## Off

### 1NC

#### Large and influential strikes are low now – their examples are outliers that don’t reflect the general trend

Nelson Lichtenstein Distinguished Professor in the Department of History at UCSB, where he directs the Center for the Study of Work, Labor, and Democracy, 10/28/21 – [“Are We Really Having a Strike Wave?”, https://news.bloomberglaw.com/daily-labor-report/are-we-really-having-a-strike-wave]//bread

Reports of a resurgent union movement and strike wave prompted by the pandemic are premature, argues Nelson Lichtenstein, a history professor at the University of California, Santa Barbara. He notes that about half the percentage of workers are unionized as 40 years ago—10%—when there were almost 20 times as many work stoppages in a year. There’s no doubt that millions of workers have hesitated to return to their old workplaces in a world where the Covid-19 pandemic still lingers. Wages are going up amidst this “labor shortage” and some unions have indeed chosen this season to bargain for better contracts and hit the picket line should employers prove recalcitrant. Things are a lot different today than a decade ago when a paltry government stimulus, mass unemployment, and a slow recovery made workers fear that any strike would just serve as an excuse for the employer to close the factory or import scabs. The current strike wave is not, in fact, very large by historical standards. In 1979 there were 235 work stoppages involving more than 1,000 workers. So far this year **there have been just 12**. There just aren’t that many people enrolled in a trade union, slightly over 10 percent of the working population today, down by half in the years since Ronald Reagan opened the door to contemporary management’s fierce anti-unionism by breaking a strike of air traffic controllers in 1981. A Mood Shift Forty years on, the public mood is much different. Last winter scores of eager young journalists descended upon Bessemer, Alabama to cover the union effort there to organize an Amazon distribution center. And today there is a palpable expectation that the uptick in strikes and organizing efforts will lead to a revival of the American labor movement. That’s not just because so many “essential workers"—from hospital staff to checkout clerks—have generated so much heartfelt support. It’s also because liberals know that something is missing from the body politic, and that something is a labor movement of sufficient strength to not only raise wages at the work site, but wield the kind of political power that once made Midwestern Republicans willing to raise the minimum wage, vote for civil rights laws, and even increase social spending. If West Virginia had the union density today that it did at the start of Joe Manchin’s career, the mountain state would be solidly Democratic and its senior senator far more of an enthusiast for the social programs and tax-the-rich proposals he now scorns. Both liberal pundits and union activists are therefore anxious to conjure up a strike wave out of the new-found militancy on offer. On the picket lines at John Deere, where 10,000 workers are on strike and among the[60,000 studio crew that just averted a strike](https://news.bloomberglaw.com/daily-labor-report/hollywood-studios-reach-new-labor-agreement-avoiding-strike-1), a radical, self-confident spirit has been unleashed. And from President Joe Biden on down, a lot of Democrats are finally saying, “We don’t want just free and fair collective bargaining, a balanced table. We want labor to win!” Employers Raise Wages, Resist Organizing The problem is that employers are not dumb. They have been raising wages all over the place to retain a workforce—you can get $19 an hour just by walking in the door at Amazon, and even Dollar General is paying more than minimum wage. But they resist the actual organization of their workers into a functional union. They deploy all the economic power, legal talent, and law-breaking [necessary to preserve managerial authoritarianism](https://www.engadget.com/amazon-union-labor-relations-settlement-alabama-141059373.html). In Buffalo, N.Y., when workers at four Starbucks made public their effort to win a National Labor Relations Board election, regional managers and “trainers,” all earning many times more than the embattled baristas, [poured into the stores](https://www.nytimes.com/2021/10/18/business/economy/starbucks-union-buffalo.html), intimidating by their very presence. Non-union workers, no matter how aggrieved, do not go on strike. They can quit their job, even walk out together for a shift or two, but in the absence of some independent organization, and that is almost always a trade union, their protest soon dissolves. Virtually every strike in today’s headlines, from that of the agricultural implement workers in Iowa, to the coal miners in Alabama, and the studio crews in Hollywood, are members of unions formed 80 years ago in the Great Depression. It does not matter if the union was once radical or conservative, **organization is essential** to any sustained and potent worker protest. And once the strike is over, that same organization does not fade away. It stays right there in management’s face, policing the contract, mobilizing the workers, lobbying politicians, and preparing for the next contract fight. Strikes Require Workers Who Are Organized So, **we aren’t having a strike wave**. We sorely need one, but that first requires the unionization of millions of new workers. Congress needs to pass the Protecting the Right to Organize Act. But even more important, the reawakening of an insurgent spirit requires much worker and citizen action. So, let’s therefore remember the words of Joe Hill, the radical troubadour, just before he was executed by a firing squad in 1915: “Don’t mourn – Organize!”

#### An unconditional right to strike would encourage workers to utilize extreme strikes, hurting industries across the board.

Ahmed White, University of Colorado Law School, 2018 – [“Its Own Dubious Battle: The Impossible Defense of an Effective Right to Strike”, https://scholar.law.colorado.edu/cgi/viewcontent.cgi?article=2369&context=articles]//bread

As an exercise in statutory construction and administration, Mackay Radio makes no sense; but as a defense of property rights it makes all the sense in the world. One way to see this is to consider what would have happened had the Court decided the matter in a fundamentally different way. If employers were barred from replacing economic strikers, it seems likely that strikes would have proliferated to an extraordinary extent, as workers could at least plausibly have expected to be able to strike under **a broad array of circumstances** and yet be **restored to their jobs no matter the outcome**. But precisely because such a doctrine would have given workers so much power, Congress would almost certainly have stepped in with its own rule, codifying employers’ right to permanently replace striking workers and bringing this to an end. Ultimately, it is difficult to imagine a much more liberal alternative to the Mackay Radio rule surviving for very long—a point that also draws support from labor’s failure to repeal the rule in Congress in the early 1990s.304 A simple exercise in counterfactual speculation bears similar fruit in regard to other, more basic, limitations on the right to strike, including those imposed relative to sit-down strikes, mass picketing, and secondary boycotts. Shrill and self-interested though it was, all the testimony from employers and their allies during the hearings on Taft Hartley or Landrum-Griffin about the perils posed by these tactics, was fundamentally correct. For were workers able to make unfettered use of sit-down strikes, mass picketing, and general strikes and sympathy walkouts, they could have very much challenged the sovereignty of capitalists in and about the workplace, and with this the bedrock institutions and norms of liberal society. As Jim Pope puts it, Charles Evans Hughes’ opinion in Fansteel established the maxim that “the employer could violate the workers’ statutory rights without sacrificing its property rights, while the workers could not violate the employer’s property rights without sacrificing their statutory rights.”305 This is unquestionably true. But equally unquestionable is that neither this court nor any other important arbiter of legal rights in this country was ever prepared to endorse the contrary view that property rights might be sufficiently subordinate to labor rights as to justify the kinds of tactics by which workers could routinely defeat powerful employers on the fields of industrial conflict. Significantly, there is no reason to believe that any of this has changed or is poised to change today. Quite the contrary: In a culture and political system more immersed than ever in the veneration of order and control, mediated by criminal law and police work, by the celebration of property rights, and by a readiness to punish violence, it is all but unthinkable that the courts or the NLRB would deign to give legal sanction to workers to engage in any sustained way in the kinds of tactics that might make going on strike a worthwhile thing to do.

#### Violent and longer strikes hurt the stock market, investors perceive them to be significantly important

John Dinardo and Kevin F. Hallock, 2002 – [“When Unions "Mattered": The Impact of Strikes on Financial Markets, 1925-1937”, \*John Dinardo is Professor of Economics and Pub- lic Policy, University of Michigan, and Kevin F. Hallock is Associate Professor of Economics and of Labor and Industrial Relations, University of Illinois at Urbana- Champaign, https://www.jstor.org/stable/2696206]//bread

Concluding Comments The primary aim of this work has been to investigate the effect of strikes on industry stock prices at a time when unions were rapidly evolving. In contrast to recent work on the subject that has used data from the recent past, we have examined a period of time when changes in the level of unionization were more important. One advantage of this focus is that it is easier to measure the effect of "large changes" than it is to detect small changes in the current era of declining unionization. The time between the World Wars was particularly important in the history of unionization. Unlike most recent strikes, during that earlier period many strikes were an attempt by workers to change the "terms of trade" between workers and employers. Our empirical approach melds two previous literatures: in one, the effects of strikes on industry-wide measures of out- put, such as inventories, are studied, and in the second, a standard "event study" approach is used to examine the relationship between strikes and individual firm stock valuations. We develop a data set with an unusually rich set of characteristics for each of the strikes for the time period 1925-37 and combine this information with stock return data. We use a very parsimonious model that helps provide one consistent interpretation of our results. On a descriptive level, we find that strikes had large negative effects on industry stock valuation. In addition, longer strikes, violent strikes, strikes won by the union, strikes leading to union recognition, industry-wide strikes, and strikes that led to wage in- creases affected industry stock prices more negatively than strikes with other characteristics. We also examine industry stock price movements around the start and the end of the strike. It seems that "news" about the strike was revealed early and, in fact, there is some evidence that investors were able to predict strike outcomes. How- ever, we do find larger reactions to some news that could only be completely revealed at the end of the strike (for example, worker wage changes). The generally asymmetric response of stock prices to wins and losses is consistent with our expectations. Our analysis suggests that financial markets viewed union victories in the interwar period as **very important determinants** of the share of firm profits going to stockholders.

#### Stock market collapse leads to full recession.

Miao et al. 12 (Jianjun Miao† , Pengfei Wang‡ , and Lifang Xu§. †Department of Economics, Boston University ‡Department of Economics, Hong Kong University of Science and Technology, §Department of Economics, Hong Kong University of Science and Technology, “Stock Market Bubbles and Unemployment”, https://pdfs.semanticscholar.org/51ee/14529d89b630638b0ca428e929f56d7f3b48.pdf)

This paper provides a theoretical study that links unemployment to the stock market bubbles and crashes. Our theory is based on three observations from the U.S. labor, credit, and stock markets. First, the U.S. stock market has experienced booms and busts and these large swings may not be explained entirely by fundamentals. Shiller (2005) documents extensive evidence on the U.S. stock market behavior and argues that many episodes of stock market booms are attributed to speculative bubbles. Second, the stock market booms and busts are often accompanied by the credit market booms and busts. A boom is often driven by a rapid expansion of credit to the private sector accompanied by rising asset prices. Following the boom phase, asset prices collapse and a credit crunch arises. This leads to a large fall in investment and consumption and an economic recession may follow.1 Third, the stock market and unemployment are highly correlated.2 Figure 1. plots the post-war U.S. monthly data of the price-earnings ratio (the real Standard and Poor’s Composite Stock Price Index divided by the ten-year moving average real earnings on the index) constructed by Robert Shiller and the unemployment rate downloaded from the Bureau of Labor Statistics (BLS).3 This figure shows that, during recessions, the stock price fell and the unemployment rate rose. In particular, during the recent Great Recession, the unemployment rate rose from 5.0 percent at the onset of the recession to a peak of 10.1 percent in October 2009, while the stock market fell by more than 50 percent from October 2007 to March 2009. [Insert Figure 1 Here.] Motivated by the preceding observations, we build a search model with credit constraints, based on Blanchard and Gali (2010). The Blanchard and Gali model is isomorphic to the Diamond-Mortensen-Pissarides (DMP) search and matching model of unemployment (Diamond (1982), Mortensen (1982), and Pissarides (1985)). Our key contribution is to introduce credit constraints in a way similar to Miao and Wang (2011a,b,c, 2012a,b).4 The presence of this type of credit constraints can generate a stock market bubble through a positive feedback loop mechanism. The intuition is the following: When investors have optimistic beliefs about the stock market value of a firm’s assets, the firm wants to borrow more using its assets as collateral. Lenders are willing to lend more in the hope that they can recover more if the firm defaults. Then the firm can finance more investment and hiring spending. This generates higher firm value and justifies investors’ initial optimistic beliefs. Thus, a high stock market value of the firm can be sustained in equilibrium. There is another equilibrium in which no one believes that firm assets have a high value. In this case, the firm cannot borrow more to finance investment and hiring spending. This makes firm value indeed low, justifying initial pessimistic beliefs. We refer to the first type of equilibrium as the bubbly equilibrium and to the second type as the bubbleless equilibrium. Both types can coexist due to self-fulfilling beliefs. In the bubbly equilibrium, firms can hire more workers and hence the market tightness is higher, compared to the bubbleless equilibrium. In addition, in the bubbly equilibrium, an unemployed worker can find a job more easily (i.e., the job-finding rate is higher) and hence the unemployment rate is lower. [Insert Figure 2 Here.] After analyzing these two types of equilibria, we follow Weil (1987), Kocherlakota (2009) and Miao and Wang (2011a,b,c, 2012a,b) and introduce a third type of equilibrium with stochastic bubbles. Agents believe that there is a small probability that the stock market bubble may burst. After the burst of the bubble, it cannot re-emerge by rational expectations. We show that this shift of beliefs can also be self-fulfilling. After the burst of the bubble, the economy enters a recession with a persistent high unemployment rate. The intuition is the following. After the burst of the bubble, the credit constraints tighten, causing firms to reduce investment and hiring. An unemployed worker is then harder to find a job, generating high unemployment. Our model can help explain the high unemployment during the Great Recession. Figures 2 and 3 plot the hires rate and the job-finding rate from the first month of 2001 to the last month of 2011 using the Job Openings and Labor Turnover Survey (JOLTS) data set.5 These figures reveal that both the job-finding rate and the hires rate fell sharply following the stock market crash during the Great Recession. In particular, the hires rate and the job-finding rate fell from 4.4 percent and 0.7, respectively, at the onset of the recession to about 3.1 percent and 0.25, respectively, in the end of the recession.

#### Economic crisis causes nuke war---strong statistical support

Royal 10 – Jedediah Royal, Director of Cooperative Threat Reduction at the U.S. Department of Defense, 2010, “Economic Integration, Economic Signaling and the Problem of Economic Crises,” in Economics of War and Peace: Economic, Legal and Political Perspectives, ed. Goldsmith and Brauer, p. 213-215

Less intuitive is how periods of economic decline may increase the likelihood of external conflict. Political science literature has contributed a moderate degree of attention to the impact of economic decline and the security and defence behaviour of interdependent states. Research in this vein has been considered at systemic, dyadic and national levels. Several notable contributions follow.¶ First, on the systemic level, Pollins (2008) advances Modelski and Thompson's (1996) work on leadership cycle theory, finding that rhythms in the global economy are associated with the rise and fall of a pre-eminent power and the often bloody transition from one pre-eminent leader to the next. As such, exogenous shocks such as economic crises could usher in a redistribution of relative power (see also Gilpin. 1981) that leads to uncertainty about power balances, increasing the risk of miscalculation (Feaver, 1995). Alternatively, even a relatively certain redistribution of power could lead to a permissive environment for conflict as a rising power may seek to challenge a declining power (Werner. 1999). Separately, Pollins (1996) also shows that global economic cycles combined with parallel leadership cycles impact the likelihood of conflict among major, medium and small powers, although he suggests that the causes and connections between global economic conditions and security conditions remain unknown.¶ Second, on a dyadic level, Copeland's (1996, 2000) theory of trade expectations suggests that 'future expectation of trade' is a significant variable in understanding economic conditions and security behaviour of states. He argues that interdependent states are likely to gain pacific benefits from trade so long as they have an optimistic view of future trade relations. However, if the expectations of future trade decline, particularly for difficult to replace items such as energy resources, the likelihood for conflict increases, as states will be inclined to use force to gain access to those resources. Crises could potentially be the trigger for decreased trade expectations either on its own or because it triggers protectionist moves by interdependent states.4¶ Third, others have considered the link between economic decline and external armed conflict at a national level. Blomberg and Hess (2002) find a strong correlation between internal conflict and external conflict, particularly during periods of economic downturn. They write:¶ The linkages between internal and external conflict and prosperity are strong and mutually reinforcing. Economic conflict tends to spawn internal conflict, which in turn returns the favour. Moreover, the presence of a recession tends to amplify the extent to which international and external conflicts self-reinforce each other. (Blomberg & Hess, 2002. p. 89)¶ Economic decline has also been linked with an increase in the likelihood of terrorism (Blomberg, Hess, & Weerapana, 2004), which has the capacity to spill across borders and lead to external tensions.¶ Furthermore, crises generally reduce the popularity of a sitting government. “Diversionary theory" suggests that, when facing unpopularity arising from economic decline, sitting governments have increased incentives to fabricate external military conflicts to create a 'rally around the flag' effect. Wang (1996), DeRouen (1995). and Blomberg, Hess, and Thacker (2006) find supporting evidence showing that economic decline and use of force are at least indirectly correlated. Gelpi (1997), Miller (1999), and Kisangani and Pickering (2009) suggest that the tendency towards diversionary tactics are greater for democratic states than autocratic states, due to the fact that democratic leaders are generally more susceptible to being removed from office due to lack of domestic support. DeRouen (2000) has provided evidence showing that periods of weak economic performance in the United States, and thus weak Presidential popularity, are statistically linked to an increase in the use of force.¶ In summary, recent economic scholarship positively correlates economic integration with an increase in the frequency of economic crises, whereas political science scholarship links economic decline with external conflict at systemic, dyadic and national levels.5 This implied connection between integration, crises and armed conflict has not featured prominently in the economic-security debate and deserves more attention.¶ This observation is not contradictory to other perspectives that link economic interdependence with a decrease in the likelihood of external conflict, such as those mentioned in the first paragraph of this chapter. Those studies tend to focus on dyadic interdependence instead of global interdependence and do not specifically consider the occurrence of and conditions created by economic crises. As such, the view presented here should be considered ancillary to those views.

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#### Counterplan text: A just government ought to recognize a conditional right of workers to strike. The right to strike ought to be conditional upon one’s profession, with all workers except healthcare workers being guaranteed an unconditional right to strike.

#### It’s competitive – a] the CP offers a conditional right, meaning it only applies in some instances, so it’s necessarily competitive and b] the plan defends all workers – 1ar clarification causes shiftiness that means we lose every time since we can’t generate new links in the 2nr.

#### Nurse strikes devastates hospitals

Wright 10 Sarah H. Wright July 2010 "Evidence on the Effects of Nurses' Strikes" <https://www.nber.org/digest/jul10/evidence-effects-nurses-strikes> (Researcher at National Bureau of Economic Research)

U.S. hospitals were excluded from collective bargaining laws for three decades longer than other sectors because of fears **that strikes by nurses might imperil patients' health**. Today, while unionization has been declining in general, it is growing rapidly in hospitals, with the number of unionized workers rising from 679,000 in 1990 to nearly one million in 2008. In Do Strikes Kill? Evidence from New York State (NBER Working Paper No. 15855), co-authors Jonathan Gruber and Samuel Kleiner carefully examine the effects of nursing strikes on patient care and outcomes. The researchers match data on nurses' strikes in New York State from 1984 to 2004 to data on hospital discharges, including information on treatment intensity, patient mortality, and hospital readmission. They conclude that nurses' strikes were **costly to hospital patients**: in-hospital mortality **increased by 19.4 percent** and hospital readmissions **increased by 6.5 percen**t for patients admitted during a strike. Among their sample of 38,228 such patients, an estimated **138 more individuals died than would have without a stri**ke, and 344 more patients were readmitted to the hospital than if there had been no strike. "Hospitals functioning during nurses' strikes **do so at a lower quality of patient care,"** they write. Still, at hospitals experiencing strikes, the measures of treatment intensity -- that is, the length of hospital stay and the number of procedures performed during the patient's stay -- show no significant differences between striking and non-striking periods. Patients appear to receive the same intensity of care during union work stoppages as during normal hospital operations. Thus, the poor outcomes associated with strikes suggest that they might reduce hospital productivity. These poor health outcomes increased for both emergency and non-emergency hospital patients, even as admissions of both groups decreased by about 28 percent at hospitals with strikes. The poor health outcomes were not apparent either before or after the strike in the striking hospitals, suggesting that they are attributable to the strike itself. And, the poor health outcomes do not appear to do be due to different types of patients being admitted during strike periods, because patients admitted during a strike are very similar to those admitted during other periods. Hiring replacement workers apparently does not help: hospitals that hired replacement workers **performed no better** during strikes than those that did not hire substitute employees. In each case, patients with conditions that required intensive nursing were more likely to fare worse in the presence of nurses' strikes.

#### Hospitals are the critical internal link for pandemic preparedness.

Al Thobaity 20, Abdullelah, and Farhan Alshammari. "Nurses on the frontline against the COVID-19 pandemic: an Integrative review." Dubai Medical Journal 3.3 (2020): 87-92. (Associate Professor of Nursing at Taif University)

The majority of infected or symptomatic people seek medical treatment in medical facilities, particularly hospitals, as a high number of cases, especially those in critical condition, will have an impact on hospitals [4]. The concept of hospital resilience in disaster situations is defined as the ability to recover from the damage caused by huge disturbances quickly [2]. The resilience of hospitals to pandemic cases depends on the preparedness of the institutions, and not all hospitals have the same resilience. A lower resilience will affect the **sustainability of the health services**. This also affects healthcare providers such as doctors, nurses, and allied health professionals [5, 6]. Despite the impact on healthcare providers, excellent management of a pandemic depends on the level of **preparedness of healthcare providers, including nurses**. This means that if it was impossible to be ready before a crisis or disaster, responsible people will do all but the impossible to save lives.

#### Independently, profit motive is key to solving pandemics.

Jackson 16 Kerry Jackson 12-19-2016 “Free Market Policies Needed To Incentivize Creation Of New Life-Saving Treatments” <https://www.pacificresearch.org/article/free-market-policies-needed-to-incentivize-creation-of-new-life-saving-treatments/> (Researcher at the Pacific Research Institute)

“Our strongest antibiotics don’t work and patients are left with potentially untreatable infections,” Director Dr. Tom Frieden said when the CDC issued its warning. He asked doctors, hospitals and public health officials to “work together” to “stop these infections from spreading.” The 2014 Report to the President expressed a similar concern: “The evolution of antibiotic resistance is now occurring at an alarming rate and is outpacing the development of new countermeasures capable of thwarting infections in humans. This situation threatens patient care, economic growth, public health, agriculture, economic security and national security.” For those thinking this sort of thing shouldn’t be happening when medical science is more advanced than can almost be conceived, be assured that it is. And unless there are public policy interventions, it’s likely to get worse. “More and more microorganisms will continue to gain resistance to the current drug therapies because (antimicrobial resistance, or AMR) is basic evolution,” Wayne Winegarden writes in the Pacific Research Institute’s newly-released report “Incenting the Development of Antimicrobial Medicines to Address the Problem of Drug-Resistant Infections.” The International Federation of Pharmaceutical Manufacturers says the problem is caused by “a dearth of new antibiotic medicines.” At the same time that there’s been an increase in AMR, there has been “a sharp decline in the development of new antibiotic medicines.” The group reports that only two new classes of antibiotics have been discovered in the last three decades compared to 11 in the previous 50 years. The answers to many medical problems are still not within reach of researchers. But the hazards of AMR can be diminished. Winegarden suggests we begin with public health campaigns that encourage handwashing, which he calls a highly effective and low-cost way to reduce the spread of infection. He further recommends policy that would address the problem of antibiotic overuse and greater use of vaccines to cut the incidents of infection. But Winegarden’s primary concern is establishing the correct incentives for developing new antimicrobial medicines that would be effective against AMR microorganisms. He’s specifically referring to policies “based on a thorough understanding of the disincentives that are currently inhibiting their development.” “These disincentives are well-recognized,” he writes. “Despite the medical need, and despite the generally strong return on investment for many other drug classes, the return on investment for developing new antimicrobial medicines (particularly antibiotics) is too low.” Producing a new drug is a grinding and expensive endeavor. It can take 10 to 15 years to develop a single prescription drug that is introduced to the market, and a company can spend as much as $5.5 billion on research and development for each medication that is eventually approved and prescribed. Less than 2 percent of all projects launched to create new drugs succeed. This is not an environment in which pharmaceutical companies can get too amped up about pursuing new treatments. Yet new drug approvals increased over the last decade. Don’t look for a surge of antimicrobial drugs in that pipeline, though. Winegarden says that particular drug class is among several that “face unique impediments” that serve as disincentives for innovation. To overcome the steep hill that impedes the development of new AMR drugs, lawmakers must implement policies that unleash the incentives of the free market. Policymakers also should look at the 1983 federal Orphan Drug Act and its market-oriented reforms that increased the number of drugs developed to treat rare diseases. More than 400 have been introduced to the market since the law was enacted, compared to fewer than 10 in the 1970s. Put another way, government needs to remove its anchors from the process and let the market do what it does so well. In this case, that’s restoring patients’ health, enriching innovative companies that create jobs, and inspiring biotech start-ups such as the group of Stanford undergraduates that has been capitalized to develop new antibiotics. If the proper incentives are in place, the needed treatments will follow.

#### New Pandemics are deadlier and faster are coming – COVID is just the beginning

Antonelli 20 Ashley Fuoco Antonelli 5-15-2020 <https://www.advisory.com/daily-briefing/2020/05/15/weekly-line> "Weekly line: Why deadly disease outbreaks could become more common—even after Covid-19" (Associate Editor — American Health Line)

While the new coronavirus pandemic suddenly took the world by storm, the truth is public health experts for years have warned that a virus similar to the new coronavirus would cause the next pandemic—and they say **deadly infectious disease outbreaks could become more common**. Infectious disease experts are always on the lookout for the next pandemic, and in a report published two years ago, researchers from the Johns Hopkins Bloomberg School of Public Health **predicted that the pathogen most likely to cause the next pandemic would be a virus similar to the common cold**. Specifically, the researchers predicted that the pathogen at fault for the next pandemic would be: A microbe for which people have not yet **developed immunities**, meaning that a large portion of the human population would be susceptible to infection; Contagious during the so-called "incubation period"—the time when people are infected with a pathogen but are not yet showing symptoms of the infection or are showing only mild symptoms; and Resistant to any known prevention or treatment methods. The researchers also concluded that such a pathogen would have a "low but significant" fatality rate, meaning the pathogen wouldn't kill human hosts fast enough to inhibit its spread. As **Amesh Adalja**—a senior scholar at the Johns Hopkins Center for Health Security, who led the report—told Live Science's Rachael Rettner at the time, "**It just has to make a lot of people sick" to disrupt society**. The researchers said RNA viruses—which include the common cold, influenza, and severe acute respiratory syndrome (or SARS, which is caused by a type of coronavirus)—fit that bill. And even though we had a good bit of experience dealing with common RNA viruses like the flu, Adalja at the time told Rettner that there were "a whole host of viral families that get very little attention when it comes to pandemic preparedness." Not even two years later, the new coronavirus, which causes Covid-19, emerged and quickly spread throughout the world, reaching pandemic status in just a few months. To date, officials have reported more than 4.4 million cases of Covid-19 and 302,160 deaths tied to the new coronavirus globally. In the United States, the number of reported Covid-19 cases has reached more than 1.4 million and the number of reported deaths tied to the new coronavirus has risen to nearly 86,000 in just over three months. Although public health experts had warned about the likelihood of a respiratory-borne RNA virus causing the next global pandemic, many say the world was largely unprepared to handle this type of infectious disease outbreak. And as concerning as that revelation may be on its own, **perhaps even more worrisome is that public health experts predict life-threatening infectious disease outbreaks are likely to become more common—meaning we could be susceptible to another pandemic in the future**. Why experts think deadly infectious disease outbreaks could become more common As the Los Angeles Times's Joshua Emerson Smith notes, infectious disease experts for more than ten years now have noted that "[o]utbreaks of dangerous new diseases with the potential to become pandemics have been on the rise—from HIV to swine flu to SARS to Ebola." For instance, a report published in Nature in 2008 found that **the number of emerging infectious disease events that occurred in the 1990s was more than three times higher than it was in the 1940s**. Many experts believe the recent increase in infectious disease outbreaks is tied to human behaviors that disrupt the environment, "such as **deforestation and poaching**," which have led "to increased contact between highly mobile, urbanized human populations and wild animals," Emerson Smith writes. In the 2008 report, for example, researchers noted that about 60% of 355 emerging infectious disease events that occurred over a 50-year period could be largely linked to wild animals, livestock, and, to a lesser extent, pets. Now, researchers believe the new coronavirus first jumped to humans from animals at a wildlife market in Wuhan, China. Along those same lines, some experts have argued that global climate change has driven an increase in infectious diseases—and could continue to do so. A federally mandated report released by the U.S. Global Change Research Program in 2018 warned that warmer temperatures could expand the geographic range covered by disease-carrying insects and pests, which could result in more Americans being exposed to ticks carrying Lyme disease and mosquitos carrying the dengue, West Nile, and Zika viruses. And experts now say continued warming in global temperatures, deforestation, and other environmentally disruptive behaviors have broadened that risk by bringing more people into contact with disease-carrying animals. Further, experts note that infectious diseases today are able to spread much faster and farther than they could decades ago because of increasing globalization and travel. While some have suggested the Covid-19 pandemic could stifle that trend, others argue globalization is likely to continue—meaning so could infectious diseases' far spread.

### 1NC

#### Advocacy – We affirm an unconditional right of workers to strike. To Clarify – this is a PIK out of their demand for legal government recognition.

#### The Net Benefit is De-Radicalization. Legally recognizing the right to strike renders it ineffective by de-radicalizing movements, decks solvency and turns case.

White 18 (, A., 2018. Its Own Dubious Battle: The Impossible Defense of an Effective Right to Strike. [online] Colorado Law Scholarly Commons. Available at: <https://scholar.law.colorado.edu/articles/1261/> [Accessed 7 November 2021] Ahmed White is the Nicholas Rosenbaum Professor of Law. Before arriving at the University of Colorado, he was a visitor at Northwestern University in 1999. He has also taught at Villanova Law School. Earlier in his career, Professor White's research focused heavily on the fate of rule of law norms and the rule of law concept in capitalist society, and on the role of criminal law and punishment as mechanisms of social control of the working class. More recently, Professor White's scholarship has taken a more definite historical turn. Much of his work concerns the history of law and labor relations from the early Twentieth Century through the New Deal period, as well as the viability of a functional system of labor rights in liberal society. The subjects of many of his articles over the last decade or so, these themes are central to his recent, acclaimed book, The Last Great Strike: Little Steel, the CIO, and the Struggle for Labor Rights in New Deal America (Oakland: University of California, 2016). They also feature in his second book, tentatively titled The Romance and the Suffering: Law, Violence, and the Tragic Fate of Radical Industrial Unionism in Twentieth Century America, which will be published by the University of California Press in 2021.)-rahulpenu

The Wagner Act purported, for the first time in American history, to extend a definite, readily enforceable right to strike to most American workers. Not coincidentally, the years surrounding its enactment featured the most intense wave of labor conflict in the country’s history. When the statute became effective in 1937 (having been widely ignored by employers and blocked by hostile courts), the violence of strikes began to diminish, though not so much their frequency. For much of the period after the Second World War, strikes remained common even as they also became less ambitious in their aims and less militant in their conduct. Beginning about forty years ago, things changed again. Strikes suddenly became rare as well, to the point that workers today basically do not strike at all. From 1947 through 1976, the government documented an average of just over 300 “major work stoppages” (strikes and lockouts involving at least 1000 workers) every year; over the last decade, the annual average was only 14.10 Even the much-ballyhooed mini-strike wave of 2018 appears to be largely an illusion built on a combination of wishful thinking and a convenient misconstruction of a string of well-reported, and sometimes impressive, strikes, as a trend.11 In any event, militancy of the sort that was commonplace when Steinbeck wrote his book, along with the open strife and bloodshed that made the novel a work of undeniable realism, are nearly unheard of today. The waning of bloody battles may be a good thing. But there is not much to celebrate about the overall demise of strikes—not if you are a worker or care about the working class. For strikes are the most important mode of working class protest, the best way, it seems, for workers to directly challenge capitalist hegemony by their own hand, to alter the terms of exploitation if not to build a new world. As they have declined, so has the strength of the labor movement and, with this, the ability of workers to contest the power that employers wield over their work lives and economic fortunes. And so it is that with the demise of strikes, union representation has plummeted, wages have stagnated, economic inequality skyrocketed, and the everyday caprices and tyrannies of capitalist management have been entwined in the web of demeaning indignities, patronizing indulgences, and suffocating bureaucratic rules that define the contemporary workplace. Nevertheless, in most quarters the decline in strikes has been taken in stride, if noticed at all. For most people, **strikes** are hardly more than **historical** **relics** or quaint curiosities that seldom affect their daily lives or command much of their attention. Ironically, this is probably one reason the very modest labor conflict of the last year has been so **overcharacterized**. Once a preoccupation of newspaper editorialists, lawyers, and other commentators, a concern of government, and the subject of numerous hearings and reports, abundant litigation, and seemingly endless attempts at legislation, strikes are now **rarely** **of** **any** **interest** in any of these quarters. Where judges, politicians, and editorialists once worried greatly over how to deal with strikes of the kind that Steinbeck fictionalized, how to protect the economy (not to mention the interests of individual capitalists) from the disruptive effects of labor unrest, and sometimes how to preserve the ability of workers to strike in meaningful ways, their successors stand mute in the context of the near extinction of this form of protest. It has been two decades since Congress, which once grappled with these issues on a regular basis, has seriously confronted the question of strikes.12 Its last engagement with the right to strike attempts, in the early 1990s, to enact modest changes in the law relative to employers’ use of replacement workers during strikes. And even this effort, which collapsed in the mid 1990s, hardly seemed possessed of the kind of urgency that characterized earlier forays on these issues.13 Among the few Americans who well remember what strikes are and why they are important are labor scholars. For them, at least, strikes remain a preoccupation. Prominent students of labor like James Atleson, Julius Getman, Karl Klare, and James Pope—to name the most notable of this group—have expended much effort over the past few decades identifying and critiquing **legal** **doctrines** which have **undermined** the **right** **to** **strike**. Important to them in this regard are doctrines that give employers the prerogative to easily replace striking workers; that allow employers to enjoin and even fire strikers on the ground that they have engaged in coercive “misconduct,” or because they have protested the wrong issue or in the wrong way; that prohibit sympathy strikes and general strikes, and spontaneous “wildcat” strikes; and that funnel labor disputes off of picket lines and into legal proceedings and arbitrations.14 These doctrines have eviscerated a once-vital right to strike, these scholars tell us, subverting a prerogative that earlier in the century was central to improving conditions for workers and lending legitimacy to the very idea that workers have rights to claim in the first place. Indeed, in the 1930s and 1940s, especially, a massive and sustained campaign of strikes proved crucial to the formation of the modern labor movement, the political and legal validation of the Wagner Act, and ultimately the survival of the New Deal itself. This was true even as the Wagner Act itself seemed to play a crucial role in conveying to workers, for the first time, an effective right to strike. But the problem as far as the right to strike goes, we are told, is that the statute was later weakened and corrupted by the connivances of judges and Congress, urged on by a business community relentless in its contempt for organized labor, and abetted at times by inept or corrupt union leaders and a weak and politically diffident National Labor Relations Board (NLRB, the entity with primary authority for enforcing the labor law). And so the Wagner Act is said to have had a great potential, only to have been tragically “deradicalized,” as Klare puts it; and workers are said to have “lost” the right to strike, in Pope’s words, with devastating consequences for workers today and ominous portents for generations ahead.15 Critically, these authors argue, an effective **right** **to** **strike** must be **restored** **at** the **expense** **of** these **unjustified** **impositions**.16 Only then will the labor law regain its relevance and the labor movement its ability to improve the lives of workers. Early on, this attempt to defend an effective right to strike was the object of mean-spirited criticism by more conventional scholars who, in the guise of unmasking its interpretative shortcomings, rejected its radicalism and recoiled at its underlying supposition that law is not only malleable and untethered to its formal, elite iterations, but within the province of workers to reshape around their own interests and visions.17 Despite these efforts, which focused on the work of Klare and Katherine Stone, whose critique of post-war “industrial pluralism” shared a similar reasoning—or maybe, to some extent, anyway, because of them—**support for** this campaign to restore **the right to strike seems like a mandate** among scholars and commentators who purport to take seriously the interests of workers.18 And yet **for all its appeal**, **this project** nevertheless **suffers from** a remarkably negligent oversight, one that has nothing to do with morality of its pretense that the law is malleable and that workers can remake it—a proposition that is broadly true and eminently defensible. Instead, it has to do with its **practical feasibility**. In fact, as this Article argues, a critical reflection on this question suggests that the effort to realize **an effective right to strike is** actually quite **impossible** **and** that **attempts to do so**, however earnest and thoughtful they may be, **represent** as **dubious a battle** as the hopeless walkout dramatized in Steinbeck’s book. This doleful conclusion rests on a frank understanding of the legal and political realities in which strikes necessarily play out. There are many kinds of strikes, but those that are apt to be successful in challenging employers’ power and interests entail a level of militancy that sets them against well-entrenched notion of property and public order. This was true in the 1930s and 1940s when these values **contradicted**, at once, **strike** **militancy** and whatever radical potential the Wagner Act may have had. Ironically, it is perhaps even truer today, now that workers do in fact enjoy the right to strike, albeit only in more conventional ways. Seen in this light, those doctrines that have undermined the right to strike are not aberrations or jurisprudential failings—not mistakes in any sense, in fact, nor a retreat from some earlier, truer iteration of the labor law. Rather, they represent a **settling of the labor law** on bedrock precepts of the American life. However **illegitimate** those **precepts** may be from a vantage that **questions capitalism’s essential legitimacy** and **takes the rights of workers seriously**, they reign supreme, **foreclosing** an **effective right to strike**. All of this, as I argue in this Article, is made plainly evident by a critical review of the history of strikes and striking. To anticipate a bit more of the argument that follows, **the strikes most crucial** to the building of the labor movement in the 1930s and 1940s **were not** **built** only **around** **peaceful picketing** **and a withholding of labor**. Rather, they were sit-down strikes and strikes built on mass picketing, as well as, to some extent, secondary boycotts. And **strikes** of this kind were **never considered lawful or politically appropriate**. Ironically, it was these strikes that legitimated the Wagner Act itself and the New Deal. But they could not legitimate themselves. Those who call for resurrecting the right to strike contend that the flourishing of strike militancy reflected, if not the inherent politics of the original Wagner Act before it was “de-radicalized,” then at least its potential. To be sure, it is clear that the Wagner Act was a remarkable document which did more to advance workers’ rights than any statute in American history; and it was at least ambiguous on the question of the legal status of strike militancy. But what seemed like its support for worker militancy was not a product of any particular potential. Rather, it was a reflection of the difficulty that judges, legislators, and other authorities, who dedicated themselves to restraining these strikes even as they flourished, encountered in prosecuting these values amid the unique economic and political conditions of the 1930s and 1940s. These obstructive conditions were quite temporary, though, and the authorities’ efforts culminated soon enough in the near-categorical prohibition of the tactics that had made strikes so effective. It is in this way that the history of strikes shows less in the way of **de-radicalization** than an encounter with the unyielding outer boundaries of what labor protest and labor rights can be in liberal society. As this all played out, it **left** in its wake **a right to strike**, but one **whose power** **consists** almost **entirely of the ability of workers to pressure employers** by withholding labor, while also maybe publicizing the workers’ issues and bolstering their morale. But while publicity and morale are not irrelevant, in the end they are **not effective weapons** in their own right. **Nor are they** generally **advanced when strikes are broken**. Moreover, the withholding of labor, unless it could be managed on a very large scale—something the law also tends to prohibit by its restrictions on secondary boycotts, by barring sympathy strikes and general strikes—is inherently ineffective in all but a small number of cases where workers remain irreplaceable. Of course, **striking in such a conventional way** accords with liberal notions of property and social order; but precisely because of this it **is** simply **not coercive enough to be effective**. And it is bound to remain ineffective, particularly in a context where workers far outnumber decent jobs, where mechanization and automation have steadily eaten away at the centrality of skill, where the perils that employers face in the course of labor disputes are as impersonal as the risks to workers are not, where employers wield overwhelming advantages in wealth and power over workers, where the state’s machinery for enforcing property rights and social order have never been more potent—where, in fact, capital is capital and workers are workers. From this perspective, **the quest for an effective right to strike emerges as a fantasy**—an appealing fantasy for many, but a fantasy no less, steeped in a **misplaced** and exaggerated **faith in the law** and a misreading of the class politics of modern liberalism. The **campaign to resurrect** such **a right appears**, too, not only as a dead-end and **a distraction**, but an undertaking that **risks blinding** those who support viable **unionism** and the interests of the working class **to** the more important and fundamental fact that **liberalism and the legal system** are, in the end, **antithetical to a meaningful system of labor rights**. It is for this reason that **the call for** an effective **right to strike should be set aside** **in favor of more direct endorsement of militancy and** a **turn away from the law** and instead towards a political program that might advance the interests of the working class regardless of what the law might hold. The argument that follows further elaborates these main contentions about the history of striking and the nature of strikes in liberal society, augmented by a discussion of the legal terrain on which all of this has played out. It unfolds in three main parts. Part I describes how the concept of a right to strike developed in concert with the history of striking itself, how both were influenced by the evolving condition of labor, and how this history created the circumstances under which it became possible to conceive of an effective right to strike without making this possible in fact. Part II consists of a critical review of the fate of coercive and disorderly strikes, especially those featuring sit-down tactics and mass picketing. It considers how the courts, the NLRB, and Congress confronted these strikes, and how they moved with increasing vigor to proscribe them as soon as these strikes emerged as effective forms of labor protest. Part III looks more carefully at the underpinnings of this repudiation of strike militancy, finding in court rulings and other pronouncements against the strikes an opposition to coercion and disorder that, even if sometimes invoked disingenuously, is nonetheless firmly anchored in modern liberalism and its conception of the appropriate boundaries of class protest and labor conflict. On this rests the argument that an effective right to strike is impossible and the pursuit of it, problematic. The final part is a brief conclusion that sums up some of the implications of this argument.

### 1NC

#### A just government ought to request the International Court of Justice issue an advisory opinion over whether they ought to establish an unconditional right to strike. A just government ought to abide by the outcome of the advisory opinion.

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

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

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

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

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

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

#### Nuke war causes extinction

* Checked

PND 16. internally citing Zbigniew Brzezinski, Council of Foreign Relations and former national security adviser to President Carter, Toon and Robock’s 2012 study on nuclear winter in the Bulletin of Atomic Scientists, Gareth Evans’ International Commission on Nuclear Non-proliferation and Disarmament Report, Congressional EMP studies, studies on nuclear winter by Seth Baum of the Global Catastrophic Risk Institute and Martin Hellman of Stanford University, and U.S. and Russian former Defense Secretaries and former heads of nuclear missile forces, brief submitted to the United Nations General Assembly, Open-Ended Working Group on nuclear risks. A/AC.286/NGO/13. 05-03-2016. <http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/OEWG/2016/Documents/NGO13.pdf> //Re-cut by Elmer

Consequences human survival 12. Even if the 'other' side does NOT launch in response the smoke from 'their' burning cities (incinerated by 'us') will still make 'our' country (and the rest of the world) uninhabitable, potentially inducing global famine lasting up to decades. Toon and Robock note in ‘Self Assured Destruction’, in the Bulletin of Atomic Scientists 68/5, 2012, that: 13. “A nuclear war between Russia and the United States, even after the arsenal reductions planned under New START, could produce a nuclear winter. Hence, an attack by either side could be suicidal, resulting in self assured destruction. Even a 'small' nuclear war between India and Pakistan, with each country detonating 50 Hiroshima-size atom bombs--only about 0.03 percent of the global nuclear arsenal's explosive power--as air bursts in urban areas, could produce so much smoke that temperatures would fall below those of the Little Ice Age of the fourteenth to nineteenth centuries, shortening the growing season around the world and threatening the global food supply. Furthermore, there would be massive ozone depletion, allowing more ultraviolet radiation to reach Earth's surface. Recent studies predict that agricultural production in parts of the United States and China would decline by about **20 percent** for four years, and by 10 percent for a decade.” 14. A conflagration involving USA/NATO forces and those of Russian federation would most likely cause the deaths of most/nearly all/all humans (and severely impact/extinguish other species) as well as destroying the delicate interwoven techno-structure on which latter-day 'civilization' has come to depend. Temperatures would drop to below those of the last ice-age for up to 30 years as a result of the lofting of up to 180 million tonnes of very black soot into the stratosphere where it would remain for decades. 15. Though human ingenuity and resilience shouldn't be underestimated, human survival itself is arguably problematic, to put it mildly, under a 2000+ warhead USA/Russian federation scenario. 16. The Joint Statement on Catastrophic Humanitarian Consequences signed October 2013 by 146 governments mentioned 'Human Survival' no less than 5 times. The most recent (December 2014) one gives it a highly prominent place. Gareth Evans’ ICNND (International Commission on Nuclear Non-proliferation and Disarmament) Report made it clear that it saw the threat posed by nuclear weapons use as one that at least threatens what we now call 'civilization' and that potentially threatens human survival with an immediacy that even climate change does not, though we can see the results of climate change here and now and of course the immediate post-nuclear results for Hiroshima and Nagasaki as well.

## Case

### Fw

#### They only get to weigh the fiated implications of the plan text

#### Fairness – anything makes negating impossible because there are infinite consequences of your discourse that you get to weigh against disadvantages – weighing discourse against consequences makes no sense and voting for them because they said something good is bad – your ballot should only determine whether the aff is a good idea, not whether their approach to debate is.

#### Education – precise debates about the implications of policy actions are better for education – anything else endlessly abstracts to moralisms about what our discourse does.

#### Its not a reason to reject the team – rather, hold them to only defending the consequences of the plan to preserve limits on aff offense.

#### Presumption – debate doesn’t shape our subjectivity – things like family, school, economic conditions, lived experience, etc all overcode how we relate to political issues – one debate round in a NSDA Campus room at Alta isn’t going to change our political beliefs but the skills we gain from debating about consequences do, which outweighs on magnitude.

#### The standard is maximizing expected wellbeing

#### Only pain and pleasure are intrinsically good or bad – everything else collapses.

Moen 16 [Ole Martin Moen, Research Fellow in Philosophy at University of Oslo “An Argument for Hedonism” Journal of Value Inquiry (Springer), 50 (2) 2016: 267–281]

Let us start by observing, empirically, that a widely shared judgment about intrinsic value and disvalue is that pleasure is intrinsically valuable and pain is intrinsically disvaluable. On virtually any proposed list of intrinsic values and disvalues (we will look at some of them below), pleasure is included among the intrinsic values and pain among the intrinsic disvalues. This inclusion makes intuitive sense, moreover, for there is something undeniably good about the way pleasure feels and something undeniably bad about the way pain feels, and neither the goodness of pleasure nor the badness of pain seems to be exhausted by the further effects that these experiences might have. “Pleasure” and “pain” are here understood inclusively, as encompassing anything hedonically positive and anything hedonically negative.2 The special value statuses of pleasure and pain are manifested in how we treat these experiences in our everyday reasoning about values. If you tell me that you are heading for the convenience store, I might ask: “What for?” This is a reasonable question, for when you go to the convenience store you usually do so, not merely for the sake of going to the convenience store, but for the sake of achieving something further that you deem to be valuable. You might answer, for example: “To buy soda.” This answer makes sense, for soda is a nice thing and you can get it at the convenience store. I might further inquire, however: “What is buying the soda good for?” This further question can also be a reasonable one, for it need not be obvious why you want the soda. You might answer: “Well, I want it for the pleasure of drinking it.” If I then proceed by asking “But what is the pleasure of drinking the soda good for?” the discussion is likely to reach an awkward end. The reason is that the pleasure is not good for anything further; it is simply that for which going to the convenience store and buying the soda is good.3 As Aristotle observes: “We never ask [a man] what his end is in being pleased, because we assume that pleasure is choice worthy in itself.”4 Presumably, a similar story can be told in the case of pains, for if someone says “This is painful!” we never respond by asking: “And why is that a problem?” We take for granted that if something is painful, we have a sufficient explanation of why it is bad. If we are onto something in our everyday reasoning about values, it seems that pleasure and pain are both places where we reach the end of the line in matters of value.

#### **Extinction is a unique ontological phenomenon that outweighs under every ethical theory.**

Burke et al., Associate Professor of International and Political Studies @ UNSW, Australia, ‘16

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8. Global ethics must respond to mass extinction. In late 2014, the Worldwide Fund for Nature reported a startling statistic: according to their global study, 52% of species had gone extinct between 1970 and 2010.60 This is not news: for three decades, conservation biologists have been warning of a ‘sixth mass extinction’, which, by definition, could eliminate more than three quarters of currently existing life forms in just a few centuries.61 In other words, it could threaten the practical possibility of the survival of earthly life. Mass extinction is not simply extinction (or death) writ large: it is a qualitatively different phenomena that demands its own ethical categories. It cannot be grasped by aggregating species extinctions, let alone the deaths of individual organisms. Not only does it erase diverse, irreplaceable life forms, their unique histories and open-ended possibilities, but it threatens the ontological conditions of Earthly life.

IR is one of few disciplines that is explicitly devoted to the pursuit of survival, yet it has almost nothing to say in the face of a possible mass extinction event.62 It utterly lacks the conceptual and ethical frameworks necessary to foster diverse, meaningful responses to this phenomenon. As mentioned above, Cold-War era concepts such as ‘nuclear winter’ and ‘omnicide’ gesture towards harms massive in their scale and moral horror. However, they are asymptotic: they imagine nightmares of a severely denuded planet, yet they do not contemplate the comprehensive negation that a mass extinction event entails. In contemporary IR discourses, where it appears at all, extinction is treated as a problem of scientific management and biopolitical control aimed at securing existing human lifestyles.63 Once again, this approach fails to recognise the reality of extinction, which is a matter of being and nonbeing, not one of life and death processes.

Confronting the enormity of a possible mass extinction event requires a total overhaul of human perceptions of what is at stake in the disruption of the conditions of Earthly life. The question of what is ‘lost’ in extinction has, since the inception of the concept of ‘conservation’, been addressed in terms of financial cost and economic liabilities.64 Beyond reducing life to forms to capital, currencies and financial instruments, the dominant neoliberal political economy of conservation imposes a homogenising, Western secular worldview on a planetary phenomenon. Yet the enormity, complexity, and scale of mass extinction is so huge that humans need to draw on every possible resource in order to find ways of responding. This means that they need to mobilise multiple worldviews and lifeways – including those emerging from indigenous and marginalised cosmologies. Above all, it is crucial and urgent to realise that extinction is a matter of global ethics. It is not simply an issue of management or security, or even of particular visions of the good life. Instead, it is about staking a claim as to the goodness of life itself. If it does not fit within the existing parameters of global ethics, then it is these boundaries that need to change.

9. An Earth-worldly politics. Humans are worldly – that is, we are fundamentally worldforming and embedded in multiple worlds that traverse the Earth. However, the Earth is not ‘our’ world, as the grand theories of IR, and some accounts of the Anthropocene have it – an object and possession to be appropriated, circumnavigated, instrumentalised and englobed.65 Rather, it is a complex of worlds that we share, co-constitute, create, destroy and inhabit with countless other life forms and beings.

The formation of the Anthropocene reflects a particular type of worlding, one in which the Earth is treated as raw material for the creation of a world tailored to human needs. Heidegger famously framed ‘earth’ and ‘world’ as two countervailing, conflicting forces that constrain and shape one another. We contend that existing political, economic and social conditions have pushed human worlding so far to one extreme that it has become almost entirely detached from the conditions of the Earth. Planet Politics calls, instead, for a mode of worlding that is responsive to, and grounded in, the Earth. One of these ways of being Earth-worldly is to embrace the condition of being entangled. We can interpret this term in the way that Heidegger66 did, as the condition of being mired in everyday human concerns, worries, and anxiety, to prolong existence. But, in contrast, we can and should reframe it as authors like Karen Barad67 and Donna Haraway68 have done. To them and many others, ‘entanglement’ is a radical, indeed fundamental condition of being-with, or, as Jean-Luc Nancy puts it, ‘being singular plural’.69 This means that no being is truly autonomous or separate, whether at the scale of international politics or of quantum physics. World itself is singular plural: what humans tend to refer to as ‘the’ world is actually a multiplicity of worlds at various scales that intersect, overlap, conflict, emerge as they surge across the Earth. World emerges from the poetics of existence, the collision of energy and matter, the tumult of agencies, the fusion and diffusion of bonds.

Worlds erupt from, and consist in, the intersection of diverse forms of being – material and intangible, organic and inorganic, ‘living’ and ‘nonliving’. Because of the tumultuousness of the Earth with which they are entangled, ‘worlds’ are not static, rigid or permanent. They are permeable and fluid. They can be created, modified – and, of course, destroyed. Concepts of violence, harm and (in)security that focus only on humans ignore at their peril the destruction and severance of worlds,70 which undermines the conditions of plurality that enables life on Earth to thrive.

#### Util is lexically prior – in order for agents to be able to engage in complex moral deliberations they must first be safe and not in danger of death – that means materially reducing violence outweighs.

#### Actor specificity – side constraints make action impossible because government policies always require trade-offs and involve the actions of multiple agents with conflicting moral obligations—the way to resolve those conflicts is by benefiting everyone. Different agents have different ethical obligations – even if they win a theory of personal moral imperatives its fundamentally different then the states obligations.

#### No intent-foresight distinction – foreseeable consequences of an action are intrinsic to an action – i.e. if I give an apple to you knowing its rotten then I’m responsible for you getting sick because I knew the consequences would happen and therefore intended them to happen. That means that voting neg despite foreseeing the consequences of the affirmative is intrinsically bad.

### At underview

#### Reject 1AR theory- A] 7-6 time skew means it’s endlessly aff biased B] I don’t have a 3nr which allows for endless extrapolation C] 1AR theory is skewed to the aff because they have a 2ar judge psychology warrant.

#### Reasonability on 1AR shells –it checks 2AR sandbagging by preventing really abusive 1NCs while still giving the 2N a chance.

#### DTA on 1AR shells - They can blow up a blippy 20 second shell to 3 min of the 2AR while I have to split my time and can’t preempt 2AR spin which necessitates judge intervention

### Case

#### There’s no warranted explanation of how neoliberalism causes extinction

#### Illegal strikes solve better and aff strikes become water downed and negotiated out by the state- TURNS CASE – this is their author

Reddy 21 Reddy, Diana (Doctoral Researcher in the Jurisprudence and Social Policy Program at UC Berkeley) “" There Is No Such Thing as an Illegal Strike": Reconceptualizing the Strike in Law and Political Economy." Yale LJF 130 (2021): 421. <https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy>

In recent years, consistent with this vision, there has been a shift in the kinds of strikes workers and their organizations engage in—increasingly public-facing, engaged with the community, and capacious in their concerns.[178](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref178) They have transcended the ostensible apoliticism of their forebearers in two ways, less voluntaristic and less economistic. They are less voluntaristic in that they seek to engage and mobilize the broader community in support of labor’s goals, and those goals often include community, if not state, action. They are less economistic in that they draw through lines between workplace-based economic issues and other forms of exploitation and subjugation that have been constructed as “political.” These strikes do not necessarily look like what strikes looked like fifty years ago, and they often skirt—or at times, flatly defy—legal rules. Yet, they have often been successful. Since 2012, tens of thousands of workers in the Fight for $15 movement have engaged in discourse-changing, public law-building strikes. They do not shut down production, and their primary targets are not direct employers. For these reasons, they push the boundaries of exiting labor law.[179](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref179) Still, the risks appear to have been worth it. A 2018 report by the National Employment Law Center found that these strikes had helped twenty-two million low-wage workers win $68 billion in raises, a redistribution of wealth fourteen times greater than the value of the last federal minimum wage increase in 2007.[180](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref180) They have demonstrated the power of strikes to do more than challenge employer behavior. As Kate Andrias has argued: [T]he Fight for $15 . . . reject[s] the notion that unions’ primary role is to negotiate traditional private collective bargaining agreements, with the state playing a neutral mediating and enforcing role. Instead, the movements are seeking to bargain in the public arena: they are engaging in social bargaining with the state on behalf of all workers.”[181](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref181) In the so-called “red state” teacher strikes of 2018, more than a hundred thousand educators in West Virginia, Oklahoma, Arizona, and other states struck to challenge post-Great Recession austerity measures, which they argued hurt teachers and students, alike.[182](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref182) These strikes were illegal; yet, no penalties were imposed.[183](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref183) Rather, the strikes grew workers’ unions, won meaningful concessions from state governments, and built public support. As noted above, public-sector work stoppages are easier to conceive of as political, even under existing jurisprudential categories.[184](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref184) But these strikes were political in the broader sense as well. Educators worked with parents and students to cultivate support, and they explained how their struggles were connected to the needs of those communities.[185](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref185) Their power was not only in depriving schools of their labor power, but in making normative claims about the value of that labor to the community. Most recently, 2020 saw a flurry of work stoppages in support of the Black Lives Matter movement.[186](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref186) These ranged from Minneapolis bus drivers’ refusal to transport protesters to jail, to Service Employees International Union’s Strike for Black Lives, to the NBA players’ wildcat strike.[187](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref187) Some of these protests violated legal restrictions. The NBA players’ strike for instance, was inconsistent with a “no-strike” clause in their collective-bargaining agreement with the NBA.[188](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref188) And it remains an open question in each case whether workers sought goals that were sufficiently job-related as to constitute protected activity.[189](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref189) Whatever the conclusion under current law, however, striking workers demonstrated in fact the relationship between their workplaces and broader political concerns. The NBA players’ strike was resolved in part through an agreement that NBA arenas would be used as polling places and sites of civic engagement.[190](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref190) Workers withheld their labor in order to insist that private capital be used for public, democratic purposes. And in refusing to transport arrested protestors to jail, Minneapolis bus drivers made claims about their vision for public transport. Collectively, all of these strikes have prompted debates within the labor movement about what a strike is, and what its role should be. These strikes are so outside the bounds of institutionalized categories that public data sources do not always reflect them.[191](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref191) And there is, reportedly, a concern by some union leaders that these strikes do not look like the strikes of the mid-twentieth century. There has been a tendency to dismiss them.[192](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref192) In response, Bill Fletcher Jr., the AFL-CIO’s first Black Education Director, has argued, “People, who wouldn’t call them strikes, aren’t looking at history.”[193](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref193) Fletcher, Jr. analogizes these strikes to the tactics of the civil-rights movement.

#### Strikes reduce real wages of workers as a whole – companies mitigate losses by hiring less employees. Strikes also make gains at the expense of other workers who are excluded despite wanting to fill vacant jobs.

Hazlitt 19 (Henry Hazlitt (1894–1993) was a well-known journalist who wrote on economic affairs for the New York Times, the Wall Street Journal, and Newsweek, “How Unions Reduce Real Wages” \*\*\*\*Note ---The Text in the card comes from Chapter 13 of Henry Hazlitt’s 1973 Book “The Conquest of Poverty,” which the Mises Institute posted on 12/17/2019 The Mises Institute cites 12/17/2019 as the publication date, but the text originally appeared in Hazlitt’s book in **1973** the url: https://mises.org/wire/how-unions-reduce-real-wages)

Case For more than a century the economic thinking not only of the public but of the majority of economists has been dominated by a myth — the myth that labor unions have been on the whole a highly beneficent institution, and have raised the level of real wages far above what it would have been without union pressure. Many even talk as if the unions had been chiefly responsible for whatever gains labor has made. **Yet the blunt truth is that labor unions cannot raise the real wages of all workers.** We may go further: **the actual policies that labor unions have systematically followed from the beginning of their existence have in fact reduced the real wages of the workers as a whole below what they would otherwise have been.** Labor unions are today the chief antilabor force. To realize why this is so we must understand what determines wages in a free market. **Wage rates are prices. Like other prices they are determined by supply and demand.** And the demand for labor is determined by the marginal productivity of labor. **If wage rates go above that level, employers drop their marginal workers because it costs more to employ them than they earn. They cannot long be employed at a loss**. If, on the other hand, wage rates fall below the marginal productivity of workers, employers bid against each other for more workers up to the point where there is no further marginal profit in hiring more or bidding up wages more. So assuming mobility of both capital and labor, assuming free competition between workers and free competition between employers, there would be full employment of every person wanting and able to work, and the wage rate of each would tend to equal his marginal productivity. It will be said — it has in fact repeatedly been said — that such an analysis is merely a beautiful abstraction and that in the actual world this mobility and competition of labor and capital do not exist. There is, some economists have argued, in fact a wide range of "indeterminacy" in wages, and it is the function of unions to make sure that wage rates are fixed at the top rather than the bottom of this range or zone. We cannot reply that this indeterminacy theory is wholly wrong; but what we can say is that in relation to the problem of unions it is unimportant. The indeterminacy theory is true of wages only to the extent that it is true of other prices: it is true where the market is narrow or specialized. It is true, say, of highly specialized jobs in journalism, or in the universities, or in scientific research, or in the professions. But wherever we have large numbers of unskilled workers, or large numbers of approximately equal special but widespread skills — such as carpenters, bricklayers, painters, plumbers, printers, train-men, truckdrivers — this zone of indeterminacy shrinks or disappears. It is the craft unions themselves who insist that their individual members are so nearly equal to each other in competence that all should be paid on equal "standard" wage. And so we have the paradox that the unions exist and flourish precisely where they are least necessary to assure that their members get a market wage equal to their marginal productivity. It is true, of course, that an individual union can succeed in forcing the money wage rates of its members above what the free market rate would be. It can do this through the device of a strike, or often merely through the threat of a strike. Now a strike is not, as it is constantly represented as being, merely the act of a worker in "withholding his labor," or even merely a collusion of a large group of workers simultaneously to "withhold their labor" or give up their jobs. The whole point of a strike is the insistence by the strikers that they have not given up their jobs at all. They contend that they are still employees — in fact, the only legitimate employees. They claim an ownership of the jobs at which they refuse to work; they claim the "right" to prevent anybody else from taking the jobs that they have abandoned. That is the purpose of their mass picket lines, and of the vandalism and violence that they either resort to or threaten. They insist that the employer has no right to replace them with other workers, temporary or permanent, and they mean to see to it that he doesn't. **Their demands are enforced always by intimidation and coercion, and in the last resort by actual violence. So wherever a union makes a gain by a strike or strike threat, it makes it by forcibly excluding other workers from taking the jobs that the strikers have abandoned. The union always makes its gains at the expense of these excluded workers.**

#### Strikes inhibit the ability to create contracts, create power imbalances, and violate individual contracts.

Levine 1, Peter. "The Libertarian Critique of Labor Unions." Philosophy and Public Policy Quarterly 21.4 (2001): 17-24. (Peter Levine is the Associate Dean for Research and Lincoln Filene Professor of Citizenship & Public Affairs in Tufts University’s Jonathan Tisch College of Civic Life. He has secondary appointments in the Tufts Philosophy Department and the Tufts Clinical and Translational Sciences Institute. He was the founding deputy director (2001-6) and then the second director (2006-15) of Tisch College’s CIRCLE, The Center for Information and Research on Civic Learning and Engagement, which he continues to oversee as an associate dean.) JG

Libertarians strongly defend freedom of choice and association. Thus, when workers choose to act collectively, negotiate together, or voluntarily walk off the job, libertarians have no reasonable complaint--even if other people are harmed--because they support the right to make and exit voluntary partnerships. But unions gain strength **by overriding private rights.** They routinely block anyone from working **under a non-union contract**, and they prevent employers from making offers--even advantageous ones--to individual workers unless the union is informed and consents. Unions declare strikes and establish picket lines to prevent **customers and workers** from **entering company property**; they may **fine employees who cross these lines.** They also extract fees from all workers who are covered by their contracts. Although covered workers may avoid paying for certain union functions (such as lobbying) that are not germane to contract issues, they must pay for strikes and other activities that some of them oppose. The great libertarian theorist Friedrich Hayek concluded that unions “are the one institution where government has signally failed in its first task, that of preventing coercion of men by other men--and by coercion I do not mean primarily the coercion of employers but the coercion of workers by their fellow workers.” Hayek may have been thinking mainly of corrupt

#### Growth’s sustainable.

Rune **Westergård 18**. Entrepreneur, Engineer and Author, founder of the technical consulting company CITEC. 2018. “Real and Imagined Threats.” One Planet Is Enough, Springer International Publishing, pp. 71–80. CrossRef, doi:10.1007/978-3-319-60913-3\_7.

Threatening reports about our ability to create disasters and even exterminate ourselves are not a new idea. A standard example is the British national economist Thomas Malthus in the early 19th century, who predicted that population growth would come to a halt because of starvation. Malthus calculated that the available food in the world couldn’t feed more than one billion people. He extrapolated the development from a still picture of his own time and couldn’t fathom that food production would increase tremendously thanks to new knowledge and technology. Our present food production is sufficient for seven times as many. Malthus didn’t pay attention to the fact that we live in a continuously changing civilisation, and the same kind of miscalculations are still made today. There are people who have even achieved the status of media superstars by presenting various dystopias and catastrophe scenarios. As early as 1968, Professor Paul Erlichs at Stanford University published the bestseller The Population Bomb, where he predicted that an imminent population explosion would result in hundreds of millions of deaths by starvation in the 1970s and 80s. Basically, he made the same mistake as Malthus, i.e. he treated knowledge and technology as if they were static phenomena. The most widely read environment report in the world, State of the World, was a loud whistle-blower when it was first published in the early 1980s. The Swedish version, Tillståndet i världen, was published yearly from 1984 and some years into the 2000s by the Worldwatch Institute Norden; I still have some of the early issues left. This report contains many valuable observations and suggestions, but also several basic analytical mistakes. In other words, it acts as an eye-opener, but it suffers from being tainted by political ideology. Its main weakness is that it doesn’t take the intrinsic driving forces of progress into account. State of the World was translated into most major languages and is, as already mentioned, the world’s most widely read environmental report. It has affected us all, directly or indirectly, through school and media. Even if the Swedish version I refer to was written some years ago, it is still worthy of discussion, firstly because it maintains an appearance of scientific validity, and secondly because it has served as a trendsetter for the general ideology which has been adopted by many later books and reports on the subject at hand. It still lives on as an engraved pattern in our conception of the world. In the report we can, for instance, read the following: A world where human desires and needs are fulfilled without the destruction of natural systems demands an entirely new economic order, founded on the insight that a high consumption level, population growth, and poverty are the powers behind the devastation of the environment. The rich have to reduce their consumption of resources so that the poor can increase their standard of living. The global economy simply works against the attempts to reduce poverty and protect the environment. We stubbornly insist to regard economic growth as synonymous with development, even though it makes the poor even poorer. Even if we up to this point have mainly described the environment revolution in economic terms, it is, in its most fundamental meaning, a social revolution: to change our values. Massive threat scenarios are still presented, for instance in the British scientist Tim Jackson’s book Prosperity Without Growth from 2009, which is one of the most widely read and frequently quoted works in this area. Tim Jackson, who is an economist and professor in sustainable development, explains how we humans are indulging in a ruthless pursuit of new-fangled gadgets in a consumption society running at full speed towards its doom. He also claims that material things in themselves cannot help us to flourish; on the contrary, they may even restrain our welfare. In other words, we cannot build our hopes that the economy, technology or science can help us to escape from the trap of Anthropocene, which has brought us to the brink of an ecological disaster. There are hundreds on books on this theme, and they all agree that the general state of the world is pure misery; everything is getting worse, the resources are being depleted, and that man will soon have destroyed the entire planet. The apparent reason for this, of course, is due to the consumption culture and the present financial system—which exposes man as a greedy, ruthless and ultimately weak creature. This attitude may serve a purpose as an eye-opener. But it is not very credible, and it may even be counterproductive. Of course, we can see a lot of problems ahead of us; but to solve them, we need the correct diagnostics instead of dubious doomsday prophesies. Focus: The Problem Since the focus of attention is so profoundly fixated on the problems in the climate and environmental debate, the progress already made—and the opportunities at hand—are often overshadowed. The example below will help to illustrate this point: In the year 2014, the Nobel Prize in physics was awarded to three scientists who had invented blue light emitting diodes—a technology that has made high-bright and energy-efficient LED lighting possible. As lighting accounts for 20% of the world’s total electrical consumption, this invention has the potential to radically reduce energy consumption and greenhouse gas emissions. In an interview made by the major Swedish daily newspaper Dagens Nyheter, one of the prize winners, Hiroshi Amano, says the following about energy-efficient, inexpensive and high-bright LED lights: “They are now being used all over the world. Even children in the developing countries can use this lighting to read books and study in the evenings. This makes me very very happy”. Shortly after this announcement, the news headlines declared that LED lighting was a threat to the environment. This statement was based on a report showing that LED lighting could be hazardous to flies and moths, which in turn might disturb the eco system. This is a typical example of how progress pessimists and, not least the media, think and act. In this case, they focused on a potential problem associated with LED lighting, and ignored the tremendous possibilities that the new technology offered to dramatically reduce greenhouse gases and thus spare the eco system (not to mention all the other advantages). Books and reports of the kind mentioned above tell us repeatedly about disasters, threats, problems, collapses and famines. On the other hand, they are notoriously silent about the great improvements actually made—the reduction of extreme poverty (not only as a percentage but also in absolute numbers), longer lifespans, dramatic global progress in education and healthcare, etc. The lack of positive media coverage on the environment means that many people believe that too little is being done, which is quite understandable considering the one-sided nature of the information they are presented with. Alarmist reporting almost always reminds me of pirates: they are unreliable and half their vision is blocked by their eye patches. It is vital that the media not only one-sidedly focus on the misery without presenting the progress made and suggesting constructive courses of action. The quality of our decisions in all respects depends on our knowledge, insight and attitude. Real and Imagined Threats Many people are convinced that the climate and environmental problems are growing. It is certainly true that our planet has its limitations, but many of the predictions from alarmist literature have been proven false. In the 1980s, the forest dieback was a frequently discussed subject. To quote the well-known German news magazine Der Spiegel, an “ecological Hiroshima” was imminent. Most experts at the time claimed that a wide-spread forest death seemed unavoidable. Additionally, the general mood of impending doom was augmented by the threat of a nuclear disaster during the cold war. I remember the pessimistic discussions among friends and how frequently the gloomy reports appeared in Swedish and Finnish television. The future of humankind appeared to be depressingly bleak. But the forest dieback never happened. On the contrary, the forest area has been constantly expanding in Europe, even during the entire period when the forest was believed to be dying. Today, only two thirds of the yearly accretion in Europe are cut down, according to the Natural Resource Institute in Finland. There are different opinions as to why the large-scale forest dieback didn’t occur. One theory is that the researchers’ evidence and conclusions had been incomplete and too hasty; the forest was actually never in danger. Others suggest that the emission limitations implemented prevented the disaster. My point is that the environmental catastrophe did not happen. Some other environmental problems, exaggerated or not, that have concerned us during the last decades have also disappeared from the immediate agenda: overpopulation, DDT, the ozone hole, heavy metals, lead poisoning, soot particles, the waste mountain, and the acidification of our lakes. Unfortunately, some environmental problems, like soot particles and waste, still remain in some areas, especially in poorer countries, where there are other, even worse problems that have yet to be resolved. The conclusion is, however, that we and our society in most cases have handled threatening situations quite well. When alarming symptoms are noted, scientists and other experts are summoned, and we act according to their diagnoses. It is no big deal that the diagnoses are sometimes wrong, as long as the side effects are not too severe. The main thing is that we do our best to avoid disasters, and on the whole, humankind has succeeded rather well this far. As individuals, we react very differently to various kinds of threats. The closer and more tangible the threat is, the more violent are the reactions—while distant and invisible symptoms, like the depletion of the ozone layer, concern us less. In the latter cases, we have to trust the scientists’ and later the politicians’ reactions. Does this mean that disasters are avoided thanks to war headlines, threats, and anxiety? I don’t think that this is the most important explanation; rather, it is factual and science-based information that produces effective results. But if exaggerated threat scenarios and reports of misery are needed to inspire the necessary political opinion, acquire research funding and create behavioural changes, we will have to live with that. The most important thing to remember in this context is that the actions shouldn’t cause more harm than the original problem itself. The risk with exaggerated threat and misery reporting is that it may inspire an over-reaction based on misleading diagnoses, or the opposite—a paralysing feeling of helplessness. It is necessary to take threats against the climate and the environment seriously, but not to a degree where our ability to reason and act is blocked by fear or anxiety. Many environmental debaters claim that the fall of the Inca and Roman empires were caused by the same causes that are now threatening our present civilisation—a short-sighted over-exploitation and rape of nature. Easter Island is another popular example. However, in my opinion it is both worthless and irresponsible to judge the world situation of today by copying the outcome of earlier cultural endeavours in history. The inhabitants of the Inca empire and Easter Island didn’t have anything even remotely comparable with the organisations, technology, medicine or general knowledge of today. It would be like comparing a case of appendicitis in the past to a case today. In pre-modern times, it was a fatal condition. In this day and age, it is cured by a simple routine operation. Today, humankind is conscious of the climate changes and other ecological challenges. And we also have the knowledge and resources needed to act. Facts, Propaganda and Hidden Messages During all the years I have followed the development of technology and society, I have repeatedly observed how a mishmash of serious research, political propaganda, and the hidden agendas of individuals have been distributed more or less randomly by the media. There are of course many different kinds of alarmism— everything from well-founded research reports to exaggerated prophesies of doom. It is far from simple to separate the wheat from the chaff. The actions taken against ozone depletion, lead emissions and the toxic chemical, dioxin, are all examples of how research has shown the way to successful results. Today, greenhouse gas emissions top the list of issues deserving our gravest attention, as it is a global phenomenon—just as the depletion of the ozone layer once was. There are also a considerable number of local environmental problems, such as drought, air pollution, forest depletion and overfishing. All of these are real threats that have to be acted upon, even though they are not global. However, I am always disturbed when a single global environmental issue is bundled with an assortment of several local issues, rather like a simplified trademark advertisement for the negative consequences of civilisation. This makes the information abstract and inaccurate, ignoring the fact that different locales require different solutions. Fear and alarmism are natural reactions that once protected us when we were living at the mercy of nature—they are evolutionary relics from our life in the savanna. Today, the same properties can be significant drawbacks. The transition from a primitive, animal-like state to the society we have today must, on the whole, be counted as a great success. But many people regard the same world as over-exploited, depleted, unjust, war-ridden and balancing on the brink of destruction. How can people living in the same epoch have so entirely different views of the world? In the sustainability debate, there is one faction dealing with the natural resources and ecosystems, and another focusing on the redistribution of wealth. There is even a third faction discussing a minimalistic lifestyle; for example, downshifting, with less work and less material welfare. When all these ingredients are mixed without discretion, the result is an anxiety soup that many have choked on. In a situation like that, we cannot expect any constructive initiatives to materialise. Instead, it would be far better to explore, research and discuss each dimension separately. What Is the Real State of the Planet? It is easy to generalise and say that we over-exploit the planet’s resources and pollute the world with our waste. But how many care to examine these statements in detail and ask exactly which resources are over-exploited? • Are fish becoming extinct? It is true that overfishing occurs in many places, which is, of course, unsustainable. However, this is not an unavoidable threat to the world’s total food resources. Fortunately, there are several examples of fish stocks that have either recovered or started to replenish once the fishing effort has been eased. • Is the air being poisoned? Many are convinced that the air we breathe is becoming dirtier all the time. But that isn’t true, at least not in the Western world. From the year 1990, emissions of sulphur dioxide have been reduced by 80%, nitrogen oxides by 44%, volatile organic substances by 55%, and carbon monoxide by 62%. Despite these dramatic improvements, 64% of Europeans believe that pollution is increasing. • Are the forests dying? It is a general belief that the forests in the developed countries are dwindling. But that isn’t true; on the contrary, the wooded areas are expanding. However, the forests are decreasing in the poor countries, where forestry and farming are still major sources of income, as they once were in the industrialised countries. • Are we drowning in waste? There are many who believe that we are surrounded by constantly growing mountains of waste. In the developed countries, the truth is that increasing amounts of waste are being recycled and the landfills are decreasing. • Will there be enough phosphorus? Phosphorus is an important nutrient in farming, extracted from phosphate ore. Many scientists fear that the finite natural resource of phosphate ore will become depleted in the future, which may jeopardise the world’s food supply. But there are already working solutions for this problem, such as by reclaiming phosphorus through digestion residues and sewage sludge. There are also technological solutions for the chemical extraction of phosphorus from polluted water—the remediation of lakes and rainwater by removing phosphorus is already a common procedure. Here we achieve a win-win situation—phosphorus is collected while preventing the eutrophication of lakes. • Will there be enough energy to go around? A common statement is that the earth’s population is too large, and that we consume too much energy with respect to the climate. This is one of those issues where we have to think in terms of symptoms, diagnoses, and medication. The symptoms are there for all to see: climate change. On the other hand, the diagnosis that we consume too much energy is wrong. The correct diagnosis is that we are not using the right technology; i.e. energy efficient power production without harmful emissions. Consequently, the correct statement would be that we consume energy that is produced by technologies that are harmful to the climate. The difference in wording is important. As the first diagnosis is “too high energy consumption”, the remedy will be to use a different medication than a diagnosis based on “the wrong technology”. Alarmist reporting can inspire bad decisions if the statements aren’t systematically reviewed and evaluated. It can also be misguiding to express environmental threats in general terms. Actions must be based on precise specific symptoms with corresponding diagnoses. If the doctor discovers that the patient is lame and suffers from a high fever, it doesn’t help to predict imminent death. Maybe the lameness and the fever have different causes altogether! A successful cure would probably include two different diagnoses with separate medications. Several recent surveys of the general conception of the world have been made— one is Project Ignorance by Gapminder and Novus in Sweden. One of the questions asked was whether CO2 emissions per capita and year had increased or decreased in the world during the last 40 years. The surveyed group was large and representative in order to give a fairly accurate picture of the common opinion. No less than 90% believed that CO2 emissions had increased. The truth is that they haven’t increased at all. It is important that decision makers on all levels learn how to see the wood from the trees. Decisions based on false preconditions can halt technological development, and thus also the development of the economy, welfare, and a healthier environment. The flow of innovations in the climate and environmental areas is accelerating rapidly. This can be seen in the number of improvements that have occurred in recent years, which can be counted in the thousands. Such improvements have to be weighted on the same scale as the problems in this area. That is not to say the problems should be ignored—they need to be acted upon. But they should not be allowed to occupy our brains to the extent that our power to act is paralysed. Is the Notion of Sustainable Technology-Driven Growth Over-Optimistic? The development of a technological society has always been questioned. In the 19th century, critics claimed that the technological revolution would create poverty. In the 1970s, it was generally believed that the forest dieback would cause a disaster. In the 1980s, the acidification of lakes and throwaway mentality of society were regarded as manifestations of the devastating properties of growth and industrialisation. Today, many fear the environmental effects of air travel and the production of electronic devices. There are people who seriously wish to halt economic growth and wind back the clock to the society of the 1960s. They recall this time period as small-scaled and down-to-earth, stress-free and idyllic. But they tend to forget that the refrigerators of that time required 90% more electricity than today, and that our teeth were repaired with mercury fillings instead of plastic. There were no X-ray CT scanners and no medicines against ulcers. In addition, there were many more people living without electricity. There was also more widespread malnutrition, a higher infant mortality, and, in fact, more wars. Cars were fuelled by leaded petrol, and sulphur emissions were 90% higher than today. The acidification of lakes, as well as polluted streams and fields, were serious concerns. Since then, technological innovations have reduced sulphur emissions and removed the lead from car fuel. At any given point in history, there have been critics claiming that this was the time when we had reached the optimal point in the development of the modern society. But we hadn’t, not then and not now. And the more our countries are modernised, the greater our possibilities to care for animals and nature become. In the mid-1800s, the killing of large animals like sperm whales didn’t concern people to any significant degree, despite the cruel hunting methods using harpoons. The benefits of the whale fat, mainly used for lamp oil to facilitate reading in the evenings, overshadowed any empathic impulses. In the 1850s more than 70,000 people were employed by the American whaling industry. There were 900 ships in the world hunting whales, and during one of the most active years, 8000 whales were butchered, which provided more than 300,000 barrels of oil. The oil extracted from the head of the sperm whale, the so-called spermaceti oil, was especially sought-after. It was of very high quality and sold for 1.50 US dollars per litre in today’s monetary value. As a consequence, the number of sperm whales in the world rapidly dwindled. However, when oil drilling started in Pennsylvania in the year 1859, the price of whale oil began to fall. The fast transition to petroleum products for lighting and other applications is considered to have saved the last of the sperm whales. Thus, new technology can both contribute to the protection of threatened animal species and provide the wealth to make it affordable for us to even save predators. Imagine what would happen if we were able to bring back someone from the 19th century and tell them that today we move wolves though the air by helicopter in order to save the species and expand its habitat; our ancestor would probably rather go back to sleep than listen to such apparent stupidity. Pessimism Does not Support a Sustainable Development There is a lot of progress going on in the world today, but not without negative side effects. When improving the world and dealing with the side effects, an optimistic attitude provides us with a much better chance of success than a pessimistic view. The optimist carries a positive inner beacon to follow, while the pessimist is always looking for potential traps and drawbacks. As visions and conceptions of ideas often become self-fulfilling, it isn’t difficult to realise what’s most constructive. All decisions—big or small, conscious or not—are affected and guided by our inner beacon. When solving a problem, such as developing a new product for example, it is necessary to have a conception of a working solution in mind. As a product developer, it is of course necessary to review every minute step in the process and question the choices made. You have to ask yourself if there may be a better material or a smarter design. Strange as it seems, this continuous struggle in the mind of the developer may appear to be a kind of pessimism, as it is all about looking for weaknesses in the imagined solution. It is not dissimilar from the process a doctor follows when selecting a diagnosis and a remedy. You start with certain hypotheses, examine, exclude, test, question and verify until you are satisfied that you have made the correct diagnosis. Then the choice of medication becomes much simpler. It would be fatal if the doctor was pessimistic from the start and worked in the belief that it would be impossible to find a reason for the illness, or a working remedy. This could then be the conclusion that such a doctor would unconsciously try to verify. Would you like to have a doctor like that? The same is true for climate and environmental problems—we need optimists armed with critical thinking to solve them. There are also so-called climate change deniers, who believe that man hasn’t really affected the planet and its ecosystems to any significant degree. Some of them claim that the influence of the sun and other natural phenomena are so enormous that human activities have no bearing on global warming. Perhaps these deniers are so deeply pessimistic that they cannot imagine any possible solutions. For ages, man has harboured a certain distrust of his own species. Throughout history, various religions have emphasised human shortcomings and presented assorted consequential threats. During the last 30 years, such prophesies have increasingly often been introduced by environmental activists and some political groups, whose messages have been significantly supported by the media. The underlying conception of humanity isn’t flattering. The human race is considered to be fundamentally ruthless, greedy, short-sighted and evil. Threats against the climate and much other misery on earth are caused by human failure. However, if we take the time to study the progress that has been made by the human race throughout the ages, we actually get the opposite picture. Can it really be evil, greedy, and short-sighted beings who put their own lives at stake to treat people infected by Ebola or HIV in poor countries? Who are the ones that are continuously reducing the number of starving people on earth? Who are the ones that invent vaccines for the children of the world? Who are the ones that have developed a civilisation where an increasing number of people get educated, and who struggle to reduce the casualties of war? Why blame an entire species for atrocities that are actually committed by a mere fraction? Establishing a firm belief in humankind should be the first step on the road to sustainable development.