## 1

#### CP Text:

#### 1] USFG ought to recognize an unconditional right of workers except for police officers to strike.

- A police officer is a warranted law employee of a police force. "police officer" is a generic term not specifying a particular rank.(wikipedia)

#### 2] [USFG ought to, through the corresponding union body in their society, threaten to remove police unions from the set of member unions unless they: eliminate due-processes protections police have won that prevent accountability from police misconduct through processes outlined in greenhouse

#### Only the CP can force police unions to change

Greenhouse, 20, The New Yorker, “How Police Unions Enable and Conceal Abuses of Power”, Steven Greenhouse is an American labor and workplace journalist and writer. He covered labor for The New York Times for 31 years, 2010 Society of Professional Journalists Deadline Club Award: Beat reporting for newspapers and wire services, for "World of Hurt" with N.R. Kleinfield; 2010 New York Press Club Award: Outstanding enterprise or investigative reporting, for "World of Hurt" with N.R. Kleinfield; 2009 The Hillman Prize for The Big Squeeze: Tough Times for the American WorkerURL: <https://www.newyorker.com/news/news-desk/how-police-union-power-helped-increase-abuses>, KR

The string of police killings captured on mobile phones increased public dismay with police unions. After the killing of George Floyd, they became a pariah. Many protesters, and even some unions, including the Writers Guild of America, East, have called on the A.F.L.-C.I.O., the nation’s main labor federation, to expel the International Union of Police Associations, which represents a hundred thousand law-enforcement officers. The Association of Flight Attendants adopted a resolution demanding that police unions immediately enact policies to “actively address racism in law enforcement and especially to hold officers accountable for violence against citizens, or be removed from the Labor movement.” The Service Employees International Union, with two million members, has called for “holding public security unions accountable to racial justice,” and the Seattle area’s main labor coalition issued an ultimatum to the local police union: acknowledge and address racism in law enforcement or risk being kicked out.

If the A.F.L.-C.I.O. expelled the International Union of Police Associations, it would be a huge blow to police unions. So far, Richard Trumka, the federation’s president, has balked at kicking out a member union, saying that it’s best to work to reform unions from inside labor’s tent. “The short answer is not to disengage and just condemn,” Trumka said. “The answer is to totally reëngage and educate,” to improve police unions.

Suddenly, it seems, there are countless proposals to make police unions more accountable. Campaign Zero, a reform group, wants to eliminate many of the due-process protections that the police have won. Javier Morillo, a former president of a Twin Cities union that represents thousands of janitors, wrote an unusually sharp critique of a fellow union, the Minneapolis Police Federation: “Until we see big, fundamental and structural change in the [police] department and the union, Black and brown residents of Minneapolis cannot feel safe.” Morillo wrote that, “for decades, arbitrators have relied on bad precedent” to “justify overturning discipline against officers.” Paige Fernandez, the A.C.L.U.’s policing policy adviser, said that community members should join city officials at the bargaining table during police-contract negotiations. “There should be public input from communities that have been historically overpoliced, black communities and low-income communities,” Fernandez said.

Benjamin Sachs, the Harvard labor-law professor, argues that the union movement needs to join the push for police reform. “When unions use the power of collective bargaining for ends that we . . . deem unacceptable it becomes our responsibility—including the responsibility of the labor movement itself—to deny unions the ability to use collective bargaining for these purposes,” he wrote. “We have done this before. When unions bargained contracts that excluded Black workers from employment or that relegated Black workers to inferior jobs, the law stepped in and stripped unions of the right to use collective bargaining in these ways.” Sachs proposes amending the law to curb the range of subjects over which police unions can bargain, perhaps even prohibiting negotiations over anything involving the use of force.

Some labor leaders warn that conservatives are using today’s outrage against police unions to promote their long-term agenda of hobbling or eliminating public-sector unions. “Everyone should have the freedom to join a union, police officers included,” Lee Saunders, the president of the American Federation of State, County and Municipal Employees, wrote. “The tragic killing of George Floyd should not be used as a pretext to undermine the rights of workers.”

Randi Weingarten, the president of the American Federation of Teachers, told me that it’s important to persuade police unions to stop vehemently defending every police officer who is accused of misconduct. She pointed to her own union’s past. “Our position used to be that the member was always right, that, whatever happened, you did everything in your power to keep the member’s job,” she said. “It didn’t matter if you knew there was a problem.” She added that as public anger mounted against this hard-line approach—many said that it was shortchanging children—local A.F.T. branches moved away from rigidly defending every teacher accused of misconduct or poor performance. Weingarten told me, “Ultimately, if we are members of our community, we have to hold ourselves to a standard of treating people respectfully and decently, and misconduct has no place in that.” McCartin, the labor historian, told me, “Police unions haven’t done nearly as much as the teachers to counter the perception that they’re indifferent to the public’s concerns. They can learn a lot from the teachers.”

Last week, Patrick Yoes, the president of the Fraternal Order of Police, the nation’s largest law-enforcement group, told NPR he agrees that reforms are needed. “We welcome the opportunity to sit down and have some meaningful, fact-based discussions on ways to improve the law-enforcement community,” Yoes said. But some police-union leaders are less amenable to reform. Last week, Michael O’Meara, the president of the New York State Association of P.B.A.s, said, “Stop treating us like animals and thugs and start treating us with some respect. . . . We’ve been vilified.”

Mindful of the Black Lives Matter protests, many mayors and cities will seek to push through contract changes in the next round of police bargaining, but no one should expect police unions to roll over. Many police-union officials believe that the harder the line they take in defending officers (and ignoring the public’s concerns) the better their chances of being reëlected by their members. As a result, the unions’ critics might have a better shot at winning reforms through city councils and state legislatures. O’Meara’s remarks make clear that police unions often have an us-against-the-world view. The question now is whether police unions will get the message that they shouldn’t think only of protecting their members, that they should also think of the original purpose of labor unions: protecting all workers—in other words, protecting the public.

#### Excessive police union bargaining from strikes destroys accountability for police misconduct

Greenhouse, 20, The New Yorker, “How Police Unions Enable and Conceal Abuses of Power”, Steven Greenhouse is an American labor and workplace journalist and writer. He covered labor for The New York Times for 31 years, 2010 Society of Professional Journalists Deadline Club Award: Beat reporting for newspapers and wire services, for "World of Hurt" with N.R. Kleinfield; 2010 New York Press Club Award: Outstanding enterprise or investigative reporting, for "World of Hurt" with N.R. Kleinfield; 2009 The Hillman Prize for The Big Squeeze: Tough Times for the American WorkerURL: <https://www.newyorker.com/news/news-desk/how-police-union-power-helped-increase-abuses>, KR

Police unions have long had a singular—and divisive—place in American labor. What is different at this fraught moment, however, is that these unions, long considered untouchable, due to their extraordinary power on the streets and among politicians, face a potential reckoning, as their conduct roils not just one city but the entire nation. Since the nineteen-sixties, when police unions first became like traditional unions and won the right to bargain collectively, they have had a controversial history. And recent studies suggest that their political and bargaining power has enabled them to win disciplinary systems so lax that they have helped increase police abuses in the United States.

A 2018 University of Oxford study of the hundred largest American cities found that the extent of protections in police contracts was directly and positively correlated with police violence and other abuses against citizens. A 2019 University of Chicago study found that extending collective-bargaining rights to Florida sheriffs’ deputies led to a forty per cent statewide increase in cases of violent misconduct—translating to nearly twelve additional such incidents annually.

In a forthcoming study, Rob Gillezeau, a professor and researcher, concluded that, from the nineteen-fifties to the nineteen-eighties, the ability of police to collectively bargain led to a substantial rise in police killings of civilians, with a greater impact on people of color. “With the caveat that this is very early work,” Gillezeau wrote on Twitter, on May 30th, “it looks like collective bargaining rights are being used to protect the ability of officers to discriminate in the disproportionate use of force against the non-white population.”

Other studies revealed that many existing mechanisms for disciplining police are toothless. WBEZ, a Chicago radio station, found that, between 2007 and 2015, Chicago’s Independent Police Review Authority investigated four hundred shootings by police and deemed the officers justified in all but two incidents. Since 2012, when Minneapolis replaced its civilian review board with an Office of Police Conduct Review, the public has filed more than twenty-six hundred misconduct complaints, yet only twelve resulted in a police officer being punished. The most severe penalty: a forty-hour suspension. When the St. Paul Pioneer Press reviewed appeals involving terminations from 2014 to 2019, it discovered that arbitrators ruled in favor of the discharged police and corrections officers and ordered them reinstated forty-six per cent of the time. (Non-law-enforcement workers were reinstated at a similar rate.) For those demanding more accountability, a large obstacle is that disciplinary actions are often overturned if an arbitrator finds that the penalty the department meted out is tougher than it was in a similar, previous case—no matter if the penalty in the previous case seemed far too lenient.

To critics, all of this highlights that the disciplinary process for law enforcement is woefully broken, and that police unions have far too much power. They contend that robust protections, including qualified immunity, give many police officers a sense of impunity—an attitude exemplified by Derek Chauvin keeping his knee on George Floyd’s neck for nearly nine minutes, even as onlookers pleaded with him to stop. “We’re at a place where something has to change, so that police collective bargaining no longer contributes to police violence,” Benjamin Sachs, a labor-law professor at Harvard, told me. Sachs said that bargaining on “matters of discipline, especially related to the use of force, has insulated police officers from accountability, and that predictably can increase the problem.”

For decades, members of the public have complained about police violence and police unions, and a relatively recent development—mobile-phone videos—has sparked even more public anger. These complaints grew with the killings of Eric Garner, Laquan McDonald, Walter Scott, Tamir Rice, Philando Castile, and many others. Each time, there were protests and urgent calls for police reform, but the matter blew over. Until the horrific killing of George Floyd.

Historians often talk of two distinct genealogies for policing in the North and in the South, and both help to explain the crisis that the police and its unions find themselves in today. Northern cities began to establish police departments in the eighteen-thirties; by the end of the century, many had become best known for using ruthless force to crush labor agitation and strikes, an aim to which they were pushed by the industrial and financial élite. In 1886, the Chicago police killed four strikers and injured dozens more at the McCormick Reaper Works. In the South, policing has very different roots: slave patrols, in which white men brutally enforced slave codes, checking to see whether black people had proper passes whenever they were off their masters’ estates and often beating them if they did something the patrols didn’t like. Khalil Gibran Muhammad, a historian at Harvard, said that the patrols “were explicit in their design to empower the entire white population” to control “the movements of black people.”

At the turn of the twentieth century, many police officers—frustrated, like other workers, with low pay and long hours—formed fraternal associations, rather than unions, to seek better conditions—mayors and police commissioners insisted that the police had no more right to join a union than did soldiers and sailors. In 1897, a group of Cleveland police officers sought to form a union and petitioned the American Federation of Labor—founded in 1886, with Samuel Gompers as its first president—to grant them a union charter. The A.F.L. rejected them, saying, “It is not within the province of the trade union movement to especially organize policemen, no more than to organize militiamen, as both policemen and militiamen are often controlled by forces inimical to the labor movement.”

After the First World War, millions of workers began protesting that their wages lagged far behind inflation, and many police officers got swept up in the ferment. In 1919, Boston’s city police applied to the A.F.L. for a charter; they were angry about their meagre salaries and having to pay hundreds of dollars for uniforms. The police commissioner, Edwin Upton Curtis, forbade his officers from joining any outside organization other than patriotic groups, such as the American Legion. The police proceeded to unionize, and Curtis suspended nineteen of the union’s leaders for insubordination. When most of the city’s fifteen hundred police officers walked off the job, rioting and widespread looting engulfed the city. Curtis fired eleven hundred strikers, and Calvin Coolidge, who was then the governor of Massachusetts, supported his hard line, saying, “There is no right to strike against the public safety by anybody, anywhere, anytime.” Coolidge’s stance thrust him into the national spotlight. He went on to serve as Vice-President and President.

For decades, that stance deterred police unionization. But, in the nineteen-fifties and sixties, with private-sector unions winning middle-class wages and solid benefits for millions of workers, police officers again started rumbling for a union. Their fraternal orders weren’t doing enough; the police wanted collective bargaining. Officers became increasingly impatient, and militant. In the early sixties, police engaged in a work slowdown in New York and a sit-in in Detroit.

In 1964, New York’s mayor, Robert F. Wagner, Jr., blessed a compromise between his police commissioner and the Patrolmen’s Benevolent Association. The P.B.A. renounced the right to strike and was recognized as the bargaining agent for the city’s police. Wagner had previously agreed to bargain with other municipal unions, but he had held off with the police, because of its singular role and of fears that officers might strike. (The National Labor Relations Act of 1935—sponsored by Wagner’s father, Senator Robert F. Wagner, Sr.—gave most private-sector workers a federal right to unionize and collectively bargain, but left it up to individual states and cities to decide whether to grant the same rights to government employees.) As a full-fledged union, the P.B.A. didn’t wait long to declare war against any push for increased accountability. In 1966, New York’s new mayor, John V. Lindsay, after being pressed by the Congress of Racial Equality, added four civilian members to the city’s Civilian Complaint Review Board; the original three members were deputy police commissioners. Then, as now, many African-Americans complained about police misconduct. The P.B.A., which renamed itself the Police Benevolent Association last year, bitterly resisted adding civilians to the board. When the City Council held a hearing on civilian review, the union mounted a five-thousand-member picket line in protest. The P.B.A. then organized a public referendum aimed at eliminating the board. It put up posters showing a young white woman exiting a subway and heading onto a dark, deserted street. “The Civilian Review Board must be stopped,” the poster read. “Her life . . . your life . . . may depend on it. . . . [A] police officer must not hesitate. If he does . . . the security and safety of your family may be jeopardized.” As the vote approached, the P.B.A.’s president, John Cassese, had played on racial divisions, declaring, “I’m sick and tired of giving in to minority groups with their whims and their gripes and shouting.” Lindsay, the American Civil Liberties Union, and New York’s two senators—the Republican Jacob Javits and the Democrat Robert F. Kennedy—opposed the P.B.A.-backed referendum. In a humbling defeat for liberals, sixty-three per cent of New Yorkers voted to abolish the review board.

Across the U.S., a similar dynamic played out. First, many cities followed New York’s lead and agreed to bargain with their police unions. Initially, newly established unions focussed on winning better wages and benefits. A major recession in the early eighties and the anti-tax fervor of the Reagan era caused budget crunches in many cities. Local leaders told police unions and other public-sector unions that they had little money for raises. In turn, the police demanded increased protections for officers facing disciplinary proceedings.

Since the eighties, police contracts in New York and many other cities have added one protection after another that have made it harder to hold officers accountable for improper use of force or other misconduct. Such protections included keeping an officer’s disciplinary record secret, erasing an officer’s disciplinary record after a few years, or delaying any questioning of officers for twenty-four or forty-eight hours after an incident such as a police shooting. “They have these unusual protections they’ve bargained very hard for, measures that insulate them from accountability,” William P. Jones, a history professor at the University of Minnesota and the president of the Labor and Working-Class History Association, told me. Jones said that other public-employee unions have some of the same protections but that police unions “are particularly effective utilizing them in their favor.”

In 2017, a Reuters a special report on police-union contracts in eighty-two cities found that most required departments to erase disciplinary records, in some cases after only six months. Eighteen cities expunged suspensions from an officer’s record in three years or less. Anchorage, Alaska, removed demotions, suspensions, and disciplinary transfers after twenty-four months. Reuters also found that almost half of the contracts let officers accused of wrongdoing see their entire investigative file—including witness statements, photos, and videos—before being questioned, making it easier for them to finesse their way through disciplinary interrogations.

Joseph McCartin, a labor historian at Georgetown, told me that one political factor explains why police unions have won so many protections. “They have more clout than other public-sector unions, like the teachers or sanitation workers, because they have often been able to command the political support of Republicans,” he said. “That’s given them a big advantage.”

### Impact – Democracy

#### Police misconduct erodes democracy – only holding them accountable can change the situation

Bonner, 18, University of Victoria, “Three Ways Police Abuse Affects Democracy”, 4/27/18, Michelle Bonner is Professor of Political Science in the Department of Political Science at the University of Victoria. Among other publications, she is the co-editor of Police Abuse in Contemporary Democracies , URL: <https://onlineacademiccommunity.uvic.ca/globalsouthpolitics/2018/04/27/three-ways-police-abuse-affects-democracy/>, KR

On August 9, 2014, 18-year-old Michael Brown was fatally shot by a police officer in Ferguson, Missouri. He was suspected of petty theft but was unarmed. A subsequent trial found the officer’s actions to be justified as self-defense. Despite the institutions of democracy working as they are designed, large protests (themselves met with police repression and arrests) registered profound public disagreement with the outcome. For many protesters this was one example, among numerous others, of police abuse aimed at African Americans that undermines their inclusion in American democracy.

Such powerful disagreements are not unique to democracy in the United States. Abuse of police authority happens in all democracies. It can include arbitrary arrest, selective surveillance and crowd control, harassment, sexual assault, torture, killings, or even forced disappearances. In newer democracies, police abuse is often thought to be a legacy of a previous authoritarian regime or civil war. Its persistence is understood to reflect weak democratic institutions and poorly functioning police forces. In established democracies, police abuse is more often thought to be an exception that is easily addressed through existing or tweaked institutions of accountability, such as the judiciary. Yet, as we argue in Police Abuse in Contemporary Democracies, police abuse has more significant implications for all democracies. We examine three.

Citizenship. Democracy includes the exercise and protection of rights for all citizens. This includes the right to protest, to mobility and not to be arbitrarily arrested or tortured. Rather than the courts, police are the first state actors to decide when citizen rights are protected and when they are ignored. They also have a great deal of discretion to decide who are (potential) wrongdoers and how much force to use to confront them. Marginalized groups in many countries find that it is in fact the police who determine the boundaries of their rights as citizens. Not all citizens’ rights are protected in the same way, creating pockets of authoritarian rule within democracy.

Some citizens, based on their identity, find, for example, that police watch them more closely, will arbitrarily arrest them for being in the “wrong place”, and police are more likely to mistreat them during arrest or while they are held in custody. This is particularly true for those who are economically poor (we examine cases from India, Brazil, Chile, Argentina, and South Africa). It also includes racialized minority groups such as Arabs in France or Blacks in France, South Africa and the United States (cases examined in the book). It can also include those who hold political views considered “radical” such as alter-globalization activists in Canada or those protesting or striking against neoliberal economic polices in South Africa (also examined in the book). That is, police abuse creates an unequal experience of democracy as it pertains to citizenship rights. To change this, we argue that we need to better understand how police use their discretion, why they profile some citizens over others, and the consequences of police profiling on the quality of democracy for all citizens. Another answer would be to strengthen police accountability.

Accountability. At first glance it might appear, at least in established democracies, that we already have the answer to reducing police abuse. If police abuse their power then they will be held accountable by the judiciary. This is an important feature of liberal democracy. Yet, the studies in our book reveal that in fact, in many countries (we examine the US, Chile, and to a lesser extent Argentina and India) the judiciary tends to be very lenient with police abuse.

Police have the right in a democracy to use violence. As the case of Michael Brown highlights, right and wrong is determined by the willingness of the judiciary to accept the justification provided by the police officer for his or her action (or inaction). In the case of Michael Brown, the office claimed he killed in self-defense and the courts accepted this justification as valid. As our chapters on Chile and the United States reveal, judicial accountability is often very sensitive to the need for police to maintain a good public image. So police wrongdoing is frequently blamed on an individual officer, a “bad apple”, or the judiciary accepts the officer’s justification in order to reinforce the power of all officers’ to respond as they see fit to different situations.

Of course, as in the Michael Brown case, the public can voice their disagreement with the judiciary. Yet, as one chapter on the US shows, whether or not the public perceives that the police have abused their powers and whether or not they demand judicial accountability is influenced by unconscious racial bias. To overcome these biases and the reluctance on the part of the judiciary to punish the police, another chapter suggests we need to encourage and support a wide variety of grassroots organizations, like Cop Watch, that are dedicated to keeping an eye on police conduct. All the authors agree that the answers to reducing police abuse lie beyond judicial or institutional police reforms. Tweaking institutions is not enough to reduce police abuse.

Socioeconomic Inequality. Finally, most studies of democracy argue that a certain level of socioeconomic equality is needed to sustain it. High levels of inequality of wealth weaken democracy. Political economists, including those in the World Bank, agree that neoliberal economic policies increase inequality in wealth. Yet, to ensure the implementation and protection of neoliberal economic policies, many governments rely on police abuse targeted against those who either oppose these policies or who are excluded from the economic model.

Our chapters on South Africa and Canada reveal repressive police responses to protests and strikes against neoliberal economic policies. Our chapters on France, South Africa, the United States, and Brazil all document government official’s encouragement of police abuse as the appropriate response to rising crime; preventive socioeconomic programmes, shown to better reduce crime, run counter to neoliberal economic policies. For example, in Brazil, state officials have drawn from international experience to establish Pacification Police Units (UPPs). UPPs occupy favelas (shantytowns) in large numbers in order to control crime, opening up opportunities for police abuse. Indeed, globally, with the spread of neoliberal economic policies, we have seen the rise of tough on crime rhetoric and policies in many countries. From this perspective, if we want to reduce police abuse, it is important to consider how some models of political economy might be more compatible with democracy than others.

To conclude, most people associate police abuse with authoritarian regimes. Yet, it occurs in all democracies and, if not checked, can reduce or even erode democracy. While in our book we examine three key ways police abuse affects democracy, there are many other ways it can do so, such as impacting elections, public policy, and or the construction of political ideologies. Given the global decline of democracy noted by academics and international organizations, such as Freedom House, it is important that we begin to ask how we can better address police abuse and the fuzzy line between democracy and authoritarianism that it represents.

**Extinction**

**Kasparov 17**

Garry Kasparov, Chairman of the Human Rights Foundation, former World Chess Champion, “Democracy and Human Rights: The Case for U.S. Leadership,” Testimony Before The Subcommittee on Western Hemisphere, Transnational Crime, Civilian Security, Democracy, Human Rights, and Global Women's Issues of the U.S. Senate Committee on Foreign Relations, February 16th, <https://www.foreign.senate.gov/imo/media/doc/021617_Kasparov_%20Testimony.pdf>

As one of the countless millions of people who were freed or protected from totalitarianism by the United States of America, it is easy for me to talk about the past. To talk about the belief of the American people and their leaders that this country was exceptional, and had special responsibilities to match its tremendous power. That a nation founded on freedom was bound to defend freedom everywhere. I could talk about the bipartisan legacy of this most American principle, from the Founding Fathers, to Democrats like Harry Truman, to Republicans like Ronald Reagan. I could talk about how the American people used to care deeply about human rights and dissidents in far-off places, and how this is what made America a beacon of hope, a shining city on a hill. America led by example and set a high standard, a standard that exposed the hypocrisy and cruelty of dictatorships around the world. But there is no time for nostalgia. Since the fall of the Berlin Wall, the collapse of the Soviet Union, and the end of the Cold War, Americans, and America, have retreated from those principles, and **the world has become much worse off as a result**. American skepticism about America’s role in the world deepened in the long, painful wars in Afghanistan and Iraq, and their aftermaths. Instead of applying the lessons learned about how to do better, lessons about faulty intelligence and working with native populations, the main outcome was to stop trying. This result has been a tragedy for the billions of people still living under authoritarian regimes around the world, and it is based on faulty analysis. You can never guarantee a positive outcome— not in chess, not in war, and certainly not in politics. The best you can do is to do what you know is right and to try your best. I speak from experience when I say that the citizens of unfree states do not expect guarantees. They want a reason to hope and a fighting chance. People living under dictatorships want the opportunity for freedom, the opportunity to live in peace and to follow their dreams. From the Iraq War to the Arab Spring to the current battles for liberty from Venezuela to Eastern Ukraine, people are fighting for that opportunity, giving up their lives for freedom. The United States must not abandon them. The United States and the rest of the free world has an unprecedented advantage in economic and military strength today. What is lacking is the will. The will to make the case to the American people, the will to take risks and invest in the long-term security of the country, and the world. This will require investments in aid, in education, in security that allow countries to attain the stability their people so badly need. Such investment is far more moral and far cheaper than the cycle of **terror, war**, refugees, and **military intervention** that results when America leaves a vacuum of power. The best way to help refugees is to prevent them from becoming refugees in the first place. The Soviet Union was an existential threat, and this focused the attention of the world, and the American people. There **existential threat** today is not found on a map, but it **is very real**. The forces of the past are making steady progress against the modern world order. **Terrorist** movements in the Middle East, extremist parties across Europe, a paranoid tyrant in **North Korea threatening nuclear blackmail,** and, at the center of the web, an **aggressive KGB dictator in Russia**. They all want to turn the world back to a dark past because their survival is threatened by the values of the free world, epitomized by the United States. And **they are thriving as the U.S. has retreated**. The global freedom index has declined for ten consecutive years. No one like to talk about the United States as a global policeman, but **this is what happens when there is no cop on the beat. American leadership begins at home**, right here. America cannot lead the world on democracy and human rights if there is no unity on the meaning and importance of these things. **Leadership is required to make that case clearly and powerfully**. Right now, Americans are engaged in politics at a level not seen in decades. It is an opportunity for them to rediscover that making America great begins with believing America can be great. The Cold War was won on American values that were shared by both parties and nearly every American. Institutions that were created by a Democrat, Truman, were triumphant forty years later thanks to the courage of a Republican, Reagan. This bipartisan consistency created the decades of strategic stability that is the great strength of democracies. Strong institutions that outlast politicians allow for long-range planning. In contrast, dictators can operate only tactically, not strategically, because they are not constrained by the balance of powers, but cannot afford to think beyond their own survival. This is why a dictator like Putin has an advantage in chaos, the ability to move quickly. This can only be met by strategy, by long-term goals that are based on shared values, not on polls and cable news. The fear of making things worse has paralyzed the United States from trying to make things better. There will always be setbacks, but the United States cannot quit. The spread of **democracy is the only** proven **remedy for** nearly **every crisis that plagues the world today. War, famine, poverty, terrorism**–all are generated and exacerbated by authoritarian regimes. A policy of America First inevitably puts American security last. American leadership is required because there is no one else, and because it is good for America. There is no weapon or wall that is more powerful for security than America being envied, imitated, and admired around the world. Admired not for being perfect, but for having the exceptional courage to always try to be better. Thank you.

## 2

#### Interpretation – the aff may not defend that a just government ought to recognize the right to strike for a subset ofgovernments

#### 1. gov is a generic bare plural

Nebel 20 [Jake Nebel is an assistant professor of philosophy at the University of Southern California and executive director of Victory Briefs. He writes a lot of this stuff lol – duh.] “Indefinite Singular Generics in Debate” Victory Briefs, 19 August 2020. no url AG

I agree that if “a democracy” in the resolution just meant “one or more democracy,” then a country-specific affirmative could be topical. But, as I will explain in this topic analysis, that isn’t what “a democracy” means in the resolution. To see why, we first need to back up a bit and review (or learn) the idea of generic generalizations.

The most common way of expressing a generic in English is through a *bare plural*. A bare plural is a plural noun phrase, like “dogs” and “cats,” that lacks an overt determiner. (A determiner is a word that tells us which or how many: determiners include quantifier words like “all,” “some,” and “most,” demonstratives like “this” and “those,” posses- sives like “mine” and “its,” and so on.) LD resolutions often contain bare plurals, and that is the most common clue to their genericity.

We have already seen some examples of generics that are not bare plurals: “A whale is a mammal,” “A beaver builds dams,” and “The woolly mammoth is extinct.” The first two examples use indefinite singulars—singular nouns preceded by the indefinite article “a”—and the third is a definite singular since it is preceded by the definite article “the.” Generics can also be expressed with bare singulars (“Syrup is viscous”) and even verbs (as we’ll see later on). The resolution’s “a democracy” is an indefinite singular, and so it very well might be—and, as we’ll soon see, is—generic.

But it is also important to keep in mind that, just as not all generics are bare plurals, not all bare plurals are generic. “Dogs are barking” is true as long as some dogs are barking. Bare plurals can be used in particular ways to express existential statements. The key question for any given debate resolution that contains a bare plural is whether that occurrence of the bare plural is generic or existential.

The same is true of indefinite singulars. As debaters will be quick to point out, some uses of the indefinite singular really do mean “some” or “one or more”: “A cat is on the mat” is clearly not a generic generalization about cats; it’s true as long as some cat is on the mat. The question is whether the indefinite singular “a democracy” is existential or generic in the resolution.

Now, my own view is that, if we understand the difference between existential and generic statements, and if we approach the question impartially, without any invest- ment in one side of the debate, we can almost always just tell which reading is correct just by thinking about it. It is clear that “In a democracy, voting ought to be compul- sory” doesn’t mean “There is one or more democracy in which voting ought to be com- pulsory.” I don’t think a fancy argument should be required to show this any more than a fancy argument should be required to show that “A duck doesn’t lay eggs” is a generic—a false one because ducks do lay eggs, even though some ducks (namely males) don’t. And if a debater contests this by insisting that “a democracy” is existen- tial, the judge should be willing to resolve competing claims by, well, judging—that is, by using her judgment. Contesting a claim by insisting on its negation or demanding justification doesn’t put any obligation on the judge to be neutral about it. (Otherwise the negative could make every debate irresolvable by just insisting on the negation of every statement in the affirmative speeches.) Even if the insistence is backed by some sort of argument, we can reasonably reject an argument if we know its conclusion to be false, even if we are not in a position to know exactly where the argument goes wrong. Particularly in matters of logic and language, speakers have more direct knowledge of particular cases (e.g., that some specific inference is invalid or some specific sentence is infelicitious) than of the underlying explanations.

But that is just my view, and not every judge agrees with me, so it will be helpful to consider some arguments for the conclusion that we already know to be true: that, even if the United States is a democracy and ought to have compulsory voting, that doesn’t suffice to show that, in a democracy, voting ought to be compulsory—in other words, that “a democracy” in the resolution is generic, not existential.

Second, existential uses of the indefinite, such as “A cat is on the mat,” are upward- entailing.3 This means that if you replace the noun with a more general one, such as “An animal is on the mat,” the sentence will still be true. So let’s do that with “a democracy.” Does the resolution entail “In a society, voting ought to be compulsory”? Intuitively not, because you could think that voting ought to be compulsory in democracies but not in other sorts of societies. This suggests that “a democracy” in the resolution is not existential.

#### It applies to this topic – a] workers is an existential bare plural bc it has no determiner b] The sentence “A just government ought to recognize the right of workers to strike” does not imply “a just government ought to recognize the right of people to strike”

#### 2. The aff makes the right to strike conditional on worker type which is the opposite of unconditional

Cambridge Dictionary No Date, (Cambridge Dictionary, “Unconditional”), https://dictionary.cambridge.org/us/dictionary/english/unconditional // MNHS NL

complete and not limited in any way: the unconditional love that parents feel for their children

unconditional surrender

We demand the immediate and unconditional release of all political prisoners.

#### Violation – they spec \_\_\_\_\_\_\_\_

#### Standards

#### 1] Limits – they can spec infinite different workers like agricultural workers, nurses etc - that’s supercharged by the ability to spec combinations of types of strikes. This takes out functional limits – it’s impossible for me to research every possible combination of workers, strikes and governments

#### 2] TVA solves – just read your aff as an advantage to a whole rez aff – we don’t stop them from reading new FWs, mechanisms or advantages. PICs aren’t aff offense – a] it’s ridiculous to say that neg potential abuse justifies the aff being non-T b] There’s only a small number of pics on this topic c] PICs incentivize them to write better affs that can generate solvency deficits to PICs

DTD

NO RVIS  
CI > Reaosnability

## 3

#### The right to strike is the centerpiece of a union’s power

Kim 14 (Lanu is an assistant professor at the Korea Advanced Institute of Science and Technology (KAIST). After finishing her sociology PhD at the University of Washington, she was a postdoctoral fellow and data science scholar at Stanford University, “What Makes Unions Strong? A Network Perspective on Union Bargaining Power,” University of Washington, 2014) //EG

Collective bargaining is a crucial tool in a union’s arsenal, but sometimes negotiations break down. This may lead unions to employ the second means at their disposal: a strike. During a strike, workers refuse to perform their expected duties. Strikes can severely damage a company’s productivity if unionized workers refuse to work for substantial periods of time, or if other workers join the strike in solidarity. By threatening a company with decreasing productivity, strikes can enhance a union’s power at the bargaining table. In addition, strikes help unions gain support from the broader public by publicizing poor working conditions and stagnant wages. Building political pressure outside the company may force employers to pay more attention to workers’ demands. While strikes can enhance a union’s power, strikes are quite a rare occurrence. In 2012, there were only 19 work stoppages that involved 1,000 or more workers, and less than .005% of working time was idled by strikes (Source: Bureau of Labor Statistics). In past decades, strikes were somewhat more common, but still rare relative to the working population of the US: in the 1970s, the average number of strikes per year was 287.9 compared to 20.1 in 2000s (Source: Bureau of Labor Statistics). Though strikes are a powerful means by which workers can express their grievances and broaden support for their positions, their infrequency suggests that they are very difficult to conduct.

#### Unions strangle the economy with restrictions and losses

Epstein 20 (Richard A. Epstein, the Peter and Kirsten Bedford Senior Fellow at the Hoover Institution, is the Laurence A. Tisch Professor of Law, New York University Law School, and a senior lecturer at the University of Chicago, 1-27-2020, "The Decline Of Unions Is Good News," Hoover Institution, <https://www.hoover.org/research/decline-unions-good-news>) //EG

All of these pro-union critiques miss the basic point that the decline of union power is good news, not bad. That conclusion is driven not by some insidious effort to stifle the welfare of workers, but by the simple and profound point that the greatest protection for workers lies in a competitive economy that opens up more doors than it closes. The only way to achieve that result is by slashing the various restrictions that prevent job formation, as Justin Haskins of the Heartland Institute notes in a recent article at The Hill. The central economic insight is that jobs get created only when there is the prospect of gains from trade. Those gains in turn are maximized by cutting the multitude of regulations and taxes that do nothing more than shrink overall wealth by directing social resources to less productive ends.

President Trump is no master of transaction-cost economics, and he has erred in using tariffs as an impediment to foreign trade. But give the devil his due, for on the domestic front he has repealed more regulations than he has imposed and lowered overall tax rates, especially at the corporate level.

During the 2016 election, President Obama chided Trump by saying: “He just says, ‘Well, I’m going to negotiate a better deal.’ Well, what, how exactly are you going to negotiate that? What magic wand do you have? And usually the answer is, he doesn’t have an answer.” This snarky remark reveals Obama’s own economic blindness. The gains in question don’t come from any “negotiations.” And they don’t require any “magic wand.” They come from unilateral government decisions that allow for private parties on both sides of a transaction to negotiate better deals for themselves.

True to standard classical liberal principles, the market has responded to lower transaction costs with improvements that Obama, as President, could only have dreamed of creating. Overall job growth was 5.53 million jobs between 2007 and 2017. But new job creation has exceeded 7 million in the first three years of the Trump administration. In addition, the sharp decline in manufacturing jobs that started in the late Clinton years and which continued throughout the Obama years has also been reversed. Over 480,000 manufacturing jobs have been added to the economy since Trump took office, compared to the 300,000 manufacturing jobs lost in the eight years under Obama.

Happily, the distribution of these jobs has been widespread, causing drops in Hispanic and African unemployment levels to 3.9 percent and 5.5. percent respectively, both new lows. Basic neoclassical theory predicts that regulatory burdens hit lowest paid workers the hardest. Hence, the removal of those burdens gives added pop to their opportunities and to the economy at large.

Trump’s domestic labor performance is even better than these numbers suggest. Too many state-level initiatives hurt employment, like raising the minimum wage or imposing foolish legislation such as California’s Assembly Bill 5, which takes aim at the gig economy. The surest way to improve the situation is to repeal these regulations en masse. But progressive prescriptions to strengthen unions cut in exactly the wrong direction.

Unions are monopoly institutions that raise wages through collective bargaining, not productivity improvements. The ensuing higher labor costs, higher costs of negotiating collective bargaining agreements, and higher labor market uncertainty all undercut the gains to union workers just as they magnify losses to nonunion employers, as well as to the shareholders, suppliers, and customers of these unionized firms. They also increase the risk of market disruption from strikes, lockouts, or firm bankruptcies whenever unions or employers overplay their hands in negotiation. These net losses in capital values reduce the pension fund values of unionized and nonunionized workers alike.

Employers are right to oppose unionization by any means within the law, because any gains for union workers come at the expense of everyone else. Of course, the best way for employers to proceed would be to seek efficiency gains by encouraging employee input into workplace operations—firms are quite willing to pay for good suggestions that lower cost or raise output. But such direct communications between workers and management are blocked by Section 8(a)(2) the National Labor Relations Act (NLRA), which mandates strict separation between workers and firms. This lowers overall productivity and often prevents entry-level employees from rising through the ranks.

So what then could justify this inefficient provision? One common argument is that unions help reduce the level of income inequality by offering union members a high living wage, as seen in the golden age of the 1950s. But that argument misfires on several fronts. Those high union wages could not survive in the face of foreign competition or new nonunionized firms. The only way a union can provide gains for its members is to extract some fraction of the profits that firms enjoy when they hold monopoly positions.

When tariff barriers are lowered and domestic markets are deregulated, as with the airlines and telecommunications industries, the size of union gains go down. Thus the sharp decline in union membership from 35 percent in both 1945 and 1954 to about 15 percent in 1985 led to no substantial increase in the fraction of wealth earned by the top 10 percent of the economy during that period. However, the income share of the top ten percent rose to about 40 percent over the next 15 years as union membership fell to below 10 percent by 2000.

But don’t be fooled—that 5 percent change in union membership cannot drive widespread inequality for the entire population, which is also affected by a rise in the knowledge economy as well as a general aging of the population. The far more powerful distributive effects are likely to be those from nonunion workers whose job prospects within a given firm have been compromised by higher wages to union workers.

#### Econ decline results in nuclear war.

Tønnesson 15 [Tønnesson is a research professor at the Peace Research Institute Oslo (PRIO) in Norway and the leader of the East Asia Peace program at Uppsala University in Sweden.] “Deterrence, interdependence and Sino–US peace.” International Area Studies Review, volume 18, number 3, pgs. 297-311. 2015.

Several recent works on China and Sino–US relations have made substantial contributions to the current understanding of how and under what circumstances a combination of nuclear deterrence and economic interdependence may reduce the risk of war between major powers. At least four conclusions can be drawn from the review above: first, those who say that interdependence may both inhibit and drive conflict are right. Interdependence raises the cost of conflict for all sides but asymmetrical or unbalanced dependencies and negative trade expectations may generate tensions leading to trade wars among inter-dependent states that in turn increase the risk of military conflict (Copeland, 2015: 1, 14, 437; Roach, 2014). The risk may increase if one of the interdependent countries is governed by an inward-looking socio-economic coalition (Solingen, 2015); second, the risk of war between China and the US should not just be analysed bilaterally but include their allies and partners. Third party countries could drag China or the US into confrontation; third, in this context it is of some comfort that the three main economic powers in Northeast Asia (China, Japan and South Korea) are all deeply integrated economically through production networks within a global system of trade and finance (Ravenhill, 2014; Yoshimatsu, 2014: 576); and fourth, decisions for war and peace are taken by very few people, who act on the basis of their future expectations. International relations theory must be supplemented by foreign policy analysis in order to assess the value attributed by national decision-makers to economic development and their assessments of risks and opportunities. If leaders on either side of the Atlantic begin to seriously fear or anticipate their own nation’s decline then they may blame this on external dependence, appeal to anti-foreign sentiments, contemplate the use of force to gain respect or credibility, adopt protectionist policies, and ultimately refuse to be deterred by either nuclear arms or prospects of socioeconomic calamities. Such a dangerous shift could happen abruptly, i.e. under the instigation of actions by a third party – or against a third party. Yet as long as there is both nuclear deterrence and interdependence, the tensions in East Asia are unlikely to escalate to war. As Chan (2013) says, all states in the region are aware that they cannot count on support from either China or the US if they make provocative moves. The greatest risk is not that a territorial dispute leads to war under present circumstances but that changes in the world economy alter those circumstances in ways that render inter-state peace more precarious. If China and the US fail to rebalance their financial and trading relations (Roach, 2014) then a trade war could result, interrupting transnational production networks, provoking social distress, and exacerbating nationalist emotions. This could have unforeseen consequences in the field of security, with nuclear deterrence remaining the only factor to protect the world from Armageddon, and unreliably so. Deterrence could lose its credibility: one of the two great powers might gamble that the other yield in a cyber-war or conventional limited war, or third party countries might engage in conflict with each other, with a view to obliging Washington or Beijing to intervene.

#### Extinction – nuke war fallout creates Ice Age and mass starvation

Steven Starr 15. “Nuclear War: An Unrecognized Mass Extinction Event Waiting To Happen.” Ratical. March 2015. <https://ratical.org/radiation/NuclearExtinction/StevenStarr022815.html> TG

A war fought with 21st century strategic nuclear weapons would be more than just a great catastrophe in human history. If we allow it to happen, such a war would be a mass extinction event that [ends human history](https://ratical.org/radiation/NuclearExtinction/StarrNuclearWinterOct09.pdf). There is a profound difference between extinction and “an unprecedented disaster,” or even “the end of civilization,” because even after such an immense catastrophe, human life would go on.

But extinction, by definition, is an event of utter finality, and a nuclear war that could cause human extinction should really be considered as the ultimate criminal act. It certainly would be the crime to end all crimes.

The world’s leading climatologists now tell us that nuclear war threatens our continued existence as a species. Their studies predict that a large nuclear war, especially one fought with strategic nuclear weapons, would create a post-war environment in which for many years it would be too cold and dark to even grow food. Their findings make it clear that not only humans, but most large animals and many other forms of complex life would likely vanish forever in a nuclear darkness of our own making.

The environmental consequences of nuclear war would attack the ecological support systems of life at every level. Radioactive fallout produced not only by nuclear bombs, but also by the destruction of nuclear power plants and their spent fuel pools, would poison the biosphere. Millions of tons of smoke would act to [destroy Earth’s protective ozone layer](https://www2.ucar.edu/atmosnews/just-published/3995/nuclear-war-and-ultraviolet-radiation) and block most sunlight from reaching Earth’s surface, creating Ice Age weather conditions that would last for decades.

Yet the political and military leaders who control nuclear weapons strictly avoid any direct public discussion of the consequences of nuclear war. They do so by arguing that nuclear weapons are not intended to be used, but only to deter.

Remarkably, the leaders of the Nuclear Weapon States have chosen to ignore the authoritative, long-standing scientific research done by the climatologists, research that predicts virtually any nuclear war, fought with even a fraction of the operational and deployed nuclear arsenals, will leave the Earth essentially uninhabitable.

## 4

#### Counterplan TextTHE USFGG o recognize a right of workers to strike when authorized by a majority of striking workers through a secret balloting process

#### That solves

Tenza 19 -- Mlungisi Tenza (LLB, LLM, LLD @ University of KwaZulu-Natal), Investigating the need to reintroduce a ballot requirement for a protected strike in South Africa, August 1 2019, *Obiter*Volume 40, Issue 2, https://journals.co.za/doi/10.10520/EJC-1936af7594 WJ

Violent protracted strikes can have devastating effects on employers, employees and the economy at large. Despite the fact that workers have a constitutional right to strike, it is important that the exercising of such a right not be allowed to go beyond the necessary limits. Currently, strikes are often characterised by violent conduct. Resolution of strikes also takes a long time, leaving many people unemployed by the time a solution is found. This not only affects the employees concerned, but is a contributing factor to poverty. To prevent long and violent strikes from taking place, it is suggested that there should be changes to existing labour law so as to include a ballot requirement. The law should compel a convening union to ballot members before staging a strike. To be credible, the balloting process should be chaired by an independent body, such as the IEC or a representative from the CCMA. This is the position in Australia and Canada. In these countries, if a union calls a strike without having balloted its members, such a strike is unlawful and civil action can be taken against the union and its members. Balloting members prior to strike action would help to establish their willingness to embark on a strike. If the majority vote in favour of a strike, it would send a signal to the employer that workers are serious and that it must consider their concerns or demands in a serious light. The employer and employee representatives are expected to engage fruitfully during negotiations and to avoid impending industrial action.

#### Pre-strike ballots increase leverage on employers without preventing production – that benefits workers and industry

Orchiston et al 19 -- Alice Orchiston (Lecturer, Faculty of Law, University of New South Wales), Breen Creighton (Honorary Professor, Graduate School of Business and Law, RMIT University), Catrina Denvir (Research Fellow, Director of Ulster Legal Innovation Centre, School of Law, Ulster University), Richard Johnstone (Professor, Faculty of Law, Queensland University of Technology), and Shae Mccrystal (Professor of Labour Law, Sydney Law School, The University of Sydney), PRE-STRIKE BALLOTS AND ENTERPRISE BARGAINING DYNAMICS: AN EMPIRICAL ANALYSIS, Melbourne University Law Review, Vol 42(2):593 2019 WJ

Our analysis found that a PABO application can be an effective means for unions to increase leverage (via escalating the ‘threat’ of industrial action), without necessarily having to resort to industrial action. This is because a successful ballot outcome signals industrial strength and accelerates the ‘countdown’ towards industrial action.

In general, the union representatives interviewed perceived the decision to apply for a PABO (with a subsequent ballot), and the decision to take industrial action, as separate and distinct steps in escalating pressure in negotiations. However, respondents expressed a range of different views as to the degree of leverage that a PABO application and/or subsequent industrial action would provide.

Some union representatives explained the power of a PABO application with reference to the risk of ‘disruption’ that employers would face from any industrial action that could logically follow a successful ballot.63 Other representatives described a successful ballot result as a strategic signal of collective strength. For example:

It’s factored as a message ... the conversation I had with the members is, ‘look to be honest even if you disagree with taking industrial action have a think about voting yes for it anyway because it is the message that counts’ ... in the formal process, the employer sees employees vote ‘yes’ because they will be looking at that and seeing how strong you are.64

For some union representatives, the prospect of media coverage, either of the ballot outcome or subsequent industrial action, and the opportunity to ‘get the employer’s name in the paper’, were seen as further potential advantages of invoking the PABO process.65 For example, one union interviewee said that once the ballot results were announced, ‘it actually made the papers’, and this helped to shift the negotiations in the union’s favour because of the employer’s desire to avoid ‘bad press’.66 These sentiments were echoed by the employer representative from the same negotiation:

We have an employer brand. We don’t want to be splashed all over the media ... we don’t want that out there because I don’t think it’s a positive look.67

The threat of media coverage can create pressure on employers where industrial action could disrupt production or service delivery. For instance, one employer representative referred to a PABO application that was timed to coincide with negotiations for a major business contract, and indicated that if the customer found out about the threat of industrial action, they would ‘probably cease negotiations’ with the company.68

Interviews revealed that some unions are able successfully to threaten industrial action (via the application for a PABO), even where they have no intention of actually taking action. As one union representative explained:

C?A econ da

## 5

## Case

#### Conditions are part of ilaw now

Brudney 20’ Brudney, James J. "The Right to Strike as Customary International Law." *Yale J. Int'l L.* 46 (2021): 1

In most cases, the law lays down a series of conditions or requirements that must be met in order to render a strike lawful. The Committee on Freedom of Association has specified that such conditions “should be reasonable and in any event not such as to place a substantial limitation on the means of action open to trade union organizations” (ILO, 1996d, para. 498). The large number of Committee decisions in this connection may be attributed to the fact that some 15 per cent of the cases submitted to it concern the exercise of the right to strike. The Committee on Freedom of Association has accepted the following prerequisites: 1. the obligation to give prior notice (ibid., paras. 502-504); 2. the obligation to have recourse to conciliation, mediation and (voluntary) arbitration procedures in industrial disputes as a prior condition to declaring a strike, provided that the proceedings are adequate, impartial and speedy and that the parties concerned can take part at every stage (ibid., paras. 500 and 501); 3. the obligation to observe a certain quorum and to obtain the agreement of a specified majority (ibid., paras. 506-513); 4. the obligation to take strike decisions by secret ballot (ibid., paras. 503 and 510); 5. the adoption of measures to comply with safety requirements and for the prevention of accidents (ibid., paras. 554 and 555); 6. the establishment of a minimum service in particular cases (ibid., paras. 556-558); and 7. the guarantee of the freedom to work for non-strikers (ibid., para. 586). Some of these prerequisites merit further study since, over the years, the Committee on Freedom of Association and the Committee of Experts have adopted principles which restrict their scope, such as recourse to conciliation, mediation and arbitration; 25 the necessary quorum and majority required to permit an assembly to declare a strike, and the establishment of a minimum service.

Cambridge Dictionary No Date, (Cambridge Dictionary, “Unconditional”), https://dictionary.cambridge.org/us/dictionary/english/unconditional // MNHS NL

complete and not limited in any way: the unconditional love that parents feel for their children

unconditional surrender

We demand the immediate and unconditional release of all political prisoners.

#### ILaw is fundamentally ineffective

Goldsmith 09

Jack Goldsmith, Henry L. Shattuck Professor of Law, Harvard Law School, Daryl Levinson, Fessenden Professor of Law, Harvard Law School, Harvard Law Review, May 2009, vol. 122, no. 7, "LAW FOR STATES: INTERNATIONAL LAW, CONSTITUTIONAL LAW, PUBLIC LAW", 1792-1868

One might look to courts to rectify this legal uncertainty, perhaps by analogy to the way that early common law courts constructed and clarified legal norms through a case-by-case process of adjudication, with limited legislative assistance. But the international adjudicatory system is not up to this task. The international law system does, of course, rely on courts — the domestic courts of states as well as international tribunals — to adjudicate disputes about the existence and meaning of international norms. But the ability of these courts to resolve the content of international law is severely limited by their lack of centralization, coordination, and hierarchy.

At the domestic level, both national courts and national executive branches are charged with interpreting international law. No doubt in part because states tend to interpret international law in accordance with their own (divergent) interests, international law is interpreted differently by different states. Capital-importing and capital-exporting nations, for example, traditionally have held different views about the customary international law limits on expropriation.48 Similarly, while the United States and the United Kingdom believed that the 2003 invasion of Iraq was consistent with the U.N. Charter, most other nations disagreed.49 The international legal system has no higher-level court or other decisionmaker capable of authoritatively resolving these kinds of transnational interpretive disputes.

The inability of multiple, self-interested national executives and courts to agree on the content of international law has driven the international system to develop its own system of courts, formally independent of the direct control of any one or several nations. While there are many such courts of various kinds in operation, their jurisdictions are narrow and segmented, creating a patchwork of adjudicative authority. This patchwork includes both gaping holes and areas of uncoordinated overlap. There are many matters — immigration, war, human rights, and so on — over which international courts have little or no authority. Even the International Court of Justice, perhaps the most powerful generalist international court, has limited jurisdiction, and its decisions have no stare decisis effect.50 Regional courts (like the European Court of Justice) and international bodies (like the Human Rights Committee) have overlapping claims to partial jurisdiction to resolve or pronounce upon international law, here again with no second-order rules or institutional mechanisms to coordinate their decisions. When the International Court of Justice and the International Criminal Tribunal for the former Yugoslavia fundamentally disagree on the question of attributing state responsibility for rebel insurgent groups, for instance, there is no legal procedure for resolving the disagreement.51

The problem is more acute than even this, for courts (domestic and international) are not the only interpreters of international law. Jurists also serve as sources of law in some sense, and various NGOs often pronounce upon the content of law in ways that are meant to be, and are often received as, authoritative. Human rights committees disagree about the content of international human rights law, and these bodies often disagree with regional and national officials who are charged with interpreting the same law.52 This proliferation of interpreters exacerbates international law’s problems of ambiguity and deprives international law of its ability to resolve disputes authoritatively. 53 The result is a cacophony of oft-conflicting pronouncements with no authoritative method to resolve the conflicts.

In sum, although international law and associated international institutions are denser and more prevalent today than ever, these laws and institutions are, as a system, weak and fragmented.54 What is missing is the kind of centralized, hierarchical ordering that domestic legal systems create through their legislative and judicial institutions. Unable to rely upon these institutions, the international legal system struggles to coordinate public understandings of the content and application of its norms. The result is a kind of fundamental uncertainty, not just about what international legal rules mean, but about how they can be created and changed,