## 1.

#### The aff is sua sponte – it makes a decision in absence of arguments presented before the court – that crushes court legitimacy

Milani & Smith 02 (Adam and Michael, both are Assistant Professors, Mercer University School of Law, “Playing God: A Critical Look at Sua Sponte Decisions by Appellate Courts,” 69 Tenn. L. Rev. 245, Winter, lexis)

The heart of the American legal system is the adversary process in which trained advocates present the parties’ facts and arguments to neutral decision makers. The fundamental premise of the adversary process is that these advocates will uncover and present more useful information and arguments to the decision maker than would be developed by a judicial officer acting on his own in an inquisitorial system.3 The adversary process is also said to “promote[] litigant and societal acceptance of decisions rendered by the courts”4 because a party who “is intimately involved in the adjudicatory process and feels that he has [they have] been given a fair opportunity to present his case . . . is likely to accept the results whether favorable or not.”5 Indeed, the Joint Conference on Responsibility of the American Bar Association and the Association of American Law Schools stated that “[i]n a very real sense it may be said that the integrity of the adjudicative process itself depends upon the participation of the advocate.”6 Accordingly, most lawyers probably never think about the possibility that a court will decide a case on an issue that the court itself raises and which was neither briefed nor argued by the parties. But we all know it happens. We even have a name for such a decision: [is] sua sponte. Translated from its original Latin, “sua sponte” means “on his or its own motion.”7 In the legal setting, sua sponte describes a decision or action undertaken by a court on its own motion8 as opposed to an action or decision done in response to a party’s request or argument. As such, the concept of “sua sponte” is an important exception to two basic [the] principles of our adversary system of adjudication: (1) that the parties will control the litigation, and (2) that the decision maker will be neutral and passive.9 One of the clearest manifestations of these principles is that the parties themselves, not the decision maker, determine what issues will be adjudicated. In the context of judicial decision making, a court deviates from its traditional “passive” role in the adjudicatory process when it raises an issue not identified by the parties but which it deems relevant to the legal controversy before it. Nonetheless, raising issues sua sponte is not an uncommon practice.10 In fact, legal scholars have identified several kinds of issues that are commonly raised by courts on their own. First, both trial and appellate courts often raise jurisdictional issues such as standing, subject matter jurisdiction, and mootness sua sponte.1

#### Court legitimacy is key to effectively combat terrorism

Shapiro 3 (Jeremy, Nonresident Senior Fellow at the Brookings institute - Foreign Policy, Center on the United States and Europe, Project on International Order and Strategy, 3-1-2003, “French Lessons: The Importance of the Judicial System in Fighting Terrorism”, The Brookings Institute, https://www.brookings.edu/articles/french-lessons-the-importance-of-the-judicial-system-in-fighting-terrorism/)

The unique nature of terrorism means that maintaining the appearance of justice and democratic legitimacy will be much more important than in past wars. The terrorist threat is in a perpetual state of mutation and adaptation in response to government efforts to oppose it. The war on terrorism more closely resembles the war on drugs than World War II; it is unlikely to have any discernable endpoint, only irregular periods of calm. The French experience shows that ad-hoc anti-terrorist measures that have little basis in societal values and shallow support in public opinion may wither away during the periods of calm. In the U.S., there is an enormous reservoir of legitimacy, established by over 200 years of history and tradition, in the judiciary. That reservoir represents an important asset that the U.S. government can profit from to maintain long-term vigilance in this type of war.

#### Nuclear terrorism causes extinction

Hellman 8 (Martin, emeritus prof of engineering @ Stanford, “Risk Analysis of Nuclear Deterrence” SPRING 2008 THE BENT OF TAU BETA PI, http://www.nuclearrisk.org/paper.pdf)

The threat of nuclear terrorism looms much larger in the public’s mind than the threat of a full-scale nuclear war, yet this article focuses primarily on the latter. An explanation is therefore in order before proceeding. A terrorist attack involving a nuclear weapon would be a catastrophe of immense proportions: “A 10-kiloton bomb detonated at Grand Central Station on a typical work day would likely kill some half a million people, and inflict over a trillion dollars in direct economic damage. America and its way of life would be changed forever.” [Bunn 2003, pages viii-ix]. The likelihood of such an attack is also significant. Former Secretary of Defense William Perry has estimated the chance of a nuclear terrorist incident within the next decade to be roughly 50 percent [Bunn 2007, page 15]. David Albright, a former weapons inspector in Iraq, estimates those odds at less than one percent, but notes, “We would never accept a situation where the chance of a major nuclear accident like Chernobyl would be anywhere near 1% .... A nuclear terrorism attack is a low-probability event, but we can’t live in a world where it’s anything but extremely low-probability.” [Hegland 2005]. In a survey of 85 national security experts, Senator Richard Lugar found a median estimate of 20 percent for the “probability of an attack involving a nuclear explosion occurring somewhere in the world in the next 10 years,” with 79 percent of the respondents believing “it more likely to be carried out by terrorists” than by a government [Lugar 2005, pp. 14-15]. I support increased efforts to reduce the threat of nuclear terrorism, but that is not inconsistent with the approach of this article. Because terrorism is one of the potential trigger mechanisms for a full-scale nuclear war, the risk analyses proposed herein will include estimating the risk of nuclear terrorism as one component of the overall risk. If that risk, the overall risk, or both are found to be unacceptable, then the proposed remedies would be directed to reduce which- ever risk(s) warrant attention. Similar remarks apply to a number of other threats (e.g., nuclear war between the U.S. and China over Taiwan). his article would be incomplete if it only dealt with the threat of nuclear terrorism and neglected the threat of full- scale nuclear war. If both risks are unacceptable, an effort to reduce only the terrorist component would leave humanity in great peril. In fact, society’s almost total neglect of the threat of full-scale nuclear war makes studying that risk all the more important. The cosT of World War iii The danger associated with nuclear deterrence depends on both the cost of a failure and the failure rate.3 This section explores the cost of a failure of nuclear deterrence, and the next section is concerned with the failure rate. While other definitions are possible, this article defines a failure of deterrence to mean a full-scale exchange of all nuclear weapons available to the U.S. and Russia, an event that will be termed World War III. Approximately 20 million people died as a result of the first World War. World War II’s fatalities were double or triple that number—chaos prevented a more precise deter- mination. In both cases humanity recovered, and the world today bears few scars that attest to the horror of those two wars. Many people therefore implicitly believe that a third World War would be horrible but survivable, an extrapola- tion of the effects of the first two global wars. In that view, World War III, while horrible, is something that humanity may just have to face and from which it will then have to recover. In contrast, some of those most qualified to assess the situation hold a very different view. In a 1961 speech to a joint session of the Philippine Con- gress, General Douglas MacArthur, stated, “Global war has become a Frankenstein to destroy both sides. … If you lose, you are annihilated. If you win, you stand only to lose. No longer does it possess even the chance of the winner of a duel. It contains now only the germs of double suicide.” Former Secretary of Defense Robert McNamara ex- pressed a similar view: “If deterrence fails and conflict develops, the present U.S. and NATO strategy carries with it a high risk that Western civilization will be destroyed” [McNamara 1986, page 6]. More recently, George Shultz, William Perry, Henry Kissinger, and Sam Nunn4 echoed those concerns when they quoted President Reagan’s belief that nuclear weapons were “totally irrational, totally inhu- mane, good for nothing but killing, possibly destructive of life on earth and civilization.” [Shultz 2007] Official studies, while couched in less emotional terms, still convey the horrendous toll that World War III would exact: “The resulting deaths would be far beyond any precedent. Executive branch calculations show a range of U.S. deaths from 35 to 77 percent (i.e., 79-160 million dead) … a change in targeting could kill somewhere between 20 million and 30 million additional people on each side .... These calculations reflect only deaths during the first 30 days. Additional millions would be injured, and many would eventually die from lack of adequate medical care … millions of people might starve or freeze during the follow- ing winter, but it is not possible to estimate how many. … further millions … might eventually die of latent radiation effects.” [OTA 1979, page 8] This OTA report also noted the possibility of serious ecological damage [OTA 1979, page 9], a concern that as- sumed a new potentiality when the TTAPS report [TTAPS 1983] proposed that the ash and dust from so many nearly simultaneous nuclear explosions and their resultant fire- storms could usher in a nuclear winter that might erase homo sapiens from the face of the earth, much as many scientists now believe the K-T Extinction that wiped out the dinosaurs resulted from an impact winter caused by ash and dust from a large asteroid or comet striking Earth. The TTAPS report produced a heated debate, and there is still no scientific consensus on whether a nuclear winter would follow a full-scale nuclear war. Recent work [Robock 2007, Toon 2007] suggests that even a limited nuclear exchange or one between newer nuclear-weapon states, such as India and Pakistan, could have devastating long-lasting climatic consequences due to the large volumes of smoke that would be generated by fires in modern megacities. While it is uncertain how destructive World War III would be, prudence dictates that we apply the same engineering conservatism that saved the Golden Gate Bridge from collapsing on its 50th anniversary and assume that preventing World War III is a necessity—not an option.

## 2.

#### Hedonism collapses to moral egoism – even if pleasure is intrinsically good and motivating, it doesn’t follow that other subjects pleasure is also intrinsically good

#### 1] Non-sequitur – saying that x is good for me doesn’t entail that x is good for everybody.

#### 2] Solipsism – we can’t verify if other humans also are experiential subjects or are just fleshy objects.

#### 3] Disagreements – even if pleasure is good, humans always disagree with what is pleasurable, empirically proven by impact-calc in util debates.

#### Moral egoism means relativism which they can’t solve

#### 1] Schmagency – even if we know what is ethical, there’s no reason that we are bound to ethical behavior.

#### 2] Application – even if we agree on what is ethical, we’ll still disagree on what the best way on how to maximize ethical outcomes.

#### The solution is the sovereign – we must surrender moral judgement.

Williams Williams, Michael C. (Professor in the Graduate School of Public and International Affairs at the University of Ottawa). “Hobbes and International Relations: A Reconsideration.” *International Organization*, Volume 50, Number 2, pgs. 218-220. Spring 1996. [**https://www.jstor.org/stable/2704077**](https://www.jstor.org/stable/2704077). Cho recut from PZ

By themselves, the laws of nature are not enough, not because rational actors cannot trust each other enough to enter into a social contract but because in the condition of epistemological indeterminacy that Hobbes portrays as natural, this universality is at best a partial step. For even if all were to agree on the right to self-preservation, all need not necessarily agree on what comprised threats to that preservation, how to react to them, or how best to secure themselves against them. Conflict is not simply intrinsic to humanity's potential for aggression; nor can it be resolved directly through the utilitarian calcula- tions of competing and conflicting interests. On the contrary, Hobbes believes that the answer lies in recognizing the problem: namely, the inability to resolve objectively the problem of knowing facts and morals in any straightforward manner. Once this is recognized, the stage is set for Hobbes's solution, a solution that lies not-as Donald Hanson has argued-in a flight from politics but rather in an appeal to politics.19 Or, put another way, Hobbes tries to show how rational certainty and skepticism can be paradoxically combined into a solution for politics and a solution by politics. To escape the state of nature, individuals do not simply alienate their "right to everything" to a political authority.20 More fundamentally, what is granted to that authority is the right to decide among irresolvably contested truths: to provide the authoritative criteria for what is and thus to remove people from the state of epistemic and ethical anarchy that form the basis of the state of nature. Hobbes uses his skepticism both to show the necessity of his solution and to destroy (what he views as dogmatic) counterclaims to political authority based upon unsupportable (individual) claims to truth. In arguing against what he views as seditious individual claims against the authority of the sovereign in De Cive, Hobbes puts it in the following way: "the knowledge of good and evil belongs to each single man. In the state of nature indeed, where every man lives by equal right, and has not by any mutual pacts submitted to the command of others, we have granted this to be true; nay, [proved it] ... [But in the civil state it is false. For it was shown. . .] that the civil laws were the rules of good and evil, just and unjust, honest and dishonest; that therefore what the legislator commands, must be held for good, and what he forbids for evil. "21 Earlier in the same work, he phrased the argument even more unequivocally, noting that since "the opinions of men differ concerning meum and tuum, just and unjust, profitable and unprofitable, good and evil, honest and dishonest, and the like; which every man esteems according to his own judgment: it belongs to the same chief power to make some common rules for all men, and to declare them publicly, by which every man may know what may be called his, what another's, what just, what unjust, what honest, what dishonest, what good, what evel; that is summarily, what is to be done, what to be avoided in our common course of life." It follows that for Hobbes: "All judgment therefore, in a city, belongs to him who hath the swords; that is, to him who hath the supreme authority."22 These are the fundamental reasons why the sovereign must be unchallenge- able; to rebel is to return to the subjectively relative claim to know and the conflict that this inevitably entails. They also explain why the sovereign ultimately must control language (which defines what is) and clarify Hobbes's repeated stress on the importance of education rather than coercion as the essential element in a successful sovereign's rule.23 Interpretive dissent leads to political dissension and to conflict. In the words of Hobbes's patron, the Earl of Newcastle, "controversy Is a Civil Warr with the Pen which pulls out the sorde soon afterwards. "24

#### Outweighs util

#### 1] Solves skep

#### A] Relativism – the sovereign can arbitrate their truths as objective which secures moral certainty

#### B] Linguistic – obligations are always up to interpretation which means we can never follow them, like how the bible or constitution are heavily debated on. Surrendering judgement solves by declaring the sovereign’s interpretation as objectively true.

#### 2] Solves state of nature – infinite violence occurs over attempts to be the creator of meaning, the sovereign solves by eliminating all disagreements

#### That outweighs:

#### A] Abduction – even if util is true and motivating, they can’t explain why we don’t follow it. Answering this negates – If we were actually motivated by utilitarian obligations then the squo would be the best state of affairs.

#### B] hijacks lexical pre-req – even if util is true we can’t ever use it because we fear for our bodily security.

#### Negate

#### A sovereign can’t be obligated to recognize anything because they are the ones who choose what to recognize. My offense o/ws on specificity because only our fw answers the question of what a just government is. Their definition of government can’t solve skep which proves it isn’t capable of being just.

## 3.

#### Plan text: The United States of America ought to recognize an unconditional worker’s right to strike except for Essential Workers.

#### Essential Workers includes Public Transportation.

Weiss 2k, Marley S. "The right to strike in essential services under United States labor law." (2000). (Professor of Law, University of Maryland School of Law.)//Elmer

“ **Essential services**” is not a category defined under most labor legislation in the U.S. Little distinction is made in U.S. law between strikes in these kinds of jobs and in those with much less dramatic impact upon the public. Although several state level public sector labor relations laws recognize such a category, it is unnecessary under most state laws, because they flatly prohibit strikes by public employees. There is some recognition of **a similar-sounding category**, the “ **national emergency dispute**” , under the 1947 Labor Management Relations Act amendments to the NLRA,6 but the prerequisites to its applicability are stringent. There was considerable history of its invocation in the first thirty years after the national emergency disputes provision was enacted,7 and it was subjected to heavy criticism.8 Today, however, it is a dead letter: for the past twenty years, the LMRA national emergency dispute provision has remained unused.9 There is broader language under the RLA which is still **used** occasionally. The generally-applicable RLA provision permits appointment of an emergency board **when** a **labor dispute** “ **threaten**[s] to interrupt **interstate commerce** to a degree such as **to deprive** any section of the **country of essential transportation services**...” .10 This provision too, however, has been utilized much less frequently in recent years, compared to the period before 1980. The one exception to this trend is a 1981 amendment to the RLA,11 pertaining to governmentally-owned, local commuter railroads, which has been invoked relatively frequently since its inception.

#### CP solves the Aff – CIL is a conditioned RTS that excludes Essential Workers – the CP aligns the US w/ all of ILO mandate – here’s 1AC Brudney.

Brudney 21 [James; 2/8/21; Joseph Crowley Chair in Labor and Employment Law, Fordham Law School; “The Right to Strike as Customary International Law,” THE YALE JOURNAL OF INTERNATIONAL LAW, Vol 46, <https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1710&context=yjil>] //sid

The international right to strike is far from absolute. It may be restricted in exceptional circumstances, or even prohibited, pursuant to national regulation. For a start, Convention 87 provides that members of the armed forces and the police may be excluded from the scope of the Convention in general, including the right to strike.57 In addition, applications by the CFA and CEACR have concluded that three distinct forms of substantive restriction on the right to strike are compatible with Convention 87. 1. Substantive Limitations One important restriction applies to certain categories of public servants. The CEACR and CFA have made clear that public employees generally enjoy the same right to strike as their counterparts in the private sector; at the same time, in order to ensure continuity of functions in the three branches of government, this right may be restricted for public servants exercising authority in the name of the State.58 Examples include officials performing tasks that involve the administration of necessary executive branch functions or that relate to the administration of justice. Each country has its own approach to classifying public servants exercising authority in the name of the State. When considering the international right under Convention 87, some public servant exceptions seem clearly applicable, such as officials auditing or collecting internal revenues, customs officers, or judges and their close judicial assistants.59 Some public servant exceptions seem inapplicable, such as teachers, or public servants in State-owned commercial enterprises.60 Whether public servants are exercising authority in the name of the State can be a close question under particular national law, one on which the CEACR and CFA have offered encouragement and guidance,61 as has the Committee on Economic, Social and Cultural Rights (CESCR).62 A second equally important restriction on the right to strike involves essential services in the strict sense of the term. This is an area in which both the CEACR and CFA have developed a detailed set of applications and guidelines.63 The two committees consider that essential services, for the purposes of restricting or prohibiting the right to strike, are only those “the interruption of which would endanger the life, personal safety or health of the whole or part of the population.”64 This definition of essential services “in the strict sense of the term” stems from the idea that “essential services” as a limitation on the right to strike would lose its meaning if statutes or judicial decisions defined those services in too broad a manner.65 The interruption of services that cause or have the potential to cause economic hardships—even serious economic hardships—is not ordinarily sufficient to qualify the interrupted service as essential. Indeed, the very purpose of a strike is to interrupt services or production and thereby cause a degree of economic hardship. That is the leverage workers can exercise; it is what allows a strike to be effective in bringing the parties to the table and securing a negotiated settlement. The two ILO supervisory committees also have made clear that the essential services concept is not static in nature. Thus, a non-essential service may become essential if the strike exceeds a certain duration or extent, or as a function of the special characteristics of a country.66 One example is that of an island State where at some point ferry transportation services become essential to bring food and medical supplies to the population.67 When examining concrete cases, the supervisory bodies have considered a range of services, both public and private, too broad to summarize here. As illustrative, the two bodies have determined that essential services in the strict sense of the term include air traffic control services,68 telephone services,69 prison services, firefighting services, and water and electricity services.70 The CEACR and CFA also have identified a range of services that presumptively are deemed not to be essential in the strict sense of the term.71 In addition, in circumstances where a total prohibition on the right to strike is not appropriate, the magnitude of impact on the basic needs of consumers or the general public, or the need for safe operation of facilities, may justify introduction of a negotiated minimum service.72 Such a service, however, must truly be a minimum service, that is one limited to meeting the basic needs of the population or the minimum requirements of the service, while maintaining the effectiveness of the pressure brought to bear through the strike by a majority of workers.73 The third substantive restriction on the right to strike under Convention 87 relates to situations of acute national or local crisis, although only for a limited period and only to the extent necessary to meet the requirements of the situation.74 With respect to all three forms of substantive restriction, the CFA and CEACR have indicated that certain alternative options should be guaranteed for workers who are deprived of the right to strike. These options include impartial conciliation followed by arbitration procedures in which any awards are binding on both parties and are to be implemented in full and rapid terms.75

#### Transportation Strikes are low now due to Federal Strike Bans.

Bauernschuster et Al 17, Stefan, Timo Hener, and Helmut Rainer. "When labor disputes bring cities to a standstill: The impact of public transit strikes on traffic, accidents, air pollution, and health." American Economic Journal: Economic Policy 9.1 (2017): 1-37. (Faculty of Business Administration and Economics, University of Passau, Innstra)//Elmer

New York City's **Taylor Law,** which was put into effect **in response to a transit strike** in 1966, represents an example of a particularly draconian measure. Under Section 210, the law **prohibits** any **strike or** other concerted **stoppage** 01 worn or slowdown by public employees (Division of Local Government Services 2009). Instead, it prescribes binding arbitration by a state agency to resolve bargaining deadlocks between unions and employers. **Violations** against the prohibition on strikes are **punishable with hefty penalties**. The fine for an individual worker is **twice** the striking employee's **salary** **for each** **day** the strike lasts. In addition, union leaders face **imprisonment**. Since its inception in 1967, the Taylor Law has generated a lot of controversy. To proponents, it was **successful in averting several potential transit strikes** that would have imposed significant costs on the city and its inhabitants (OECD 2007). Indeed, New York City has only seen two transit strikes over the past four decades—in 1980 and in 2005. In both cases, harsh monetary penalties were imposed on workers and unions. The 2005 transit strike additionally led to the imprisonment of a union leader, and saw the Transport Workers Union (TWU) filing a formal complaint with the ILO. Since then, the ILO has urged the United States government to restore the right of transit workers to strike, arguing that they do not provide essential services justifying a strike ban (Committee on Freedom of Association 2011, 775). So far, the Taylor Law has not been amended in this direction.

#### Transit Strikes cause mass damage that far outweighs any benefits – specifically causes high Air Pollution by causing shifts to Personal Traffic.

Bauernschuster et Al 17, Stefan, Timo Hener, and Helmut Rainer. "When labor disputes bring cities to a standstill: The impact of public transit strikes on traffic, accidents, air pollution, and health." American Economic Journal: Economic Policy 9.1 (2017): 1-37. (Faculty of Business Administration and Economics, University of Passau, Innstra)//Elmer

This paper aims to answer two questions that are at the heart of the Taylor Law controversy and similar debates elsewhere: Do strikes in the public transportation sector cause disruptions that endanger the safety and health of urban populations? And how large are the costs of transit strikes to noninvolved third parties? To get at these questions, our **analysis uses time series and cross-sectional variation** in powerful registry data **to quantify** the **effects of public transit strikes** in five domains: traffic volumes, travel times, accident risk, pollution emissions, and health (see Figure 1). The **context** **for our study** are the five largest cities in **Germany**, which provides us with an ideal setting. In particular, in contrast to countries that have imposed de jure restrictions on public transit strikes, **German courts** de facto **protect the right to strike** in this sector. **As a consequence**, Germany **regularly faces strikes by transit workers.** Our analysis exploits 71 one-day strikes in public transportation over the period from 2002 to 2011. We identify the daily effects of these strikes using both time series and cross-sectional variation in our data. In a first step, we estimate the impact on the total length of time that cars are in operation (henceforth, total car hours operated). To do so, we make use of two data sources. First, we use hourly informa tion from official traffic monitors to estimate the effect of transit strikes on traffic volumes. Second, we use congestion data based on GPS speed measurements from TomTom, a global supplier of navigation and location products and services, to esti mate the effect on travel times. Combining the two estimates allows us to compute the effect on total car hours operated. In a second step, we explore likely knock-on consequences by expanding the analysis in three directions. First, we assess the impact of strikes on the incidence and severity of car accidents using detailed regis ter data, which includes all vehicle crashes recorded by the German police. Second, to investigate the effect on atmospheric pollution, we draw on hourly data from official air monitors. Third, we explore the effect on human health using register data, which includes information about all patients admitted to all German hospi tals. Our identification strategy is based on a generalized difference-in-differences approach. It flexibly captures daytime and day-of-week patterns, seasonality effects, and long-run time trends, which are all allowed to vary by city. What emerges **is a picture of remarkable consistency**. **During** the morning peak of a **strike day**, **total car hours operated** **increase by 11 to 13 percent.** This increase can be decomposed into two separate effects: a 2.5 to 4.3 percent increase in the number of cars on roads and a 8.4 percent increase in travel times. In addition, our results suggest that transit strikes **pose** a **non-negligible threat** **to public safety and public health.** We find a 14 percent increase in the number of vehicle crashes, which is accompanied by a 20 percent increase in accident-related personal injuries. Moreover, we observe that transit strikes have **sizable effects on ambient air pollution**. **Emissions** of particulate matter **increase by 14 percent**, while nitrogen dioxide concentrations in ambient air increase by 4 percent. Finally, analyzing health out comes related to air pollution, we find that young children are subject to negative health effects. Among this subgroup, hospital admissions for respiratory diseases increase by 11 percent on strike days. The costs of strikes—both to the parties directly involved in a dispute and to the public at large—have been the subject of extensive research since the mid-twentieth century. Until the 1990s, the main conclusion of the literature was that strikes impose significant financial costs on the workers and the firm directly involved in walkouts, but only negligible costs in most cases on non-involved third parties (Kaufmann 1992). Our study firmly rejects this conclusion: based on our estimates, **the increase in aggregate travel time caused by a single strike corresponds to 1,550 full-time equivalent work weeks**. This translates into **third-party congestion costs of €3.2 million per strike or €228.9 million for all 71 strikes in our sample.** Our work complements a small but impressive literature in economics analyzing the impact of strikes. Focusing on the hospital sector, Gruber and Kleiner (2012) investigate the effects of nurses' strikes on patient outcomes. After controlling for time and hospital specific heterogeneity, they observe increased mortality and read mission rates, and conclude that strikes in hospitals kill.3 Examining walkouts in the education sector, Belot and Webbink (2010) and Baker (2013) find that teacher strikes had negative effects on student achievement in Belgium and Canada. Finally, there are a few interesting studies of strike impact in the private sector. Krueger and Mas (2004) show that strikes in tire production facilities decreased the quality of tires resulting in an increase of fatal accidents. In a similar vein, Mas (2008) finds that strikes at Caterpillar led to lower product quality. In comparison to other strikes that have been studied in the literature, there is one specific aspect about urban public transport that makes it an intriguing case to study: the population at risk from strikes is potentially very large and likely to be affected along multiple dimensions. This is due to several interrelated facts: (i) in many advanced cities, the two major modes of transportation are private vehicles and public transit; (ii) urban public transport is typically provided under monopoly conditions—either by public sector companies or by operators working under licenses granted by public authorities; (iii) without the availability of a close substitute, public transit strikes are likely to significantly disrupt the normal travel of transit riders and disturb traffic patterns by increasing the use of private vehicles; (iv) two of the main externalities associated with an increase in the usage of private cars are traffic accidents and air pollution, and entire city populations—not just transit users—may be adversely affected in each of these areas when public transport shuts down. Quantifying these potential impacts is not just interesting in itself, but also an important ingredient to meaningful discussions about the regulation of labor relations in sectors providing services regarded as public or essential.4 The remainder of the paper is organized as follows. Section I provides the institutional setting and discusses how transit strikes might affect cities and their inhabitants. Section II describes the data. Section III outlines the empirical strategy, followed by the results in Section IV. Section V discusses the size of the effects by monetizing the third party costs of transit strikes and comparing them to the private costs of struck employers. Background A. The Role of Public Transit and the Regulation of Labor Relations The five largest German cities, home to roughly 8.2 million people, are characterized by an intensive use of public transportation. In 2013, Berlin, Hamburg, Munich, Cologne, and Frankfurt together accounted for a total number of 3.4 billion public transit users in their metropolitan areas.5 This corresponds to an average 9.3 million passengers a day. In Berlin, the German capital, roughly 43 percent of commuters use public transit, while about 38 percent travel by car (Wingerter 2014). Public transportation networks are extensive in all sample cities. In Hamburg, for example, the transportation network comprises 91 subway stations, 68 suburban train stations (S-Bahn), more than 1,300 bus stops connecting a network of nearly 1,200 km in a city with less than 2 million inhabitants. The importance of public transportation in major German cities is comparable to the role it plays in the largest city in the United States. New York City has a population of roughly 8.4 million people. In 2014, its Metropolitan Transportation Authority moved about 9 million riders per day or 3.3 billion passengers a year on subways, buses, and railroads.6 Approximately 56 percent of commuters in New York City use public transit, while about 27 percent travel by car.7 While the use of mass transit in New York City and major German cities is com parable, the regulation of labor relations in the public transportation sector differs markedly. As mentioned above, New York City's Taylor Law prohibits strikes by transit workers under the threat of harsh penalties. Other cities in the United States with no-transit-strike laws include Chicago, Boston, and Washington, DC. For a German, it must come as a surprise that many countries impose de jure restrictions on strikes in the public transportation sector. Indeed, in Germany, the right to strike is a fundamental right based on the Freedom of Association (Koalitionsfreiheit) as laid out in Article 9(3) of the constitution (Grundgesetz). Only civil servants, judges, and soldiers are excluded from the right to strike. Until the 1990s, the big infra structure industries—i.e., telecommunications, postal, and public transportation ser vices—were state monopolies. Workers in these industries had civil servant status and thus were not allowed to strike. However, when these industries were gradually privatized during the 1990s, newly hired workers were no longer given civil servant status and therefore gained the right to strike. Today, public transit workers, whether employed by Germany's rail operator Deutsche Bahn or local public transport providers, are allowed to engage in industrial action. The only de facto restriction on transit workers' right to strike is that the parties of an industrial conflict are responsible for the provision of a minimum service (Klaß et al. 2008). This is intended to act as a balance of their interests with those of non-involved third parties.8 In Germany, industrial action by transit workers is typically announced one day ahead of a strike. However, at that time, there is still substantial uncertainty as to exactly which services will be affected and to what degree. Thus, the actual extent of a strike cannot be clearly assessed prior to the start of a strike. The strikes we exploit in this study have the following feature in common: they do not shutdown the entire transportation system, but there are significant distortions in terms of service frequency. As a rule of thumb, at least one-third and up to two-thirds of all connections in affected cities are canceled or severely delayed on strike days. After the official end of a strike, it usually takes some hours until service is back to normal. Having described the context and setting of our study, we now go on to discuss how urban populations might be affected by public transit strikes. B. Public Transit Strikes and Car Traffic Given the intensive use of public transportation in major German cities, we expect **strikes by transit workers** to **have** **profound** short-run **effects on** the **mode of transport** of commuters. Some might **feel forced to use** their **private car** or motorbike or a taxi on strike days. Others might switch to their bike or just walk. Again others might postpone their journey. Van Exel and Rietveld (2001) summarize the existing evidence as follows: **public transit strikes induce** most **public transit users to switch to the car** (either as driver or passenger) and **as a result traffic density** as well as road congestion **increases**. A similar conclusion is reached by Anderson (2014), who ana lyzes freeway traffic during a 35-day strike by transit workers in Los Angeles. His estimations reveal an increase in delays during peak periods by almost 50 percent due to increased car traffic.9 Finally, Adler and van Ommeren (2015) exploit transit strikes in Rotterdam and also find positive effects of transit shutdowns on congestion. Based on these findings we formulate our first testable prediction. PREDICTION 1: **Public transit strikes increase the number of cars on roads**, especially during peak periods. Travel times increase due to rising traffic congestion. C. Car Traffic and Accidents The frequency and severity of road accidents depends on several traffic characteristics that may be affected by public transit strikes. Examples we have in mind include the number of cars in road systems, driving skills, driver behavior, and speed. First, an often-used specification by transport economists suggests that the expected number of road accidents rises with the number of potential accidents which, in turn, is an increasing function of the number of cars in the system (Shefer and Rietveld 1997). Edlin and Karaca-Mandic (2006) confirm this prediction by showing that traffic density increases accident costs substantially. Second, the expected number of road accidents is a function of the behavior and skills of drivers. In this regard, we would expect that public transit strikes reduce average driving skills since marginal drivers with less experience appear on road systems. This channel works to increase the frequency of road accidents. In addition, it is well understood that driving in high-density traffic can contribute to stress and therefore lead to behavioral patterns—e.g., tailgating, aggressive driving, braking abruptly—that increase accident risk (Transport Research Center 2007). More accidents are likely to result in additional personal injuries (Shefer and Rietveld 1997). However, the same logic does not necessarily apply to accidents involving severe injuries or fatalities: with an increase in congestion stemming from more cars in the system, average travel speed decreases, thus potentially causing a reduction in the number of severe accidents. Evidence from the United States indeed suggests a substantial reduction in the number of fatal road accidents during morning peak hours, periods in which traffic density is the highest (Farmer and Williams 2005). But there is also evidence, emerging from the United Kingdom, that the picture is more differentiated. In particular, congestion as a mitigator of crash severity is less likely to occur in urban conditions, but may still be a factor on higher speed roads and highways (Noland and Quddus 2005). Our focus will be on accidents in urban conditions. Thus, it remains a priori unclear whether an increase in congestion stemming from public transit strikes affects the incidence of severe accidents, and if so in what direction. Against this background, our second testable prediction is: PREDICTION 2: Public transit strikes increase the frequency of car accidents which, in turn, leads to a rise in accident-related injuries. The effect on accidents involving severe injuries or fatalities is a priori unclear. D. Car Traffic and Air Pollution **Car traffic** is **associated with air pollution** mainly **due to engine exhaust**. The chemical processes in fuel burning thus determine the expected effect of traffic on air pollution. Internal combustion engines powering the vast majority of **cars** in developed countries **emit** oxides of **nitrogen**, **carbon monoxide**, unburned or partially burned organic compounds, and particulate matter with the amounts depending amongst other things on operating conditions (Heywood 1988). In particular, it is well understood that congested stop-and-go traffic is associated with higher emissions than free-flow traffic. There are three reasons for this. First, the efficiency of internal combustion engines, which depends on revolutions per minute (rpm), is highest at medium speed (Davis and Diegel 2007). Acceleration and deceleration episodes decrease the time operated in the optimal rpm range, which in turn increases emissions per minute driven. Second, **congestion** **increases travel times**, and so **leads to a rise in fuel consumption and emissions** per distance driven. Third, particulate matter emissions not only stem from fuel burning process, but also from brake wear and tire wear on tarmac—both high in congested traffic. From an empirical viewpoint, several studies suggest that **high traffic volumes and congestion are causes of ambient air pollution** (see, e.g., Currie and Walker 2011; Knittel, Miller, and Sanders 2011). A pollutant that is not caused by car traffic, and therefore can be used for a placebo test, is sulfur dioxide (Lalive, Luechinger, and Schmutzler 2013). Indeed, sulfur dioxide emissions from cars are close to nonexistent since modern gasoline no longer contains significant amounts of sulfur. From these arguments our third testable prediction arises: PREDICTION 3: Public transit strikes increase road-traffic related air pollution. A pollutant expected to be unaffected is sulfur dioxide.

#### Stable Mass Transit solves Transport Emissions which cause Warming.

* Thanks Sam for Finding

Ionescu 21 Diana Ionescu 11-5-2021 "To Fight Climate Change, Support Public Transit" <https://www.planetizen.com/news/2021/11/115186-fight-climate-change-support-public-transit> (Diana is a contributing editor to Planetizen.)//Elmer

Andrew J. Hawkins argues in favor of boosting **public transit as** a **crucial way to fight climate change**, warning against the **potential "death spiral**" **caused by declining ridership** which reduces revenue, leading to worse service which discourages riders even further. As Hawkins writes, There’s more at stake than good buses and trains. The recent report from the United Nations **I**ntergovernmental **P**anel on **C**limate **C**hange **confirms** that a hotter, wetter, more inhospitable future is all but certain. The **transportation sector** is **responsible for nearly a third of greenhouse gases**, **most** of which **come from tailpipe emissions**. High-quality **mass transit can do a lot to fight climate change**, but only if people are willing to use it. Since the start of the pandemic, transit agencies have struggled against a raft of challenges as some riders abandon their systems while essential workers and other transit-dependent commuters rely on public transportation more than ever. Agencies around the country are implementing major service changes and reducing or eliminating fares in an effort to get riders back on board and expand the reach of their systems, with mixed results. These initiatives will create more benefits than just improved transit service for those who use it, transit supporters argue. As Hawkins concludes, "**high-quality transit is the only real solution to** our vast, seemingly intractable problems with **climate change**, inequality, land use, and housing."

#### Warming causes Extinction – crossapp their extinction ev

#### We get one condo pic vs an aff that specs the US – definding one government forces debates to the margins and Neg should be able to try and see what sticks. Aff spec means they get to choose exactly what they defend so they should be able to justify every single thing that the aff does.

## Heg

#### Presumption and permissibility negates – a) more often false than true since I can prove something false in infinite ways b) real world policies require positive justification before being adopted c) the aff has to prove an obligation which means lack of that obligation negates d) resolved in the resolution indicates they proactively did something, to negate that means that they aren’t resolved e) winning the nc proves since otherwise we’d be blindly deceived when skeptical f) to negate[[1]](#footnote-1) means to deny the truth of which means if the aff is false you vote neg

#### Reasonability on 1AR shells – 1AR theory is very aff-biased because the 2AR gets to line-by-line every 2NR standard with new answers that never get responded to– reasonability 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 and means 1AR theory is irresolvable so you shouldn’t stake the round on it.

#### No new 1ar theory paradigm issues or voters- A] the 1NC has already occurred with current paradigm issues in mind so new 1ar paradigms moot any theoretical offense

#### Yes 2nr theory paradigm issues so we can contextualize it to the 1ar shell or the aff wins by outframing the 2n every time.

## Case

#### Top-Level – you get zero access to this Case – Opino Juris which is the internal link to everything they’ve said requires explicit citing of ILO as justification – the Plan doesn’t do that – it just “aligns” but doesn’t explicitly recognize an obligation – that distinction matters.

LII No Date "opinio juris (international law)" <https://www.law.cornell.edu/wex/opinio_juris_(international_law)> (Legal Information Institute)//Elmer

Definition **Opinio juris** is a **shortened form of** the Latin phrase opinio juris sive **necessitatis**, which **means "an opinion of law or necessity."** Overview In customary international law, opinio juris is the second element necessary to establish a legally binding custom. Opinio juris **denotes a subjective obligation**, **a sense on behalf of a state that it is bound to the law in question**. The International Court of Justice reflects this standard in ICJ Statute, Article 38(1)(b) by reflecting that the custom to be applied must be "accepted as law".

#### US violations of International Labor Standards are inevitable and multiple Alt Causes other than the Right to Strike.

Rosenberg 20 Eli Rosenberg 10-7-2020 "U.S. accused of violating international labor laws, forced-labor protections in new complaint" <https://www.washingtonpost.com/business/2020/10/08/international-complaint-worker-protections/> (University of California at Los Angeles, BA in American literature and Latin American studies)//Elmer

**Leaders** representing a large number of U.S. trade unions **filed** a **complaint** **with** the **U**nited **N**ations’ **labor** **agency** Wednesday, **arguing** that the country under President **Trump** has **violated** **international labor standards during the coronavirus pandemic.** The complaint was **filed by** the Service Employees International Union and the AFL-CIO at the Geneva headquarters of the International Labour Organization, a more than 100-year-old institution run by the U.N. that works to upholds human rights on work-related issues like safety and collective bargaining. The complaint details numerous ways U.S. labor law and enforcement are failing workers, and spotlights their further weakening under Trump. And it **charges** the **U**nited **S**tates **with** **violating workers’ rights** in terms not typically associated with well-off countries, at one point saying the bind many essential workers have been placed in during the pandemic — **forced to risk infection or lose their jobs** and potentially unemployment benefits **— amounts to a system of forced** **labor**. The complaint is another sign of the frustration over the treatment of workers under the Trump administration, and it places the United States in the realm of potential wrongdoing typically occupied by less-developed and less-democratic countries. “Covid has laid bare what we already knew,” Richard Trumka, the president of the AFL-CIO said in an interview. “It has demonstrated that not only is the U.S. violating workers’ rights, but those violations are resulting in people dying. It became so outrageous that we wanted to file a complaint.” The Labor Department and Occupational Safety and Health Administration did not respond to a request for comment. The National Labor Relations Board declined to comment. The complaint points to two main avenues of failure for U.S. labor law and policy: the country’s antiquated labor laws, such as the 1935 National Labor Relations Act, which leaves farmers, gig workers, contractors and other classes of workers without protection; and the softening of workers’ protections by the Trump administration that has continued into the pandemic. Some of the complaint’s harshest words were reserved for the Trump administration’s orders declaring industries such as meatpacking essential, compelling them to stay open even amid potential novel coronavirus outbreaks, while federal agencies, including OSHA, declined to issue enforceable safety regulations. “These executive orders gave a green light for employers to force workers to report for work and risk their lives or lose their jobs,” said the complaint, signed by Trumka and SEIU President Mary Kay Henry. “This is tantamount to forced labor.” The complaint highlighted the racial implications of these orders too, arguing one executive order was inherently discriminatory because the vast majority of meatpacking workers who contracted the coronavirus were Black or Hispanic. The complaint also took aim at other ways Trump’s labor agencies rolled back protections for workers. During the pandemic’s early weeks, the NLRB, which oversees union elections, suspended them, giving companies more time to maneuver against them, the complaint charged. The NLRB also issued a memo in March that the union presidents said signaled employers could avoid bargaining about proposed layoffs because of the pandemic. And in two cases in August, the NLRB said companies were in the clear for dismissing workers who expressed concern about safety issues during the pandemic, even though workers have protections from the National Labor Relations Act from being fired in many cases for raising safety concerns at work. “Each of these decisions disarms workers and their unions in the face of management actions to violate their collective bargaining rights in the Covid-19 crisis,” the complaint said. “Since these memoranda also serve as instructions to NLRB regional authorities on how to handle similar cases, they have a cascading effect that will undermine workers’ rights in weeks and months ahead as the pandemic continues to ravage American workplaces.”

#### 1AC Seifert is about CEACR having jurisdiction concerns – NOT what the Plan does – it doesn’t harmonize since the Plan recognizes it, it doesn’t reverse the disputes – here’s a re-cutting – it also isn’t about the US so they don’t get spill-over.

Seifert 21 [Achim; 2021; Full Professor of Private Law, German and European Labor Law and Comparative Law at the University of Jena (since 2011). He holds both German State Exams in Law and a PhD of the Johann-Wolfgang-Goethe-University of Frankfurt (1998). After his Habilitation [Post-Doc] in 2006 at the University of Frankfurt and several short-term Replacements at the Universities of Frankfurt and Trier (2006-2008), he became an Associate Professor of European and International Labor Law at the University of Luxembourg (2008). His main fields of interest are the Labor Law of the European Union and Comparative Labor Law, including the methodology of Comparative Law. Achim SEIFERT serves as co-editor of the Comparative Labor Law and Policy Journal (CLLPJ) and is a member of the editorial board of the European Labour Law Journal (ELLJ) as well as of the Revue de droit comparé du travail et de la sécurité sociale (RDCTSS). He is an associated member of the International Academy of Comparative Law (since 2013) and fellow of the European Law Institute (ELI) (since 2014); furthermore he has been member of the Jean-Monnet-Centre of Excellence at the University of Jena (2013-2016). He has been visiting Professor at the Universities of Bordeaux, Nantes, Paris 1 (Panthéon-Sorbonne), Luigi Bocconi/Milan and Leuven (Global Law Programme) and has taught as adjunct professor at the University of Luxembourg between 2011 and 2016; “Book Review,” European Labour Law Journal, [https://sci-hub.se/https://doi.org/10.1177/2031952521994412](https://sci-hub.se/https:/doi.org/10.1177/2031952521994412)] Justin

For several decades, the right to strike has been one of the most controversial parts of the law of the International Labour Organisation (ILO). Even though it has not been explicitly enshrined in the Conventions on the right to freedom of association (especially not in Convention 87 on Freedom of Association and Protection of the Right to Organise (1948) and in Convention 98 on the Application of the Principles of the Right to Organise and to Bargain Collectively (1949)), since the early 1950s, the ILO supervisory bodies have recognised the right to strike as an essential element of trade union rights enabling workers to collectively defend their economic and social interests. Since its seminal recommendation in the United Kingdom of Great Britain and Northern Ireland case of 1952,1 the Governing Body’s Committee on Freedom of Association (CFA) has considered that Article 3 of Convention 87 also guarantees the right to strike, and has developed, since then, detailed ‘case law’ which has been summarised by the International Labour Office in a ‘Digest’ and since 2018 in a ‘Compilation’.2 The Committee of Experts on the Application of Conventions and Recommendations (CEACR), another body established by the ILO Governing Body, has taken the same path since the late 1950s.3 Despite this long-standing interpretive practice of these two important supervisory bodies in respect of Convention No. 87, the right to strike has become controversial since the end of the Cold War. In the 81st session of the International Labour Conference (**ILC**) in 1994, it was already being **challenged by** the employers’ group.4 But the Rubicon was definitely crossed in 2012, when the employers’ representatives on the ILO Conference Committee on the Application of Standards (**CAS**) refused, for the first time, to deal—as it had done previously—with a list of Member States that had seriously violated Conventions of the ILO as long as the workers’ group would not accept a revision of the mandate of the CEACR.5 **At the heart** of this incident **was** the **recognition of the right to strike by the CEACR** **even though**, according to the view of the employers’ side, **the Committee was not empowered** to interpret ILO law with binding effect. This incident temporarily **resulted in an institutional crisis within the ILO supervisory system**, since the ILO’s tripartite structure which underlies the constitution of the ILO presupposes that the three constituents cooperate in good faith within the organisation’s bodies. An attitude of refusal on the part of only one of the constituents therefore necessarily brings into question the functioning of the ILO.

#### 1AC Brudney does not make an external spill-over claim that the right to strike would lead to broader US compliance to other CIL – don’t let the 1AR assert it when there’s no RTS or Convention 87 key warrant.

#### Two Thumpers to CIL Compliance:

#### 1] 1AC Brudney says “other fundamental ILO conventions” – Convention 87 isn’t uniquely key – causes friction and hurts US standing.

#### 2] Syria Thumps I-Law Compliance – one violation is enough to thump perception and legitimacy.

Roddel 21 Shannon Roddel 2-26-2021 "Syria airstrikes a grave violation of international law, expert says" <https://news.nd.edu/news/syria-airstrikes-a-grave-violation-of-international-law-expert-says/> (Assistant Director. Mendoza College of Business, Notre Dame Law School.)//Elmer

**The U**nited **S**tates **military** Thursday (Feb. 25) **carried out airstrikes** **targeting** **Iranian-backed militias in Syria** in retaliation for rocket attacks on U.S. targets in Iraq — the first military action undertaken by the Biden administration. Mary Ellen O'Connell Mary Ellen O'Connell The strikes reportedly resulted in multiple deaths — a **grave violation of international law**, according to Notre Dame Law School professor Mary Ellen O’Connell, a respected expert on international law and the use of force. “The **U**nited **N**ations **Charter** **makes** absolutely **clear** that the **use of military force on the territory of a foreign sovereign state is lawful only in response to an armed attack** on the defending state for which the target state is responsible,” O’Connell said. “**None** **of** those **elements is met in the Syria strike**. There is no right of reprisal, right to use military force for deterrence, right to attack Iran on the territory of Syria, or right to use major military force in response to the type of violence that occurred last week.

#### ILO Evidence has no US key warrant­ no spill-over form US harmonization to global Harmonization.

#### “Labor Standards” is much broader than just the Aff – guaranteeing a singular right doesn’t guarantee universal better working conditions or wages which is the necessary burden for cascading SDG’s.

#### International Law fails and there’s no enforcement – this indicts their ILO key warrants

Hiken 12, Associate Director Institute for Public Accuracy (The Impotence of International Law, <http://www.fpif.org/blog/the_impotence_of_international_law>)

Whenever a lawyer or historian describes how a particular action “violates international law” many people stop listening or reading further. It is a bit alienating to hear the words “this action constitutes a violation of international law” time and time again – and especially at the end of a debate when a speaker has no other arguments available. The statement is inevitably followed by: “…and it is a war crime and it denies people their human rights.” A plethora of international law violations are perpetrated by every major power in the world each day, and thus, the empty invocation of international law does nothing but reinforce our own sense of impotence and helplessness in the face of international lawlessness. The United States, alone, and on a daily basis violates every principle of international law ever envisioned: unprovoked wars of aggression; unmanned drone attacks; tortures and renditions; assassinations of our alleged “enemies”; sales of nuclear weapons; destabilization of unfriendly governments; creating the largest prison population in the world – the list is virtually endless. Obviously one would wish that there existed a body of international law that could put an end to these abuses, but such laws exist in theory, not in practice. Each time a legal scholar points out the particular treaties being ignored by the superpowers (and everyone else) the only appropriate response is “so what!” or “they always say that.” If there is no enforcement mechanism to prevent the violations, and no military force with the power to intervene on behalf of those victimized by the violations, what possible good does it do to invoke principles of “truth and justice” that border on fantasy? The assumption is that by invoking human rights principles, legal scholars hope to reinforce the importance of, and need for, such a body of law. Yet, in reality, the invocation means nothing at the present time, and goes nowhere. In the real world, it would be nice to focus on suggestions that are enforceable, and have some potential to prevent the atrocities taking place around the globe.

#### No Impact to Failed States

Michael J. Mazarr 14, Professor of National Security Strategy at the National War College, “The Rise and Fall of the Failed-State Paradigm”, January/February 2014, Foreign Affairs, http://www.foreignaffairs.com/articles/140347/michael-j-mazarr/the-rise-and-fall-of-the-failed-state-paradigm

From one angle, the concern with weak states could be seen as a response to actual conditions on the ground. Problems had always festered in disordered parts of the developing world. Without great- power conflict as an urgent national security priority, those problems were more clearly visible and harder to ignore. From another angle, it could be seen as a classic meme -- a concept or intellectual fad riding to prominence through social diffusion, articles by prominent thinkers, a flurry of attention from the mainstream press, and a series of foundation grants, think-tank projects, roundtables, and conferences.¶ From a third angle, however, it could be seen as a solution to an unusual concern confronting U.S. policymakers in this era: what to do with a surplus of national power. The United States entered the 1990s with a dominant international position and no immediate threats. Embracing a substantially reduced U.S. global role would have required a fundamental reassessment of the prevailing consensus in favor of continued primacy, something few in or around the U.S. national security establishment were prepared to consider. Instead, therefore, whether consciously or not, that establishment generated a new rationale for global engagement, one involving the application of power and influence to issues that at any other time would have been seen as secondary or tertiary. Without a near-peer competitor (or several) to deter or a major war on the horizon, Washington found a new foreign policy calling: renovating weak or failing states.¶ THE DECLINE OF A STRATEGIC NARRATIVE¶ The practical challenges of state-building missions are now widely appreciated. They tend to be long, difficult, and expensive, with success demanding an open-ended commitment to a messy, violent, and confusing endeavor -- something unlikely to be sustained in an era of budgetary austerity. But the last decade has driven home intellectual challenges to the concept as well.¶ The threat posed by weak and fragile states, for example, turned out to be both less urgent and more complex and diffuse than was originally suggested. Foreign Policy’s Failed States Index for 2013 is not exactly a roster of national security priorities; of its top 20 weak states, very few (Afghanistan, Iraq, and Pakistan) boast geostrategic significance, and they do so mostly because of their connection to terrorism. But even the threat of terrorism isn’t highly correlated with the current roster of weak states; only one of the top 20, Sudan, appears on the State Department’s list of state sponsors of terrorism, and most other weak states have only a marginal connection to terrorism at best.

#### 1AC Sean – contingent impacts are easier to predict since laundry list impacts are built from interconnecting structures that convolute specific solvency link chains – flips their probability arguments.

#### C/A all of our no spill-over and opino juris defense to answer 1AC Meissner to the Climate Internal Link.

#### I-Law fails to solve Warming – proven by Paris – they have no empirical solvency or predictive arguments for how broader I-Law compliance would effect the environment.

1. <http://dictionary.reference.com/browse/negate>, <http://www.merriam-webster.com/dictionary/negate>, <http://www.thefreedictionary.com/negate>, <http://www.vocabulary.com/dictionary/negate>, <http://www.oxforddictionaries.com/definition/english/negate> [↑](#footnote-ref-1)