### FW

#### The standard is maximizing expected well-being

#### 1. Weighability – only consequentialism can explain the ethical difference in breaking a promise to take someone to the hospital and breaking a promise to take someone to lunch – that outweighs –

#### A] Resolvability – there’s no way to weigh between competing offense under their fw which means their fw can’t guide action

#### B] Intuitions – they’re a necessary side constraint on all ethics – if a very well justified, logical theory concluded "rape good” you wouldn’t say “huh I guess rape is good” you would abandon it

#### 2. Uncertainty and social contract require governments use util - calc indicts are empirically disproven because governments use util

Gooden, 1995 **(**Robert, philsopher at the Research School of the Social Sciences, Utilitarianism as Public Philosophy. P. 62-63)

Consider, first, the argument from necessity. Public officials are obliged to make their choices under uncertainty, and uncertainty of a very special sort at that. All choices—public and private alike—are made under some degree of uncertainty, of course. But in the nature of things, private individuals will usually have more complete information on the peculiarities of their own circumstances and on the ramifications that alternative possible choices might have on them. Public officials, in contrast, are relatively poorly informed as to the effects that their choices will have on individuals, one by one. What they typically do know are generalities: averages and aggregates. They know what will happen most often to most people as a result of their various possible choices. But that is all. That is enough to allow public policy-makers to use the utilitarian calculus—if they want to use it at all—to choose general rules of conduct. Knowing aggregates and averages, they can proceed to calculate the utility payoffs from adopting each alternative possible general rules.

#### Prefer actor specific obligations – different actors have different obligations.

#### 3. Science proves non util ethics are impossible.

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(The Secret Joke of Kant’s Soul published in Moral Psychology: Historical and Contemporary Readings, accessed: www.fed.cuhk.edu.hk/~lchang/material/Evolutionary/Developmental/Greene-KantSoul.pdf)

**What turn-of-the-millennium science** **is telling us is that human moral judgment is not a pristine rational enterprise**, that our **moral judgments are driven by a hodgepodge of emotional dispositions, which themselves were shaped by a hodgepodge of evolutionary forces, both biological and cultural**. **Because of this, it is exceedingly unlikely that there is any rationally coherent normative moral theory that can accommodate our moral intuitions**. Moreover, **anyone who claims to have such a theory**, or even part of one, **almost certainly doesn't**. Instead, what that person probably has is a moral rationalization. It seems then, that we have somehow crossed the infamous "is"-"ought" divide. How did this happen? Didn't Hume (Hume, 1978) and Moore (Moore, 1966) warn us against trying to derive an "ought" from and "is?" How did we go from descriptive scientific theories concerning moral psychology to skepticism about a whole class of normative moral theories? The answer is that we did not, as Hume and Moore anticipated, attempt to derive an "ought" from and "is." That is, our method has been inductive rather than deductive. We have inferred on the basis of the available evidence that the phenomenon of rationalist deontological philosophy is best explained as a rationalization of evolved emotional intuition (Harman, 1977). Missing the Deontological Point I suspect that **rationalist deontologists will remain unmoved by the arguments presented here**. Instead, I suspect, **they** **will insist that I have simply misunderstood what** Kant and like-minded **deontologists are all about**. **Deontology, they will say, isn't about this intuition or that intuition**. It's not defined by its normative differences with consequentialism. **Rather, deontology is about taking humanity seriously**. Above all else, it's about respect for persons. It's about treating others as fellow rational creatures rather than as mere objects, about acting for reasons rational beings can share. And so on (Korsgaard, 1996a; Korsgaard, 1996b). **This is, no doubt, how many deontologists see deontology. But this insider's view**, as I've suggested, **may be misleading**. **The problem**, more specifically, **is that it defines deontology in terms of values that are not distinctively deontological**, though they may appear to be from the inside. **Consider the following analogy with religion. When one asks a religious person to explain the essence of his religion, one often gets an answer like this: "It's about love**, really. It's about looking out for other people, looking beyond oneself. It's about community, being part of something larger than oneself." **This sort of answer accurately captures the phenomenology of many people's religion, but it's nevertheless inadequate for distinguishing religion from other things**. This is because many, if not most, non-religious people aspire to love deeply, look out for other people, avoid self-absorption, have a sense of a community, and be connected to things larger than themselves. In other words, secular humanists and atheists can assent to most of what many religious people think religion is all about. From a secular humanist's point of view, in contrast, what's distinctive about religion is its commitment to the existence of supernatural entities as well as formal religious institutions and doctrines. And they're right. These things really do distinguish religious from non-religious practices, though they may appear to be secondary to many people operating from within a religious point of view. In the same way, I believe that most of **the standard deontological/Kantian self-characterizatons fail to distinguish deontology from other approaches to ethics**. (See also Kagan (Kagan, 1997, pp. 70-78.) on the difficulty of defining deontology.) It seems to me that **consequentialists**, as much as anyone else, **have respect for persons**, **are against treating people as mere objects,** **wish to act for reasons that rational creatures can share, etc**. **A consequentialist respects other persons, and refrains from treating them as mere objects, by counting every person's well-being in the decision-making process**. **Likewise, a consequentialist attempts to act according to reasons that rational creatures can share by acting according to principles that give equal weight to everyone's interests, i.e. that are impartial**. This is not to say that consequentialists and deontologists don't differ. They do. It's just that the real differences may not be what deontologists often take them to be. What, then, distinguishes deontology from other kinds of moral thought? A good strategy for answering this question is to start with concrete disagreements between deontologists and others (such as consequentialists) and then work backward in search of deeper principles. This is what I've attempted to do with the trolley and footbridge cases, and other instances in which deontologists and consequentialists disagree. **If you ask a deontologically-minded person why it's wrong to push someone in front of speeding trolley in order to save five others, you will get** characteristically deontological **answers**. Some **will be tautological**: **"Because it's murder!"** **Others will be more sophisticated: "The ends don't justify the means**." "You have to respect people's rights." **But**, as we know, **these answers don't really explain anything**, because **if you give the same people** (on different occasions) **the trolley case** or the loop case (See above), **they'll make the opposite judgment**, even though their initial explanation concerning the footbridge case applies equally well to one or both of these cases. **Talk about rights, respect for persons, and reasons we can share are natural attempts to explain, in "cognitive" terms, what we feel when we find ourselves having emotionally driven intuitions that are odds with the cold calculus of consequentialism**. Although these explanations are inevitably incomplete, **there seems to be "something deeply right" about them because they give voice to powerful moral emotions**. **But, as with many religious people's accounts of what's essential to religion, they don't really explain what's distinctive about the philosophy in question**.

### 1NC- The Police

#### A just government ought to recognize only non-essential private sector citizens’ right to strike.

#### Allowing police strikes causes massive unrest and crime and exacerbates corruption within police unions

DiSalvo 20 (Daniel, Senior Fellow at the Manhattan Institute and professor of political science in the Colin Powell School at the City College of New York, Manhattan Institute, "The Trouble with Police Unions," https://www.manhattan-institute.org/the-trouble-with-police-unions )

In the first two decades of the 20th century, the question of whether police associations belonged in the labor movement at all was also debated. Some in the movement were concerned about the "divided loyalty" of police officers in situations where they were tasked with handling strikes by other unionists. Consequently, Samuel Gompers of the American Federation of Labor claimed to have "held off" on chartering police unions for years despite receiving numerous applications, beginning with a group of Cleveland police in 1897. The ability of police to exercise political power in their own right came to national attention with the Boston police strike of 1919. After World War I, Boston police officers — complaining of low pay, lousy working conditions, and autocratic bosses — sought to organize a union and affiliate themselves with the AFL. The city's commissioner denied the officers' right to unionize. In response, about 80% of Boston's police force went on strike. Over the following three days, lawlessness reigned, resulting in many injured persons and much property damage. Calvin Coolidge, the Massachusetts governor at the time, took a firm stand, declaring, "There is no right to strike against the public safety by anybody, anywhere, anytime." He sent in 7,000 state militiamen to restore order. To disperse rioters, the state guards shot directly into crowds, killing nine and wounding 23. When order was finally restored, all 1,147 striking officers were fired and replaced. As Joseph Slater of the University of Toledo College of Law has shown, the strike proved disastrous for police unions and public-sector unions more generally. President Woodrow Wilson called the strike "a crime against civilization." From the 1920s through the 1940s, bipartisan opposition to the unionization of public employees was widespread. State- and local-government workers were not even considered for inclusion in the National Labor Relations Act of 1935 (often called the "Wagner Act"). In a 1937 letter to the leader of the National Federation of Federal Employees, President Franklin Roosevelt bluntly stated that "the process of collective bargaining, as usually understood, cannot be transplanted into the public service" and that strikes by public employees were "unthinkable and intolerable." It was not until a wave of state legislation in the 1960s and 1970s — which granted state- and local-government employees collective-bargaining rights — that most police officers gained them as well. The transformation was swift and dramatic. Collective-bargaining rights were extended from 2% of the state- and local-government workforce in 1960 to 63% in 2010. The changes in state laws were spurred by President John Kennedy's 1962 Executive Order 10988, which gave federal employees "the right...to form, join and assist any employee organization or to refrain from any such activity." The new state laws facilitated the conversion of police-officer associations, lodges, and orders into unions. "Hard pressed to defend the invidious distinction between police officers and other public employees on either ideological or political grounds," wrote professor of labor relations Marvin Levine in his history of police unions, "many elected officials realized that it was pointless to resist the rank-and-file demands any longer." The result was the formal recognition of police unions and the extension of collective-bargaining rights to law enforcement in many jurisdictions. In the 1960s, police associations became more politically active, especially since they were gaining labor rights during a period of urban unrest and public hostility to the police. In a 1977 book, Stanford University political scientist Margaret Levi described police unions as a "bureaucratic insurgency" that overcame police-commissioner opposition in several major cities. In some instances, the unions even served as platforms for launching the political careers of former officers and officials. POLICE UNIONS AND THE LABOR MOVEMENT Today, police enjoy collective-bargaining rights in 41 states and the District of Columbia, and union locals are dispersed across the roughly 18,000 police departments nationwide. Only Georgia, North Carolina, South Carolina, Tennessee, and Virginia prohibit bargaining for public employees, while Alabama, Colorado, Mississippi, and Wyoming lack statutes to either advance or oppose police unions. Even where collective bargaining is prohibited, police associations provide members with legal services, political advocacy, and insurance policies. In terms of raw numbers, the Bureau of Labor Statistics' Current Population Survey found that in 2019, 57.5% of the nation's 712,336 police officers were covered by collective-bargaining contracts, and 55% of officers were union members. In addition, there were 80,802 police supervisors and detectives, 40.6% of whom were union members and 43.3% of whom were covered by union contracts. Police unions are present throughout the labor movement, but their relationship with it remains tense. Ronald DeLord, a Texas attorney and leading expert on police unions, describes the police labor movement as "a maze of different affiliations." Indeed, police unions are notorious for switching affiliations and shifting back and forth from independent status to affiliation with a larger labor federation. The largest police organization, the Fraternal Order of Police (FOP), boasts some 354,000 members, though it does not affiliate with any of the major labor federations. The second largest is the National Association of Police Organizations, with some 236,000 members. Though independent, it maintains ties to the International Brotherhood of Police Officers, which is chartered by the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), to work on federal legislation. When it comes to organized labor as traditionally understood, only 15% to 20% of law-enforcement employee organizations affiliate with the AFL-CIO. One estimate is that between 100,000 and 150,000 law-enforcement officers belong to locals that affiliate with the AFL-CIO. This helps explain why many police officers don't think of themselves as members of a labor union but instead as part of a lodge or association. Other major union federations also count police locals among their affiliates. These include the American Federation of State, County and Municipal Employees (AFSCME), which has between 10,000 and 15,000 police members; the Service Employees International Union (over 10,000 police members); the Communications Workers of America (26,000 police members); and the International Brotherhood of Teamsters (15,000 police members). Bizarrely, if one counts the total number of police-union members reported by the major labor federations, one finds that there are more members than there are police officers in the country. Moreover, not all officers are members of a union. The reason for the discrepancy is that many officers and local unions affiliate with multiple union federations, which is illegal in the private-sector union context. Police unions are also known for inflating their membership figures. A complete picture of police-union membership and their affiliations, therefore, remains elusive. Today, tensions between police unions and the labor movement are at an all-time high. A threat of expulsion hangs over police unions, as the labor movement has previously excommunicated unions deemed reprobate. (Excluded unions have included those with links to the Communist Party and organized crime, as well as locals that were racially segregated.) Progressive unionists want police reform — and to distance themselves from unions that oppose such efforts. In fact, after the events of this past spring, several unions sought to excise police from their ranks. The Association of Flight Attendants, for instance, passed a resolution calling on police unions to support reform "or be removed from the Labor movement." A union representing 100,000 workers in Seattle voted to expel the Seattle Police Officers Guild. Other labor leaders, especially at the national level, are concerned that ousting police unions could set a bad precedent. Patrick Lynch, president of the Police Benevolent Association of New York City, offered the clearest statement of the underlying reasoning for keeping police unions within the house of labor: "The rhetoric that [opponents of police unions] are using now is the same rhetoric that has been used to strip union protections from teachers, bus drivers, nurses and other civil servants across this country." The concern is that if collective-bargaining rights for police unions are constricted, similar arguments could be applied to other public-sector unions. It is unsurprising, then, that the leaders of several major federations have come out strongly in favor of police unions. AFL-CIO president Richard Trumka favors keeping police unions in the fold. In his view, it is better to keep police unions in the tent and work with them than to push them out and potentially work against them. Instead, he has called for congressional action to prohibit choke holds, expand the use of body cameras, limit no-knock warrants, and prevent the transfer of military-grade equipment to law enforcement. AFSCME president Lee Saunders, meanwhile, has flatly denied that police-union contracts provide a "shield for misconduct or criminal behavior." He has gone so far as to analogize police unions today to the striking African-American sanitation workers in Memphis with whom Martin Luther King, Jr., was marching when he was shot. As Saunders put it, "just as it was wrong when racists went out of their way to exclude black people from unions, it is wrong to deny this freedom to police officers today." COLLECTIVE BARGAINING AND POLICE CONTRACT Like other public-sector unions, police unions influence the structure and operations of police departments in two ways: from the bottom up, through collective bargaining, and from the top down, through political activity. Collective bargaining concerns the power and interests of workers and management. It gives police unions a hand in shaping the departments in which their members work. By circumscribing the rights of management, police unions partially determine the structure and operation of police bureaucracies. Labor unions are largely in the business of protecting members' job security and winning members better salaries and benefits. Collective-bargaining statutes applying to state- and local-government employees thus stipulate that agency managers (and elected officials behind them) must negotiate with unions representing those employees over pay, benefits, and conditions of employment. These statutes, along with union organizational incentives like leadership elections, force union leaders to prioritize such issues at both the bargaining table and in political advocacy. And in fact, research finds that collective bargaining tends to increase the pay, benefits, and job protections of public employees who enjoy such rights. Pay and benefits are not the subject of today's controversies, however. Rather, current concerns focus on the rules inscribed in collective-bargaining contracts negotiated under the rubric of "conditions of employment." In many jurisdictions, these conditions establish disciplinary, grievance, and arbitration procedures for officers accused of misconduct. Such job protections are said to shield incompetent or abusive officers, as union leaders have a legal duty to defend all members equally. To be sure, many of the protections police unions demand reflect the unique challenges of policing. Given the nature of law enforcement, police necessarily develop a somewhat adversarial relationship with the communities they serve. Officers are sometimes faced with unpleasant, high-tension, and even dangerous situations on the job, and are granted considerable discretion in determining when the use of force is necessary to address them. False or exaggerated citizen complaints are unavoidable. Therefore, labor representatives often prioritize protecting their members against these threats. These safeguards are especially important to officers insofar as the skills they develop on the job are not easily transferrable to other employment, which makes dismissal especially costly. A recent study of police misconduct by Ben Grunwald of the Duke University School of Law and John Rappaport of the University of Chicago Law School found that in Florida, officers fired from their preceding job find new law-enforcement work at about half the rate of officers who voluntarily leave their preceding job. Moreover, fired officers take longer to find new jobs than those who leave voluntarily, and they tend to go to smaller departments with fewer resources.

#### Stronger police unions actively prevent meaningful criminal justice reform

Matthews 20 (Dylan, Vox, "How Police Unions Became So Powerful - and How They Can Be Tamed," <https://www.vox.com/policy-and-politics/21290981/police-union-contracts-minneapolis-reform>)

In Buffalo, the city’s Police Benevolent Association president John Evans has actively defended officers who pushed 75-year-old protester Martin Gugino to the ground. When the officers who pushed Gugino were seen leaving their arraignment on felony assault charges, a large crowd of police union members and sympathizers was seen cheering them on. In New York State broadly, police unions led opposition to newly signed legislation that prevents police from hiding misconduct complaints and criminalizes chokeholds. These are hardly aberrations. Police unions in general have become the most vocal interest group opposing criminal justice reforms and especially reforms to police discipline and use of force. Historically, they have, unlike most unions, been profoundly conservative institutions that uphold a particular white ethnic, “law and order”-focused variant of right-wing politics. They have been among Donald Trump’s most fervent allies; Kroll spoke at a Trump rally in 2018, and the International Union of Police Associations has already endorsed Trump for reelection. The foregrounding of police unions’ role in the warping of American law enforcement has also prompted some difficult conversations on the left. The presence of a segment of a union movement that’s unapologetically right-wing and hostile to Black communities has tested the limits of solidarity from more left-wing unionists. As long as police forces exist, police unions will exist in some form as well, even if just as political pressure groups. It is therefore natural to think that reforming police unions in some way must be part of the broader agenda of changing policing in America. They are among the biggest stakeholders in the way the system works now; without addressing their power, other reforms may never get off the ground.

#### CJR strengthens communities, combats injustice, and bolsters the economy

Policy Link 18 (National research and action institute advancing racial and economic equity, "Criminal Justice Reform: Good for Families, Communities, and the Economy," <https://www.policylink.org/resources-tools/casey-equal-voice-series-criminal-justice-reform>)

The Economic Benefits of an Equitable Criminal Justice System The current criminal justice system relies on punitive measures to deter or prevent crime and tends to reinforce social structures of inequity; focusing instead on preventing crime and reducing recidivism would make communities safer and more able to thrive economically. An equitable criminal justice system would prioritize community safety, prevention, just sentencing, and alternatives to detention. Such a system would not only make communities stronger, it would also provide strong economic benefits, including the following. • Substantial state and local savings from alternatives to incarceration. The National Council on Crime and Delinquency estimates that if 80 percent of people incarcerated for nonviolent offenses were sentenced to effective alternative programming rather than prison, states and localities across the nation could save at least $7.2 billion annually.7 In California, Proposition 47 reduced the sentencing for nonviolent and nonserious offenses such as simple drug possession from felonies to misdemeanors. With this change, the state is expected to save more than $1 billion over the next five years, which will be directed to substance abuse and mental health programs, among other key services.8 Research suggests that using probation and alternative sentences for low-level, nonviolent offenses could reduce annual per capita corrections costs by an average of $22,250.9 A more productive workforce and stronger economy. Separate from reducing incarceration rates, huge gains could be made in economic productivity by enacting stronger supports for those with arrest and conviction histories. These supports include sealing the records on minor and nonviolent offenses and providing antidiscrimination protections in employment, housing, and public benefits. Such measures would yield economic benefits by increasing earnings, producing higher income tax revenues, and reducing the costs associated with recidivism. The RAND Corporation recently reported that for every dollar spent on education programs in prisons, taxpayers save $4 to $5 in recidivismrelated incarceration costs over the next three years.10 The Center for Economic and Policy Research has estimated that annual GDP would be $65 billion stronger if not for employment losses among people with criminal records.11 • Decreased poverty and unemployment, especially among communities of color. In 2008, barriers to employment for people with criminal records accounted for almost a full percentage point of the nation’s unemployment rate, representing 1.7 million Americans who were willing and able to work but unable to find jobs.12 Researchers have calculated that the U.S. poverty rate would have dropped by 20 percent between 1980 and 2004 if not for mass incarceration and the substantial social obstacles faced by people with criminal records.13

#### Continued inequality creates multiple escalation scenarios – it’s an existential threat

**Mavvak 21** [Mathew Mavak Author at Atlas Institute for International Affairs, external researcher (PLATBIDAFO) at the Kazimieras Simonavicius University in Vilnius, Lithuania, “Horizon 2030: Will Emerging Risks Unravel Our Global Systems?,” Salus Journal, Vol. 9, No. 1, April 2021, pp 2-17]

But what exactly is a global system? Our planet itself is an autonomous and selfsustaining mega-system, marked by periodic cycles and elemental vagaries. Human activities within however are not system isolates as our banking, utility, farming, healthcare and retail sectors etc. are increasingly entwined. Risks accrued in one system may cascade into an unforeseen crisis within and/or without (Choo, Smith & McCusker, 2007). Scholars call this phenomenon “emergence”; one where the behaviour of intersecting systems is determined by complex and largely invisible interactions at the substratum (Goldstein, 1999; Holland, 1998). // The ongoing COVID-19 pandemic is a case in point. While experts remain divided over the source and morphology of the virus, the contagion has ramified into a global health crisis and supply chain nightmare. It is also tilting the geopolitical balance. China is the largest exporter of intermediate products, and had generated nearly 20% of global imports in 2015 alone (Cousin, 2020). The pharmaceutical sector is particularly vulnerable. Nearly “85% of medicines in the U.S. strategic national stockpile” sources components from China (Owens, 2020). // An initial run on respiratory masks has now been eclipsed by rowdy queues at supermarkets and the bankruptcy of small businesses. The entire global population – save for major pockets such as Sweden, Belarus, Taiwan and Japan – have been subjected to cyclical lockdowns and quarantines. Never before in history have humans faced such a systemic, borderless calamity. // COVID-19 represents a classic emergent crisis that necessitates real-time response and adaptivity in a real-time world, particularly since the global Just-in-Time (JIT) production and delivery system serves as both an enabler and vector for transboundary risks. From a systems thinking perspective, emerging risk management should therefore address a whole spectrum of activity across the economic, environmental, geopolitical, societal and technological (EEGST) taxonomy. Every emerging threat can be slotted into this taxonomy – a reason why it is used by the World Economic Forum (WEF) for its annual global risk exercises (Maavak, 2019a). // As traditional forces of globalization unravel, security professionals should take cognizance of emerging threats through a systems thinking approach. // METHODOLOGY // An EEGST sectional breakdown was adopted to illustrate a sampling of extreme risks facing the world for the 2020-2030 decade. The transcendental quality of emerging risks, as outlined on Figure 1, below, was primarily informed by the following pillars of systems thinking (Rickards, 2020): // • Diminishing diversity (or increasing homogeneity) of actors in the global system (Boli & Thomas, 1997; Meyer, 2000; Young et al, 2006); // • Interconnections in the global system (Homer-Dixon et al, 2015; Lee & Preston, 2012); // • Interactions of actors, events and components in the global system (Buldyrev et al, 2010; Bashan et al, 2013; Homer-Dixon et al, 2015); and // • Adaptive qualities in particular systems (Bodin & Norberg, 2005; Scheffer et al, 2012) // Since scholastic material on this topic remains somewhat inchoate, this paper buttresses many of its contentions through secondary (i.e. news/institutional) sources. // ECONOMY // According to Professor Stanislaw Drozdz (2018) of the Polish Academy of Sciences, “a global financial crash of a previously unprecedented scale is highly probable” by the mid-2020s. This will lead to a trickle-down meltdown, impacting all areas of human activity. // The economist John Mauldin (2018) similarly warns that the “2020s might be the worst decade in US history” and may lead to a Second Great Depression. Other forecasts are equally alarming. According to the International Institute of Finance, global debt may have surpassed $255 trillion by 2020 (IIF, 2019). Yet another study revealed that global debts and liabilities amounted to a staggering $2.5 quadrillion (Ausman, 2018). The reader should note that these figures were tabulated before the COVID-19 outbreak. // The IMF singles out widening income inequality as the trigger for the next Great Depression (Georgieva, 2020). The wealthiest 1% now own more than twice as much wealth as 6.9 billion people (Coffey et al, 2020) and this chasm is widening with each passing month. COVID-19 had, in fact, boosted global billionaire wealth to an unprecedented $10.2 trillion by July 2020 (UBS-PWC, 2020). Global GDP, worth $88 trillion in 2019, may have contracted by 5.2% in 2020 (World Bank, 2020). // As the Greek historian Plutarch warned in the 1st century AD: “An imbalance between rich and poor is the oldest and most fatal ailment of all republics” (Mauldin, 2014). The stability of a society, as Aristotle argued even earlier, depends on a robust middle element or middle class. At the rate the global middle class is facing catastrophic debt and unemployment levels, widespread social disaffection may morph into outright anarchy (Maavak, 2012; DCDC, 2007). // Economic stressors, in transcendent VUCA fashion, may also induce radical geopolitical realignments. Bullions now carry more weight than NATO’s security guarantees in Eastern Europe. After Poland repatriated 100 tons of gold from the Bank of England in 2019, Slovakia, Serbia and Hungary quickly followed suit. // According to former Slovak Premier Robert Fico, this erosion in regional trust was based on historical precedents – in particular the 1938 Munich Agreement which ceded Czechoslovakia’s Sudetenland to Nazi Germany. As Fico reiterated (Dudik & Tomek, 2019): // “You can hardly trust even the closest allies after the Munich Agreement… I guarantee that if something happens, we won’t see a single gram of this (offshore-held) gold. Let’s do it (repatriation) as quickly as possible.” (Parenthesis added by author). // President Aleksandar Vucic of Serbia (a non-NATO nation) justified his central bank’s gold-repatriation program by hinting at economic headwinds ahead: “We see in which direction the crisis in the world is moving” (Dudik & Tomek, 2019). Indeed, with two global Titanics – the United States and China – set on a collision course with a quadrillions-denominated iceberg in the middle, and a viral outbreak on its tip, the seismic ripples will be felt far, wide and for a considerable period. // A reality check is nonetheless needed here: Can additional bullions realistically circumvallate the economies of 80 million plus peoples in these Eastern European nations, worth a collective $1.8 trillion by purchasing power parity? Gold however is a potent psychological symbol as it represents national sovereignty and economic reassurance in a potentially hyperinflationary world. The portents are clear: The current global economic system will be weakened by rising nationalism and autarkic demands. Much uncertainty remains ahead. Mauldin (2018) proposes the introduction of Old Testament-style debt jubilees to facilitate gradual national recoveries. The World Economic Forum, on the other hand, has long proposed a “Great Reset” by 2030; a socialist utopia where “you’ll own nothing and you’ll be happy” (WEF, 2016). // In the final analysis, COVID-19 is not the root cause of the current global economic turmoil; it is merely an accelerant to a burning house of cards that was left smouldering since the 2008 Great Recession (Maavak, 2020a). We also see how the four main pillars of systems thinking (diversity, interconnectivity, interactivity and “adaptivity”) form the mise en scene in a VUCA decade. // ENVIRONMENTAL // What happens to the environment when our economies implode? Think of a debt-laden workforce at sensitive nuclear and chemical plants, along with a concomitant surge in industrial accidents? Economic stressors, workforce demoralization and rampant profiteering – rather than manmade climate change – arguably pose the biggest threats to the environment. In a WEF report, Buehler et al (2017) made the following pre-COVID-19 observation: // The ILO estimates that the annual cost to the global economy from accidents and work-related diseases alone is a staggering $3 trillion. Moreover, a recent report suggests the world’s 3.2 billion workers are increasingly unwell, with the vast majority facing significant economic insecurity: 77% work in part-time, temporary, “vulnerable” or unpaid jobs. // Shouldn’t this phenomenon be better categorized as a societal or economic risk rather than an environmental one? In line with the systems thinking approach, however, global risks can no longer be boxed into a taxonomical silo. Frazzled workforces may precipitate another Bhopal (1984), Chernobyl (1986), Deepwater Horizon (2010) or Flint water crisis (2014). These disasters were notably not the result of manmade climate change. Neither was the Fukushima nuclear disaster (2011) nor the Indian Ocean tsunami (2004). Indeed, the combustion of a long-overlooked cargo of 2,750 tonnes of ammonium nitrate had nearly levelled the city of Beirut, Lebanon, on Aug 4 2020. The explosion left 204 dead; 7,500 injured; US$15 billion in property damages; and an estimated 300,000 people homeless (Urbina, 2020). The environmental costs have yet to be adequately tabulated. // Environmental disasters are more attributable to Black Swan events, systems breakdowns and corporate greed rather than to mundane human activity. // Our JIT world aggravates the cascading potential of risks (Korowicz, 2012). Production and delivery delays, caused by the COVID-19 outbreak, will eventually require industrial overcompensation. This will further stress senior executives, workers, machines and a variety of computerized systems. The trickle-down effects will likely include substandard products, contaminated food and a general lowering in health and safety standards (Maavak, 2019a). Unpaid or demoralized sanitation workers may also resort to indiscriminate waste dumping. Many cities across the United States (and elsewhere in the world) are no longer recycling wastes due to prohibitive costs in the global corona-economy (Liacko, 2021). // Even in good times, strict protocols on waste disposals were routinely ignored. While Sweden championed the global climate change narrative, its clothing flagship H&M was busy covering up toxic effluences disgorged by vendors along the Citarum River in Java, Indonesia. As a result, countless children among 14 million Indonesians straddling the “world’s most polluted river” began to suffer from dermatitis, intestinal problems, developmental disorders, renal failure, chronic bronchitis and cancer (DW, 2020). It is also in cauldrons like the Citarum River where pathogens may mutate with emergent ramifications. // On an equally alarming note, depressed economic conditions have traditionally provided a waste disposal boon for organized crime elements. Throughout 1980s, the Calabria-based ‘Ndrangheta mafia – in collusion with governments in Europe and North America – began to dump radioactive wastes along the coast of Somalia. Reeling from pollution and revenue loss, Somali fisherman eventually resorted to mass piracy (Knaup, 2008). // The coast of Somalia is now a maritime hotspot, and exemplifies an entwined form of economic-environmental-geopolitical-societal emergence. In a VUCA world, indiscriminate waste dumping can unexpectedly morph into a Black Hawk Down incident. The laws of unintended consequences are governed by actors, interconnections, interactions and adaptations in a system under study – as outlined in the methodology section. // Environmentally-devastating industrial sabotages – whether by disgruntled workers, industrial competitors, ideological maniacs or terrorist groups – cannot be discounted in a VUCA world. Immiserated societies, in stark defiance of climate change diktats, may resort to dirty coal plants and wood stoves for survival. Interlinked ecosystems, particularly water resources, may be hijacked by nationalist sentiments. The environmental fallouts of critical infrastructure (CI) breakdowns loom like a Sword of Damocles over this decade. // GEOPOLITICAL // The primary catalyst behind WWII was the Great Depression. Since history often repeats itself, expect familiar bogeymen to reappear in societies roiling with impoverishment and ideological clefts. Anti-Semitism – a societal risk on its own – may reach alarming proportions in the West (Reuters, 2019), possibly forcing Israel to undertake reprisal operations inside allied nations. If that happens, how will affected nations react? Will security resources be reallocated to protect certain minorities (or the Top 1%) while larger segments of society are exposed to restive forces? Balloon effects like these present a classic VUCA problematic. // Contemporary geopolitical risks include a possible Iran-Israel war; US-China military confrontation over Taiwan or the South China Sea; North Korean proliferation of nuclear and missile technologies; an India-Pakistan nuclear war; an Iranian closure of the Straits of Hormuz; fundamentalist-driven implosion in the Islamic world; or a nuclear confrontation between NATO and Russia. Fears that the Jan 3 2020 assassination of Iranian Maj. Gen. Qasem Soleimani might lead to WWIII were grossly overblown. From a systems perspective, the killing of Soleimani did not fundamentally change the actor-interconnection-interactionadaptivity equation in the Middle East. Soleimani was simply a cog who got replaced.

### NC – Climate

#### The court’s considering but unlikely to eliminate EPA climate change regulations – SCOTUS caution reflects pro-EPA precedent and concerns of backlash from Biden and agencies

De Vogue 10/29 – - Ariane de Vogue is a journalist covering the Supreme Court for *CNN* and a former reporter for *ABC News*, the article was written with Ella Nilsen who is a climate reporter for *CNN*, “Supreme Court to Review EPA's Ability to Regulate Greenhouse Gases and Address Climate Crisis,” *CNN Politics*, 2021, <https://www.cnn.com/2021/10/29/politics/supreme-court-climate-crisis-epa/index.html>

The Supreme Court on Friday agreed to hear a case from Republican-led states and coal producers challenging the Environmental Protection Agency's authority to regulate greenhouse gases and address the climate crisis.

The news comes as President Joe Biden prepares to travel to Glasgow, Scotland, for a major climate conference where he will try to extract commitments from major world leaders to combat climate change. Biden's EPA is crafting more stringent rules to limit emissions from power plants that produce electricity from fossil fuels, including coal and natural gas. The electricity sector accounts for 25% of US greenhouse gas emissions, according to the EPA.

Crafting strong environmental regulations is a key part of Biden's climate agenda, in addition to a major climate bill the White House is hoping will pass Congress in the coming weeks. The EPA is also soon expected to issue new proposed regulations limiting methane emissions from oil and gas producers around the country.

Congress' power

The Supreme Court's decision to hear the case is another sign that the conservative majority is eager to seek limits for when Congress can delegate its authority to federal agencies.

In asking the court to take up the case, GOP-led states said a federal appeals court had granted the EPA "unbridled power" with "no limits" to mandate standards that would be "impossible for coal and natural gas power plants to meet."

"For years, conservatives have been pressuring the court to reinvigorate long-dormant limits on Congress' power to delegate regulatory authority to administrative agencies," said Steve Vladeck, CNN Supreme Court analyst and professor at the University of Texas School of Law.

"One of the questions the Court has agreed to take up in these cases is whether, in delegating the power to the EPA to regulate greenhouse gas emissions, Congress exceeded those limits," Vladeck said. "If the Court says yes, that will not just curtail the EPA's power to respond to climate change in a moment in which it's hard to imagine that Congress will fill the gap; it would have enormous implications for -- and impose far greater limits on -- the federal government's regulatory power writ large."

Clean Air Act authority

This is the latest legal showdown in a years-long case over the EPA's authority to issue regulations under the landmark 1970 Clean Air Act.

The current controversy dates to 2016 when a 5-4 Supreme Court stepped in to temporarily block the Obama administration's effort to regulate emissions from coal-fired power plants. In June 2019, the Trump administration sought to ease limits on emissions. A federal appeals court in January 2021 ruled against the Trump administration's rule holding that it rested "critically on a mistaken reading of the Clean Air Act."

It's this January appeals court ruling that states and coal companies are now challenging -- prompting a review of the case by the Supreme Court.

In a statement, West Virginia Attorney General Patrick Morrisey -- who leads a 19 state coalition -- said he was "extremely grateful" for the court's willingness to hear the case and that he believed a "significant portion" of the court "shares our concern that the DC Circuit granted EPA too much authority."

"How we respond to climate change is a pressing issue for our nation, yet some of the paths forward carry serious and disproportionate costs for States and countless other affected parties," Morrisey had written in court briefs.

The Biden administration had urged the justices not to step in at this juncture but to wait for the Biden EPA to complete its new clean air regulations.

EPA Administrator Michael Regan said the agency will "will continue to advance new standards to ensure that all Americans are protected from the power plant pollution that harms public health and our economy."

In a tweet, Regan added: "Power plant carbon pollution hurts families and communities, and threatens businesses and workers. The Courts have repeatedly upheld EPA's authority to regulate dangerous power plant carbon pollution."

David Doniger of the Natural Resources Defense Council said the group would "vigorously defend EPA's authority to curb power plants' huge contribution to the climate crisis."

"Coal companies and their state allies are asking the Court to strip EPA of any authority under the Clean Air Act to meaningfully reduce the nearly 1.5 billion tons of carbon pollution spewed from the nation's power plants each year -- authority the Court has upheld three times in the past two decades " he said.

#### Plan builds court capital

Little 2k (Laura Little, Professor of Law – Temple University, Beasley School of Law, November 2000, 52 Hastings L.J. 47, Lexis)

Other scholars bolster Redish's position by pointing out that judicial review of both federalism and separation of powers questions presents something of a self-fulfilling prophesy. Through review of these sensitive issues of power, the judiciary bolsters its own position or amasses "political capital" and, thereby, legitimates its own power to engage in such review . 237 The judiciary has therefore established [\*98] itself as an effective watchdog to ensure that governmental structures are functioning appropriately. n237. Perry, supra note 11, at 57 (Supreme Court has "amassed a great deal of the political capital it now enjoys ... precisely by resolving problems arising under the doctrines of federalism and of the separation-of-powers "); see also Archibald Cox, The Role of the Supreme Court in American Government 30 (1972) (explaining that "history legitimated the power [of judicial review], and then habit took over to guide men's actions so long as the system worked well enough").

#### The spillover argument makes even more sense in the context of our big business link – the plan forces SCOTUS to go against big business on the plan and for this EPA case – that’s too much

Pickerill 17 (J. Mitchell – Professor of Political Science at Northern Illinois University & Cornell W. Clayton- - Professor of Government at Washing State University, “The Roberts Court and Economic Issues in an Era of Polarization,” p. 695-98, *Case Western Reserve Law Review*, Volume 67, Issue 3, https://core.ac.uk/download/pdf/214111285.pdf)

A. The Emergence of a Conventional Wisdom: The Roberts Court is Decidedly Pro-Business By now, the Roberts Court’s reputation as a pro-business Court has become something like the conventional wisdom for Supreme Court scholars and commentators. In 2008, Jeffrey Rosen wrote an article titled Supreme Court, Inc. in New York Times Magazine.7 Rosen argued that, whereas the Court had embraced a form of “economic populism” throughout most the latter half of the twentieth century, by the 2000s it had transformed into a decidedly pro-business venue.8 A generation ago, progressive and consumer groups petitioning the court could count on favorable majority opinions written by justices who viewed big business with skepticism—or even outright prejudice. The economic populist William O. Douglas, a former New Deal crusader who served on the court from 1939 to 1975, once unapologetically announced that he was “ready to bend the law in favor of the environment and against the corporations.”9 Today, however, as Rosen pointed out, “there are no economic populists on the court, even on the liberal wing.”10 In addition to quoting pro-business statements from members of the so-called liberal wing of the Roberts Court at the time, Rosen noted that, when compared to prior years, the proportion of cases involving business interests was up about ten percent during the early years of the Roberts Court.11 Rosen also highlighted several cases involving antitrust law, corporate mergers, punitive damages, and product liability in which the interests of big business seemed to be faring well in the Court.12 These cases didn’t seem to split the Roberts Court along conventional ideological lines. In a 2009 law review article, Rosen reported that, when he asked Justice Stephen Breyer about the Court’s probusiness orientation, “he did acknowledge that there might be a difference between constitutional cases, where Justices have strong preconceptions and philosophical commitments, and more technical, statutory cases, where they are more open-minded and amendable to argument.”13 Finally, Rosen explained the pro-business shift as a function of a decades-long effort by conservative and business groups to counter the effects of consumer groups and public interest litigation groups like Public Citizen. 14 In particular, he credited the U.S. Chamber of Commerce’s lobbying efforts and the National Chamber Litigation Center, established in 1977, for advocating business interests in state and federal courts. 15 Various examples and statistics indicated that through filing amicus briefs on behalf of business interests, the Chamber was successful both in persuading the Court to grant certiorari and on the merits in particular cases. Although Rosen’s article garnered much attention, he was not the only journalist or commentator claiming the Court was “probusiness.”16 For example, writing for Bloomberg Business, Michael Orey declared that the Roberts Court was “open for business.”17 And in an article in the Wall Street Journal, Brent Kendall explained that the Supreme Court is “making it easier for companies to defend themselves from the kinds of big lawsuits that have bedeviled them for decades.”18 Some legal academics agreed. For instance, Erwin Chemerinsky wrote that “the Roberts Court is the most pro-business Court of any since the mid-1930s.”19 All of this attention to the Roberts Court and its business decisions led to further academic research and scholarship examining whether and to what extent the Roberts Court could be considered “pro-business.”20 Much of the early characterization of the Roberts Court as “probusiness” has been based on specific Supreme Court decisions, such as Ledbetter v. Goodyear Tire & Rubber Co.21 and Riegel v. Medtronic, Inc., 22 or specific Supreme Court terms, such as the 2006 term in which the U.S. Chamber of Commerce won in thirteen of the fifteen cases in which it had filed a brief.23 Nonetheless, there have also been more systematic analyses of the Court and its disposition toward business interests. Lee Epstein, William Landes, and Richard Posner conducted one of the most well-known systematic empirical analyses of the Supreme Court and business interests.24 In their study, Epstein, Landes, and Posner selected Supreme Court decisions from the 1946 term through the 2011 term of the Court in which a business entity was a litigant.25 They analyzed the likelihood that business entities would prevail in the Court over time.26 Controlling for numerous factors, they concluded: Whether measured by decisions or Justices’ votes, a plunge in warmth toward business during the 1960s (the heyday of the Warren Court) was quickly reversed; and the Roberts Court is much friendlier to business than either the Burger or Rehnquist Courts, which preceded it, were. The Court is taking more cases in which the business litigant lost in the lower court and reversing more of these—giving rise to the paradox that a decision in which certiorari is granted when the lower court decision was antibusiness is more likely to be reversed than one in which the lower court decision was pro-business. The Roberts Court also has affirmed more cases in which business is the respondent than its predecessor Courts did.27 Thus, the Epstein, Landes, and Posner empirical study seems to confirm the conventional wisdom.

#### That provides coverage for conservative justices to vote as a bloc without fanning partisan flames

Ruger 7/1/21 (Todd, Legal Affairs Staff Writer with BA in Journalism from Drake University, Roll Call, "Supreme Court sidesteps controversy in term punctuated by politics and pandemic," https://www.rollcall.com/2021/07/01/supreme-court-sidesteps-controversy-in-term-punctuated-by-politics-and-pandemic/)

The justices also faced political pressure: a bill from several Democratic lawmakers to expand the number of justices, a White House commission to study that and other possible structural changes to the court, and President Donald Trump’s long-shot request to have them overturn election results in states key to President Joe Biden’s win. The Supreme Court, in move after move, did not fan those partisan flames. But on the last day, it issued two sharply divided rulings on cases about voting rights and money in politics. Up until then, the justices rarely decided cases with the six Republican appointees on one side and the three Democratic appointees on the other, David Cole, the legal director of the American Civil Liberties Union, said Wednesday at a panel discussion. And they reached “remarkable consensus” on many of the most controversial cases in a way that limited the scope of the decision’s impact, Cole said. “I think what we’ve seen is the court has confounded all the commentators, it has really avoided partisan division,” Cole said. “This is not a court that has divided, like the rest of the country has, along partisan lines on controversial issues.” The term started in October with only eight justices because of the death of liberal icon Justice Ruth Bader Ginsberg, amid the political uproar about Senate Republicans racing to fill the vacancy ahead of the Nov. 6 presidential election. That confirmation fight followed Justice Amy Coney Barrett to the bench, since Democrats argued she would join other conservatives to side with Trump in cases to wipe out the 2010 health care law or challenge the election results. The Supreme Court did neither. The justices left alone the health care law, in a 7-2 decision in June written by liberal Justice Stephen G. Breyer and joined by Barrett. It was the widest margin for the law’s three wins in Republican-led challenges at the court since 2012, in a ruling that avoided the most contentious legal issues in the case. And when Trump and Republican-led states asked the Supreme Court to step into the election in four states key to Biden’s win — a move Trump called “the big one” that “everyone has been waiting for” and “a chance to save our Country from the greatest Election abuse in the history of the United States” — the justices in December succinctly rejected it. Roberts declined to preside over the second Senate impeachment trial that took place after Trump left office in January. And Biden’s win meant the Supreme Court did not have to decide the House Judiciary Committee’s push to see grand jury materials in former special counsel Robert S. Mueller III’s investigation into interference in the 2016 presidential election. Several of the major contentious cases of the term were unanimous. One struck down the Federal Trade Commission’s power to seek restitution for unfair or deceptive acts. And the court sided with a Catholic foster care agency over Philadelphia’s non-discrimination requirement in a case about placing children in same-sex households. In the foster care case, the opinion did not broadly bolster religious rights across the country as many LGBTQ rights activists feared — though three of the more conservative justices indicated they would have done if they had the votes. “If your starting assumption about the court was that this is a partisan, politicized body that votes their political preferences and that's really what they're all about, this term completely undercuts that thesis,” said Roman Martinez, a Supreme Court litigator at Latham & Watkins law firm who clerked for Chief Justice John G. Roberts Jr. Still, the court moved in a conservative direction on some key issues over the past nine months. Among them, they sided with religious rights in cases related church closures in COVID-19 lockdown orders, and allowed business owners to exclude union organizers from their property. Melissa Murray, a law professor at New York University who clerked for Justice Sonia Sotomayor when she was a lower court judge, said unanimity on some cases could be deceptive, and the court still showed an overall conservative drift. “The theme is: The court is going exactly where people predicted it would go when three Trump appointees were added to it,” Murray said. And the justices, as usual, saved the most contentious cases for the last day of the term to divide 6-3 on ideological lines. Over the strenuous dissents of the three liberal justices, the court Thursday upheld Arizona voting policies in a ruling that likely will make it harder for voting rights advocates to prove that election laws should be struck down as discriminatory. And another ruling might lead to toppling laws related to campaign finance disclosure or other money in politics. Strange bedfellows Many other cases featured unpredictable lineups on decisions that cut across ideological lines, hinting at a court in flux. For example, conservative Justice Clarence Thomas twice joined with the three liberal justices on the liberal wing to dissent in cases that were decided 5-4, such as one about separation of powers that limited Congress’s ability to give people a right to file lawsuits. “I don't think anyone had that on their SCOTUS bingo card, right?” said Sarah Harris, a Supreme Court litigator at Williams & Connelly law and former Thomas clerk. Other cases featured a lot of fractured rulings, where some justices wrote separately or noted their objections to parts of the opinion. Those writings sometimes voiced support for a more aggressive holding, even though what the court could actually agree on was more limited, Harris said. “I do think it just reflects that the justices are in very different places on lots of different issues and feel comfortable kind of testing out their views to each other and sort of laying down markers,” Harris said. When they return in three months to start a new term, the conservative majority will be tested on how far and how fast they might rule on two major issues where states and local governments are active and Congress has stalled.

#### Climate change causes extinction

David Spratt 19, Research Director for Breakthrough National Centre for Climate Restoration, Ian Dunlop, member of the Club of Rome, formerly an international oil, gas and coal industry executive, chairman of the Australian Coal Association, May 2019, “Existential climate-related security risk: A scenario approach,” https://docs.wixstatic.com/ugd/148cb0\_b2c0c79dc4344b279bcf2365336ff23b.pdf

An existential risk to civilisation is one posing permanent large negative consequences to humanity which may never be undone, either annihilating intelligent life or permanently and drastically curtailing its potential. With the commitments by nations to the 2015 Paris Agreement, the current path of warming is 3°C or more by 2100. But this figure does not include “long-term” carbon-cycle feedbacks, which are materially relevant now and in the near future due to the unprecedented rate at which human activity is perturbing the climate system. Taking these into account, the Paris path would lead to around 5°C of warming by 2100. Scientists warn that warming of 4°C is incompatible with an organised global community, is devastating to the majority of ecosystems, and has a high probability of not being stable. The World Bank says it may be “beyond adaptation”. But an existential threat may also exist for many peoples and regions at a significantly lower level of warming. In 2017, 3°C of warming was categorised as “catastrophic” with a warning that, on a path of unchecked emissions, low-probability, high-impact warming could be catastrophic by 2050. The Emeritus Director of the Potsdam Institute, Prof. Hans Joachim Schellnhuber, warns that “climate change is now reaching the end-game, where very soon humanity must choose between taking unprecedented action, or accepting that it has been left too late and bear the consequences.” He says that if we continue down the present path “there is a very big risk that we will just end our civilisation. The human species will survive somehow but we will destroy almost everything we have built up over the last two thousand years.”11 Unfortunately, conventional risk and probability analysis becomes useless in these circumstances because it excludes the full implications of outlier events and possibilities lurking at the fringes.12 Prudent risk-management means a tough, objective look at the real risks to which we are exposed, especially at those “fat-tail” events, which may have consequences that are damaging beyond quantification, and threaten the survival of human civilisation. Global warming projections display a “fat-tailed” distribution with a greater likelihood of warming that is well in excess of the average amount of warming predicted by climate models, and are of a higher probability than would be expected under typical statistical assumptions. More importantly, the risk lies disproportionately in the “fat-tail” outcomes, as illustrated in Figure 1.

### FW:

**No warrant on why the gov. has to preserve autonomy**

**Justice is a collective idea, we have to agree what’s just for the concept to exist**

**No one is always or never happy, their ev is pure hypothetical that doesn’t apply to the real world+ things like avoiding extinction are good for everyone**

**Consequentialism needs to evaluate consequences first before choosing if the act is moral or not, consequences always come before autonomy under consequentialism**

#### Freedom is supplied by the union, authority and state laws – resistance causes instability that completely dismantles systems of order

Wit 97

(Dr. E. C. Wit; The University of Chicago, PhD; (July 1997) “Kant and the Limits of Civil Obedience”; <http://www.math.rug.nl/~ernst/kant.htm>) //hwckd

The Categorical Imperative conditions all actions, and a citizen should therefore test her act of disobedience to the law against this criterion. Kant's arguments against disobedience often involve an appeal to pure practical considerations. That human beings have to obey the laws of the state, he says, is "a requirement of pure reason." Nonetheless, the idea that the Categorical Imperative prohibits all instances of disobedience depends on two important presuppositions, both of which we shall challenge in the second part of this article. First, it assumes that there is a single set of harmonious, i.e., non-contradictory, moral rules, because if we could find a pair of contradictory rules, then, on the basis of the Categorical Imperative alone, each maxim could be argued to be non-universalizable and thus the action immoral. Most commentators take this assumption for granted. What if a human being could be subject to contradictory laws? The tension lies in the fact that the system of positive law ties a plurality of free human beings together into a unity. Kant says, "A civil constitution is a relationship among free men who are subject to coercive laws, while they retain their freedom within the general union with their fellows." The system of laws demands strict obedience of the subjects of a state, because that is what makes them sub-jects of the state; but herein may lie the seeds of a possible conflict. Kant retains freedom only within the limits of the union, which leads to the possibility of disharmony between morality and the laws of the state. Unlike other moral duties, the moral duty to obey the laws of the state is enforceable. Its coerciveness is indeed peculiar to this duty, but this does not mean, as Beck suggests, that positive law is for Kant "prior in its claims." Neither does its empirical nature make positive law subordinate to morality as Reiss claims. The coerciveness of the laws of the state indicates that they are prior to moral laws in empirical implementation and that non-observance invalidates them. We shall discuss this issue in sections four and five. The second assumption underlying the prohibition of disobedience to the sovereign is that the head of state is identical to law as such. Kant relies on the association of these two concepts in the arguments against revolution or rebellion. Kant rejected any form of rebellion by defending the legality of authority on an a priori basis. He argued that disobedience to the authority of the head of state cannot be a right, because if it were, then there would have to be a law permitting the abrogation of the constitution --- which is a contradiction. This argument relies on the fact that the head of state and the constitution are identical. We shall assess this presupposition carefully in the next section. We have shown in this section that it is a moral duty to obey the law. In this sense we agree with most commentators. However, they usually did not acknowledge that there are at least two presuppositions underlying such a view. In the subsequent sections we shall make these assumptions explicit. In both cases there emerges some kind of regulatory vacuum that makes room for Kantian disobedience.

#### It is the government’s duty to suppress resistance that endangers the safety and peace of a state – citizens are morally obligated to obey the decrees of a just government

Bracketed for offensive language

Smith 16

(George H. Smith; was formerly Senior Research Fellow for the Institute for Humane Studies, a lecturer on American History for Cato Summer Seminars, and Executive Editor of Knowledge Products. Smith’s fourth and most recent book, [The System of Liberty](http://www.amazon.com/System-Liberty-History-Classical-Liberalism/dp/0521182093/), was published by Cambridge University Press in 2013; (05/23/2016) Immanuel Kant on our Duty to Obey Government; <https://www.libertarianism.org/columns/immanuel-kant-our-duty-obey-government>)//hwckd

THE RIGHTS OF RESISTANCE AND REVOLUTION Kant appeals to his Categorical Imperative—which demands that all moral principles be universalizable—to support his opposition to the rights of resistance and revolution. Government, whose primary purpose is to secure individual rights by enacting and enforcing objective laws, must be “unopposable.” This means that a government may rightfully suppress “all internal resistance” (including seditious speech) “for such resistance would have to derive from a maxim that, if made universal, would destroy all civil constitutions, thus annihilating the only state in which [people]men can possess rights.” The unacceptable maxim that Kant had in mind, which was also invoked by Jeremy Bentham and other liberals who opposed the rights of resistance and revolution, may be summarized as follows: If I claim a right forcibly to resist a law that I regard as unjust, then I must be willing, per the Categorical Imperative, to grant the same right to everyone else. According to the universal maxim implicit in the rights of resistance and revolution, therefore, every individual would have the right to disobey and ultimately to resist any law that he or she personally regards as unjust or oppressive. But this maxim would contradict the very foundation of political sovereignty, according to which only the sovereign has the right to render final, binding, and enforceable decisions about when force is appropriate in particular situations. Here is how Kant put this point: [A]ll resistance to the supreme legislative power [the true sovereign, in Kant’s theory], all incitements of subjects actively to express discontent, all revolt that breaks forth into rebellion is the highest and most punishable crime in a commonwealth, for it destroys its foundation. And this prohibition is absolute, so even if that power or its agent, the nation’s leader, may have broken the original contract, thereby forfeiting in the subject’s eyes the right to be legislator, since he has authorized the government to proceed in a thoroughly brutal (tyrannical) fashion, the citizen is nonetheless not to resist him in any way whatsoever. This is because under an already existing civil constitution the people no longer have the right to judge and to determine how the constitution should be administered. For suppose they had such a right and, indeed, that they opposed the actual judgment of the nation’s leader, then who would determine on which side the right lies? Neither of them can serve as judge in his own case. Thus, there would still have to be another head above the head to decide between the latter and the people—and that is contradictory. This argument, according to which citizens are morally obligated not to resist even the decrees of a tyrant, pretty much placed Kant in a category by himself among classical liberals. Even those classical liberals, such as David Hume and Adam Smith, who rejected social contract theory and consequently opposed the rights of resistance and revolution as theoretical principles, nevertheless conceded that force may properly be used against governments that had clearly degenerated into tyranny. These conservative liberals appealed to utilitarian standards rather than to rights to determine when this point had been reached. Utilitarian liberals were almost always more conservative than their natural‐​rights cousins, but even many of the utilitarians were quite radical by modern standards. Adam Smith, for example, argued that a government which confiscates one‐​third or more of nation’s wealth (in the form of taxes) has clearly become tyrannical and is therefore ripe for revolution—a detail that shows how radical even the more conservative proponents of early liberalism tended to be. (The one‐​third test, which was invoked by a number of classical liberals, was commonly based on the observation that the feudal serf was required to surrender one‐​third of his produce to his overlord, so a citizen of a supposedly free country who is required to surrender more than one‐​third of his wealth to government is actually worse off than the lowly serf.) According to John Locke, American Revolutionaries, and other classical liberals who defended the rights of resistance and revolution, when a king violates his part of the social contract he “unkings” himself and thereby reverts to the status of an ordinary criminal without any special political privileges. Thus to use force against this person is not to rebel against rightful authority, for a tyrant forfeited any such authority when he violated the social contract by violating rights (especially inalienable rights) instead of protecting them. In this view, to resist the decrees of a tyrant amounts to nothing more than to exercise one’s fundamental, inalienable right of self‐​defense against anyone who uses unjust force. The rights of resistance and revolution were thus seen as the application of the right of self‐​defense to the political sphere. No one, not even a political sovereign, has the right to enforce tyrannical measures, so we may legitimately defend ourselves against a tyrant, just as we may legitimately use force in self‐​defense against a common thug who attacks us on the street. The tyrant is the true “rebel,” for it is he who has rebelled against the natural‐​law principles of justice that a legitimate ruler is obligated to respect. Immanuel Kant rejected this line of reasoning, root and branch. His argument that we are morally obligated to obey the rights‐​protecting laws of a just government, even if we have not personally agreed to obey that government, is reasonable enough on its face, at least in some cases. It would be difficult, after all, to make the case that a murderer may not be prosecuted by a just government that respects an impartial rule of law unless the murderer has previously given his consent to the government that prosecutes him. To require consent in this case would mean, in effect, that we could not legitimately prosecute or punish a murderer unless that criminal has previously agreed to let us punish him. But Kant muddied the waters even in simple cases like this with his theoretical model of the social contract, which he used to justify an obligation to obey even the unjust laws of a tyrannical government. I shall explore this problem in more detail in my next and (hopefully) final installment of my series on Kant. I may also touch on a few side issues, such as Kant’s position on whether animals have rights.

### Case:

**A right to strike is circumvented through policies which allow employers to permanently replace workers who strike for economic reason, thus discouraging any strikes despite a right to strike protected by law.**

**Pope 04 (James Gray Pope (Doctorate in politics at Princeton, former representative of unions, Distinguished Professor of Law and Sidney Reitman Scholar at Rutgers), 2004, "How American Workers Lost Their Right to Strike, and Other Tales," *Michigan Law Review*,** https://repository.law.umich.edu/cgi/viewcontent.cgi?article=1620&context=mlr**) // CR**

In NLRB v. Mackay Radio & Telegraph Co., the Supreme Court laid down a dictum that has puzzled legal scholars and vexed unions increasingly over the years. so According to this dictum, an employer enjoys the right permanently to replace workers who strike for better wages and conditions. The dictum is puzzling because the strike is one of those "concerted activities" protected under section 7, and employers are prohibited from discharging or otherwise interfering with, restraining, coercing or discriminating against employees for exercising section 7 rights. s1 Yet the Mackay Court simply asserted the employer right, offering no explanation why strikers - who are admittedly protected against "discharge" - can nevertheless be replaced permanently at the discretion of the employer. The employer's right to hire permanent replacements operates as an unqualified trump over the section 7 right to strike for better conditions and higher wages. The employer need not show any business reason for its exercise (for example, that unless replacements are offered permanent employment the company will be unable to continue operating), and the rule leaves no room for the Board to argue that the impact of permanent replacement on the section 7 right outweighs the employer's interest. s2 Theoretically, an employer violates the Act if it replaces strikers for reasons of anti-union animus. But because animus is virtually impossible to prove (unless the employer is clumsy enough to reveal it in public), the law does nothing to prevent an employer from seizing on the strike as an opportunity to replace union with nonunion workers. s3 In effect, when workers go out on strike, they give the employer a license to discriminate; the employer need only limit itself to (1) "permanently replacing" union workers as opposed to "discharging" them, and (2) discriminating only between strikebreakers and strikers as opposed to discriminating among loyal strikers (as on the facts of Mackay, where the employer targeted active unionists for replacement) or among strikebreakers. The result is a bizarre reversal of the strike's traditional function. Although the strike is legally protected so that it can provide workers with a source of bargaining power, it now serves as a source of employer bargaining power. According to a recent study of collective bargaining negotiations, employers are now more likely to threaten permanent replacement than unions are to threaten a strike.54 As Cynthia Estlund recently put it, the Mackay dictum has "rendered the strike useless and virtually suicidal for many employees, and has become employers' Exhibit Number One in union organizing campaigns. "55 As employers have turned increasingly to permanent replacements, the incidence of strikes has dropped sharply.56 That the labor movement considers the Mackay dictum to be a serious problem is evidenced by the fact that in 1996, at a time when the Presidency and both houses of Congress were held by Democrats, the AFL-CIO launched an intense campaign for legislation to overturn it - only to see the bill succumb twice to Senate filibusters.57 The Mackay Court cited no source and offered no reasoning to support the existence of an employer right permanently to replace strikers.58 The statutory language, which makes it an unfair labor practice for the employer to engage in "discrimination" based on union activity or to "coerce" employees in the exercise of their section 7 rights, appears to negate any such right.59 An employer that retains nonstriking workers at the end of a strike while denying returning strikers their jobs is certainly discriminating - in the ordinary meaning of the word - based on union activity.60 Workers who cross picket lines are rewarded with permanent jobs, while workers who exercise their statutory right to strike are punished with the loss of their jobs. And there are few more potent forms of coercion than forcing individual workers to choose between a protected activity and losing their jobs to permanent replacements. Whether the loss of a job comes as a result of a discharge (concededly illegal) or of "permanent replacement," it certainly constitutes a powerful disincentive to engage in protected activity. Furthermore, at the time of Mackay, section 13 of the Act barred courts not only from construing the Act to impose direct legal restraints on the right to strike, but also from reading it to "interfere with or impede or diminish" the right "in any way."61 Commentators have tried to fit the Mackay dictum into the structure of current law by asserting that it rests on the assumption that employers have a legitimate business need to offer prospective replacements permanent employment in order to operate during strikes.62 But the Court never made any such determination, and there is nothing in the opinion to indicate that the Justices were thinking along those lines. If they were, then they were simply wrong on the facts. Employers routinely succeed in obtaining striker replacements without offering permanent employment, and there is no evidence that they need to make such offers.63 Moreover, the Mackay dictum would not fit into the structure of current law even if employers could show that they were motivated by a desire to attract replacement workers. Under the current standard, which outlaws employer countermeasures that are "inherently destructive" of section 7 rights even if the employer acted out of legitimate business reasons, the hiring of permanent replacement workers would seem to be inherently destructive just as discharge is inherently destructive.64 In short, the Mackay dictum cannot be explained or rationalized with reference to the employer's need to hire striker replacements.

#### Strikes hurt innocent bystanders and cause more layoffs than union victories.

McElroy 19 [John McElroy, editorial director of Blue Sky Productions and producer of “Autoline Detroit” for WTVS-Channel 56, Detroit. "Strikes Hurt Everybody", 10-25-2019, accessed 11-1-2021, https://www.wardsauto.com/ideaxchange/strikes-hurt-everybody] HWIC

The recent strike at General Motors shows traditional labor practices must change. Not only did the strike cause considerable financial damage at GM, it drove another wedge between the company and its workers. And worst of all, it hurt a lot of innocent bystanders.

Thanks to the UAW, the hourly workforce at GM earns the highest compensation in the U.S. auto industry. But you would never know that by listening to union leaders. They attack GM as a vile and heartless corporation that deliberately tries to oppress honest working men and women.

Of course, they kind of have to say that. Union officials are elected, not appointed, and they are just as political as any Republican or Democrat. No UAW official ever got elected by saying, “You know what? Management is right. We’ve got to make sure our labor costs are competitive.”

It’s the opposite. Union leaders get elected by attacking management’s greed and arrogance.

This creates a poisonous relationship between the company and its workforce.  Many GM hourly workers don’t identify as GM employees. They identify as UAW members. And they see the union as the source of their jobs, not the company. It’s an unhealthy dynamic that puts GM at a disadvantage to non-union automakers in the U.S. like Honda and Toyota, where workers take pride in the company they work for and the products they make.

Attacking the company in the media also drives away customers. Who wants to buy a shiny new car from a company that’s accused of underpaying its workers and treating them unfairly?

Data from the Center for Automotive Research (CAR) in Ann Arbor, MI, show that GM loses market share during strikes and never gets it back. GM lost two percentage points during the 1998 strike, which in today’s market would represent a loss of 340,000 sales. Because GM reports sales on a quarterly basis we’ll only find out at the end of December if it lost market share from this strike.

UAW members say one of their greatest concerns is job security. But causing a company to lose market share is a sure-fire path to more plant closings and layoffs.

Even so, unions are incredibly important for boosting wages and benefits for working-class people. GM’s UAW-represented workers earn considerably more than their non-union counterparts, about $26,000 more per worker, per year, in total compensation. Without a union they never would have achieved that.

Strikes are a powerful weapon for unions. They usually are the only way they can get management to accede to their demands. If not for the power of collective bargaining and the threat of a strike, management would largely ignore union demands. If you took away that threat, management would pay its workers peanuts. Just ask the Mexican line workers who are paid $1.50 an hour to make $50,000 BMWs.

But strikes don’t just hurt the people walking the picket lines or the company they’re striking against. They hurt suppliers, car dealers and the communities located near the plants.

The Anderson Economic Group estimates that 75,000 workers at supplier companies were temporarily laid off because of the GM strike. Unlike UAW picketers, those supplier workers won’t get any strike pay or an $11,000 contract signing bonus. No, most of them lost close to a month’s worth of wages, which must be financially devastating for them.

GM’s suppliers also lost a lot of money. So now they’re cutting budgets and delaying capital investments to make up for the lost revenue, which is a further drag on the economy.

According to CAR, the communities and states where GM’s plants are located collectively lost a couple of hundred million dollars in payroll and tax revenue. Some economists warn that if the strike were prolonged it could knock the state of Michigan – home to GM and the UAW – into a recession. That prompted the governor of Michigan, Gretchen Whitmer, to call GM CEO Mary Barra and UAW leaders and urge them to settle as fast as possible.

So, while the UAW managed to get a nice raise for its members, the strike left a path of destruction in its wake. That’s not fair to the innocent bystanders who will never regain what they lost.

I’m not sure how this will ever be resolved. I understand the need for collective bargaining and the threat of a strike. But there’s got to be a better way to get workers a raise without torching the countryside.

**A right does not guarantee more/better strikes – multiple warrants**

**Waas PhD 12**

Professor Bernard Waas, Sep 2012, "Strike as a Fundamental Right of the Workers and its Risks of Conflicting with other Fundamental Rights of the Citizens " World Congress General Report, [https://www.islssl.org/wp-content/uploads/2013/01/Strike-Waas.pdf //](https://www.islssl.org/wp-content/uploads/2013/01/Strike-Waas.pdf%20//) AW

No national laws on strike action are alike. Notably, the law on strike action is part of a much broader picture. As strikes are mostly related to collective bargaining, distinct perspectives that may exist in national systems in this regard inevitably influence assessments of strikes. If the room for bargaining is deemed an area in which the state does not interfere, the decision to use strike action may essentially be left to the autonomous decision-making of trade unions. If, on the other hand, the state tightly regulates collective bargaining, then it seems plausible for regulations on strikes to be subject to similar rules. A possible link between collective bargaining and strikes may also have other implications. If the right to conclude collective agreements is, for instance, limited to the most representative unions only, then the case might be that only members from those unions actually enjoy the right to strike.