## Theory

#### c/I we don’t have to have round reports

#### offense –

#### no round report makes open source more important which is k2 in depth teaching about positions

#### defense -

#### I read one off cap k in all rounds at this tourney – round report is unnecessary for you to know I went for that

#### No offense – I open source my NC every round so if you really NEED to know that much you can click open source

#### No unique in round offense – lexington is also a huge debate school

#### Strategy – I open source which is far more important than round reporting

#### Email checks – we talked over email before

#### Education over fairness – life isn’t fair and education only portable skill

#### + prefer in round over norm – there was no in round abuse because neg is the reactionary side and they didn’t change their aff at all or anything

## 1

#### A] Interp - the aff can't defend that a subset of democracies ought to make voting compulsory. The article “a” implies a nonspecific or generic reading of the word “democracy”.

Walden 20 Walden University [The Writing Center provides a broad range of writing instruction and editing services for students at Walden University, including writing assistance for undergraduates, graduate students, and doctoral capstone writers], “"A" or "An"” last modified July 14 2020, <https://academicguides.waldenu.edu/writingcenter/grammar/articles> SM

When to Use "A" or "An" "A" and "an" are used with singular countable nouns when the noun is nonspecific or generic. I do not own a car. In this sentence, "car" is a singular countable noun that is not specific. It could be any car. She would like to go to a university that specializes in teaching. "University" is a singular countable noun. Although it begins with a vowel, the first sound of the word is /j/ or “y.” Thus, "a" instead of "an" is used. In this sentence, it is also generic (it could be any university with this specialization, not a specific one). I would like to eat an apple. In this sentence, "apple" is a singular countable noun that is not specific. It could be any apple.

#### B] Violation – they only defend the US

#### C] Vote neg—

#### 1] Semantics outweigh:

#### A] Topicality is a constitutive rule of the activity and a basic aff burden, they agreed to debate the topic when they came to the tournament

#### B] Jurisdiction -- you can’t vote affirmative if they haven’t affirmed

#### C] It’s the only stasis point we know before the round so it controls the internal link to engagement, and there’s no way to use ground if debaters aren’t prepared to defend it.

#### 2] Limits:

#### A] Quantitative – there are over 195 affs – unlimited topics incentivize obscure affs, and kill reciprocal prep burdens which are key to well researched clash

#### B] Qualitative – spec allows them to cherry-pick small aff biased subsets which kills equitable neg ground and encourages a race to the fringe of the topic away from the core topic literature

#### 3] TVA solves – read the aff as advantage

#### 4] Extra T- And, the aff is extra-topical. They've said the plan results in a law that changes strikes- that’s literally not a right. This goes beyond the scope of the resolution-- extra T is an independent voter because it allows the aff to add on ANY extra mechanism or policy to the plan to solve capitalism and IP, which allows them to gain extra T advantages and better solvency. thats unpredictable and explodes limits because we cant be prepared to answer the things they decide to tack on. It also takes away my ability to read those arguments as alt causes or advantage counterplans, which destroys competitive equity.

#### D] Paradigm Issues –

#### 1] T is DTD – A] their abusive advocacy skewed the debate from the start B] DTA is incoherent because we indict their advocacy

#### 2] Comes before 1AR theory -- A] If we had to be abusive it’s because it was impossible to engage their aff B] T outweighs on scope because their abuse affected every speech that came after the 1AC C] Topic norms outweigh on urgency – we only have a few months to set them

#### 3] Use competing interps on T – A] topicality is a yes/no question, you can’t be reasonably topical B] only our interp sets norms -- reasonability is arbitrary and invites judge intervention C] reasonability causes a race to the bottom of questionable argumentation

#### 4] No RVIs – A] Forcing the 1NC to go all in on the shell kills substance education and neg strat B] discourages checking real abuse C] Encourages baiting – outweighs because if the shell is frivolous, they can beat it quickly

## 2

#### The AC is an effort in “left legalism”, they believe the right to strike is not adequately protected and the solution is to codify it. This ignores that it is the nature of rights themselves in liberal societies that produce conflict

Dimick, JD/PhD, 19

(Matt, Law@Buffalo, *Counterfeit Liberty*, Catalyst Vol 3 No 1 Spring)

A third example concerns the legal status of concerted activity taken in response to an employer’s unfair labor practices. The Supreme Court addressed this issue in a widely cited and discussed decision, NLRB v. Fansteel Metallurgical Corp.49 In that case, the employees responded to a series of the employer’s unfair labor practices — recognizing only an “independent,” company-dominated union, and employing a labor spy to engage in espionage within the bona fide, “outside” union — by “seizing the employer’s property” in a sit-down strike. The employer countered by announcing that “all of the men in the plant were discharged for the seizure and retention of the buildings.” The employer then appealed to the local sheriff, who with an “increased force of deputies” evicted the workers from the plant and arrested them; most of the workers were eventually fined and given jail sentences. As a remedy for the employer’s unfair labor practices, the Board ordered “‘immediate and full reinstatement to their former positions,’ with back pay.” However, the Supreme Court denied enforcement of this order, concluding that the workers had been legitimately discharged for illegally seizing the employer’s property. The court’s decision has been widely criticized for taking a narrow view of “concerted, protected activity,” and ignoring the workers’ claims to be acting in self-defense against the employer’s violation of their rights granted to them by the Wagner Act. According to Karl Klare, the language of the Fansteel decision reinforces the role of workers as sellers of labor power and consumers of commodities, rather than as producers, and obstructs an alternative perspective presaged by the “‘dereifying’ explosion of repressed human spirit” expressed in the sit-down strike.50 According to James Gray Pope, the Fansteel decision inverts appropriate legal hierarchies, placing the employer’s common-law property rights above those of the employee’s statutory right to engage in collective action, a conclusion that can only be justified by an unstated appeal to a discredited interpretation of the Constitution.51 Both critics, however, overlook the very first words of Chief Justice Hughes’s decision following its statement of facts: “For the unfair labor practices of [the employer] the Act provided a remedy. Interference in the summer and fall of 1936 with the right of self-organization could at once have been the subject of complaint to the Board.”52 Once again, using the strike to enforce workers’ statutory rights is legally duplicitous because the Board already possesses the power to enforce those rights. The court continued, “To justify such conduct because of the existence … of an unfair labor practice would be to put a premium on resort to force instead of legal remedies and to subvert the principles of law and order which lie at the foundations.”53 Responding to this language, Klare is correct to draw attention to the inherently peaceful nature of workers’ concerted activity in general and the sit-down strike in particular.54 But it is not the court’s hysterics that are most interesting; instead, it is the overlooked rationale that, whether violent or not, concerted action to enforce rights already subject to Board administration and enforcement subverts the appropriate scheme of rights enacted by the NLRA. Thus, it is not (or not just) ideologically freighted judicial reasoning that has undermined the labor movement, but the very rights themselves, created and enforced by the state apparatus, that have justified restrictions on concerted worker activity.

#### Subordination- rights weaken labor movements by making them dependent on a corrupt legal system. Cross-national analysis shows rights never help, they only hurt

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Labor law presents an inescapable problem for the labor movement. If that claim was not already obvious, then the US Supreme Court’s decision in Janus v. AFSCME should have made this clear. Even labor law scholars, who once viewed labor law as a path of liberation for the labor movement, now see it as an ossified millstone around its neck. Recommendations for the reform and renewal of labor law therefore abound. In nearly all of these recommendations, there is no question that the law can and should play a fundamental role in revitalizing the labor movement. Indeed, labor law’s current flaw according to these recommendations is not the rights they provide, but only the “weakness” of these rights. In this essay, I want to ask a question that has quite a different implication for how trade unions should approach labor law: how did the regulation of labor relations come to assume the form of law? The first objective of this essay is to answer this question. As labor movements developed under capitalism in the late nineteenth and early twentieth centuries, the regulation of labor relations took different paths. The path that a particular country took was determined by various material, political, and ideological causes that this essay will try to describe. While some amount of legal regulation is inescapable in a society based on private property and generalized commodity exchange — which logically imply the contestation of private interests — labor movements in some parts of the world have been able to avoid the dependency and displacement that always follows a regime of full-blown legal regulation. Trade unions in Scandinavia in particular have been able to develop a system of labor regulation that avoids the subordination to the state that has been the fate of Anglophone countries, such as the US and Australia, as well as on the Continent, in France and Germany. Another objective of this essay is to show that even labor law sympathetic to unions, rather than loosening, came to bind ever more tightly the cords constraining labor. This is not, or at least not only, because of capitalist-class interest or ideology extrinsic to labor law, but in fact is quite intrinsic to law itself. As this essay will demonstrate, many of the restrictions and prohibitions that hobble the labor movement today are justified by the very rights the labor law statute, the National Labor Relations Act (NLRA), confers. Statutory labor law confers rights, and rights are distinguished by the fact that they constitute claims that are enforced through the machinery of the state apparatus. In the mind of a judge or bureaucrat, one can hardly complain about the suppression of workers’ self-activity to advance or enforce some interest or claim, because the existence of a corresponding legal right makes such activity legally redundant. Of course, there is an enormous sociological difference: if strikes are the means by which workers build solidarity and develop class consciousness, then the substitution of the strike for other means of reaching working-class objectives may, whether intentionally or not, undermine working-class interests.

#### Prefer negative methodology- a comparative history approach reveals flaws in the affirmatives “critical labor law” approach. Their focus on specifics obscures the fundamental issue of statism

Dimick, JD/PhD, 19

(Matt, Law@Buffalo, *Counterfeit Liberty*, Catalyst Vol 3 No 1 Spring)

The intent of this brief comparative history is to reveal the uniqueness of the form of labor union organization found in the US. Unlike either the continental or Nordic variants, labor union organization in the US (and other Anglophone countries) is characterized by strong workplace-based organization (when and where it exists) and weak coordinating capacity above the workplace level (i.e., sectoral, national, etc.). This section will trace how that form of union organization gave rise to a law-based, statist form of labor-relations regulation. The shift to a law-based form of regulation was dramatic. Toward the end of the nineteenth century, neither unions nor collective bargaining had any legal existence. The only means available to a union to obtain recognition from an employer, bring the employer to the bargaining table, make a collective agreement, or even enforce a collective agreement, was through “extralegal” economic compulsion — the threat or exercise of strikes, boycotts, and other forms of concerted activity. Court injunctions frequently repressed such tactics — thus “recognizing” collective worker activity only in the negative sense. By the middle of the twentieth century, this had all changed: statutes established comprehensive legal regulation of all stages of a collective bargaining process presided over by an administrative agency, the NLRB, and the federal courts. What explains this transformation? How did the regulation of labor relations come to assume the form of law? Did alternative possibilities exist? DECENTRALIZED UNIONISM AND THE ADOPTION OF THE LEGAL FORM The answer I offer is that this statist regime of labor law is a product of the narrowness of labor relations themselves. Unions in the US have a strong workplace presence but weak coordinating capacity. This decentralized model of trade union organization produced pervasive employer-union conflict as well as union-union conflict. Owing to their lack of coordinating capacity, unions in the US were unable to forge a regime of self-regulation. A statist regime of labor law was constructed to fill the regulatory void. At the heart of the 1935 National Labor Relations Act (or Wagner Act, after its main sponsor Senator Robert F. Wagner of New York) is an election procedure in which the NLRB supervises a secret ballot election and, by majority rule, awards “exclusive representation” status to a union if it prevails. Other features of the Act fit neatly into this “recognition” framework. The Act bans “unfair labor practices” to ensure that the workers’ choice of representative (or whether to be represented) is “fair and free.” After a union is “certified” by the government, the Act provides for elaborate procedures for when workers may decertify a union or an employer withdraw recognition. The legal status of various kinds of economic weapons to which workers may resort often depend on whether a union has been certified. And certification grants to unions themselves certain rights and protections, including machinery for the enforcement of union-negotiated contracts. This regime can only be described as a highly statist form of labor-relations regulation. The origins of this majority-rule recognition procedure can be traced to the pre-New Deal era, specifically to attempts to regulate labor relations on the railroads. Union organization on the railroads is a classic example of the early-industrialization problem. First as fraternal and benefit societies, later as bona fide unions, there were no fewer than twenty different labor organizations representing workers in the railway industry. Each of these organizations, in structure and strategy, enacted the principle of exclusivity described in the previous section. “Each brotherhood, as was customary among American craft unions, claimed sole jurisdiction over the employment conditions governing employees in that craft,” whether or not the worker was a member of the union.34 At approximately the same time, railway unions began appealing to the majority-rule principle both to justify their demands for union recognition vis-à-vis employers and to solve their jurisdictional disputes with one another. This all took place against the backdrop of extraordinary labor strife. Later, this principle was adopted in one of first pieces of national legislation regulating labor relations, the Transportation Act of 1920. Fifteen years later, a series of statutes, court decisions, and policy choices had so narrowed the available options that “the question of Wagner’s intent became secondary to his policy constraints. Wagner built the NLRA upon an ideology that had become self-sustaining.”35 Scholars have criticized the NLRA for enshrining into law the old AFL’s “voluntarist” labor-relations philosophy. This was accomplished either by the passage of the NLRA itself or by its subsequent “judicial deradicalization.” Either version treats the NLRA as a kind of ex nihilo event, without any legal or policy history of its own.36 Ruth O’Brien convincingly demolishes this account. It was not the AFL’s voluntarism that prevailed but the progressive movement’s “responsible unionism.” For progressives, the labor movement was too narrowly self-interested to accommodate the “public interest.” What was needed was a Hobbesian strong state — one that would subordinate the labor movement to the “true” guardian of the public interest.37 I endorse O’Brien’s version of events, but she doesn’t account for the counterfactual: could the AFL’s voluntarism have been a viable alternative solution to the “labor problem”? Given the lack of coordinating capacity among US labor unions, I suggest not. At least partly, the progressives’ critique of the AFL-dominated labor movement was true. It is just that the possibilities, if not the concrete choices available to the labor movement in the early 1900s, were not limited to either a Leviathan or narrow craft voluntarism. The following comparative example makes this claim concrete. In a forgotten story in labor history — forgotten because of the opportunity that was not taken — the International Association of Machinists (IAM) and the National Metal Trade Association (NMTA) signed the so-called Murray Hill agreement in 1900. In terms of the agreement’s substance, employers conceded to a reduction in the working day from ten to nine hours for all machinists in NMTA shops. However, a complication arose from the union’s inability to convince all NMTA employers to also adopt a uniform 12.5 percent wage increase to maintain weekly earnings at earlier levels. The agreement was repudiated in the following strike wave, the union claiming that the employer had failed to agree to the wage increase, the employers accusing the union of calling strikes instead of settling the disputes through the central arbitration system established by the agreement. As told by Peter Swenson, employers would have in time accepted, and many would have even welcomed, centralized bargaining over wages and working conditions in exchange for the unions relinquishing their job-control objectives. Employers “slammed the door shut for all time, however, because union militants used the strikes to impose the closed shop … and rules prohibiting men from operating more than one machine at a time, working for piece rates, and instructing unskilled workers.”38 The IAM leadership did not approve the strikes and in fact had agreed to management’s demand for the open shop and the right to manage. Thus, the objective of taking wages out of competition came to founder on the IAM’s inability to control local militancy and designs on job control. At almost exactly the same time, in 1905, an almost identical experiment in the identical industry led the Swedish labor movement in a very different direction. Confronted with a metal-workers’ strike, the employers’ association in the engineering industry responded with a lockout at eighty-three member firms. The conflict led to the “first industry-wide multi-employer wage settlement for any industry in the country.” The agreement “allowed no restrictions on manning of machinery or hiring of unskilled workers and apprentices … [and] the union agreed to an open shop clause.” The metal workers’ counterpart in the United States, “[m]ilitant skilled craftsmen” in the IAM, “would have regarded the deal with dismay and disgust.” The next year, this industry agreement was followed by a multi-industry, national agreement known as the “December Compromise.” A key section of the agreement prohibits closed-shop agreements and establishes management control over “decisions involving hiring, firing, and supervising work.”39 Yet what workers gave up in firm-level “production politics” they gained in power over the labor market itself. Centralized bargaining has come to deliver high union density, the lowest level of wage dispersion in the advanced capitalist world, and most critically, high inclusivity, encompassing virtually all wage earners. The IAM’s attempt at establishing industry-wide bargaining vividly demonstrates how the US labor movement’s workplace-centered unionism acted as an obstacle to broader and more inclusive forms of worker organization. Centered at the workplace, and pursuing a job-control strategy, US unions had significant power to contest the employer’s domination of the labor process. Unfortunately, for exactly those same reasons, this constellation of power was too weak, too uncoordinated between firms, to contest the domination of the market. As the comparison of the IAM with the Swedish metal workers shows, local power generated conflict but obstructed efforts to develop self-regulation. Following decades of the “labor problem,” the state stepped in as regulator. As a result, “[g]overned by this state-operated regulatory agency [i.e., the NLRB], organized labor no longer shaped its own destiny—it was dependent on this agency.”40 O’Brien is therefore correct to insist that it was the progressives’ statist vision rather than the AFL’s voluntarist philosophy that prevailed. Nevertheless, we should not overlook how historically given forms of labor organization frustrated other possible forms of labor-relations regulation. This gives us another reason why voluntarism per se was not the culprit in labor’s current legal and existential crisis. Scandinavian self-regulation is, after all, another kind of voluntarism. At the same time, as the IAM example demonstrates, the institutional and organizational narrowness of craft unionism left the door open to a statist regime of labor law. THE CONSEQUENCES OF IGNORING THE LEGAL FORM Because of unions’ strong workplace presence but weak capacity for coordinating activity across workplaces, the regulation of labor relations was achieved by recourse to the law. This claim cuts directly against the thrust of a tradition of “critical” labor law. The story told by critical labor law scholars is of a potentially “anticapitalist” National Labor Relations Act that was “deradicalized” by conservative judges and narrow-minded intellectuals.41 In these approaches there is never any question whether the law should be used to regulate labor relations. Rather, the line of attack is to challenge the particular content of the labor law, not the form of regulation itself. Not only is this a mistake as a method of analysis but, as I will also demonstrate, it also commits an instrumentalist error about the nature of the law and the state within capitalism. A content critique of law obscures the way that law does more than simply help or hinder the labor movement achieve various, specific objectives. As a form of social regulation, the law also allocates determinate material and ideological resources as a means to achieve these ends. These means threaten to substitute for the working class’s own material and ideological means of regulation. This would not be an issue if labor unions or other working-class organizations were merely means of achieving gains for workers. But they are not. Whatever their limitations, unions are moments in the process by which workers constitute themselves as a class. Thus, the law — not in its content, but as a form of social regulation — always presents the danger of undermining this process through mechanisms of dependency and displacement.

#### Methodological questions should be prioritized over policy -it’s a logical prior question to solvency

Bartlett ‘90, professor of law at Duke University, 1990 (Katharine, 103 Harvard Law Review 829, February, lexis)

Feminists have developed extensive critiques of law n2 and proposals for legal reform. n3 Feminists have had much less to say, however, about what the "doing" of law should entail and what truth status to give to the legal claims that follow. These methodological issues matter because methods shape one's view of the possibilities for legal practice and reform. Method "organizes the apprehension of truth; it determines what counts as evidence and defines what is taken as verification." n4 Feminists cannot ignore method, because if they seek to challenge existing structures of power with the same methods that [\*831] have defined what counts within those structures, they may instead "recreate the illegitimate power structures [that they are] trying to identify and undermine." n5

#### TEXT :The government of the Republic of Kazakhstan ought to recognize an unconditional freedom of workers to strike.

#### A “right” gives power to the state, a freedom reduces it. The alternative is mutually exclusive with the case and solves better

Dimick, JD/PhD, 19

(Matt, Law@Buffalo, *Counterfeit Liberty*, Catalyst Vol 3 No 1 Spring)

What then should be the attitude of the labor movement toward the law? The very existence of the state and law requires some engagement with it, if only to avoid it. I address these issues in the next section. LABOR LAW AND UNION STRATEGY I have argued that the regulation of labor relations need not always assume the form of law, and that in fact it does not always assume the extreme form of legalism that we find in the United States. I have also demonstrated the contradictory nature of rights in the regulation of labor relations. What kind of labor legal strategy emerges from this analysis? The introduction drew the distinction between rights and freedoms.68 Rights are those interests or actions that are protected by the coercive power of the state. Freedoms on the other hand are those interests or actions that are not prohibited by the state, but also with which others may interfere; freedoms are neither legally protected nor prohibited. My contention is that the labor movement should advance labor freedoms and be wary about labor rights. This contention follows from the previous analysis. Since rights are distinguished by the fact that they are protected by the coercive power of the state, bureaucrats, judges, and legislators can use that fact to restrict labor’s own means and powers to enforce these interests and claims, subordinating society to the state. Indeed, as I have shown, state officials, with interests and power of their own, are likely to view labor’s competing power as legally redundant and particularly subversive. Labor freedoms restrict the coercive power of the state in a way that gives priority to labor’s autonomous sources of power, subordinating the state to society. Advancing labor freedoms is hardly an unambitious strategy, since direct prohibitions on concerted activities are abundant. The three most restrictive prohibitions on strike activity are those directed to (1) mass picketing,69 (2) organizing and bargaining strikes,70 and (3) secondary strikes and boycotts.71 Each is an affirmative ban on worker collective action, by which an employer may have the actions enjoined and the union fined. As such, they are restraints on workers’ freedom of action. The first ban has done the most to destroy the power of the strike and, as discussed below, to open the door to the employer’s use of replacement workers. The second has done the most to squelch coordinated worker activity across firms and industries. As identified earlier, the third has done the most to derail and suppress organic worker self-organization. These restrictions could be eliminated through various means. Congress could amend the National Labor Relations Act, and remove the offending provisions. Some labor law scholars have argued that these provisions violate the First Amendment and therefore should be declared unconstitutional. The labor movement should entertain all options, but I have little doubt that massive civil disobedience though direct worker confrontation with these legal barriers will also be necessary to discredit and overcome them. If such labor freedoms were achieved, employers would be under no state-imposed duty to refrain from interfering with workers engaged in such activities. Workers could be terminated for engaging in mass picketing, organizing strikes, or secondary picketing. Freedoms may therefore strike some readers as insufficient. Yet, it has been the burden of this essay’s comparative, historical, and legal analysis to demonstrate the self-defeating sociological effects of labor rights. Nevertheless, there is truth to the claim that certain, fundamental labor rights remain essential. Thus, insofar as it facilities worker solidarity and collective action, there seems little reason to eschew, for example, a worker’s right to join a union. Even more fundamentally, the rights of workers to be free from the employer’s physical assaults or from the state’s interference with speech and expression are also necessary. The distinction between rights and freedoms is no talisman. Rather, the ultimate objective must be kept in mind: the collective self-organization of the working class.72 To convince the reader that this proposal is not merely wishful thinking, we should recall the self-regulation models of Scandinavia. In Denmark and Sweden, the regulation of labor relations — including such fundamental matters as union recognition and minimum wages — falls within the purview of unions and organized employer associations. Strikes that are banned in the United States remain viable options in Scandinavia. Enforcement of the rules and agreements depends primarily (though not exclusively) on the economic weapons of labor and employers, rather than the physical compulsion administered by the state. Labor courts, unlike the NLRB, operate outside the hierarchy of the bureaucracy and courts of the state apparatus.

#### Statism destroys value to life

**Kateb** – Professor of Politics and Director of the Program in Political Philosophy at Princeton – **1992** (George, The Inner Ocean p. 117-118)

What is statism? From a broad range of possible meanings, we may confine ourselves for the moment to the sense present in nuclear rhetoric. Let us say that this statism is the belief that a government is not a mere government but a state and that as such it is the locus of identity of a society; that it is not only distinct from but above society; that it has rights (not merely duties); that its survival can be secured at any cost to its own society or to others. We ordinarily associate such thinking with absolute monarchy or with modern party and military dictatorships. We certainly do not think that such a belief is compatible with the Constitution or with the moral ideas connected with political legitimacy in general. Statism is a vision of life in which people are means to the end of the survival of power, in which society is understood as one great quasi-military organization or power base and in which the state is seen not only as a society's leadership but also as its reason for being. Officials may not recognize their rhetoric and themselves in this description. But I do not see what the expressed determination to risk or engage in a sizable exchange of nuclear weapons could mean except that the idea of statism has been accepted. This point becomes especially evident when we see that American nuclear rhetoric explicitly refers to a protracted nuclear war and thus to the readiness to accept massive numbers of American deaths. Even if we choose to leave aside the rhetoric concerning limited or special nuclear uses, and also to leave aside the massive numbers of deaths in other countries, we are compelled to take in the fact that the American government says it is willing to have the American people endure countless deaths. This willingness, in turn, can only mean that officials think that as long as the executive upper echelons survive intact, and with them a corps of military and police, the only other need is enough people left alive to supply the means necessary for the government—that is, the state—and its purposes. Its purposes are one: to remain and continue to bear the true existence and meaning of society, even when millions have been passively victimized unto death. I do not see what other implication can be drawn from any rationalization of the use of nuclear weapons in a sizable exchange. If we insist that even a so-called special or limited use carries with it the immediate or delayed possibility of escalation, then we simply say that the rationalization of any use of nuclear weapons is the most extreme form of statism and therefore is the most extreme form of illegitimate or anti-constitutionalist doctrine.

#### Statism causes extinction

**Beres, 1994** (Louis Rene, Professor of International Law in the Department of Political Science at Purdue University, Spring,, Arizona Journal of International and Comparative Law, Lexis)

The State presents itself as sacred. The idea of the State as sacred is met with horror and indignation, especially in the democratic, secular West, but this notion is indisputable. Throughout much of the contemporary world, the expectations of government are always cast in terms of religious obligation. And in those places where the peremptory claims of faith are in conflict with such expectations, it is the latter that invariably prevail. With States as the new gods, the profane has become not only permissible, it is now altogether sacred. Consider the changing place of the State in world affairs. Although it has long been observed that States must continually search for an improved power position as a practical matter, the sacralization of the State is a development of modern times. This sacralization, representing a break from the traditional [\*20] political realism of Thucydides, n57 Thrasymachus n58 and Machiavelli, n59 was fully developed in Germany. From Fichte n60 and Hegel, through Ranke and von Treitschke, n61 the modern transformation of Realpolitik has led the planet to its current problematic rendezvous with self-determination. Rationalist philosophy derived the idea of national sovereignty from the notion of individual liberty, but cast in its modern, post-seventeenth century expression, the idea has normally prohibited intervention n62 and acted to oppose human dignity and human rights. n63 Left to develop on its continuous flight from reason, the legacy of unrestrained nationalism can only be endless loathing and slaughter. Ultimately, as Lewis Mumford has observed, all human energies will [\*21] be placed at the disposal of a murderous "megamachine" with whose advent we will all be drawn unsparingly into a "dreadful ceremony" of worldwide sacrifice. n64 The State that commits itself to mass butchery does not intend to do evil. Rather, according to Hegel's description in the Philosophy of Right, "the State is the actuality of the ethical Idea." It commits itself to death for the sake of life, prodding killing with conviction and pure heart. A sanctified killer, the State that accepts Realpolitik generates an incessant search for victims. Though mired in blood, the search is tranquil and self-assured, born of the knowledge that the State's deeds are neither infamous nor shameful, but heroic. n65 With Hegel's characterization of the State as "the march of God in the world," John Locke's notion of a Social Contract -- the notion upon which the United States was founded n66 -- is fully disposed of, relegated to the ash heap of history. While the purpose of the State, for Locke, is to provide protection that is otherwise unavailable to individuals -- the "preservation of their lives, liberties and States" -- for Hegel, the State stands above any private interests. It is the spirit of the State, Volksgeist, rather than of individuals, that is the presumed creator of advanced civilization. And it is in war, rather than in peace, that a State is judged to demonstrate its true worth and potential. [\*22] How easily humankind still gives itself to the new gods. Promised relief from the most terrifying of possibilities -- death and disappearance -- our species regularly surrenders itself to formal structures of power and immunity. Ironically, such surrender brings about an enlargement of the very terrors that created the new gods in the first place, but we surrender nonetheless. In the words of William Reich, we lay waste to ourselves by embracing the "political plague-mongers," a necrophilous partnership that promises purity and vitality through the killing of "outsiders."

## Case

### solvency

**A right to strike is circumvented through crackdown 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. – turns case**

**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.

#### Reject their IL on the climate advantage – we need a movement not just Kazakhstan burning a bit fewer fuels

#### Reject their IL on ag – foreign investment still exists everywhere else besides Kazakhstan so that shouldn’t be an issue

### turns

#### Nuke war wouldn’t cause extinction---BUT, industrial civilization wouldn’t recover.

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Imagine that the world as we know it ends tomorrow. There’s a global catastrophe: a pandemic virus, an asteroid strike, or perhaps a nuclear holocaust. The vast majority of the human race perishes. Our civilisation collapses. The post-apocalyptic survivors find themselves in a devastated world of decaying, deserted cities and roving gangs of bandits looting and taking by force. Bad as things sound, that’s not the end for humanity. We bounce back. Sooner or later, peace and order emerge again, just as they have time and again through history. Stable communities take shape. They begin the agonising process of rebuilding their technological base from scratch. But here’s the question: how far could such a society rebuild? Is there any chance, for instance, that a post-apocalyptic society could reboot a technological civilisation? Let’s make the basis of this thought experiment a little more specific. Today, we have already consumed the most easily drainable crude oil and, particularly in Britain, much of the shallowest, most readily mined deposits of coal. Fossil fuels are central to the organisation of modern industrial society, just as they were central to its development. Those, by the way, are distinct roles: even if we could somehow do without fossil fuels now (which we can’t, quite), it’s a different question whether we could have got to where we are without ever having had them. So, would a society starting over on a planet stripped of its fossil fuel deposits have the chance to progress through its own Industrial Revolution? Or to phrase it another way, what might have happened if, for whatever reason, the Earth had never acquired its extensive underground deposits of coal and oil in the first place? Would our progress necessarily have halted in the 18th century, in a pre-industrial state? It’s easy to underestimate our current dependence on fossil fuels. In everyday life, their most visible use is the petrol or diesel pumped into the vehicles that fill our roads, and the coal and natural gas which fire the power stations that electrify our modern lives. But we also rely on a range of different industrial materials, and in most cases, high temperatures are required to transform the stuff we dig out of the ground or harvest from the landscape into something useful. You can’t smelt metal, make glass, roast the ingredients of concrete, or synthesise artificial fertiliser without a lot of heat. It is fossil fuels – coal, gas and oil – that provide most of this thermal energy. In fact, the problem is even worse than that. Many of the chemicals required in bulk to run the modern world, from pesticides to plastics, derive from the diverse organic compounds in crude oil. Given the dwindling reserves of crude oil left in the world, it could be argued that the most wasteful use for this limited resource is to simply burn it. We should be carefully preserving what’s left for the vital repertoire of valuable organic compounds it offers. But my topic here is not what we should do now. Presumably everybody knows that we must transition to a low-carbon economy one way or another. No, I want to answer a question whose interest is (let’s hope) more theoretical. Is the emergence of a technologically advanced civilisation necessarily contingent on the easy availability of ancient energy? Is it possible to build an industrialised civilisation without fossil fuels? And the answer to that question is: maybe – but it would be extremely difficult. Let’s see how. We’ll start with a natural thought. Many of our alternative energy technologies are already highly developed. Solar panels, for example, represent a good option today, and are appearing more and more on the roofs of houses and businesses. It’s tempting to think that a rebooted society could simply pick up where we leave off. Why couldn’t our civilisation 2.0 just start with renewables? Well, it could, in a very limited way. If you find yourself among the survivors in a post-apocalyptic world, you could scavenge enough working solar panels to keep your lifestyle electrified for a good long while. Without moving parts, photovoltaic cells require little maintenance and are remarkably resilient. They do deteriorate over time, though, from moisture penetrating the casing and from sunlight itself degrading the high-purity silicon layers. The electricity generated by a solar panel declines by about 1 per cent every year so, after a few generations, all our hand-me-down solar panels will have degraded to the point of uselessness. Then what? New ones would be fiendishly difficult to create from scratch. Solar panels are made from thin slices of extremely pure silicon, and although the raw material is common sand, it must be processed and refined using complex and precise techniques – the same technological capabilities, more or less, that we need for modern semiconductor electronics components. These techniques took a long time to develop, and would presumably take a long time to recover. So photovoltaic solar power would not be within the capability of a society early in the industrialisation process. Perhaps, though, we were on the right track by starting with electrical power. Most of our renewable-energy technologies produce electricity. In our own historical development, it so happens that the core phenomena of electricity were discovered in the first half of the 1800s, well after the early development of steam engines. Heavy industry was already committed to combustion-based machinery, and electricity has largely assumed a subsidiary role in the organisation of our economies ever since. But could that sequence have run the other way? Is there some developmental requirement that thermal energy must come first? On the face of it, it’s not beyond the bounds of possibility that a progressing society could construct electrical generators and couple them to simple windmills and waterwheels, later progressing to wind turbines and hydroelectric dams. In a world without fossil fuels, one might envisage an electrified civilisation that largely bypasses combustion engines, building its transport infrastructure around electric trains and trams for long-distance and urban transport. I say ‘largely’. We couldn’t get round it all together. When it comes to generating the white heat demanded by modern industry, there are few good options but to burn stuff. While the electric motor could perhaps replace the coal-burning steam engine for mechanical applications, society, as we’ve already seen, also relies upon thermal energy to drive the essential chemical and physical transformations it needs. How could an industrialising society produce crucial building materials such as iron and steel, brick, mortar, cement and glass without resorting to deposits of coal? You can of course create heat from electricity. We already use electric ovens and kilns. Modern arc furnaces are used for producing cast iron or recycling steel. The problem isn’t so much that electricity can’t be used to heat things, but that for meaningful industrial activity you’ve got to generate prodigious amounts of it, which is challenging using only renewable energy sources such as wind and water. An alternative is to generate high temperatures using solar power directly. Rather than relying on photovoltaic panels, concentrated solar thermal farms use giant mirrors to focus the sun’s rays onto a small spot. The heat concentrated in this way can be exploited to drive certain chemical or industrial processes, or else to raise steam and drive a generator. Even so, it is difficult (for example) to produce the very high temperatures inside an iron-smelting blast furnace using such a system. What’s more, it goes without saying that the effectiveness of concentrated solar power depends strongly on the local climate. No, when it comes to generating the white heat demanded by modern industry, there are few good options but to burn stuff. But that doesn’t mean the stuff we burn necessarily has to be fossil fuels. Let’s take a quick detour into the pre-history of modern industry. Long before the adoption of coal, charcoal was widely used for smelting metals. In many respects it is superior: charcoal burns hotter than coal and contains far fewer impurities. In fact, coal’s impurities were a major delaying factor on the Industrial Revolution. Released during combustion, they can taint the product being heated. During smelting, sulphur contaminants can soak into the molten iron, making the metal brittle and unsafe to use. It took a long time to work out how to treat coal to make it useful for many industrial applications. And, in the meantime, charcoal worked perfectly well. And then, well, we stopped using it. In retrospect, that’s a pity. When it comes from a sustainable source, charcoal burning is essentially carbon-neutral, because it doesn’t release any new carbon into the atmosphere – not that this would have been a consideration for the early industrialists. But charcoal-based industry didn’t die out altogether. In fact, it survived to flourish in Brazil. Because it has substantial iron deposits but few coalmines, Brazil is the largest charcoal producer in the world and the ninth biggest steel producer. We aren’t talking about a cottage industry here, and this makes Brazil a very encouraging example for our thought experiment. The trees used in Brazil’s charcoal industry are mainly fast-growing eucalyptus, cultivated specifically for the purpose. The traditional method for creating charcoal is to pile chopped staves of air-dried timber into a great dome-shaped mound and then cover it with turf or soil to restrict airflow as the wood smoulders. The Brazilian enterprise has scaled up this traditional craft to an industrial operation. Dried timber is stacked into squat, cylindrical kilns, built of brick or masonry and arranged in long lines so that they can be easily filled and unloaded in sequence. The largest sites can sport hundreds of such kilns. Once filled, their entrances are sealed and a fire is lit from the top. The skill in charcoal production is to allow just enough air into the interior of the kiln. There must be enough combustion heat to drive out moisture and volatiles and to pyrolyse the wood, but not so much that you are left with nothing but a pile of ashes. The kiln attendant monitors the state of the burn by carefully watching the smoke seeping out of the top, opening air holes or sealing with clay as necessary to regulate the process. Brazil shows how the raw materials of modern civilisation can be supplied without reliance on fossil fuels Good things come to those who wait, and this wood pyrolysis process can take up to a week of carefully controlled smouldering. The same basic method has been used for millennia. However, the ends to which the fuel is put are distinctly modern. Brazilian charcoal is trucked out of the forests to the country’s blast furnaces where it is used to transform ore into pig iron. This pig iron is the basic ingredient of modern mass-produced steel. The Brazilian product is exported to countries such as China and the US where it becomes cars and trucks, sinks, bathtubs, and kitchen appliances. Around two-thirds of Brazilian charcoal comes from sustainable plantations, and so this modern-day practice has been dubbed ‘green steel’. Sadly, the final third is supplied by the non-sustainable felling of primary forest. Even so, the Brazilian case does provide an example of how the raw materials of modern civilisation can be supplied without reliance on fossil fuels. Another, related option might be wood gasification. The use of wood to provide heat is as old as mankind, and yet simply burning timber only uses about a third of its energy. The rest is lost when gases and vapours released by the burning process blow away in the wind. Under the right conditions, even smoke is combustible. We don’t want to waste it. Better than simple burning, then, is to drive the thermal breakdown of the wood and collect the gases. You can see the basic principle at work for yourself just by lighting a match. The luminous flame isn’t actually touching the matchwood: it dances above, with a clear gap in between. The flame actually feeds on the hot gases given off as the wood breaks down in the heat, and the gases combust only once they mix with oxygen from the air. Matches are fascinating when you look at them closely. Wartime gasifier cars could achieve about 1.5 miles per kilogram. Today’s designs improve upon this To release these gases in a controlled way, bake some timber in a closed container. Oxygen is restricted so that the wood doesn’t simply catch fire. Its complex molecules decompose through a process known as pyrolysis, and then the hot carbonised lumps of charcoal at the bottom of the container react with the breakdown products to produce flammable gases such as hydrogen and carbon monoxide. The resultant ‘producer gas’ is a versatile fuel: it can be stored or piped for use in heating or street lights, and is also suitable for use in complex machinery such as the internal combustion engine. More than a million gasifier-powered cars across the world kept civilian transport running during the oil shortages of the Second World War. In occupied Denmark, 95 per cent of all tractors, trucks and fishing boats were powered by wood-gas generators. The energy content of about 3 kg of wood (depending on its dryness and density) is equivalent to a litre of petrol, and the fuel consumption of a gasifier-powered car is given in miles per kilogram of wood rather than miles per gallon. Wartime gasifier cars could achieve about 1.5 miles per kilogram. Today’s designs improve upon this. But you can do a lot more with wood gases than just keep your vehicle on the road. It turns out to be suitable for any of the manufacturing processes needing heat that we looked at before, such as kilns for lime, cement or bricks. Wood gas generator units could easily power agricultural or industrial equipment, or pumps. Sweden and Denmark are world leaders in their use of sustainable forests and agricultural waste for turning the steam turbines in power stations. And once the steam has been used in their ‘Combined Heat and Power’ (CHP) electricity plants, it is piped to the surrounding towns and industries to heat them, allowing such CHP stations to approach 90 per cent energy efficiency. Such plants suggest a marvellous vision of industry wholly weaned from its dependency on fossil fuel. Is that our solution, then? Could our rebooting society run on wood, supplemented with electricity from renewable sources? Maybe so, if the population was fairly small. But here’s the catch. These options all presuppose that our survivors are able to construct efficient steam turbines, CHP stations and internal combustion engines. We know how to do all that, of course – but in the event of a civilisational collapse, who is to say that the knowledge won’t be lost? And if it is, what are the chances that our descendants could reconstruct it? In our own history, the first successful application of steam engines was in pumping out coal mines. This was a setting in which fuel was already abundant, so it didn’t matter that the first, primitive designs were terribly inefficient. The increased output of coal from the mines was used to first smelt and then forge more iron. Iron components were used to construct further steam engines, which were in turn used to pump mines or drive the blast furnaces at iron foundries. And of course, steam engines were themselves employed at machine shops to construct yet more steam engines. It was only once steam engines were being built and operated that subsequent engineers were able to devise ways to increase their efficiency and shrink fuel demands. They found ways to reduce their size and weight, adapting them for applications in transport or factory machinery. In other words, there was a positive feedback loop at the very core of the industrial revolution: the production of coal, iron and steam engines were all mutually supportive. In a world without readily mined coal, would there ever be the opportunity to test profligate prototypes of steam engines, even if they could mature and become more efficient over time? How feasible is it that a society could attain a sufficient understanding of thermodynamics, metallurgy and mechanics to make the precisely interacting components of an internal combustion engine, without first cutting its teeth on much simpler external combustion engines – the separate boiler and cylinder-piston of steam engines? It took a lot of energy to develop our technologies to their present heights, and presumably it would take a lot of energy to do it again. Fossil fuels are out. That means our future society will need an awful lot of timber. An industrial revolution without coal would be, at a minimum, very difficult In a temperate climate such as the UK’s, an acre of broadleaf trees produces about four to five tonnes of biomass fuel every year. If you cultivated fast-growing kinds such as willow or miscanthus grass, you could quadruple that. The trick to maximising timber production is to employ coppicing – cultivating trees such as ash or willow that resprout from their own stump, becoming ready for harvest again in five to 15 years. This way you can ensure a sustained supply of timber and not face an energy crisis once you’ve deforested your surroundings. But here’s the thing: coppicing was already a well-developed technique in pre-industrial Britain. It couldn’t meet all of the energy requirements of the burgeoning society. The central problem is that woodland, even when it is well-managed, competes with other land uses, principally agriculture. The double-whammy of development is that, as a society’s population grows, it requires more farmland to provide enough food and also greater timber production for energy. The two needs compete for largely the same land areas. We know how this played out in our own past. From the mid-16th century, Britain responded to these factors by increasing the exploitation of its coal fields – essentially harvesting the energy of ancient forests beneath the ground without compromising its agricultural output. The same energy provided by one hectare of coppice for a year is provided by about five to 10 tonnes of coal, and it can be dug out of the ground an awful lot quicker than waiting for the woodland to regrow. It is this limitation in the supply of thermal energy that would pose the biggest problem to a society trying to industrialise without easy access to fossil fuels. This is true in our post-apocalyptic scenario, and it would be equally true in any counterfactual world that never developed fossil fuels for whatever reason. For a society to stand any chance of industrialising under such conditions, it would have to focus its efforts in certain, very favourable natural environments: not the coal-island of 18th-century Britain, but perhaps areas of Scandinavia or Canada that combine fast-flowing streams for hydroelectric power and large areas of forest that can be harvested sustainably for thermal energy. Even so, an industrial revolution without coal would be, at a minimum, very difficult. Today, use of fossil fuels is actually growing, which is worrying for a number of reasons too familiar to rehearse here. Steps towards a low-carbon economy are vital. But we should also recognise how pivotal those accumulated reservoirs of thermal energy were in getting us to where we are. Maybe we could have made it the hard way. A slow-burn progression through the stages of mechanisation, supported by a combination of renewable electricity and sustainably grown biomass, might be possible after all. Then again, it might not. We’d better hope we can secure the future of our own civilisation, because we might have scuppered the chances of any society to follow in our wake.

#### Nuke war solves warming

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We finally have a solution for global warming. A discussion on the board [The Straight Dope](http://boards.straightdope.com/sdmb/showthread.php?t=646285) about the likely effect of a nuclear war brought up the hypothesis that a nuclear war on a large scale could produce a mini-nuclear winter. Why? Well, the dust and debris sent into the atmosphere by the conflagrations, plus the smoke produced by the fires started by the explosions would cover the sun for a period long enough to lower the temperature by as much as 40 degrees Celsius for a few months and by up to 2-6 degree Celsius for a few years. One on top of the other, according to this [Weather Wunderground contributor](http://www.wunderground.com/blog/JeffMasters/comment.html?entrynum=1208), who cites a[bona fide research paper on nuclear winter](http://www.atmos-chem-phys.org/7/2003/2007/acp-7-2003-2007.pdf), after everything would settle down we would be back to 1970s temperatures. Add to this the decline in industrial production and global oil consumption due to industrial denuding of most large nations and global warming simply goes away. I wonder what [Jonathan Swift would have thought about this proposal?](http://www.gutenberg.org/files/1080/1080-h/1080-h.htm)