# 1NC UT Longhorn Round 4

### Roberts DA---1NC

#### SCOTUS’s decision on *Roe v. Wade* hinges on Roberts’ political capital.

Robinson ’21 (Kimberly; reporter for Bloomberg Law; 6-18-2021; “Barrett Channels Roberts’ ‘Go-Slow’ Approach in Landmark Cases”; Bloomberg Law; https://news.bloomberglaw.com/us-law-week/barrett-channels-roberts-go-slow-approach-in-landmark-cases; Accessed: 10-1-2021; AU)

The U.S. Supreme **Court’s** newest justice is showing signs that she’s more **aligned with** John **Roberts** and Brett Kavanaugh **in the center** than she is with her other conservative colleagues, **refusing to support** broad **rulings that** could **shake** the **court’s credibility**. Amy Coney Barrett is “starting to show her stripes” as a moderate who prefers small movements in the law, not huge shifts, South Texas College of Law Houston professor Josh Blackman said. The justices handed down victories to both liberals and conservatives on Thursday saving the Affordable Care Act again but siding with a religious group in the latest battle over LGBT protections. **Roberts**, the chief justice, is viewed as an **institutionalist** **who wants to conserve** the public’s **confidence** in the court. So far, he **favors incremental shifts** in the law. “That’s been one of the Chief’s primary goals all along,” said Case Western Reserve law professor Jonathan Adler. He recently gained an **ally in Kavanaugh** in this pursuit, **and** it appears **Barrett** may join their ranks. The court as a whole has has largely agreed in cases this year. The unanimous decision in the LGBT case was the 25th time the justices were unanimous in 41 rulings so far this term. There are 15 to go in coming days. But the **big test** for Barrett **will be** next term starting in October when the justices will tackle hot-button issues like guns, **abortion**, and possibly affirmative action. “It is a very conservative Court, even if we will only get glimpses of it this year,” said UC Berkeley law school Dean Erwin Chemerinsky. Kicking the Can Both the **A**ffordable **C**are **A**ct **and LGBT** rulings **were** “very, very **narrow**,” Georgia State law professor EricSegall said. In the Obamacare case, California v. Texas, the 7-2 majority handed down a procedural ruling to avoid undoing the landmark 2010 law. The justices said red states led by Texas didn’t have a legal basis—or standing—to challenge it. Only Justices Samuel Alito and Neil Gorsuch would have voted to gut the act, long a priority of Republicans. The LGBT ruling, while unanimous in its outcome, was splintered in its reasoning. Hiding under the 9-0 breakdown was a dispute about whether to overturn the court’s divisive ruling in Employment Division v. Smith, which sparked the passage of the bipartisan Religious Freedom Protection Act and mini state versions across the country. The court in Smith refused to require an exception from Oregon’s prohibition on peyote, saying religious objectors don’t get a free pass on “generally applicable” laws. On opposite ends in the court’s LGBT ruling were the liberal justices—Stephen Breyer, Sonia Sotomayor, and Elena Kagan—along with Roberts, who wanted to uphold the court’s precedent in Smith, and the court’s most conservative members—Clarence Thomas, Alito, and Gorsuch—who wanted it overruled once and for all. In **the middle** was Barrett, joined by Kavanaugh, who acknowledged Smith‘s shortcomings but was **concerned with** the **fallout** should the court overrule it. “Yet what should replace Smith?” Barrett asked in a short concurrence. Both cases were a punt, Blackman said, with the issues likely to return to the court at some point in the future. End of the World But the ACA and LGBT cases, along with the extraordinary agreement all term, suggests a **majority** of the justices **don’t think** **it’s** the right **time to make major changes** in the law. “In the throes of everything"—the pandemic, Barrett’s first term, Kavanaugh’s biting confirmation, calls for Breyer to retire, and the caustic 2020 presidential election—"they didn’t want to shock the world this year,” Segall said. “**Preserving** the **court’s** own political **capital** **is** incredibly **important** to the justices because they know their only capital is the confidence of the American people,” he added. **Adler said the court has developed a sort of 3-3-3 split**—that is, three liberals, three conservative justices willing to chuck precedents they don’t agree with, and three conservative justices hesitant to overturn cases they may disagree with. **Roberts, Kavanaugh, and now, apparently, Barrett make up that last group.** Adler said that split will create some interesting pressures for the three justices in the middle next term, when—as Segall said—"the world will end.” **The end of the world was a reference—in part—to the court’s abortion case, which could call into question the landmark ruling in Roe v. Wade and later cases**.

#### **The court’s center is skeptical of overturning precedent in Roe, but the path’s narrow.**

Feldman ‘9/2 (Noah; Bloomberg Opinion columnist and host of the podcast “Deep Background.” He is a professor of law at Harvard University and was a clerk to U.S. Supreme Court Justice David Souter.; “Is the Supreme Court Ready to Overturn Roe? We Don’t Know”; 9/2/21; Bloomberg; https://www.bloomberg.com/opinion/articles/2021-09-02/supreme-court-ruling-on-texas-abortion-law-isn-t-death-knell-for-roe; Accessed 9/17/21]

Every nonlawyer on the planet — and no doubt a few lawyers, too — is likely to read this outcome as prefiguring a 5-to-4 vote to overturn Roe v. Wade, the 1973 precedent that made abortion a constitutional right. Later this year, **the court will address** a Mississippi anti-**abortion law** that lacks the cleverly diabolical enforcement mechanism of the Texas law but is equally unconstitutional. Indeed, the day after the law went into effect and before the Supreme Court ruled, many non-lawyers who were so unfamiliar with court procedures that they didn’t know it would eventually issue a ruling on the Texas law had already concluded that they knew how the upcoming Mississippi case would come out. That’s a possible interpretation of the latest opinion, to be sure. But the **opinion** for the five conservatives **explicitly denied** it. “We stress,” said the justices, “that we do not purport **to resolve** definitively any jurisdictional or **substantive claim** in the applicants’ lawsuit.” That’s lawyer-speak for **saying** both that the **law could** still **be unconstitutional** and that there might still be some procedural way to block its operation. For good measure, the opinion said the challengers “have raised serious questions regarding the constitutionality of the Texas law.” These **formulations indicate** that at least **some** of the five **conservatives** who joined it wanted to take pains **not to** **send** the **message** **that Roe** v. Wade **is sure to be overturned**. What is less clear is whether anyone on the political battlefield wants to hear that message. The pro-choice camp will doubtless spend the months until the court term ends in June whipping up public sentiment, either in the hopes of changing the outcome or turning any decision overturning Roe into the impetus for packing the court or producing a heavy Democratic turnout in the 2022 midterm elections. The pro-life camp has an equal interest in making the overturning of Roe seem inevitable. Consequently, neither side cares much for dispassionate analysis. But the fact remains that the majority in the Texas ruling did not address the underlying issues, so it would be premature to predict the outcome in the Mississippi case based on it. Taken strictly on its own terms, the **opinion** made a point that **is incorrect** in my view, **but** that is **legally plausible**. That is that there’s no clear precedent for courts to block in advance the operation of a law that creates a civil penalty — not a criminal violation — to be applied by the courts after private lawsuits by private parties. Ordinarily, when a criminal law is obviously unconstitutional, the courts issue an order to the state attorney general not to enforce it. Such an order would not have any effect in this case, since the Texas attorney general isn’t empowered to enforce the law.

#### Expanding Rights Protection is perceived as judicial activism – it strays from the Constitution and forces Roberts to expend court capital.

Tribe et al. ‘10 [Laurence; January 2010; Carl M. Loeb University Professor at Harvard Law School, et al.; "TOO HOT FOR COURTS TO HANDLE: FUEL TEMPERATURES, GLOBAL WARMING, AND THE POLITICAL QUESTION DOCTRINE," https://s3.us-east-2.amazonaws.com/washlegal-uploads/upload/legalstudies/workingpaper/012910Tribe\_WP.pdf/]

We can stipulate that the **Constitution’s** framers were **not driven by** the **relationships** among chemistry, temperature, combustion engines, and global climate when they **assigned** **to** the **judicial process** the task of **interpreting** and applying **rules of law**, and to the political process the mission of making the basic policy choices underlying those rules. Yet the framework established by the Constitution they promulgated, refined over time but admirably constant in this fundamental respect, wisely embodied the recognition that enacting the ground rules for the conduct of commerce in all of its manifestations—including designing incentives for innovation and creative production (through regimes of intellectual property), establishing the metrics and units for commercial transactions (through regimes of weights and measures), and coping with the cross-boundary effects of economic activity (through the regulation of interstate and foreign commerce)—was a task quintessentially political rather than judicial in character. Yet the litigious **character of** American **society**, observed early in the republic’s history by deTocqueville, has ineluctably **drawn** American **courts**, federal as well as state, into problems within these spheres more properly and productively addressed by the legislative and executive branches. This has occurred in part because **political solutions** to complex problems of policy choice inevitably **leave some** citizens and consumers **dissatisfied** and inclined to seek judicial redress for their woes, real or imagined. And it has occurred in part because the toughest **political problems** appear on the horizon long before solutions can be identified, much less agreed upon, **leaving courts** to **fill the vacuum** that social forces abhor no less than nature itself. One can believe strongly in access to courts for the protection of judicially enforceable rights and the preservation of legal boundaries—as the authors of this WORKING PAPER do— while still deploring the perversion of the judicial process to meddle in matters of policy formation far removed from those judicially manageable realms. Indeed, the two concerns are mutually reinforcing rather than contradictory, for **courts squander** the **social and cultural capital** they need **in order to do** what may be **politically unpopular in preserving rights and protecting boundaries** when they yield to the temptation to treat lawsuits as ubiquitously useful devices for making the world a better place.

#### RTS is treated as an issue of corporate free speech - Robert’s legacy is built on its rejection - ensures sustained backlash.

Thomson-DeVeaux 18 (, A., 2018. Chief Justice Roberts Is Reshaping The First Amendment. [online] FiveThirtyEight. Available at: <https://fivethirtyeight.com/features/chief-justice-roberts-is-reshaping-the-first-amendment/> [Accessed 5 November 2021] Amelia Thomson-DeVeaux is a senior writer at FiveThirtyEight. Before joining FiveThirtyEight’s staff, she was a regular contributor to the site and a freelance writer and editor with a wide portfolio of work. Her writing has been published in a variety of outlets, including CNN, Cosmopolitan, National Journal, and New York Magazine. She is a graduate of Princeton University and holds a master's degree in religious studies from The University of Chicago. Between degrees, she was on the staff of The American Prospect and worked as a writer and editor for PRRI, a public opinion research organization in Washington, DC.)-rahulpenu

It’s been a big year for free speech at the Supreme Court. Two of the most high-profile cases argued before the court so far have revolved around free speech rights, four other cases on the docket this term involve free speech questions, and yet another case where the issue is paramount greets the court on Tuesday.

The court today is hearing arguments on whether the state of California is trampling on the free speech rights of crisis pregnancy centers — nonprofit organizations that do not perform abortions and encourage women to seek alternatives to the procedure — by requiring them to post notices explaining patients’ ability to access abortion and other medical services. In December, attorneys for a baker at Masterpiece Cakeshop in Colorado argued that a state anti-discrimination law violates his free speech rights as a self-described cake artist by requiring him to make a wedding cake for a gay couple. Last month, the justices heard oral arguments in a case about whether state laws allowing unions to require nonmembers to pay fees violate those employees’ right to free speech.

Whichever way the rulings come down this spring and summer, it’s almost certain that the winning side will include Chief Justice John Roberts, who has spent his 12-plus years at the helm of the high court quietly carving out a space as a prolific and decisive arbiter of free speech law. Supporters and critics both agree that during his tenure, the court has dramatically expanded the reach of the First Amendment by striking down a wide range of statutes for encroaching on free speech rights. And **Roberts** has **authored** more **majority** **opinions** **on** **free** **speech** than any other justice during his tenure, signaling that this is an area where he **wants** **to** **create** a **legacy**.

But just what that legacy will be is **highly** **contested**. Roberts’s admirers argue that his commitment to the First Amendment transcends ideological boundaries. But others contend that his decisions don’t protect speech across the board. Instead, they say that **Roberts** is more than willing to **allow** the government to restrict speech when it’s speech he disagrees with — meaning **free** **speech** is becoming **a** legal **tool** **that** **favors** **corporations** **over** **individuals**.

The chief justice gets to decide who writes the majority opinion in any case where he’s on the winning side, which means that Roberts is able to stake a claim over a particular area of law if he so chooses. And that seems to be what’s happening with free speech: As of the end of the 2016 term, Roberts had written 34 percent of the free speech decisions the court has handed down since he joined its ranks, and 14 percent of his majority opinions were devoted to the topic.1 Even when he’s not writing for the majority, Roberts is rarely on the losing side: Out of the 38 free speech cases we counted,2 he voted with the minority only once.

The First Amendment appears to be a topic of deep personal interest for Roberts, and he’s not commanding the majority opinion in these cases simply to reinforce earlier decisions. Roberts has presided over — and participated in — a deliberate and systematic expansion of free speech rights in the realm of campaign finance and commercial speech. The court’s determination that campaign spending limits on corporations violated free speech in the 2010 case Citizens United v. FEC was just one in a series that struck down a range of campaign finance laws on First Amendment grounds and expanded corporations’ right to speech in other venues, like drug advertising and trademark regulations.

According to legal experts, these rulings represent a clear and unprecedented reversal of previous Supreme Court interpretations of the First Amendment, particularly with regard to corporations. Those interpretations began taking shape early in the last century, as the court only began to strike down federal statutes for abridging free speech after World War I. As it did so, it at first explicitly rejected the idea that commercial speech was constitutionally protected. In the 1970s and ’80s, the justices walked this decision back somewhat as it related to certain types of ads, but they continued to maintain that advertising remained categorically different from other kinds of speech, especially when it was presenting inaccurate information.

At the same time, the justices issued groundbreaking rulings that protected the speech of unpopular individuals and groups against government censorship. It was these cases, which involved government attempts to quash union picketing, student protests of the Vietnam war, flag-burning and Nazi protests, that established free speech as an essential protection for people with minority opinions who were in danger of being silenced by the majority.

This is decidedly not the principle that the Roberts court has embraced with its rulings on campaign finance and commercial speech. Starting in the 1970s, campaign finance laws restricting the flow of money into politicians’ coffers aimed to make space for more voices in the political sphere by preventing the wealthy from buying influence. But in the Citizens United case, the court ruled that the government couldn’t restrict the free speech rights of corporations simply because they were corporations — even if citizens with fewer financial resources were less able to command the attention of their elected officials as a result.

Although the Roberts court seems to be interpreting free speech in a new way with these decisions, some historians say that free speech has always been ideologically flexible. According to Laura Weinrib, a historian and professor of law at the University of Chicago, corporate titans like the Ford Motor Company were part of the early push for broader **free** **speech** **protections** precisely because they recognized the power of the First Amendment for **advancing** **their** **own** **causes**, while organizations like the ACLU strategically accepted a “neutral” vision of free speech that **protected** the strong (**companies** like Ford) as well as the weak (union **workers** **seeking** the **right to strike**) in order to secure early victories for **labor** **rights**. Those twin forces helped **pave** the **way** **for** **today’s** understanding of **free** **speech** **under** the **Roberts** court.

It’s that question of what free speech protections should do — and whether it’s acceptable to muzzle stronger voices if they’re drowning out weak or unpopular opponents — that may help explain the Roberts court’s **rightward** **turn** **on** **corporate** **speech**.

Burt Neuborne, a law professor at New York University and a former legal director of the ACLU, said that the liberal justices are willing to tolerate some restrictions on speech because they see them as necessary to build a fair society. “In this view, you can, for example, limit free speech when it threatens our democracy,” Neuborne said. The **conservative** **justices**, on the other hand, tend to **view** **free** **speech** **itself** **as** the **goal**. “They don’t care what happens afterward or who they’re affecting — they just **want** **to** **get** the **gov**ernment **out** **of** the business of **meddling** with speech,” he said.

This explanation is complicated, though, by the fact the Roberts court — and Roberts himself — has painted a muddier picture of other speech limits. Roberts authored opinions striking down a civil judgment holding the Westboro Baptist Church liable for damages resulting from church members picketing outside a soldier’s funeral, and a law prohibiting the distribution of videos showing animal cruelty. Those rulings are clearly in line with previous ones permitting flag-burning and Nazi protests. But Roberts also issued decisions or signed onto rulings that allowed the government to restrict the speech of students, even when they’re off school property, and limit the expression of public employees in a variety of contexts.

There’s disagreement about whether the Roberts court, by upholding these government restrictions on speech, is undermining its reputation as a court dedicated to a broad view of free speech. “It’s very much to Roberts’s credit that his Supreme Court has a genuinely expansive view of free speech that can’t be explained by political favoritism,” said Michael McConnell, a professor at Stanford Law School. He acknowledged that there are a few exceptions but said they aren’t significant or frequent enough to undermine his broader characterization of Roberts’s record.

But Genevieve Lakier, another University of Chicago law professor, disagreed. “The court does make judgments about when the government needs to restrict speech,” she said. “And in contexts like schools, or when the government says there are national security needs, it’s shockingly willing to allow those restrictions.”

Whether or not it’s fair to say that the Roberts court has been broadly protective of free speech, there’s little question that the court is reshaping it in ways that will resonate for years to come. And the cases this term could play a pivotal role in defining and clarifying that legacy — especially Masterpiece Cakeshop.

Neuborne predicted that the wedding cake case would be challenging for Roberts, but that either way, it would further illuminate his stance on free speech. “This case could have serious ramifications for nondiscrimination law,” Neuborne said. “But there is a free speech claim involved, so we’ll see how much of an absolutist Roberts is willing to be.”

#### Legal Abortion key to Fetal Tissue research that creates treatments and vaccines for disease

LRM 19 Medicine, The Lancet Respiratory. "Fetal tissue research: focus on the science and not the politics." (2019): 639. (ranked as the number one journal in the fields of critical care and respiratory medicine)//Found by JM + BUBU//Re-cut by Elmer

**Stem cell** therapy **research** in lung disease is still at early stages, but the research output is **increasing** and the area is a **promising** one. However, there are **limits** to the use of MSC and other adult multipotent stem cells, because **substantial numbers** are **required for therapeutic effects**. The cells also have a shorter replicative lifespan and can only make a restricted number of specialised cell types that are specific for their organ of origin. **Fetal tissue**, by contrast, provides cell lines that grow rapidly, are able to **easily differentiate** into multiple cell types, and are **less likely to be rejected** by the body. In the future, fetal tissue might be replaced in certain areas of research with the use of induced pluripotent stem cells and organoids, which are human-cell cultures that can be crafted to replicate an organ. However, in areas such as fetal development, a suitable replacement to fetal tissue is unlikely to be found. Although research into fetal tissue alternatives is worthwhile, it will take time and until then, the use of fetal tissue is **essential** so that **research efforts**, which are crucial for the development of new therapeutic treatments in often difficult-to-treat lung diseases, are not severely hampered. And those in the field need to ensure their voices are heard. Indeed, the American Thoracic Society released a statement the day after the Trump administration announcement saying that “Scientific research with fetal tissue is **vital for** the **development of new treatments for** many **deadly** **diseases** and conditions, such as cystic fibrosis and acute lung injury. **There are no alternative research models that can replace all fetal tissue research”.** Fetal tissue has been a **key** **part of** the development of multiple **vaccines**, **treatments** for cystic fibrosis, and ongoing research into cancer immunotherapy. The major objection to fetal tissue research is that the **source of** the **fetal tissue is** **mainly from** **elective abortions**. However, there is no suggestion that the number of abortions will decrease as a result of removing funding for fetal tissue research. **Abortion is still legal** in all 50 states in the USA and fetal tissue would otherwise be discarded. **Fetal tissue research**, in fact, holds the **potential to save lives** through the development of new treatments and vaccines. Politicising scientific research in this way means denying hope to millions of patients with life-limiting diseases.

#### Diseases cause Extinction

Bar-Yam 16 Yaneer Bar-Yam 7-3-2016 “Transition to extinction: Pandemics in a connected world” <http://necsi.edu/research/social/pandemics/transition> (Professor and President, New England Complex System Institute; PhD in Physics, MIT)//Elmer

Watch as one of the more aggressive—brighter red — strains rapidly expands. After a time it goes extinct leaving a black region. Why does it go extinct? The answer is that it spreads so rapidly that it kills the hosts around it. Without new hosts to infect it then dies out itself. That the rapidly spreading pathogens die out has important implications for evolutionary research which we have talked about elsewhere [1–7]. In the research I want to discuss here, what we were interested in is the effect of adding long range transportation [8]. This includes natural means of dispersal as well as unintentional dispersal by humans, like adding airplane routes, which is being done by real world airlines (Figure 2). When we introduce long range transportation into the model, the success of more aggressive strains changes. They can use the long range transportation to find new hosts and escape local extinction. Figure 3 shows that the more transportation routes introduced into the model, the more higher aggressive pathogens are able to survive and spread. As we add more long range transportation, there is a critical point at which pathogens become so aggressive that the entire host population dies. The pathogens die at the same time, but that is not exactly a consolation to the hosts. We call this the phase transition to extinction (Figure 4). With increasing levels of global transportation, human civilization may be approaching such a critical threshold. In the paper we wrote in 2006 about the dangers of global transportation for pathogen evolution and pandemics [8], we mentioned the risk from Ebola. Ebola is a horrendous disease that was present only in isolated villages in Africa. It was far away from the rest of the world only because of that isolation. Since Africa was developing, it was only a matter of time before it reached population centers and airports. While the model is about evolution, it is really about which pathogens will be found in a system that is highly connected, and Ebola can spread in a highly connected world. The traditional approach to public health uses historical evidence analyzed statistically to assess the potential impacts of a disease. As a result, many were surprised by the spread of Ebola through West Africa in 2014. As the connectivity of the world increases, past experience is not a good guide to future events. A key point about the phase transition to extinction is its suddenness. Even a system that seems stable, can be destabilized by a few more long-range connections, and connectivity is continuing to increase. So how close are we to the tipping point? We don’t know but it would be good to find out before it happens. While Ebola ravaged three countries in West Africa, it only resulted in a handful of cases outside that region. One possible reason is that many of the airlines that fly to west Africa stopped or reduced flights during the epidemic [9]. In the absence of a clear connection, public health authorities who downplayed the dangers of the epidemic spreading to the West might seem to be vindicated. As with the choice of airlines to stop flying to west Africa, our analysis didn’t take into consideration how people respond to epidemics. It does tell us what the outcome will be unless we respond fast enough and well enough to stop the spread of future diseases, which may not be the same as the ones we saw in the past. As the world becomes more connected, the dangers increase. Are people in western countries safe because of higher quality health systems? Countries like the U.S. have highly skewed networks of social interactions with some very highly connected individuals that can be “superspreaders.” The chances of such an individual becoming infected may be low but events like a mass outbreak pose a much greater risk if they do happen. If a sick food service worker in an airport infects 100 passengers, or a contagion event happens in mass transportation, an outbreak could very well prove unstoppable.

### Innovation DA---1NC

#### Global Innovation is high now despite bumps from COVID.

UN 21 9-20-2021 "Innovation continued despite COVID-19: New UN report" <https://news.un.org/en/story/2021/09/1100362> (United Nations)//Elmer

**According to** the findings of the World Intellectual Property Organization’s (**WIPO**) **latest Global Innovation Index**, (GII) **governments and enterprises** in many parts of the world **scaled up investments in innovation**, **demonstrating** an acknowledgement that **new ideas** are critical for overcoming the pandemic. “We expected a harsh slump in 2020 of around 3 per cent, however, the GII shows **there are reasons to be optimistic… with governments showing foresight and not cutting spending**,” Sacha Wunsch-Vincent, WIPO Composite Indicator Research Section and GII co-editor, said at the launch of the report in Geneva. Uneven impact WIPO warned however that the impact of the crisis has been highly uneven across industries and countries. In its annual ranking of the world’s economies on innovation capacity and output, the GII showed that only a few economies, mostly high income, consistently dominate the ranks. However, the Republic of Korea joined Switzerland, Sweden, the United States, and Britain, to make the top 5 of the GII for the first time in 2021, while four other Asian economies feature in the top 15: Singapore (8), China (12), Japan (13) and Hong Kong, China (14). Selected middle-income economies, including Turkey, Vietnam, India, the Philippines, are also catching up and progress made last year by France (11) and China (12) are confirmed, as both are now knocking at the door of the GII top 10. Showing resilience According to a new GII feature - the Global Innovation Tracker - **technology, pharmaceuticals and biotech industries**, **boosted their investments** during the pandemic **and increased** their research and development (**R&D)** efforts. Top technology companies like Apple, Microsoft and Huawei, increased investment on average about 10 per cent last year, and venture capital investment surged, a trend which is continuing this year, Mr. Wunsch-Vincent said. In contrast, the transport and travel sectors were heavily hit by containment measures and cut back their outlays. The GII 2021 also shows that technological progress at the frontier holds substantial promise, with the rapid development of COVID-19 vaccines being the greatest example. "In spite of the massive impact of the COVID-19 pandemic, many sectors have shown remarkable resilience – especially those that have embraced digitalization, technology and innovation", said WIPO Director General Daren Tang. “As the world looks to rebuild from the pandemic, we know that innovation is integral to overcoming the common challenges that we face and to constructing a better future.” Global innovation landscape The index ranks 132 countries, plus sub-economies such as Hong Kong, and comes a year after WIPO reported that investments in innovation had hit a record high in 2019, showing an average annual profit of 8.5 per cent. Northern America and Europe continue to lead the global innovation landscape, but, the Southeast Asia, East Asia, and Oceania have been the most dynamic in the past decade and are the only regions closing the gap with the leaders. According to the report, China is still the only middle-income economy that makes it to the top 30. Bulgaria (35), Malaysia (36), Turkey (41), Thailand (43), Vietnam (44), the Russian Federation (45), India (46), Ukraine (49), and Montenegro (50), do feature in the top 50. However, only Turkey, Vietnam, India and the Philippines are systematically catching up, Beyond China, these larger economies have the potential to change the global innovation landscape for good, it said. “The GII shows that although emerging economies often find it challenging to steadily improve their innovation systems, a few middle-income economies have managed to catch up in innovation with their more developed peers", former Dean and Professor of Management at Cornell University, Soumitra Dutta said. “**These emerging economies, among other things, have been able to successfully complement their domestic innovation with international technology transfer, develop technologically dynamic services that can be traded internationally, and ultimately have shaped more balanced innovation systems,” he said**.

#### Plan increase Union Power via Collective Bargaining - stronger Union Power decrease Innovation.

Bradley 17, Daniel, Incheol Kim, and Xuan Tian. "Do unions affect innovation?." Management Science 63.7 (2017): 2251-2271. (Department of Finance, University of South Florida, Tampa, Florida)//Elmer

An alternative hypothesis makes the opposite empirical prediction. **Unionization** may **create** **misaligned incentives among employees and impede firm innovation.** There are at least three plausible reasons for such a reduction in innovation. First, because **innovation requires considerable investment** in intangible assets such as research and development (R&D), **contracts** **that** effectively **motivate innovation are almost always incomplete**. **Once** the **investment** has been **made** and the innovation process begins, **workers** may have incentives to expropriate rents by **demanding higher wage concessions**, recognizing that the costs are sunk. This **ex post hold-up problem** on the part of employees in turn **leads to** an ex ante **underinvestment in R&D** (Grout 1984, Malcomson 1997), which **ultimately impedes innovation**. Second, **unionizing** the **workforce** **could encourage shirking** because the negative consequences for supplying less effort are reduced. That is, unionization **reduces** the **probability of dismissal**, so it lowers the cost of shirking and could lead to lower productivity among workers. Third, **unions** **alter** the distribution of worker wages, leading to a reduction in **wage inequality** among workers (Frandsen 2012). To the extent that innovative and talented workers are in demand in the labor market, **reduced wage gaps may force out innovative employees**, which contributes to the decline in innovation in unionized firms. Although the three underlying mechanisms discussed are different, they are all related in the sense that **unionization creates misaligned incentives and impedes innovation.** We refer to the general decline in innovation after unionization stemming from any one or all of these potential consequences as the “misaligned incentives hypothesis.” We test the above two hypotheses by examining whether unions promote or impede firm innovation. Following existing literature that uses patenting data to capture firms’ innovativeness (i.e., Aghion et al. 2005, Nanda and Rhodes-Kropf 2013, Seru 2014), we **use** the number of patents granted to a firm and the number of future citations received by each patent obtained from the National Bureau of Economic Research (**NBER**) Patent Citation database to measure innovation output. The former captures the quantity of firm innovation, and the latter captures the quality of firm innovation. We **collect** union election **results from** the National Labor Relations Board (**NLRB**), which allows us to compare changes in innovation output for firms that elect to become unionized to those that vote against it. The empirical challenge of our study is to identify the causal effect of unionization on firm innovation. A standard ordinary least squares (OLS) approach that regresses innovation output on a unionization variable suffers from potentially severe identification problems. Union election results could be correlated with firm unobservable characteristics that affect firm innovation output (the omitted variable concern) or firms with low innovation potential may be more likely to pass unionization elections (the reverse causality concern). Both problems could make it difficult to draw causal inferences from unionization to innovation. To attempt to establish causality, we use a regression discontinuity design (RDD) that relies on “locally” exogenous variation in unionization generated by these elections that pass or fail by a small margin of votes. This approach compares firms’ innovation output subsequent to union elections that pass to those that do not pass by a small margin. It is a powerful and appealing identification strategy because, for these close-call elections, passing is very close to an independent, random event and therefore is unlikely to be correlated with firm unobservable characteristics. After performing various diagnostic tests to ensure that the key identifying assumptions of the RDD are satisfied, we show that **unionization has a negative effect on firm innovation**. According to our nonparametric local linear regression estimation, passing a union election leads to an **8.7% decline in patent counts** and a **12.5% decline in patent citations** three years after the election. This result is robust to alternative choices of kernels and bandwidths and is absent at artificially chosen thresholds that determine union election outcomes. The negative effect of unionization on innovation is present in both manufacturing (where most unions form) and nonmanufacturing industries, but it is statistically insignificant in firms located in states with right-to-work legislation where unions have less power to expropriate rents. We show that a cut in R&D spending, reduced productivity of current and newly hired inventors, and the departure of innovative inventors are possible underlying mechanisms through which unionization impedes firm innovation. Finally, we find that firms shift innovation activities away from states where union elections are successful.

#### Strong Innovation solves Extinction.

Matthews 18 Dylan Matthews 10-26-2018 “How to help people millions of years from now” <https://www.vox.com/future-perfect/2018/10/26/18023366/far-future-effective-altruism-existential-risk-doing-good> (Co-founder of Vox, citing Nick Beckstead @ Rutgers University)//Re-cut by Elmer

If you care about improving human lives, you should overwhelmingly care about those quadrillions of lives rather than the comparatively small number of people alive today. The 7.6 billion people now living, after all, amount to less than 0.003 percent of the population that will live in the future. It’s reasonable to suggest that those quadrillions of future people have, accordingly, hundreds of thousands of times more moral weight than those of us living here today do. That’s the basic argument behind Nick Beckstead’s 2013 Rutgers philosophy dissertation, “On the overwhelming importance of shaping the far future.” It’s a glorious mindfuck of a thesis, not least because Beckstead shows very convincingly that this is a conclusion any plausible moral view would reach. It’s not just something that weird utilitarians have to deal with. And Beckstead, to his considerable credit, walks the walk on this. He works at the Open Philanthropy Project on grants relating to the far future and runs a charitable fund for donors who want to prioritize the far future. And arguments from him and others have turned “long-termism” into a very vibrant, important strand of the effective altruism community. But what does prioritizing the far future even mean? The most literal thing it could mean is preventing human extinction, to ensure that the species persists as long as possible. For the long-term-focused effective altruists I know, that typically means identifying concrete threats to humanity’s continued existence — like unfriendly artificial intelligence, or a pandemic, or global warming/out of control geoengineering — and engaging in activities to prevent that specific eventuality. But in a set of slides he made in 2013, Beckstead makes a compelling case that while that’s certainly part of what caring about the far future entails, approaches that address specific threats to humanity (which he calls “targeted” approaches to the far future) have to complement “broad” approaches, where instead of trying to predict what’s going to kill us all, you just generally try to keep civilization running as best it can, so that it is, as a whole, well-equipped to deal with potential extinction events in the future, not just in 2030 or 2040 but in 3500 or 95000 or even 37 million. In other words, caring about the far future doesn’t mean just paying attention to low-probability risks of total annihilation; it also means acting on pressing needs now. For example: We’re going to be better prepared to prevent extinction from AI or a supervirus or global warming if society as a whole makes a lot of scientific progress. And a significant bottleneck there is that the vast majority of humanity doesn’t get high-enough-quality education to engage in scientific research, if they want to, which reduces the **odds that we have enough trained scientists to come up with the breakthroughs** we need as a civilization to survive and thrive. So maybe one of the best things we can do for the far future is to improve school systems — here and now — to harness the group economist Raj Chetty calls “lost Einsteins” (potential innovators who are thwarted by poverty and inequality in rich countries) and, more importantly, the hundreds of millions of kids in developing countries dealing with even worse education systems than those in depressed communities in the rich world. What if living ethically for the far future means living ethically now? Beckstead mentions some other broad, or very broad, ideas (these are all his descriptions): Help make computers faster so that people everywhere can work more efficiently Change intellectual property law so that technological innovation can happen more quickly Advocate for open borders so that people from poorly governed countries can move to better-governed countries and be more productive Meta-research: improve incentives and norms in academic work to better advance human knowledge Improve education Advocate for political party X to make future people have values more like political party X ”If you look at these areas (economic growth and technological progress, access to information, individual capability, social coordination, motives) a lot of everyday good works contribute,” Beckstead writes. “An implication of this is that a lot of everyday good works are good from a broad perspective, even though hardly anyone thinks explicitly in terms of far future standards.” Look at those examples again: It’s just a list of what normal altruistically motivated people, not effective altruism folks, generally do. Charities in the US love talking about the lost opportunities for innovation that poverty creates. Lots of smart people who want to make a difference become scientists, or try to work as teachers or on improving education policy, and lord knows there are plenty of people who become political party operatives out of a conviction that the moral consequences of the party’s platform are good. All of which is to say: Maybe effective altruists aren’t that special, or at least maybe we don’t have access to that many specific and weird conclusions about how best to help the world. If the far future is what matters, and generally trying to make the world work better is among the best ways to help the far future, then effective altruism just becomes plain ol’ do-goodery.

### Consult ICJ---1NC

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

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

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

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

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

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

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

#### Nuke war causes extinction

* Checked

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

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

### Reverse Court Packing DA---1NC

#### The Court is stimulating massive backlash over partisanship BUT liberal civil rights rulings pacify opposition.

Dr. Bruce Peabody 20, Professor of American Politics, Fairleigh Dickinson University, PhD in Government from the University of Texas at Austin, “How the Supreme Court can maintain its legitimacy amid intensifying partisanship”, The Conversation, https://theconversation.com/how-the-supreme-court-can-maintain-its-legitimacy-amid-intensifying-partisanship-148126

How courts can reinforce their standing While recent polling finds an uptick in the percentage of Americans who approve of “the way the Supreme Court is handling its job,” the general trend line shows a public that has, according to the FiveThirtyEight news site, “slowly become more disillusioned” with the high court over the past three decades. But should anyone care? Isn’t the very purpose of an independent judiciary to make its decisions with little regard for public opinion and what Alexander Hamilton called the “ill humors in the society”? The truth is, the courts need public support. Judges depend upon national and local officials to uphold their opinions, such as clerks issuing marriage licenses to same-sex couples. Law enforcement officials are required by the Supreme Court to provide certain suspects with Miranda warnings. And if the people on the losing end of court decisions believe judges are unfairly appointed and partisan, they may dismiss their judgments as illegitimate. That threatens the sense of unity and stability that Chief Justice John Roberts has said the judiciary must provide in our polarized age. Fortunately, research points to several ways courts can bolster their standing, so that when they inevitably issue controversial decisions they can withstand the ensuing storm. People, for example, are more likely to accept unfavorable judgments if they experience procedural justice – the fairness and transparency through which decisions are made. They may not like a case outcome, but they’ll go along with it if they approve of how the dispute was handled. Courts can protect procedural justice and their legitimacy by making sure each party in a case has a chance to present its story and by emphasizing respect from not only judges but clerks and other court personnel. Of course, these strategies aren’t as relevant for the millions of people who don’t have direct experience with our legal system. But judges can still reach these Americans by conveying the degree to which many decisions seem to uphold principles of law rather than giving vent to ideological beliefs. Closely divided Supreme Court decisions like the 2012 ruling upholding the Affordable Care Act, or the more recent June Medical Services v. Russo case – which struck down a Louisiana law requiring abortion providers to have admitting privileges at nearby hospitals – draw lots of attention. But it turns out that unanimous decisions on the Supreme Court are far more common. Since 2000, approximately 36% of all cases were decided 9-0. During that same span, 19% were decided 5-4. More bluntly, courts can continue to get support from ideological and partisan skeptics if these individuals can recognize victories along with their losses. Recent decisions upholding the civil rights of LGBTQ employees, for example, may blunt liberal frustration over the court’s voting rights cases, such as Shelby County v. Holder, which significantly limited the reach of the Voting Rights Act of 1965. In our closely divided and polarized era, the Supreme Court can maintain some of its legitimacy by continuing to issue what law professor Tara Leigh Grove calls “a mix of conservative and progressive decisions in high-profile cases.”

#### A Right to Strike is perceived as a key Liberal Ruling.

Lim 19 Woojin Lim 12-11-2019 "The Right to Strike" <https://www.thecrimson.com/article/2019/12/11/lim-right-to-strike/> (Philosophy BA at Harvard)//Elmer

**Strikes** are not only a means of demanding and achieving an **adequate provision of** basic **liberties** but also are themselves intrinsic, self-determined expressions of freedom and human rights. The exercise of the p**ower to strike affirms** a **quintessential** corpus of **values** **akin to liberal democracies**, notably those of dignity, liberty, and autonomy. In acts of collective defiance, strikers assert their freedoms of speech, association, and assembly. Acts of striking, marching, and picketing command the attention of the media and prompt public forums of discussion and dialogue.

#### That prevents Democratic court packing.

D. Benjamin Barros 20, Dean and Professor of Law at the University of Toledo School of Law, “How the Democrats can pack the court and de-escalate at the same time”, The Hill, https://thehill.com/opinion/judiciary/520190-how-the-democrats-can-pack-the-court-and-de-escalate-at-the-same-time

We may have reached a degree of disfunction that will force a fundamental change: Increasing the number of justices on the United States Supreme Court, or packing the court.

Democrats will be outraged if Republicans move forward with filling the vacancy caused by the death of Justice Ruth Bader Ginsburg so close to the election after refusing to bring President Obama’s nomination of Merrick Garland to a vote in 2016. In response to a potential election-year confirmation of President Trump’s anticipated nominee, Democrats are openly discussing packing the court if Joe Biden wins the presidency and Democrats win both houses of Congress in the November election.

Packing the court is remarkably easy to do legislatively. A bill increasing the number of seats on the court simply needs to pass both houses of Congress and be signed by the president. The Constitution does not proscribe the number of justices, and in our history we have had both fewer and more than nine members of the court at any given time.

The big impediment to court packing is political. Historically, packing the court would have been seen as a major violation of political norms that might in turn expose the party making the change to losses in the next election. In light of the Republican flip-flop on seating a justice in an election year, court packing by the Democrats would likely to be seen as par for the course, rather than particularly norm-breaking.

#### Court packing prevents extinction from environmental tipping points like warming---AND independently solves: CJR, democracy collapse and reproductive rights.

Jay Willis 20, J.D. from Harvard Law School, B.A. in Social Welfare from the University of California, Berkeley, Senior Contributor, The Appeal at The Justice Collaborative, “Expanding the Supreme Court is Not Radical”, The Appeal, https://theappeal.org/expand-the-supreme-court/

A 6-3 Republican Court whose life-tenured members are openly hostile to preserving reproductive rights, addressing climate change, protecting the environment, safeguarding the civil rights of minority groups, and holding free and fair elections is “radical” because it is wildly out of touch with the hundreds of millions of people whose lives their decisions will control. This Court is not a check or a balance. It is a hostage situation. The Court’s faults, however, extend far beyond the particular group of justices who currently sit on it. This institution charges nine wealthy attorneys, trained at the same tiny circle of law schools, with the herculean task of privately negotiating uneasy resolutions to America’s most contentious disputes. (Barrett, who graduated from Notre Dame Law School in 1997, would be the first justice who did not attend Yale, Stanford, or Harvard law schools to be confirmed since the Ford administration.) Every sudden vacancy kicks off months of frenzied partisan warfare, replete with breathless, competing prognostications about how a nominee, who is careful to say nothing of substance, may or may not rule on some hypothetical high-stakes case. It is a patently ridiculous system of governance, and you would immediately recognize it as such if not for the fact that this is the way we’ve always done it. Granted, the Founders likely never envisioned the justices becoming as powerful as they are today. The Constitution has surprisingly little to say about the Supreme Court beyond its existence and its members’ subjectively-defined terms of office (“during good Behaviour”). The Court’s power of judicial review, which allows it to strike down laws that conflict with the Constitution, appears nowhere in the text; it is the brainchild of Chief Justice and legendary power-grabber John Marshall, who basically created it out of whole cloth in 1803. Since then, the judiciary has continued to siphon power from the politically accountable branches of government, whose members have been increasingly happy to foist seemingly intractable problems on judges who answer to no one. Rather than answer hard questions or take tough votes or commit to convincing people of the merits of their policy preferences, lawmakers can instead pour themselves into the task of empowering like-minded jurists who (they hope) will implement those preferences by judicial fiat, solemnly asserting that the law compels a particular result—one that just so happens to comport with their personal beliefs. This feature of the federal judiciary, as New York Magazine’s Eric Levitz writes, is extremely valuable for Republicans, because it gives a party in decline the chance to nevertheless implement an unpopular policy agenda, all while flying largely under the political radar. (This feature of the federal judiciary also explains why conservatives have invested far more resources over the years to seize control of it.) Judges have slowly transformed into an entrenched cadre of robe-clad superlegislators, where the balance of power can hinge on something as arbitrary as which octogenarian lawyer decides to retire at the right moment or happens to die at the wrong one. Such a small, insular system is extremely vulnerable to exploitation and gamesmanship, especially if the side playing the game more strategically also gets a little lucky along the way. The precise timing of Ginsburg’s death may have been a fluke, but the crisis that ensued is not; it is a foreseeable result of the Court’s fundamental brokenness. Life tenure also meant something very different 230 years ago than it does today, as savvy investments in young, loyal talent can pay off over the course of multiple generations. My daughter will be born this November. When Barrett is 87—the age at which Justice Ginsburg died—my daughter will be thinking about celebrating her 40th birthday. The modern Court is functionally a conservative oligarchy on the verge of swallowing whatever remains of representative democracy, hoping you won’t notice. The Court-packing battle is just one of many debates in which reactionaries weaponize terms like “radical” to obfuscate the urgency of change. Which of these is more dangerous, more destabilizing, more harmful: reducing the legal system’s dependence on a failed mass incarceration system, or continuing to blow hundreds of billions of dollars to put people in cages instead? What strikes you as “illegitimate”: disbanding police departments, or investing even more money in an ineffective public safety regime that cannot stop killing Black and brown people? Relative to the status quo, enacting a Green New Deal might feel “radical.” Relative to the impending heat death of the planet hastened by decades of unchecked human greed, attempting to decarbonize the U.S. economy by 2050 is, I would argue, actually kind of modest. Should Democrats capture the White House and the Senate this fall—and then have the courage to use the power Americans entrust to them—expanding the Court will be a lot of things. It will be significant. It will be groundbreaking. But it will not be “radical,” because confronting an existential crisis that threatens to hollow out democracy is exactly what people should expect their government to do.

### Mass Transit Strikes DA---1NC

#### 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

Kareiva 18, Peter, and Valerie Carranza. "Existential risk due to ecosystem collapse: Nature strikes back." Futures 102 (2018): 39-50. (Ph.D. in ecology and applied mathematics from Cornell University, director of the Institute of the Environment and Sustainability at UCLA, Pritzker Distinguished Professor in Environment & Sustainability at UCLA)//Re-cut by Elmer

In summary, six of the nine proposed planetary boundaries (phosphorous, nitrogen, biodiversity, land use, atmospheric aerosol loading, and chemical pollution) are unlikely to be associated with existential risks. They all correspond to a degraded environment, but in our assessment do not represent existential risks. However, the three remaining boundaries (**climate change**, global **freshwater** cycle, **and** ocean **acidification**) do **pose existential risks**. This is **because of** intrinsic **positive feedback loops**, substantial lag times between system change and experiencing the consequences of that change, and the fact these different boundaries interact with one another in ways that yield surprises. In addition, climate, freshwater, and ocean acidification are all **directly connected to** the provision of **food and water**, and **shortages** of food and water can **create conflict** and social unrest. Climate change has a long history of disrupting civilizations and sometimes precipitating the collapse of cultures or mass emigrations (McMichael, 2017). For example, the 12th century drought in the North American Southwest is held responsible for the collapse of the Anasazi pueblo culture. More recently, the infamous potato famine of 1846–1849 and the large migration of Irish to the U.S. can be traced to a combination of factors, one of which was climate. Specifically, 1846 was an unusually warm and moist year in Ireland, providing the climatic conditions favorable to the fungus that caused the potato blight. As is so often the case, poor government had a role as well—as the British government forbade the import of grains from outside Britain (imports that could have helped to redress the ravaged potato yields). Climate change intersects with freshwater resources because it is expected to exacerbate drought and water scarcity, as well as flooding. Climate change can even impair water quality because it is associated with heavy rains that overwhelm sewage treatment facilities, or because it results in higher concentrations of pollutants in groundwater as a result of enhanced evaporation and reduced groundwater recharge. **Ample clean water** is not a luxury—it **is essential for human survival**. Consequently, cities, regions and nations that lack clean freshwater are vulnerable to social disruption and disease. Finally, ocean acidification is linked to climate change because it is driven by CO2 emissions just as global warming is. With close to 20% of the world’s protein coming from oceans (FAO, 2016), the potential for severe impacts due to acidification is obvious. Less obvious, but perhaps more insidious, is the interaction between climate change and the loss of oyster and coral reefs due to acidification. Acidification is known to interfere with oyster reef building and coral reefs. Climate change also increases storm frequency and severity. Coral reefs and oyster reefs provide protection from storm surge because they reduce wave energy (Spalding et al., 2014). If these reefs are lost due to acidification at the same time as storms become more severe and sea level rises, coastal communities will be exposed to unprecedented storm surge—and may be ravaged by recurrent storms. A key feature of the risk associated with climate change is that mean annual temperature and mean annual rainfall are not the variables of interest. Rather it is extreme episodic events that place nations and entire regions of the world at risk. These extreme events are by definition “rare” (once every hundred years), and changes in their likelihood are challenging to detect because of their rarity, but are exactly the manifestations of climate change that we must get better at anticipating (Diffenbaugh et al., 2017). Society will have a hard time responding to shorter intervals between rare extreme events because in the lifespan of an individual human, a person might experience as few as two or three extreme events. How likely is it that you would notice a change in the interval between events that are separated by decades, especially given that the interval is not regular but varies stochastically? A concrete example of this dilemma can be found in the past and expected future changes in storm-related flooding of New York City. The highly disruptive flooding of New York City associated with Hurricane Sandy represented a flood height that occurred once every 500 years in the 18th century, and that occurs now once every 25 years, but is expected to occur once every 5 years by 2050 (Garner et al., 2017). This change in frequency of extreme floods has profound implications for the measures New York City should take to protect its infrastructure and its population, yet because of the stochastic nature of such events, this shift in flood frequency is an elevated risk that will go unnoticed by most people. 4. The combination of positive feedback loops and societal inertia is fertile ground for global environmental catastrophes **Humans** are remarkably ingenious, and **have adapted** to crises **throughout** their **history**. Our doom has been repeatedly predicted, only to be averted by innovation (Ridley, 2011). **However**, the many **stories** **of** human ingenuity **successfully** **addressing** **existential risks** such as global famine or extreme air pollution **represent** environmental c**hallenges that are** largely **linear**, have immediate consequences, **and operate without positive feedbacks**. For example, the fact that food is in short supply does not increase the rate at which humans consume food—thereby increasing the shortage. Similarly, massive air pollution episodes such as the London fog of 1952 that killed 12,000 people did not make future air pollution events more likely. In fact it was just the opposite—the London fog sent such a clear message that Britain quickly enacted pollution control measures (Stradling, 2016). Food shortages, air pollution, water pollution, etc. send immediate signals to society of harm, which then trigger a negative feedback of society seeking to reduce the harm. In contrast, today’s great environmental crisis of climate change may cause some harm but there are generally long time delays between rising CO2 concentrations and damage to humans. The consequence of these delays are an absence of urgency; thus although 70% of Americans believe global warming is happening, only 40% think it will harm them (http://climatecommunication.yale.edu/visualizations-data/ycom-us-2016/). Secondly, unlike past environmental challenges, **the Earth’s climate system is rife with positive feedback loops**. In particular, as CO2 increases and the climate warms, that **very warming can cause more CO2 release** which further increases global warming, and then more CO2, and so on. Table 2 summarizes the best documented positive feedback loops for the Earth’s climate system. These feedbacks can be neatly categorized into carbon cycle, biogeochemical, biogeophysical, cloud, ice-albedo, and water vapor feedbacks. As important as it is to understand these feedbacks individually, it is even more essential to study the interactive nature of these feedbacks. Modeling studies show that when interactions among feedback loops are included, uncertainty increases dramatically and there is a heightened potential for perturbations to be magnified (e.g., Cox, Betts, Jones, Spall, & Totterdell, 2000; Hajima, Tachiiri, Ito, & Kawamiya, 2014; Knutti & Rugenstein, 2015; Rosenfeld, Sherwood, Wood, & Donner, 2014). This produces a wide range of future scenarios. Positive feedbacks in the carbon cycle involves the enhancement of future carbon contributions to the atmosphere due to some initial increase in atmospheric CO2. This happens because as CO2 accumulates, it reduces the efficiency in which oceans and terrestrial ecosystems sequester carbon, which in return feeds back to exacerbate climate change (Friedlingstein et al., 2001). Warming can also increase the rate at which organic matter decays and carbon is released into the atmosphere, thereby causing more warming (Melillo et al., 2017). Increases in food shortages and lack of water is also of major concern when biogeophysical feedback mechanisms perpetuate drought conditions. The underlying mechanism here is that losses in vegetation increases the surface albedo, which suppresses rainfall, and thus enhances future vegetation loss and more suppression of rainfall—thereby initiating or prolonging a drought (Chamey, Stone, & Quirk, 1975). To top it off, overgrazing depletes the soil, leading to augmented vegetation loss (Anderies, Janssen, & Walker, 2002). Climate change often also increases the risk of forest fires, as a result of higher temperatures and persistent drought conditions. The expectation is that **forest fires will become more frequent** and severe with climate warming and drought (Scholze, Knorr, Arnell, & Prentice, 2006), a trend for which we have already seen evidence (Allen et al., 2010). Tragically, the increased severity and risk of Southern California wildfires recently predicted by climate scientists (Jin et al., 2015), was realized in December 2017, with the largest fire in the history of California (the “Thomas fire” that burned 282,000 acres, https://www.vox.com/2017/12/27/16822180/thomas-fire-california-largest-wildfire). This **catastrophic fire** embodies the sorts of positive feedbacks and interacting factors that **could catch humanity off-guard and produce a** true **apocalyptic event.** Record-breaking rains produced an extraordinary flush of new vegetation, that then dried out as record heat waves and dry conditions took hold, coupled with stronger than normal winds, and ignition. Of course the record-fire released CO2 into the atmosphere, thereby contributing to future warming. Out of all types of feedbacks, water vapor and the ice-albedo feedbacks are the most clearly understood mechanisms. Losses in reflective snow and ice cover drive up surface temperatures, leading to even more melting of snow and ice cover—this is known as the ice-albedo feedback (Curry, Schramm, & Ebert, 1995). As snow and ice continue to melt at a more rapid pace, millions of people may be displaced by flooding risks as a consequence of sea level rise near coastal communities (Biermann & Boas, 2010; Myers, 2002; Nicholls et al., 2011). The water vapor feedback operates when warmer atmospheric conditions strengthen the saturation vapor pressure, which creates a warming effect given water vapor’s strong greenhouse gas properties (Manabe & Wetherald, 1967). Global warming tends to increase cloud formation because warmer temperatures lead to more evaporation of water into the atmosphere, and warmer temperature also allows the atmosphere to hold more water. The key question is whether this increase in clouds associated with global warming will result in a positive feedback loop (more warming) or a negative feedback loop (less warming). For decades, scientists have sought to answer this question and understand the net role clouds play in future climate projections (Schneider et al., 2017). Clouds are complex because they both have a cooling (reflecting incoming solar radiation) and warming (absorbing incoming solar radiation) effect (Lashof, DeAngelo, Saleska, & Harte, 1997). The type of cloud, altitude, and optical properties combine to determine how these countervailing effects balance out. Although still under debate, it appears that in most circumstances the cloud feedback is likely positive (Boucher et al., 2013). For example, models and observations show that increasing greenhouse gas concentrations reduces the low-level cloud fraction in the Northeast Pacific at decadal time scales. This then has a positive feedback effect and enhances climate warming since less solar radiation is reflected by the atmosphere (Clement, Burgman, & Norris, 2009). The key lesson from the long list of potentially positive feedbacks and their interactions is that **runaway climate change,** and runaway perturbations have to be taken as a serious possibility. Table 2 is just a snapshot of the type of feedbacks that have been identified (see Supplementary material for a more thorough explanation of positive feedback loops). However, this list is not exhaustive and the possibility of undiscovered positive feedbacks **portends** even greater **existential risks**. The many environmental crises humankind has previously averted (famine, ozone depletion, London fog, water pollution, etc.) were averted because of political will based on solid scientific understanding. We cannot count on complete scientific understanding when it comes to positive feedback loops and climate change.

## Case

### 1NC---AT: Innovation + Democracy

**The IL to democracy is consumer spending power, we’re straight turning that so it applies. Independently, economic decline harms democracy; makes the infrastructure untenable which forces shifts to authoritarianism since democracy wouldn’t be sustainable.**

#### Turning the Innovation Internal Links –

#### 1] Right to Strike has unintended effects that threaten growth and business confidence.

Tenza 20, Mlungisi. "The effects of violent strikes on the economy of a developing country: a case of South Africa." Obiter 41.3 (2020): 519-537. (lecturer in the field of Labour Law at the School of Law. He holds a LLM Degree.)//Elmer

2 BACKGROUND When South Africa obtained democracy in 1994, there was a dream of a better country with a new vision for industrial relations.5 However, the number of **violent strikes** that have bedevilled this country in recent years seems to have **shattered-down** the **aspirations of a better South Africa**. South Africa recorded 114 strikes in 2013 and 88 strikes in 2014, which **cost** the country about **R6.1 billion** according to the Department of Labour.6 The impact of these strikes has been hugely felt by the mining sector, particularly the platinum industry. The biggest strike took place in the platinum sector where about 70 000 mineworkers’ downed tools for better wages. Three major platinum producers (Impala, Anglo American and Lonmin Platinum Mines) were affected. The strike started on 23 January 2014 and ended on 25 June 2014. Business Day reported that “the five-month-long strike in the platinum sector pushed the economy to the brink of recession”. 7 This strike was closely followed by a four-week strike in the metal and engineering sector. All these strikes (and those not mentioned here) were characterised with violence accompanied by damage to property, intimidation, assault and sometimes the killing of people. Statistics from the metal and engineering sector showed that about 246 cases of intimidation were reported, 50 violent incidents occurred, and 85 cases of vandalism were recorded.8 Large-scale unemployment, soaring poverty levels and the dramatic income inequality that characterise the South African labour market provide a broad explanation for strike violence.9 While participating in a strike, workers’ stress levels leave them feeling frustrated at their seeming powerlessness, which in turn provokes further violent behaviour.10 These **strikes** are not only violent but **take long to resolve**. Generally, a lengthy strike has a **negative effect on employment**, **reduces business confidence** **and increases the risk of economic stagflation**. In addition, such strikes have a **major setback on** the growth of the economy and **investment opportunities**. It is common knowledge that consumer spending is directly linked to economic growth. At the same time, if the economy is not showing signs of growth, employment opportunities are shed, and poverty becomes the end result. The economy of South Africa is in need of rapid growth to enable it to deal with the high levels of unemployment and resultant poverty. One of the measures that may boost the country’s economic growth is by attracting potential investors to invest in the country. However, this might be difficult as **investors** would want to invest in a country where there is a likelihood of getting returns for their investments. The wish of getting returns for investment **may not materialise** **if the labour environment** **is not fertile** for such investments **as a result** **of**, for example, **unstable labour relations**. Therefore, investors may be reluctant to invest where there is an unstable or fragile labour relations environment. 3 THE COMMISSION OF VIOLENCE DURING A STRIKE AND CONSEQUENCES The Constitution guarantees every worker the right to join a trade union, participate in the activities and programmes of a trade union, and to strike. 11 The Constitution grants these rights to a “worker” as an individual.12 However, the right to strike and any other conduct in contemplation or furtherance of a strike such as a picket13 can only be exercised by workers acting collectively.14 The right to strike and participation in the activities of a trade union were given more effect through the enactment of the Labour Relations Act 66 of 199515 (LRA). The main purpose of the LRA is to “advance economic development, social justice, labour peace and the democratisation of the workplace”. 16 The advancement of social justice means that the exercise of the right to strike must advance the interests of workers and at the same time workers must refrain from any conduct that can affect those who are not on strike as well members of society. Even though the right to strike and the right to participate in the activities of a trade union that often flow from a strike17 are guaranteed in the Constitution and specifically regulated by the LRA, it sometimes happens that **the right to strike is exercised** **for purposes not intended** by the Constitution and the LRA, generally. 18 For example, it was not the intention of the Constitutional Assembly and the legislature that violence should be used during strikes or pickets. As the Constitution provides, pickets are meant to be peaceful. 19 Contrary to section 17 of the Constitution, the conduct of workers participating in a strike or picket has changed in recent years with workers trying to emphasise their grievances by causing disharmony and chaos in public. A media report by the South African Institute of Race Relations pointed out that between the years 1999 and 2012 there were 181 strike-related deaths, 313 injuries and 3,058 people were arrested for public violence associated with strikes.20 The question is whether employers succumb easily to workers’ demands if a strike is accompanied by violence? In response to this question, one worker remarked as follows: “[T]here is no sweet strike, there is no Christian strike … A strike is a strike. [Y]ou want to get back what belongs to you ... you won’t win a strike with a Bible. You do not wear high heels and carry an umbrella and say ‘1992 was under apartheid, 2007 is under ANC’. You won’t win a strike like that.” 21 The use of violence during industrial action **affects** not only the strikers or picketers, the **employer** and his or her **business** but it also affects **innocent members of the public**, **non-striking employees**, the **environment** **and the economy at large**. In addition, striking workers visit non-striking workers’ homes, often at night, threaten them and in some cases, assault or even murder workers who are acting as replacement labour. 22 This points to the fact that for many workers and their families’ living conditions remain unsafe and vulnerable to damage due to violence. In Security Services Employers Organisation v SA Transport & Allied Workers Union (SATAWU),23 it was reported that about 20 people were thrown out of moving trains in the Gauteng province; most of them were security guards who were not on strike and who were believed to be targeted by their striking colleagues. Two of them died, while others were admitted to hospitals with serious injuries.24 In SA Chemical Catering & Allied Workers Union v Check One (Pty) Ltd,25 striking employees were carrying various weapons ranging from sticks, pipes, planks and bottles. One of the strikers Mr Nqoko was alleged to have threatened to cut the throats of those employees who had been brought from other branches of the employer’s business to help in the branch where employees were on strike. Such conduct was held not to be in line with good conduct of striking.26

#### Business confidence is the best indicator for growth.

Khan 20, Hashmat, and Santosh Upadhayaya. "Does business confidence matter for investment?." Empirical Economics 59.4 (2020): 1633-1665. (Economics Professor at Carleton University)//Elmer

Abstract Business confidence is a well-known leading indicator of future output. Whether it has information about future investment is, however, unclear. We determine how informative business confidence is for investment growth independently of other variables using US business confidence survey data for 1955Q1–2016Q4. Our main findings are: (i) **business confidence has predictive ability for investment growth**; (ii) remarkably, business confidence has **superior** forecasting power, relative **to conventional predictors**, for investment downturns over 1–3-quarter forecast horizons and for the sign of investment growth over a 2-quarter forecast horizon; and (iii) exogenous shifts in business confidence reflect short-lived non-fundamental factors, consistent with the ‘animal spirits’ view of investment. Our findings have implications for improving investment forecasts, developing new business cycle models, and studying the role of social and psychological factors determining investment growth. Introduction Business confidence is a well-known leading indicator of future output, especially during economic downturns, and receives attention from the media, policymakers and forecasters. Somewhat surprisingly, the direct link between business confidence and investment has not yet been investigated. Our paper fills this gap. We provide a quantitative assessment of the information in business confidence for future investment growth, after **controlling for** the conventional determinants such as **user cost, output, cash flow and stock price**. Understanding the predictive power of business confidence is valuable along three dimensions. First, it can help forecasters and policymakers improve their investment forecasts. Second, it can provide a rationale for explicitly including **business confidence**—either **as causal or** as **anticipatory**—**in** theoretical models of **business cycles**. Third, it can help motivate studies on the how investment managers’ social and psychological circumstances influence investment decisions over and beyond rational cost-benefit analyses.Footnote1 We consider the Organization for Economic Co-Operation and Development (OECD)’s business confidence index for the USA as a measure of business confidence and ask the following three questions.Footnote2 Does business confidence have independent information about future business investment growth? Does it have forecasting power for investment downturns? Does it help in making directional forecasts—the positive or negative movements in the trajectory of investment growth? Previous literature that used business confidence has primarily studied its predictive properties for variables other than investment. Heye (1993) examines the relationship between business confidence and labour market conditions in the USA and other industrialized countries. Dasgupta and Lahiri (1993) show that business sentiments have explanatory power of forecasting business cycle turning points. Taylor and McNabb (2007) find that business confidence is procyclical and plays an important role in forecasting output downturns. Although we focus on business confidence, our paper is related to a large body of previous research that has studied consumer confidence or sentiment and its ability to forecast macroeconomic variables. Leeper (1992) finds that consumer sentiment does not help predict industrial production and unemployment, especially when financial variables are taken into account. On the other hand, Matsusaka and Sbordone (1995) reject the hypothesis that consumer sentiment does not predict output. Carroll et al. (1994), Fuhrer (1993), Bram and Ludvigson (1998), Ludvigson (2004) and Cotsomitis and Kwan (2006) find that the consumer attitudes have some additional information about predicting household spending behaviour. Lahiri et al. (2016) employ a large real-time dataset and find that the consumer confidence survey has important role in improving the accuracy of consumption forecasts. Christiansen et al. (2014) find that consumer and business sentiments contain independent information for forecasting business cycles. Barsky and Sims (2012) find that consumer confidence reflects news about future fundamentals and a confidence shock has a persistent effect on the economy. More recently, Angeletos et al. (2018) quantify the role of confidence for business cycle from both theoretical and empirical perspectives. They construct a measure of confidence within a Vector Autoregressive (VAR) framework by taking the linear combination of the VAR residuals that maximizes the sum of the volatilities of hours and investment at frequencies of 6–32 quarters. Their measure likely captures a mixture of consumer and business confidence and is, therefore, distinct from the survey-based measure that we use in our analysis. We find that business confidence leads US business investment growth by one quarter. It leads structures investment, which is one of the major components of business investment, by two quarters. Our **empirical analysis shows** that **investors’ confidence has** statistically **significant predictive power for** US business investment **growth** and its components (equipment and non-residential structures) after **controlling for other determinants of investment**. To better gauge the role of business confidence for investment growth, we also perform Out-Of-Sample (OOS) test for 1990Q1–2016Q4. Our findings suggest that the OOS test results are similar to the in-sample test results.Footnote3 While, as we found, business confidence has predictive power for total investment, it may also contain additional information on the trajectory of investment as captured by downturns and directional changes. This information would be of interest to policymakers in assessing the economy’s near-term outlook, over and above the general ability of business confidence to forecast investment. Indeed, we find that contemporaneous correlation between business confidence and investment growth rises during NBER recession dates. This property of the data suggests that it is worthwhile to explore the forecasting ability of business confidence for investment downturns and directional changes. Towards this end, we define investment downturns as business investment growth below the sample average for more than two consecutive quarters.Footnote4 Using a static probit forecasting model, we assess the OOS forecasting ability of business confidence for investment downturns for 1990Q1–2016Q4. A key finding of this approach in the literature is that term spread and stock price contain information for forecasting US recessions (Estrella and Mishkin 1998; Nyberg 2010; Kauppi and Saikkonen 2008). We follow a similar approach and find that business confidence has statistically significant forecasting power for investment downturns over 1–4-quarter forecast horizons in the US economy. It has stronger forecasting ability than the traditional predictors such as term spread, credit spread and stock price at 1–3-quarter forecast horizons. We also find strong evidence that the business confidence has good incremental predictive power for investment downturns over 1–4-quarter forecast horizons, controlling for other predictors of downturns.

#### 2] Increased strikes sabotage the economy – they cause major disruptions and lower income for workers.

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Labor strikes can cause major disruptions to industry, commerce and the lives of many people who aren't even connected to the strike itself. The Professional Air Traffic Controllers Association strike in 1981 resulted in the firing of thousands of air traffic controllers, and the New York City transit strike in late 2005 affected millions of people. The history of strikes and labor unions is a key chapter in the story of the Industrial Revolution.

While the reasons behind strikes can be complex, they all boil down to two key elements: money and power. In this article, we'll find out how labor strikes have affected the balance of power between corporations and workers, what laws regulate strikes and learn about some important strikes in history.

It's difficult to say when the first real labor strike occurred. The word "strike" was first used in the 1700s, and probably comes from to notion of dealing a blow to the employer [ref]. In 1786, a group of printers in Philadelphia requested a raise and the company rejected it. They stopped working in protest and eventually received their raise. Other professionals followed suit in the next few decades. Everyone in a city who practiced the same profession agreed to set prices and wages at the same rate. Members would shun anyone who diverged from the agreement, refusing to work in the same shop and forcing employers to fire them. By the 1800s, formal trade societies and guilds began to emerge.

To have a strike today, you must have a union (though not necessarily an official union) -- an organization of workers that bargain collectively with an employer. Workers form unions because an individual worker is powerless compared to an employer, who can set low wages and long working hours as long as it adheres to labor laws. When workers combine to form a union, they collectively have enough power to negotiate with the employer. The main weapon the union has against the employer is the threat of a strike action.

At its most basic level, a strike occurs when all the workers in the union stop coming to work. With no workers, the business shuts down. The employer stops making money, though it is still spending money on taxes, rent, electricity and maintenance. The longer the strike lasts, the more money the employer loses. Of course, the workers aren't getting paid either, so they're losing money as well. Some unions build up "war chests" -- funds to pay striking workers. But it isn't usually very much, and it's often not enough for a prolonged strike.

Strikes help explain why unions are more powerful than individuals. Imagine if an employer refuses to give a raise to an individual worker. She then decides to stop coming to work in protest. The employer simply fires her for not coming to work. That one worker has no power to influence the employer. However, it can be very costly for an employer to fire every single worker when a union goes on strike (though it has happened).

#### 3] Unions cause labor shortages

Hazlitt 19 [Henry Hazlitt; Author on Economics; 12/17/2019; " How Unions Reduce Real Wages"; Mises Institute; https://mises.org/wire/how-unions-reduce-real-wages] //Miller

For more than a century the economic thinking not only of the public but of the majority of economists has been dominated by a myth — the myth that labor unions have been on the whole a highly beneficent institution, and have raised the level of real wages far above what it would have been without union pressure. Many even talk as if the unions had been chiefly responsible for whatever gains labor has made. Yet the blunt truth is that labor unions cannot raise the real wages of all workers. We may go further: the actual policies that labor unions have systematically followed from the beginning of their existence have in fact reduced the real wages of the workers as a whole below what they would otherwise have been. Labor unions are today the chief antilabor force. To realize why this is so we must understand what determines wages in a free market. Wage rates are prices. Like other prices they are determined by supply and demand. And the demand for labor is determined by the marginal productivity of labor. If wage rates go above that level, employers drop their marginal workers because it costs more to employ them than they earn. They cannot long be employed at a loss. If, on the other hand, wage rates fall below the marginal productivity of workers, employers bid against each other for more workers up to the point where there is no further marginal profit in hiring more or bidding up wages more. So assuming mobility of both capital and labor, assuming free competition between workers and free competition between employers, there would be full employment of every person wanting and able to work, and the wage rate of each would tend to equal his marginal productivity. It will be said — it has in fact repeatedly been said — that such an analysis is merely a beautiful abstraction and that in the actual world this mobility and competition of labor and capital do not exist. There is, some economists have argued, in fact a wide range of "indeterminacy" in wages, and it is the function of unions to make sure that wage rates are fixed at the top rather than the bottom of this range or zone. We cannot reply that this indeterminacy theory is wholly wrong; but what we can say is that in relation to the problem of unions it is unimportant. The indeterminacy theory is true of wages only to the extent that it is true of other prices: it is true where the market is narrow or specialized. It is true, say, of highly specialized jobs in journalism, or in the universities, or in scientific research, or in the professions. But wherever we have large numbers of unskilled workers, or large numbers of approximately equal special but widespread skills — such as carpenters, bricklayers, painters, plumbers, printers, train-men, truckdrivers — this zone of indeterminacy shrinks or disappears. It is the craft unions themselves who insist that their individual members are so nearly equal to each other in competence that all should be paid on equal "standard" wage. And so we have the paradox that the unions exist and flourish precisely where they are least necessary to assure that their members get a market wage equal to their marginal productivity. It is true, of course, that an individual union can succeed in forcing the money wage rates of its members above what the free market rate would be. It can do this through the device of a strike, or often merely through the threat of a strike. Now a strike is not, as it is constantly represented as being, merely the act of a worker in "withholding his labor," or even merely a collusion of a large group of workers simultaneously to "withhold their labor" or give up their jobs. The whole point of a strike is the insistence by the strikers that they have not given up their jobs at all. They contend that they are still employees — in fact, the only legitimate employees. They claim an ownership of the jobs at which they refuse to work; they claim the "right" to prevent anybody else from taking the jobs that they have abandoned. That is the purpose of their mass picket lines, and of the vandalism and violence that they either resort to or threaten. They insist that the employer has no right to replace them with other workers, temporary or permanent, and they mean to see to it that he doesn't. Their demands are enforced always by intimidation and coercion, and in the last resort by actual violence. So wherever a union makes a gain by a strike or strike threat, it makes it by forcibly excluding other workers from taking the jobs that the strikers have abandoned. The union always makes its gains at the expense of these excluded workers. Overlooking the Victims It is amazing to find how systematically the self-proclaimed humanitarians, even among professional economists, have managed to overlook the unemployed, or the still more poorly paid workers, who are the victims of the union members' "gains." It is important to keep in mind that the unions cannot create a "monopoly" of all labor, but at best a monopoly of labor in certain specific crafts, firms, or industries. A monopolist of a product can get a higher monopoly price for that product, and perhaps a higher total income from it, by deliberately restricting the supply, either by refusing to produce as much as he can of it, or by withholding part of it, or even by destroying part of it that has already come into existence. But while the unions can and do restrict their membership, and exclude other workers from it, they cannot reduce the total number of workers seeking jobs. Therefore whenever the unions gain higher wage rates for their own members than free competition would have brought, they can do this only by increasing unemployment, or by increasing the number of workers forced to compete for other jobs and so comparatively reducing the wage rates paid for such jobs. All union "gains" (i.e., wage rates above what a competitive free market would have brought) are at the expense of lower wages than otherwise for at least some if not most nonunion workers. The unions cannot raise the average level of real wages; they can at best distort it. As the gains of union workers are made at the expense of nonunion workers, it is instructive to ask what proportion union members constitute of the whole working population. The answer for the United States is that union members now number about 20 million, or not more than 25 percent of the total civilian labor force of 87 million. So the unions are in a distinct minority. This might not be a fact worth emphasizing if there were reason to think that the average earnings of union workers were below the average earnings of nonunion workers. But while statistical comparisons cannot be exact, the evidence is conclusive that the case is the other way round. It is the most skilled occupations that are most unionized. In brief, we have a one-quarter minority of already higher paid union workers exploiting a three-quarters majority consisting mainly of already lower paid nonunion workers. People could save themselves a good deal of misplaced sympathy if next time they read in their newspapers of a strike for a "decent wage," they take the trouble to compare what the strikers were already getting with, say, the official statistics of average wages for all nonagricultural workers. The "gains" of union labor, of course, need not be solely at the expense of nonunion labor; they may be at the expense of some union members themselves. The higher wage rates gained in a particular industry (assuming an elastic demand for its product) will lead to less employment than otherwise in that industry. This may force unemployment on some of the members of the "successful" union. The result may then be that smaller aggregate wages will be paid in that industry than if the higher wage rate had not been successfully imposed. In addition, any union's "gains" (continuing to use "gains" in the sense of any excess over what would have been free-market wage rates) will be at the expense not only of unemployment or lower pay for other workers, but at the expense of consumers, by forcing them to pay higher prices. But as the great bulk of consumers consists of other workers, this means that these gains will be at the expense not only of nonunion workers but also of other union workers. The real wages of the mass of workers are reduced whenever they have to pay higher prices. Once it is clearly recognized that the strike-threat gains of each union are at the expense of all other unions, in forcing their members to pay higher prices for products, the whole myth of "labor solidarity" collapses. It is this myth that has kept the strike-threat system going. It has created sympathy for strikes and tolerance of the public harm they do. The mass of the working population has been taught to believe that all workers should support every strike, no matter how disorderly or for what unreasonable demands, and always to "respect the picket lines," because "Labor's" interests are unified. The success of any strike is thought to help all labor and its failure to hurt all labor. The Great Illusion This is the modern Great Illusion. In fact, each union's extorted "gains," by raising a specific industry's costs and therefore its prices, reduce the real wages of all other workers. The interests of the unions are mutually antagonistic. I have been talking so far about the damage done by strike settlements, or by "gains" extorted under the threat of strikes; I have not yet talked about the damage done by the strike itself. While strikes are ostensibly directed against the employers, most of them are in fact directed against the public. The idea is that if enough hardship is inflicted on the public, then the public will insist that the employer capitulate to the strikers' demands. There are too many instances of this to list. For examples one need not go outside of New York City in recent years. A bus and subway strike. A strike of garbage collectors, bringing filth, stench, and the threat of an epidemic. A strike in late December, 1968, of fuel-oil deliverers and oil-burner repairmen, during an extreme cold spell and flu epidemic, when at least 40,000 persons in thousands of multiple dwellings were reported to be seriously ill and were deprived of heat. A strike of 20,000 employees of the Consolidated Edison Co., which supplies the electric power for New York. Grave-diggers' strikes. Hospital employees' strikes. The chief leverage of the strikers, in securing capitulation to their demands, was the amount of hardship and suffering they were able to inflict, not directly on the employers, but primarily on the public. Yet who are the public? They are in the main other workers, including other union members. They may even be members of the striking union itself and of their families. A striking fuel-oil deliverer's own children, for example, may be sick and shivering because no fuel has been delivered. This is the absurdity of "labor solidarity." This is the folly of a "general strike." Such a strike is suicidal for the workers themselves.

#### 4] Strikes empirically reduce wages, job opportunities, and hurt economic recovery – reject their surface level studies that don’t account for specific factors

Sherk 09 [James Sherk; Bradley Fellow in Labor Policy in the Center for Data Analysis at The Heritage Foundation; 5-21-2009; "What Unions Do: How Labor Unions Affect Jobs and the Economy"; Heritage Foundation; https://www.heritage.org/jobs-and-labor/report/what-unions-do-how-labor-unions-affect-jobs-and-the-economy; 11-16-2021] //Miller

Unions function as labor cartels. A labor cartel restricts the number of workers in a company or industry to drive up the remaining workers' wages, just as the Organization of Petroleum Exporting Countries (OPEC) attempts to cut the supply of oil to raise its price. Companies pass on those higher wages to consumers through higher prices, and often they also earn lower profits. Economic research finds that unions benefit their members but hurt consumers generally, and especially workers who are denied job opportunities. The average union member earns more than the average non-union worker. However, that does not mean that expanding union membership will raise wages: Few workers who join a union today get a pay raise. What explains these apparently contradictory findings? The economy has become more competitive over the past generation. Companies have less power to pass price increases on to consumers without going out of business. Consequently, unions do not negotiate higher wages for many newly organized workers. These days, unions win higher wages for employees only at companies with competitive advantages that allow them to pay higher wages, such as successful research and development (R&D) projects or capital investments. Unions effectively tax these investments by negotiating higher wages for their members, thus lowering profits. Unionized companies respond to this union tax by reducing investment. Less investment makes unionized companies less competitive. This, along with the fact that unions function as labor cartels that seek to reduce job opportunities, causes unionized companies to lose jobs. Economists consistently find that unions decrease the number of jobs available in the economy. The vast majority of manufacturing jobs lost over the past three decades have been among union members--non-union manufacturing employment has risen. Research also shows that widespread unionization delays recovery from economic downturns. Some unions win higher wages for their members, though many do not. But with these higher wages, unions bring less investment, fewer jobs, higher prices, and smaller 401(k) plans for everyone else. On balance, labor cartels harm the economy, and enacting policies designed to force workers into unions will only prolong the recession. Push for EFCA Organized labor's highest legislative priority is the misnamed Employee Free Choice Act (EFCA).[1] This legislation replaces traditional secret-ballot organizing elections with publicly signed cards, allowing union organizers to pressure and harass workers into joining a union. EFCA would also allow the government to impose contracts on newly organized workers and their employers. Both of these changes are highly controversial. Supporters defend EFCA by sidestepping concerns about taking away workers' right to vote. They argue that the bill will make it easier for unions to organize workers. They contend that unions are the path to the middle class and that expanding union membership will raise wages and help boost the economy out of the recession.[2] The official case for EFCA rests on the argument that greater union membership benefits the economy. Opponents of EFCA largely confine their critique to the legislation itself: its undemocratic nature and the problems with giving government bureaucrats the power to dictate work assignments, benefit plans, business operations, and promotion policies. They also argue, however, that increasing union membership will harm the economy.[3] Economists have exhaustively examined what unions do in the economy. When debating EFCA, Congress should look to the body of academic research to determine whether unions help or hurt the economy. Unions in Theory Unions argue that they can raise their members' wages, but few Americans understand the economic theory explaining how they do this. Unions are labor cartels. Cartels work by restricting the supply of what they produce so that consumers will have to pay higher prices for it. OPEC, the best-known cartel, attempts to raise the price of oil by cutting oil production. As labor cartels, unions attempt to monopolize the labor supplied to a company or an industry in order to force employers to pay higher wages.[4] In this respect, they function like any other cartel and have the same effects on the economy. Cartels benefit their members in the short run and harm the overall economy. Imagine that General Motors, Ford, and Chrysler jointly agreed to raise the price of the cars they sold by $2,000: Their profits would rise as every American who bought a car paid more. Some Americans would no longer be able to afford a car at the higher price, so the automakers would manufacture and sell fewer vehicles. Then they would need--and hire--fewer workers. The Detroit automakers' stock prices would rise, but the overall economy would suffer. That is why federal anti-trust laws prohibit cartels and the automakers cannot collude to raise prices. Now consider how the United Auto Workers (UAW)--the union representing the autoworkers in Detroit--functions. Before the current downturn, the UAW routinely went on strike unless the Detroit automakers paid what they demanded-- until recently, $70 an hour in wages and benefits. Gold-plated UAW health benefits for retirees and active workers added $1,200 to the cost of each vehicle that GM produced in 2007.[5] Other benefits, such as full retirement after 30 years of employment and the recently eliminated JOBS bank (which paid workers for not working), added more. Some of these costs come out of profits, and some get passed to consumers through higher prices. UAW members earn higher wages, but every American who buys a car pays more, stock owners' wealth falls, and some Americans can no longer afford to buy a new car. The automakers also hire fewer workers because they now make and sell fewer cars. Unions raise the wages of their members both by forcing consumers to pay more for what they buy or do without and by costing some workers their jobs. They have the same harmful effect on the economy as other cartels, despite benefiting some workers instead of stock owners. That is why the federal anti-trust laws exempt labor unions; otherwise, anti-monopoly statutes would also prohibit union activity. Unions' role as monopoly cartels explains their opposition to trade and competition. A cartel can charge higher prices only as long as it remains a monopoly. If consumers can buy elsewhere, a company must cut its prices or go out of business. This has happened to the UAW. Non-union workers at Honda and Toyota plants now produce high-quality cars at lower prices than are possible in Detroit. As consumers have voted with their feet, the Detroit automakers have been brought to the brink of bankruptcy. The UAW has now agreed to significant concessions that will eliminate a sizeable portion of the gap between UAW and non-union wages. With competition, the union cartel breaks down, and unions cannot force consumers to pay higher prices or capture higher wages for their members. Unions in Practice Economic theory consequently suggests that unions raise the wages of their members at the cost of lower profits and fewer jobs, that lower profits cause businesses to invest less, and that unions have a smaller effect in competitive markets (where a union cannot obtain a monopoly). Dozens of economic studies have examined how unions affect the economy, and empirical research largely confirms the results of economic theory. What follows is a summary of the state of economic research on labor unions. The Appendix summarizes the papers referenced in the main body of this paper. Unions in the Workplace Unionizing significantly changes the workplace in addition to its effects on wages or jobs. Employers are prohibited from negotiating directly with unionized employees. Certified unions become employees' exclusive collective bargaining representatives. All discussions about pay, performance, promotions, or any other working conditions must occur between the union and the employer. An employer may not change working conditions--including raising salaries--without negotiations. Unionized employers must pay thousands of dollars in attorney's fees and spend months negotiating before making any changes in the workplace. Unionized companies often avoid making changes because the benefits are not worth the time and cost of negotiations. Both of these effects make unionized businesses less flexible and less competitive.[6] Final union contracts typically give workers group identities instead of treating them as individuals. Unions do not have the resources to monitor each worker's performance and tailor the contract accordingly. Even if they could, they would not want to do so. Unions want employees to view the union--not their individual achievements--as the source of their economic gains. As a result, union contracts typically base pay and promotions on seniority or detailed union job classifications. Unions rarely allow employers to base pay on individual performance or promote workers on the basis of individual ability.[7] Consequently, union contracts compress wages: They suppress the wages of more productive workers and raise the wages of the less competent. Unions redistribute wealth between workers. Everyone gets the same seniority-based raise regardless of how much or little he contributes, and this reduces wage inequality in unionized companies.[8] But this increased equality comes at a cost to employers. Often, the best workers will not work under union contracts that put a cap on their wages, so union firms have difficulty attracting and retaining top employees.[9] Effect on Wages Unions organize workers by promising higher wages for all workers. Economists have studied the effects of unions on wages exhaustively and have come to mixed conclusions. Numerous economic studies compare the average earnings of union and non-union workers, holding other measurable factors--age, gender, education, and industry--constant. These studies typically find that the average union member earns roughly 15 percent more than comparable non-union workers.[10] More recent research shows that errors in the data used to estimate wages caused these estimates to understate the true difference. Estimates that correct these errors show that the average union member earns between 20 percent and 25 percent more than similar non-union workers.[11] Correlation Is Not Causation But these studies do not show that unionizing would give the typical worker 20 percent higher wages: Correlation does not imply causation. Controlling for factors like age and education, the average worker in Silicon Valley earns more than the average worker in Memphis, but moving every worker in Memphis to Silicon Valley would not raise his or her wages. Workers in Silicon Valley earn more than elsewhere because they have specialized skills and work for high-paying technology companies, not because they picked the right place to live. Similarly, it is not necessarily unions that raise wages. They may simply organize workers who would naturally earn higher wages anyway. Unions do not organize random companies. They target large and profitable firms that tend to pay higher wages. Union contracts also make firing underperforming workers difficult, so unionized companies try to avoid hiring workers who might prove to be underperformers. High-earning workers do not want seniority schedules to hold them back and therefore avoid unionized companies. Estimates from the Same Worker Economists have attempted to correct this problem by examining how workers' wages change when they take or leave union jobs. This controls for unobservable worker qualities such as initiative or diligence that raise wages and may be correlated with union membership--the worker has the same skills whether he belongs to a union or not. These studies typically show that workers' wages rise roughly 10 percent when they take union jobs and fall by a similar amount when they leave those jobs.[12] Data errors become particularly problematic when following workers over time instead of comparing averages across groups. Some economists argue that these errors artificially diminish the union effect.[13] More recent research explicitly correcting for measurement errors has found that taking union jobs causes workers' wages to rise between 8 percent and 12 percent.[14] One Canadian study expressly examined how much of the difference between union and non-union wages was caused by unions and how much came from unmeasured individual skills. Over three-fifths of the higher wages earned by union members came from having more valuable skills, not from union membership itself.[15] Just as the land surrounding Silicon Valley does not itself raise wages, most of the difference between union and non-union wages has little or nothing to do with unions themselves. Wage Changes After Unionization Studies tracking individual workers also do not prove that unionizing necessarily raises wages. Individual data do not account for firm-specific factors, such as large firms both paying higher wages and being targeted more commonly for organizing drives. To discover the causal affect of organizing on wages, researchers compare wage changes at newly organized plants with wage changes at plants where organizing drives failed. Such studies look at the same workers and same plants over time, thereby controlling for many unmeasured effects. These studies come to the surprising conclusion that forming a union does not raise workers' wages.[16] Wages do not rise in plants that unionize relative to plants that vote against unionizing. Several of the authors of these studies have endorsed EFCA, but their research argues that expanding union membership will not raise wages. This should not come as a complete surprise. Unions in competitive markets have little power to raise wages because companies cannot raise prices without losing customers. Additionally, some unions-- such as the Service Employees International Union--have expanded by striking deals promising not to seek wage increases for workers if the employer agrees not to campaign against the union. Total Wage Effects While economic research as a whole does not conclusively disprove that unions raise wages, some studies do come to this conclusion. It is difficult to reconcile these studies with the large body of other research showing that union members earn more than non-union members, or with the strong evidence that unions reduce profits. A better summary of the economic research is that unions do not increase workers' wages by nearly as much as they claim and that, at a number of companies, they do not raise wages at all. Once researchers control for individual ability, unions raise wages between 0 percent and 10 percent, depending on the circumstances of the particular companies and workers. Effect on Businesses Union wage gains do not materialize out of thin air. They come out of business earnings. Other union policies, such as union work rules designed to increase the number of workers needed to do a job and stringent job classifications, also raise costs. Often, unionized companies must raise prices to cover these costs, losing customers in the process. Fewer customers and higher costs would be expected to cut businesses' earnings, and economists find that unions have exactly this effect. Unionized companies earn lower profits than are earned by non-union businesses. Studies typically find that unionized companies earn profits between 10 percent and 15 percent lower than those of comparable non-union firms.[17] Unlike the findings with respect to wage effects, the research shows unambiguously that unions directly cause lower profits. Profits drop at companies whose unions win certification elections but remain at normal levels for non-union firms. One recent study found that shareholder returns fall by 10 percent over two years at companies where unions win certification.[18] These studies do not create controversy, because both unions and businesses agree that unions cut profits. They merely disagree over whether this represents a feature or a problem. Unions argue that they get workers their "fair share," while employers complain that union contracts make them uncompetitive.

### 1NC---AT: Soft Power

#### Even if Biden does everything right, COVID AND long-term effects of Trump outweigh.

Walt 20 Stephen M. Walt, Stephen M. Walt is the Robert and Renée Belfer professor of international relations at Harvard University. 7-23-2020, "How to Ruin a Superpower," Foreign Policy, <https://foreignpolicy.com/2020/07/23/how-to-ruin-a-superpower/> - BS

By the mid-1990s, the United States found itself in a position of primacy unmatched in modern history. Its combination of economic, military, and soft power dwarfed all others, and scholars such as William Wohlforth and Stephen Brooks offered sophisticated and well-reasoned arguments for why the unipolar era might last as long or longer than the bipolar era that preceded it. What these optimists did not anticipate, alas, was the series of self-inflicted wounds that the United States would suffer in the years that followed, a train wreck of recurring blunders that has accelerated and worsened under Donald Trump. In particular, Trump’s egregious mishandling of the COVID-19 pandemic is producing debilitating long-term effects that will further accelerate America’s decline. Even if he is defeated in November and a Joe Biden administration does nearly everything right, the consequences of Trump’s reign of error will be with us for many years to come. Before Trump, the mistakes of the unipolar era fell under three main headings. The first error was adopting a grand strategy of liberal hegemony, which sought to spread democracy, markets, and other liberal values far and wide and to bring the whole world into a liberal order that was designed and led by the United States. This vastly ambitious strategy provoked a strong backlash from a variety of quarters, led to unnecessary and costly wars that squandered trillions of dollars, and undermined key sectors of the U.S. economy. The second mistake was to allow public institutions to deteriorate, by starving them of resources and then blaming them for all our problems. Republican leaders pushed tax cuts with scant regard for the fiscal consequences, while the IRS was defunded to the point that it could no longer deter or detect widespread evasion and fraud. Like the Prussian Junkers or the pre-revolutionary French aristocrats, wealthy Americans—including Trump—found countless new ways to avoid contributing enough to public coffers and with less and less fear that they might get caught. Instead of creating and funding robust, competent, and respected public institutions—the sort of administrative and managerial capacity that would be invaluable in a pandemic and that some other countries have—Americans decided they didn’t need them. The third misstep was the weaponization of partisan politics that began with the Newt Gingrich revolution in the U.S. Congress. As Julian Zelizer documents in a fascinating but disturbing new book, Gingrich’s decision to take down House Leader Jim Wright began a process that turned American politics into a blood sport where gaining and retaining power mattered more than advancing the public interest. Aided by talk radio hate-mongers like Rush Limbaugh and the factually challenged propagandists at the Weekly Standard and Fox News, conspiracy theories, slander, and the steady erosion of the “soft guardrails” of democracy replaced respectful debate, discussion, and compromise. Unfortunately, these three trends were also sharply at odds with each other. Remaking the world in America’s image is an enormous undertaking; if you were serious about it, you’d need a large, well-funded, and highly competent state to do it. Not only would running the world require a strong military, but it would also take a large, highly professional diplomatic corps to manage the political fallout abroad, a vast army of well-trained development experts, and lots of safety-net programs back home to deal with the destabilizing consequences of economic globalization. In this way, the grand strategy of liberal hegemony was fundamentally at odds with the endless demand for tax cuts and the concomitant desire to shrink the state. Liberal hegemony’s defenders got around this problem by assuming that the tides of history were running their way and that creating a global liberal order would be relatively easy. As Fareed Zakaria noted back in 1998, the result was a “hollow hegemony,” as the United States tried in vain to manage the world on the cheap. Moreover, if a single country hopes to mold local politics in lots of very different places, it damn well better be politically united at home. Running the world entails substantial sacrifices, and doing it effectively requires a powerful bipartisan consensus and robust public support. Needless to say, a poisonous atmosphere of relentless partisanship, where politicians on the make repeatedly grandstand over made-up scandals (remember those endless congressional hearings about Benghazi?), is antithetical to the forging of national unity. Endless gridlock also made American democracy a less appealing model for other societies. To be clear: I don’t think liberal hegemony would have worked even if the United States decided to pursue it in a more serious and sophisticated fashion. But doing it in the half-assed way America did made failure inevitable and at no small cost. The consequences of these three errors provided the toxic brew that allowed an incompetent and narcissistic charlatan like Trump to reach the White House. Since then, he has managed to drive America’s image around the world to record lows, bungled the trade war with China, pushed Iran closer to a nuclear bomb, and lavished praise on a number of murderous dictators (some of whom are openly hostile to the United States). His only significant foreign-policy achievement to date is getting Britain to decide not to use Huawei technology for its new 5G digital network, but that’s not much to show for nearly four years in office. Apart from appointing a lot of conservative judges, Trump’s major achievement as 2020 dawned was not screwing up the economic recovery that Barack Obama had bequeathed to him. Then came COVID-19. It’s not just that the United States has made mistakes—the very idea of U.S. global leadership is broken from the ground up. The administration’s disastrous mishandling of the pandemic has been well documented elsewhere, and there’s no need to rehearse that depressing story once more. Instead, I want to highlight what the long-term consequences for America’s global position are likely to be. Spoiler alert: It’s not a pretty picture. First, as I’ve argued before, Trump’s attempt to wish away the problem (along with the rest of his administration’s incompetent response) has tarnished America’s dwindling reputation as a society that knows how to get things done effectively. When countries all over the world are barring Americans from their territory due to legitimate fears that they will spread the disease, while looking on with a combination of shock and pity, you know something has gone badly wrong. Consider this: Rwandans, Uruguayans, and Algerians are all welcome to visit Europe this summer. Americans aren’t. Second, the economic depression caused by the pandemic will leave deep scars on the U.S. economy, and the damage increases the longer the crisis occurs. Jobs won’t suddenly reemerge once a lot of businesses have gone under, and bankruptcies and layoffs will continue until we get the virus under control. The U.S. Federal Reserve and Congress have provided emergency funds to cushion the blow temporarily, but these measures have ballooned the federal deficit to historically high levels. The longer the crisis continues, the bigger the pile of debt will be. Here’s the key takeaway: Although the pandemic has harmed every economy in the world, other countries have got it under control, can begin to reopen safely, and will suffer less long-term damage as a result. That’s why Trump’s failure is so disastrous: By prolonging the period where the United States has to maintain lockdowns and other restrictive measures, he has guaranteed that a subsequent recovery—whenever it finally occurs—will be slower and less vigorous. Third, the lockdown has exacerbated both intimate partner abuse and child abuse while making it harder to detect both. Schoolteachers often spot and report signs of child abuse, for example, but that is less likely to happen when kids aren’t physically in class. Chronic abuse has serious emotional consequences for its victims, and the longer the pandemic continues, the worse such problems will be. The result: The United States will have a higher-than-expected incidence of mental health problems in the future, which is both a tragedy for the victims and a further drain on U.S. power. Fourth, although keeping public schools closed is necessary to get the virus under control, it will inevitably have a negative effect on learning and put American kids even further behind their foreign counterparts in terms of educational achievement. Once again, education everywhere has suffered as a result of COVID-19, but the damage will be greatest in countries that didn’t deal with it successfully and are still facing an escalating spiral of new cases. Sad to say, the United States is one of those countries. Fifth, higher education will take a big hit, too. America’s colleges and universities have been the world’s best for decades and a huge driver of innovation for the U.S. economy. They are suffering from the shutdown and especially from the loss of foreign students, who have been both a source of revenue and in the past a further engine of technological advancement. Although the Trump administration has reversed its ill-advised attempt to ban foreign students receiving only online education this fall, the poor U.S. response to the pandemic will lead some of the foreign students who used to come to the United States to pursue educational opportunities in countries where their health is not at risk and universities are open for normal operations. America has long benefited from so-called “brain gain” (i.e., talented foreigners who arrived in the country for college or graduate school and chose to remain, lending their talents to innovative U.S. companies); that benefit is likely to be smaller in the future. The longer America trails the world in dealing with COVID-19, the more damage it will suffer on this front as well. Last but not least, the pandemic has not stopped women from bearing children, but many are now doing so in an atmosphere of enormous economic uncertainty and coronavirus-related stress. A growing body of research shows that maternal stress of all kinds has deleterious effects on fetal and early childhood development, with long-term consequences for a child’s physical well-being, cognitive abilities, emotional maturity, and overall life chances. Once again: These harmful effects are undoubtedly present in every country where the coronavirus has spread, but the damage will be greatest in countries where the virus has yet to be brought under control. That’s America. The United States still has a number of important advantages compared with other major powers, including abundant natural resources, a still innovative economy, temperate climate (at least so far), and an extremely favorable geopolitical location. Those qualities make long-term success more likely but do not guarantee it. The country also faces a number of serious rivals—most notably a still rising China—but recent decades suggest that Americans remain their own worst enemy. Trump didn’t deliberately and consciously set out to ruin the United States—and torpedo his own chances for reelection—he just couldn’t help himself. It is the rest of us—and especially our children and grandchildren—who will suffer the consequences.

### 1NC---AT: China Rise

**We’re impact turning the scenario.**

#### US decline and china rise are inevitable BUT its peaceful

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But this policy mantra has two fundamental problems: it mischaracterizes China’s strategic intentions in the region, and it is based on a U.S. strategic objective that is probably no longer achievable. First, China is pursuing hegemony in East Asia, but not an exclusive hostile hegemony. It is not trying to extrude the United States from the region or deny American access there. The Chinese have long recognized the utility—and the benefits to China itself—of U.S. engagement with the region, and they have indicated receptivity to peaceful coexistence and overlapping spheres of influence with the United States there. Moreover, China is not trying to impose its political or economic system on its neighbors, and it does not seek to obstruct commercial freedom of navigation in the region (because no country is more dependent on freedom of the seas than China itself). In short, Beijing wants to extend its power and influence within East Asia, but not as part of a “winner-take-all” contest. China does have unsettled and vexing sovereignty claims over Taiwan, most of the islands and other features in the East and South China Seas, and their adjacent waters. Although Beijing has demonstrated a willingness to use force in defense or pursuit of these claims, it is not looking for excuses to do so. Whether these disputes can be managed or resolved in a way that is mutually acceptable to the relevant parties and consistent with U.S. interests in the region is an open, long-term question. But that possibility should not be ruled out on the basis of—or made more difficult by—false assumptions of irreconcilable interests. On the contrary, it should be pursued on the basis of a recognition that all the parties want to avoid conflict—and that the sovereignty disputes in the region ultimately are not military problems requiring military solutions. And since Washington has never been opposed in principle to reunification between China and Taiwan as long as it is peaceful, and similarly takes no position on the ultimate sovereignty of the other disputed features, their long-term disposition need not be the litmus test of either U.S. or Chinese hegemony in the region. Of course, China would prefer not to have forward-deployed U.S. military forces in the Western Pacific that could be used against it, but Beijing has long tolerated and arguably could indefinitely tolerate an American military presence in the region—unless that presence is clearly and exclusively aimed at coercing or containing China. It is also true that Beijing disagrees with American principles of military freedom of navigation in the region; and this constitutes a significant challenge in waters where China claims territorial jurisdiction in violation of the UN Commission on the Law of the Sea. But this should not be conflated with a Chinese desire or intention to exclusively “control” all the waters within the first island chain in the Western Pacific. The Chinese almost certainly recognize that exclusive control or “domination” of the neighborhood is not achievable at any reasonable cost, and that pursuing it would be counterproductive by inviting pushback and challenges that would negate the objective. So what would Chinese “hegemony” in East Asia mean or look like? Beijing probably thinks in terms of something much like American primacy in the Western Hemisphere: a model in which China is generally recognized and acknowledged as the de facto central or primary power in the region, but has little need or incentive for militarily adventurism because the mutual benefits of economic interdependence prevail and the neighbors have no reason—and inherent disincentives—to challenge China’s vital interests or security. And as a parallel to China’s economic and diplomatic engagement in Latin America, Beijing would neither exclude nor be hostile to continued U.S. engagement in East Asia. A standard counterargument to this relatively benign scenario is that Beijing would not be content with it for long because China’s strategic ambitions will expand as its capabilities grow. This is a valid hypothesis, but it usually overlooks the greater possibility that China’s external ambitions will expand not because its inherent capabilities have grown, but because Beijing sees the need to be more assertive in response to external challenges to Chinese interests or security. Indeed, much of China’s “assertiveness” within East Asia over the past decade—when Beijing probably would prefer to focus on domestic priorities—has been a reaction to such perceived challenges. Accordingly, Beijing’s willingness to settle for a narrowly-defined, peaceable version of regional preeminence will depend heavily on whether it perceives other countries—especially the United States—as trying to deny China this option and instead obstruct Chinese interests or security in the region.

Even if they win that the transition hasn’t happened, it’s peaceful---

#### 1. Buffer states and power limitations

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In short, despite concerns a rising China is apt to be a highly predatory, revisionist state likely to challenge the United States for dominance in East Asia and beyond, there are good reasons to believe this concern is overstated. If current trends hold, China may have reasons to try to prey upon the United States, but the real risk of antagonizing the United States during a period when the United States will retain significant capabilities to make China pay dearly for aggrandizement means Chinese predation should remain limited in scope. Moreover, if and when still other great powers rise—a possibility that cannot be excluded out of hand—China may then face reasons to support the United States and seek U.S. backing against other challengers. In either case, the United States is playing a strong hand.

#### 2. China’s passive

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The mounting evidence demonstrates that China’s behaviour in the SCS fundamentally lacks malign intention. History reveals that China’s strong presence in the SCS and its claim was made before the founding of the People’s Republic of China (PRC). China’s SCS claim is unrelated to its growing power since the late twentieth century. Moreover, China’s SCS interests in resources, geopolitics, security, Taiwan, and the legitimacy of the Chinese Communist Party (CCP) are mostly defensive. However, there is an indication that the Mahan Doctrine—which is offensive in nature—is gaining more attention among People’s Liberation Army (PLA) high officials. If China behaves according to the Mahan Doctrine by attempting to expel US ships from the first and second island chains, it can be considered an offensive realist state. The fact that the conflict of interests between China and other SCS claimant states is objectively reconcilable and subjectively irreconcilable supports the application of the security dilemma. It is objectively reconcilable because (1) if all parties abide by the provision of the United Nations Convention on the Law of the Sea (UNCLOS; although it does not touch the sovereignty issue), the maritime rights dispute can be managed; (2) China’s main problem in terms of energy is mostly related to its uncontrollable demand and inefficiency; (3) the SCS has always been common property and never monopolised by any entity; (4) the SCS is not a top priority issue for the Chinese people, and making a compromise in the SCS may tarnish the CCP’s reputation and undermine its legitimacy, though it is unlikely to cause its collapse. It is subjectively irreconcilable because it has been connected to excessive nationalism. China’s sense of superiority over its Southeast Asian neighbours and of victimhood towards external powers makes the Chinese government reluctant to make any compromise in the SCS. The security dilemma between China and other SCS claimants began between 2007 and 2009 and gradually shifted with China’s defection from defensive realism to offensive realism. Defection is a behaviour of a state attempting to alter the status quo in favour of its interest. Defection also means a state starts to adopt a malign intention and an offensive realist strategy. Defection in the SCS should meet all of these criteria: (1) it must be a move that creates new status in favour of the initiator; (2) it must be a breach of the agreed consensus, either the 2002 DoC or the UNCLOS; (3) it must be a move that has not been conducted during the period of de-escalation (after the 1995 Mischief Reef incident until between 2007 and 2009). Based on these criteria, there are two examples of evidence relating to China’s defection. The first of these is the seizure of the Scarborough Shoal in 2012 followed by the blockade of Philippine fishermen to conduct activities in the vicinity of the shoal. Second is China’s monumental construction of artificial islands in 2014–2015. From a strategic point of view, there are several reasons for China’s defection which are (1) its dissatisfaction for having minority control of SCS features; and (2) the Scarborough Shoal (Huangyan Dao) has significant impact in substantiating China’s claim in the SCS since it is the only high-tide elevation feature in the Zhongsha Islands. From the perspective of the policy makers, the seizure of the Scarborough Shoal took place because Hu Jintao (who was sitting president) needed to show his determination against his critics. Furthermore, Xi Jinping needed to consolidate his leadership by adopting a tough stance in the SCS. Xi Jinping had assumed the top position of the Leading Small Group on Maritime Rights Protection in mid-2012, which was about the same time as the Scarborough Shoal incident. The extensive construction of artificial islands which took place in 2014–2015 was also motivated by Xi Jinping’s intention to cement his leadership and show his determination to both international and domestic audiences. Besides other SCS claimants, China also faces security dilemma with the US in the SCS. Unlike the former security dilemma, the latter is only a reflection of the strategic rivalry between the two great powers. It is important to note that neither country has defected in the SCS because both parties realise the intractability of the security dilemma. The security dilemma between China and the US exists because they both have a conflict of interest that is subjectively irreconcilable and objectively reconcilable. From the US side, it subjectively perceives that China will block access to the SCS. In addition to freedom of navigation and growing Chinese domination, the US may also be concerned with its reputation as a reliable security provider to its allies and partners, some of which are claimant states in the SCS dispute. From China’s side, its subjective view is manifested in: (1) the idea that the US is declining in economic power and that China will supersede the US position in the near future; and (2) the assumption that the escalation of tension in the SCS is mostly provoked by external factors. Furthermore, the conflict of interest between China and the US is not asymmetrical. China is a regional power, whilst the US is a global power. For China, the SCS means survival, whilst for the US the SCS is only one area where it wants to maintain presence. Therefore, objectively, the conflict between China and the US can be avoided as long as each party is willing to accommodate each other’s interests to some extent. The SCS episode continued into the realm of legal dispute when the Philippines initiated the arbitral proceeding against China’s SCS claim on 22 January 2013. On 12 July 2016, the UNCLOS Tribunal which was initiated by the Philippines rendered its award which invalidated China’s maritime rights claim in the SCS. China’s compliance with the Tribunal ruling determines its future behaviour in the SCS as either being defensive realist or offensive realist. In the aftermath of the Tribunal ruling, China shows a reversal from its offensive realism in two aspects. First is the new wording of its statement of claim in the SCS as explained in Chap. 3. Second, China granted access to the Philippine fishermen to the Scarborough Shoal after the Philippine President Rodrigo Duterte (who started his term in 30 June 2016) travelled to China. These moves demonstrate that the UNCLOS Tribunal ruling has a constraining effect on China’s behaviour to some extent. China’s future behaviour in the SCS depends on a combination of domestic and international factors. In brief, domestic factors (leadership rivalry, the sense of exceptionalism, and victimhood) tend to propel China to act in an offensive realist manner as was evident in the 2012 Scarborough Shoal incident and the 2014–2015 massive construction of artificial islands. China’s behaviour also depends on international factors such as the US balancing activities against China. Since the Chinese leadership is aware of some regional countries’ support for the US role, China is unlikely to adopt an offensive realist approach against the US. However, the nature of the defensive realism world which is supported by the prevalence of international law tends to motivate China to adopt a defensive realist strategy. 8.2 Significance for Theory and Policy The main findings of this thesis show strong support for defensive realism theory. During the period of de-escalation (1995 until between 2007 and 2009), China had the most advanced military power compared to other SCS claimants. However, instead of using force, China extended its cooperative behaviour which was successful in de-escalating the SCS tension. China demonstrated its serious commitment to stabilising the region by participating in several multilateral agreements: the 2002 DoC, the ASEAN TAC in 2003, and the JMSU in 2005. This fact is at odds with the offensive realism assumption that suggests China will pursue hegemonic ambition to resolve its dispute with other claimants.1 Furthermore, the development of the SCS tension corresponds to the security dilemma continuum. Mounting evidence shows that instead of pre-meditated actions, the development of the SCS security dilemma is a result of uncertainty and inadvertency between China and other claimant states. The same applies to the tension between China and the US in the SCS. Uncertainty is one of the key concepts of defensive realism.2 In contrast, offensive realism suggests that all states aim at power maximisation and regional hegemony, which creates much less uncertainty.3 This assumption cannot stand before the reality of the states concerned in the SCS. Evidence in this research also suggests that China is experiencing a self-defeating phenomenon. Self-defeating behaviour is one of the basic tenets of defensive realism which suggests that a state’s attempt to enhance its power does not necessarily lead to its increased security. This is particularly apparent in the case of China’s Yulin naval base and the US surveillance activities. China’s building of the Yulin naval base in Hainan Island is driven by defensive motivation. However, this has raised concerns for the US since the base can be used to launch a nuclear submarine, which in turn threatens US naval ships in the region, leading to the growing frequency of surveillance and intelligence gathering on flights and ships, which is perceived by China as a threat by the US. Having confirmed the nature of China’s defensive realist behaviour in the SCS, this research concludes that China has defected to offensive realism. Chinese defection behaviours show that a state could change from one form of realist strategy to the other. By contrast, offensive realism argues that all states are offensive realist and offensive realism is the only strategy to guarantee a state’s survival. This presupposition is not in alignment with China’s SCS behaviour. With regard to China’s relations with the US in the SCS, this research finds that China’s involvement in the US-led rim of the Pacific (RIMPAC) since 2014 dismisses the offensive realist argument that China will expel the US from the first and second island chains. Offensive realism cannot explain China’s participation in enhancing the US-led maritime order in the Pacific. However, according to defensive realism, it is logical for China to accept the existing US-led order. In terms of policy, this research suggests that China should be given the opportunity to reverse its policy towards other claimants to defensive realism. Dealing with China using the offensive realism perspective will not help to stabilise the region. Evidence shows that China is fundamentally a defensive realist state. However, it can adopt offensive realist measures under some circumstances. This research finds that domestic factors, that is, political rivalry within the CCP’s leadership, plays a significant role in China’s offensive realist behaviour. In addition, the Chinese population and its leadership maintain a sense of exceptionalism and superiority towards other countries. This means that they are very sensitive about their own reputation and dignity (mianzi). China’s sensitivity about its dignity should be accommodated politically but not legally. The rapprochement initiative by the newly installed Philippine President Rodrigo Duterte has proved to be effective in de-escalating the SCS tension. However, the Philippines should not withdraw its submission to the UNCLOS Tribunal or undermine the tribunal ruling on 12 July 2016. This ruling has given legal certainty on a maritime rights dispute in the SCS and the future of the SCS should be shaped based on the ruling of the UNCLOS Tribunal.

#### 3. Economics comes first---CCP won’t risk direct conflict because of status-seeking interests

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What kind of world order will this bring? Contrary to what more alarmist voices have suggested, **a bipolar U.S.-Chinese world will** not be a world on the brink of apocalyptic war. This is in large part because China’s ambitions for the coming years are much narrower than many in the Western foreign policy establishment tend to assume. Rather than unseating the United States as the world’s premier superpower, Chinese foreign policy in the coming decade will largely focus on maintaining the conditions necessary for the country’s continued economic growth—a focus that will likely push leaders in Beijing to **steer clear of open confrontation** with the United States or its primary allies. Instead, the coming bipolarity will be an era of uneasy peace between the two superpowers. Both sides will build up their militaries but remain careful to manage tensions before they boil over into outright conflict. And rather than vie for global supremacy through opposing alliances, **Beijing and Washington will largely carry out their competition in the** [**economic**](https://www.foreignaffairs.com/articles/china/2018-11-27/there-no-grand-bargain-china) **and** [**technological**](https://www.foreignaffairs.com/articles/united-states/2018-10-19/can-pentagon-win-ai-arms-race) **realms**. At the same time, U.S.-Chinese bipolarity will likely spell the end of sustained multilateralism outside strictly economic realms, as the combination of nationalist populism in the West and China’s commitment to national sovereignty will leave little space for the kind of political integration and norm setting that was once the hallmark of liberal internationalism. WHAT CHINA WANTS China’s growing influence on the world stage has as much to do with the United States’ abdication of its global leadership under President Donald Trump as with China’s own economic rise. In material terms, the gap between the two countries has [not narrowed by much](https://www.foreignaffairs.com/articles/china/2018-09-21/stop-obsessing-about-china) in recent years: since 2015, China’s GDP growth has slowed to less than seven percent a year, and recent estimates put U.S. growth above the three percent mark. In the same period, the value of the renminbi has decreased by about ten percent against the U.S. dollar, undercutting China’s import capacity and its currency’s global strength. What has changed a great deal, however, is the expectation that the United States will continue to promote—through diplomacy and, if necessary, military power—an international order built for the most part around liberal internationalist principles. Under Trump, the country has broken with this tradition, questioning the value of free trade and embracing a virulent, no-holds-barred nationalism. The Trump administration is modernizing the U.S. nuclear arsenal, attempting to strong-arm friends and foes alike, and withdrawing from several international accords and institutions. In 2018 alone, it ditched the Intermediate-Range Nuclear Forces Treaty, the [nuclear deal with Iran](https://www.foreignaffairs.com/articles/2018-08-13/how-we-got-iran-deal), and the UN Human Rights Council. It is still unclear if this retrenchment is just a momentary lapse—a short-lived aberration from the norm—or a new U.S. foreign policy paradigm that could out-live Trump’s tenure. But the global fallout of Trumpism has already pushed some countries toward China in ways that would have seemed inconceivable a few years ago. Take Japanese Prime Minister Shinzo Abe, who effectively reversed Japan’s relations with China, from barely hidden hostility to [cooperation](https://www.scmp.com/news/china/diplomacy/article/2170436/china-japan-moving-competition-cooperation-leaders-say), during a state visit to Beijing in October 2018, when China and Japan signed over 50 agreements on economic cooperation. Meanwhile, structural factors keep widening the gap between the two global front-runners, China and the United States, and the rest of the world. Already, the two countries’ military spending dwarfs everybody else’s. By 2023, the U.S. defense budget may reach $800 billion, and the Chinese one may exceed $300 billion, whereas no other global power will spend more than $80 billion on its forces. The question, then, is not whether a bipolar U.S.-Chinese order will come to be but what this order will look like. At the top of Beijing’s priorities **is a liberal economic order built on free trade**. China’s economic transformation over the past decades from an agricultural society to a major global powerhouse—and the world’s second-largest economy—was built on exports. The country has slowly worked its way up the value chain, its exports beginning to compete with those of highly advanced economies. Now as then, these **exports are the lifeblood of the Chinese economy:** they ensure a consistent trade surplus, and the jobs they create are a vital engine of domestic social stability. There is no indication that **this will change** in the coming decade. Even amid escalating trade tensions between Beijing and Washington, China’s overall export volume continued to grow in 2018. **U.S. tariffs may sting**, **but they will neither change Beijing’s fundamental incentives nor portend a general turn away from global free trade on its part**. Quite to the contrary: because China’s exports are vital to its economic and political success, one should expect Beijing to double down **on its attempts to gain and maintain access to foreign markets**. This strategic impetus is at the heart of the much-touted [Belt and Road Initiative](https://www.foreignaffairs.com/articles/china/2018-10-24/why-democracies-are-turning-against-belt-and-road), through which China hopes to develop a vast network of land and sea routes that will connect its export hubs to far-flung markets. As of August 2018, some 70 countries and organizations had signed contracts with China for projects related to the initiative, and this number is set to increase in the coming years. At its 2017 National Congress, the Chinese Communist Party went so far as to enshrine a commitment to the initiative in its constitution—a signal that the party views the infrastructure project as more than a regular foreign policy. China is also willing to further open its domestic markets to foreign goods in exchange for greater access abroad. Just in time for a major trade fair in Shanghai in November 2018—designed to showcase the country’s potential as a destination for foreign goods—China lowered its general tariff from 10.5 percent to 7.8 percent. Given this enthusiasm for the global economy, the image of a revisionist China that has gained traction in many Western capitals is misleading. **Beijing relies on a global network of trade ties**, so it is loath to court direct confrontation **with the United State**s. Chinese leaders fear—not without reason—that such a confrontation might cut off its access to U.S. markets and lead U.S. allies to band together against China rather than stay neutral, stripping it of important economic partnerships and valuable diplomatic connections. As a result, **caution**, not assertiveness or aggressiveness, will be the order of the day **in Beijing’s foreign policy in the coming years**. Even as it continues to modernize and expand its military, **China will** carefully avoid pressing issues **that might lead to war with the United States, such as those related to the South China Sea, cybersecurity, and the weaponization of space**. NEW RULES? Indeed, much as Chinese leaders hope to be on par with their counterparts in Washington, they worry about the strategic implications of a bipolar U.S.-Chinese order. American leaders balk at the idea of relinquishing their position at the top of the global food chain and will likely go to great lengths to avoid having to accommodate China. Officials in Beijing, in no hurry to become the sole object of Washington’s [apprehension](https://www.foreignaffairs.com/articles/united-states/2018-02-13/china-reckoning) and scorn, would much rather see a multipolar world in which other challenges—and challengers—force the United States to cooperate with China. Chinese leaders worry about the strategic implications of a bipolar U.S.-Chinese order. In fact, the United States’ own rise in the nineteenth and early twentieth centuries provides something of a model for how the coming power transition may take place. Because the United Kingdom, the world’s undisputed hegemon at the time, was preoccupied with fending off a challenger in its vicinity—Germany—it did not bother much to contain the rise of a much bigger rival across the pond. China is hoping for a similar dynamic now, and recent history suggests it could indeed play out. In the early months of George W. Bush’s presidency, for instance, relations between Beijing and Washington were souring over regional disputes in the South China Sea, reaching a boiling point when a Chinese air force pilot died in a midair collision with a U.S. surveillance plane in April 2001. Following the 9/11 attacks a few months later, however, Washington came to see China as a useful strategic partner in its global fight against terrorism, and relations improved significantly over the rest of Bush’s two terms. Today, unfortunately, the list of common threats that could force the two countries to cooperate is short. After 17 years of counterterrorism campaigns, the sense of urgency that once surrounded the issue has faded. Climate change is just as unlikely to make the list of top threats anytime soon. The most plausible scenario is that a new global economic crisis in the coming years will push U.S. and Chinese leaders to shelve their disagreements for a moment to avoid economic calamity—but this, too, remains a hypothetical. To make matters worse, some points of potential conflict are here to stay—chief among them [Taiwan](https://www.foreignaffairs.com/articles/asia/2018-07-27/storm-brewing-taiwan-strait). Relations between Beijing and Taipei, already tense, have taken a turn for the worse in recent years. Taiwan’s current government, elected in 2016, has questioned the notion that mainland China and Taiwan form a single country, also known as the “one China” principle. A future government in Taipei might well push for de jure independence. Yet a Taiwanese independence referendum likely constitutes a redline for Beijing and may prompt it to take military action. If the United States were to respond by coming to Taiwan’s aid, a military intervention by Beijing could easily spiral into a full-fledged U.S.-Chinese war. To avoid such a crisis, Beijing is determined to nip any Taiwanese independence aspirations in the bud by political and economic means. As a result, it is likely to continue lobbying third countries to cut off their diplomatic ties with Taipei, an approach it has already taken with several Latin American countries. Cautious or not, China set somewhat different emphases in its approach to norms that undergird the international order. In particular, a more powerful China will push for a stronger emphasis on national sovereignty in international law. In recent years, some have [interpreted](https://www.ft.com/content/67ec2ec0-dca2-11e6-9d7c-be108f1c1dce) public statements by Chinese leaders in support of globalization as a sign that Beijing seeks to fashion itself as the global liberal order’s new custodian, yet such sweeping interpretations are wishful thinking: China is merely signaling its support for a liberal economic order, not for ever-increasing political integration. Beijing remains fearful of outside interference, particularly relating to Hong Kong, Taiwan, Tibet, and [Xinjiang](https://www.foreignaffairs.com/articles/china/2018-06-20/reeducation-returns-china), as well as on matters of press freedom and online regulations. As a result, it views national sovereignty, rather than international responsibilities and norms, as the fundamental principle on which the international order should rest. Even as a new superpower in the coming decade, China will therefore pursue a less interventionist foreign policy than the United States did at the apex of its power. Consider the case of Afghanistan: even though it is an open secret that the United States expects the Chinese military to shoulder some of the burden of maintaining stability there after U.S. troops leave the country, the Chinese government has shown no interest in this idea. Increased Chinese clout may also bring attempts to promote a vision of world order that draws on ancient Chinese philosophical traditions and theories of statecraft. One term in particular has been making the rounds in Beijing: wangdao, or “humane authority.” The word represents a view of China as an enlightened, benevolent hegemon whose power and legitimacy derive from its ability to fulfill other countries’ security and economic needs—in exchange for their acquiescence to Chinese leadership. BIPOLARITY IN PRACTICE Given the long shadow of nuclear escalation, **the** [**risk of a direct war**](https://www.foreignaffairs.com/articles/china/2018-10-15/beijings-nuclear-option) **between China and the United States will** remain minimal, even as military, technological, and economic competition between them intensifies. Efforts on both sides to build ever more effective antimissile shields are unlikely to change this, since neither China nor the United States can improve its antimissile systems to the point of making the country completely impervious to a nuclear counterattack. If anything, the United States’ withdrawal from the Intermediate-Range Nuclear Forces Treaty will encourage both sides to build up their nuclear forces and improve their second-strike capabilities, ensuring that neither side will be confident it can launch a nuclear attack on the other without suffering a devastating retaliation. The threat of nuclear war will also keep Chinese tensions with other nuclear-armed powers, such as India, from escalating into outright war. Proxy wars, however, cannot be ruled out, nor can military skirmishes among lesser states. In fact, the latter are likely to become more frequent, as the two superpowers’ restraint may embolden some smaller states to resolve local conflicts by force. Russia, in particular, may not shy away from war as it tries to regain its superpower status and maintain its influence in eastern Europe and the Middle East. Faced with calls to reform the UN Security Council, fraying powers such as France and the United Kingdom may seek to buttress their claim to permanent membership in the council through military interventions abroad. In the Middle East, meanwhile, the struggle for regional dominance among Iran, Turkey, and Saudi Arabia shows no signs of abating. Across the globe, secessionist conflicts and terrorist attacks will continue to occur, the latter especially if competition between China and the United States reduces their cooperation on counterterrorism measures. China’s emphasis on national sovereignty, together with Western societies’ turn away from globalism, will deal an additional blow to multilateralism. In the economic realm, export-driven economies, such as China, Germany, and Japan, will ensure the survival of a global liberal trade regime built on free-trade agreements and membership in the World Trade Organization—no matter what path the United States takes. On other matters of global governance, however, cooperation is likely to stall. Even if a future U.S. administration led a renewed push toward multilateralism and international norm setting, China’s status as a junior superpower would make it difficult for the United States to sustain the strong leadership that has traditionally spurred such initiatives in the past. Differences in ideology and clashing security interests will prevent Beijing and Washington from leading jointly, but neither will have enough economic or military clout to lead on its own. To the extent that multilateral initiatives persist in such a world, they will be limited to either side’s respective sphere of influence. China’s emphasis on national sovereignty, together with Western societies’ turn away from globalism, will deal an additional blow to multilateralism. The European Union is already fraying, and a number of European countries have reintroduced border controls. In the coming decade, similar developments will come to pass in other domains. As technological innovation becomes the primary source of wealth, countries will become ever more protective of their intellectual property. Many countries are also tightening control of capital flows as they brace for a global economic slump in the near future. And as concerns over immigration and unemployment threaten to undermine Western governments’ legitimacy, more and more countries will increase visa restrictions for foreign workers. Unlike the order that prevailed during the Cold War, a bipolar U.S.-Chinese order will be shaped by fluid, issue-specific alliances **rather than rigid opposing blocs** divided along clear ideological lines. Since the immediate risk of a U.S.-Chinese war is vanishingly small, **neither side appears willing to build or maintain an extensive**—and expensive—**network of alliances**. China still avoids forming explicit alliances, and the United States regularly complains about free-riding allies. Moreover, neither side is currently able to offer a grand narrative or global vision appealing to large majorities at home, let alone to a large number of states. For some time to come, then, **U.S.-Chinese bipolarity will not be an ideologically driven, existential conflict over the fundamental nature of the global order**; rather, it will be a competition over consumer markets and technological advantages, playing out in disputes about the norms and rules governing trade, investment, employment, exchange rates, and intellectual property. And rather than form clearly defined military-economic blocs, most states will adopt a two-track foreign policy, siding with the United States on some issues and China on others. Western allies, for instance, are still closely aligned with the United States on traditional security matters inside NATO, and Australia, India, and Japan have supported the U.S. strategy in the Indo-Pacific. At the same time, these states still maintain close trade and investment relations with China, and several of them have sided with Beijing in trying to reform the World Trade Organization. This two-track strategy shows just how far down the road to bipolarity the world has already advanced. And the fundamental driver of this process—the raw economic and military clout on which American and, increasingly, Chinese dominance rests—will further cement Beijing’s and Washington’s status as the two global heavyweights in the coming decade. **Whether or not the United States recovers from its Trumpian fever and leads a renewed push for global liberalism is**, ultimately, of little consequence to the outcome: **opposed in their strategic interests but evenly matched in their power, China and the United States will be unable to challenge each other directly and settle the struggle for supremacy definitively**. As during the Cold War, each side’s nuclear warheads will prevent proxy conflicts from easily escalating into a direct confrontation between the two superpowers. More important still, **China’s leadership is** acutely aware of the benefits **its country derives from the status quo**, for now—**it is chief among the conditions for China’s continued economic and soft-power expansion**—**and will** avoid **putting these** benefits on the line anytime soon, unless China’s core interests are in the balance. Chinese leaders will therefore work hard to avoid setting off alarm bells in already jittery Western capitals, and their foreign policy in the coming years will reflect this objective. **Expect recurring tensions and fierce competition, yes, but** not a descent into global chaos.

#### 4. Chinese tech leadership isn’t threatening

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Beijing’s AI policy priorities are clear. The “Next Generation Artificial Intelligence Development Plan,” announced by China’s State Council in July 2017, called for China to catch up on AI technology and applications by 2020, and to become a global AI innovation hub by 2030. Chinese President Xi Jinping hammered the point home in his 19th Party Congress speech in October, when he mentioned the development of advanced manufacturing and the promotion of further integration of the Internet, big data and artificial intelligence with the real-world economy. Beijing has placed huge bets on AI for a host of political and economic reasons, from improving governance capacity to improving policy development and surveillance. The plan calls for China to lead the way in developing a regulatory environment to both encourage AI development and to mitigate the potential downsides of AI. A few months after the national plan’s announcement in July, the Ministry of Science and Technology (MOST) designated Baidu to lead the autonomous vehicle platform, Tencent for medical, Alibaba for Smart Cities, and iFlyTek for speech interfaces. These plans should be taken seriously, as the Chinese government has shown a strong track record in delivering results. For example, Beijing announced in 2010 that China would become the world’s leader in adopting high-speed rail (HSR). Today it has 60% of the world’s HSR market. In 2014, the Chinese government announced the “Mass Entrepreneurship and Innovation Plan.” Today there are business 8000 incubators in China, compared to 1400 in 2014. These plans have teeth, both due to the deadlines and metrics set out at the national level, as well as the local companies that are likely to take these directions as top priorities. We can expect a similar trajectory for China’s AI policies. Historically, the Chinese government has been open-minded towards technology development. When a new technology comes out, the government will give it the benefit of doubt and let it grow, rather than stifle it with policy or endless debates. Also, the environment in China is more conducive to fast launch and iteration. There is a general belief that it is better to launch something and then get it approved later. This allows Chinese businesses to generate real data at scale, which in turn allows technology to improve over a shorter period of time, particularly once AI is introduced into the equation. For example, while in the US, truckers’ unions are petitioning the Department of Transportation to delay autonomous truck testing, in China, the Xiong’an New Area, a planned smart city development southwest of Beijing, is being designed from the ground up with full autonomy in mind. Various highway authorities are willing to develop road augmentation, special lanes, or move warehouses near highway exits, all to facilitate faster deployment of autonomous trucks. We also see major initiatives in cities, following the central government’s call to action. Shanghai, Nanjing, Wuhan, and Tianjin are but a few of the cities coming out with their own AI initiatives. As with past policies, much of the resources will be applied at the provincial and city government levels. The types of resources may include subsidies for top talent (especially overseas talent); guidance for top VC funds, with the government playing the role of limited partner (LP) but offering some of its upside to the general partners (GPs) of the funds; special programs for top AI companies and start-ups (free rent, subsidy for local hiring, housing and private school for top talents); and technical awards for companies and individuals. Finally, the US, EU, and China will also compete to be out in front on developing a regulatory regime around AI technologies and applications. The National Plan’s explicit recognition of the need for regulatory, legal, and ethical principles for AI development and use represents an uncommonly foresighted approach. Of course, the government’s approach to AI regulation, ethics, and economic adjustment will reflect Beijing’s broader model of governance and ideology. Given its preference for a state-centric approach to international issues, for example, it is possible China will launch an initiative via the UN to establish first an automation/AI-related “code of conduct,” or basic regulatory approach, followed by a special committee on the topic and eventually an oversight body operating within a UN framework. Such an initiative would put China at the forefront of developing a global approach to these issues. Beijing has attempted a similar approach on cybersecurity issues, which it argues have a global impact and require a global regulatory response.

### 1NC---AT: Biotech !

#### Biological weapon attacks are too complex --- either won’t pursue or they fail

---at: anthrax

---at: crispr

Revill ‘17 [Dr. James Revill, Research Fellow with the Harvard Sussex Program at SPRU, Past as Prologue? The Risk of Adoption of Chemical and Biological Weapons by Non-State Actors in the EU, European Journal of Risk Regulation, 8 (2017), pp. 626–642, https://www.cambridge.org/core/services/aop-cambridge-core/content/view/6B824CDE0E25FD86AC3D0BD07822A743/S1867299X17000356a.pdf/div-class-title-past-as-prologue-the-risk-of-adoption-of-chemical-and-biological-weapons-by-non-state-actors-in-the-eu-div.pdf]

The second factor is “the perceived complexity of the innovation in terms of adoption and use”.40 This is important in the innovation literature, as Rogers remarked, “[t]he complexity of an innovation, as perceived by members of a social system, is negatively related to its rate of adoption”.41 Several scholars of terrorist innovation have also highlighted the issue of complexity;42 or, as Cragin et al have stated, “[h]ow simple or complex a technology appears affects perceptions of how risky it will be to adopt.”43 In most cases terrorist groups appear to have largely opted for the simplest pathway towards the achievement of their goals and the weapons used tend to be vernacular, functional devices drawing on local and readily-available materials, rather than sophisticated, “baroque” technologies. This is certainly the case with IEDs, the history of which is characterised largely by incremental innovations – although nevertheless frequently effective ones – with many means of delivery recycled from the past.44 Complexity can therefore be seen as important in the adoption of technology by terrorists generally, but is perhaps particularly acute in the case of CBW technology. Some CBW can be relatively simple: “chlorine-augmented, vehicle-borne IEDs,” as employed by Al-Qaeda in Iraq (AQI) from 2006 to 2007 are not sophisticated weapons.45 Attacks on chemical production facilities, an apparent tactic of Serbian forces in the early to mid-1990s,46 employed relatively simple technologies – specifically explosives – with toxicity a secondary by-product. Direct contamination of food,47 drink48 or healthcare products49 does not require particularly sophisticated technology for the purposes of delivery – although may require some considerable skill to culture and scale-up a biological agent – and has been a common approach in European CBW incidents.50 Similarly, the contamination of water systems, something familiar to Europe,51 can also be relatively easily attempted. However, in most cases such methods of dissemination have generated results that are far short of the “mass destruction” that CBW are associated with, although this does not mean such a possibility can be ignored by those working on public health preparedness. Although some relatively simple approaches could cause significant harm, mass casualty attacks still require considerable expertise, something particularly acute in the context of biological weapons.52 The most effective route to weaponising biology is arguably through the process of aerosolising agents, something recognised mid-way through the last century as opening up the theoretical possibility of using biological weapons on a gigantic scale.53 However, realising such theoretical potential is difficult and it took states decades to develop more predictable biological weapons,54 and even then such weapons were acutely vulnerable to environmental factors.55 For non-state groups such complexity has proven a significant barrier to CBW development. By means of an example, one of the best-resourced biological weapons programs, that of Aum Shinrikyo, failed variously because the group acquired the wrong strain, contaminated fermenters and were faced with insurmountable production and dissemination difficulties.56 There are of course exceptions, such as the 2001 anthrax Letter Attacks in the US. However, if one accepts the conclusions of the FBI that this sophisticated attack with aerosolised anthrax in the US postal system was perpetrated by a US biodefence researcher, Dr Bruce Ivins,57 it is an exception that proves the rule. To circumvent the difficulties with aerosolisation, arguably one could use human-to-human transmissible biological agents as part of a suicide bioterror operation. There are good reasons for concern over how crude suicide bioterrorists could employ such a tactic. However, the use of highly contagious agents is also poorly predictable and would have to deal with social factors, such as the “spatial contact process among individuals”, which can spell “out the difference between large-scale epidemics and abortive ones”.58 The counter to this argument is the growing access to data and the changing human geography of the life sciences. Some 83% of European households reportedly are online, effectively allowing access to what is a growing body of available data on CBW, including so-called bioterrorist “recipes” and “blueprints” that are available in both mainstream scientific as well as more subversive literatures online. It is also clear that there is a changing human geography in European life sciences (for peaceful purposes), with the emergence of 30 DIY-bio groups located in Europe59 and some 80 European teams in the international Genetically Engineered Machines (IGEM) competition in 2016.60 This is compounded by reports that groups such as Daesh have deliberately sought to recruit foreign fighters “including some with degrees in physics, chemistry, and computer science, who experts believe have the ability to manufacture lethal weapons from raw substances”.61 Whilst it would be unwise to ignore such developments, there is a need for caution in looking at the extent to which new technologies and geographies will facilitate the adoption of chemical and biological weapons by groups seeking to target European countries. First, data is not information, and information is not knowledge, let alone the tacit knowledge required for CBW.62 In many cases a degree of determination and dedication will be required merely to separate online fantasy from fact and identify operationally useful information (of relevance to the European context) from nonsense (or information pertinent to contexts other than Europe). Second, with new technologies there is the potential for such tools to enable some, but certainly not all, actors, and even then new technologies bring new challenges. CRISPR, gene editing technology is currently seen as a particular source of promise and peril, which purportedly enables “even largely untrained people to manipulate the very essence of life”.63 As much may be technically true, yet “untrained people” would nonetheless require some guidance in identifying suitable areas of genetic structures to manipulate. Moreover, CRISPR would only get aspiring weaponeers so far, with the process of culturing, scaling-up and weaponisation still requiring considerable attention and interdisciplinary skills, typically generated through “large interdisciplinary teams of scientists, engineers, and technicians”,64 in order to be effective. Indeed, for all the progress in science and technology, biological weapons are still not used, in part, because of the complexity of such weapons; and the chemical weapons that are used today are largely the same as the chemical weapons of 100 years ago. As Robinson noted “It remains the case today that, in the design of CBW, increasingly severe technological constraint sets in as the mass-destruction end of the spectrum is approached: the greater and more assured the area-effectiveness sought for the weapon, the greater the practical difficulties of achieving it”.65