emerging narrative about failing global capitalism in crisis would go into overdrive. With the big emerging giants like China boasting massive financial reserves, and likely to ride out any storm, more power would shift from west to east. And with continental Europe still harbouring a slew of bad bank debt, certainly compared with the US and UK, the eurozone is likely to suffer disproportionately — as it did after 2008. And, like last time, the UK economy would certainly be hit. The likelihood, though, is that this is not the start of a big crash but instead a soft landing, a necessary downturn in stock prices, part of a process that will mean savers might finally start to be given a return on their bank deposits. Serious market slumps also generally follow a US recession and, for now, Trump’s America looks strong — perhaps a little too strong for the market’s liking. And across the world, there’s a lot of cash waiting on the sidelines, ready to enter the market. The market upswing of recent years reflects, in part, optimism about the world economy: partly based on technological advances and post-Lehman ‘bounce back’. But much of the rise was due to cronyism, the emergence of cartels, unjustified share buybacks, dividend payments from borrowed money and, above all, QE and absurdly low interest rates. That’s why a falling market — for all the pain of adjustment — shows financial logic, and genuine

#### 