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### 1AC - Soft Power

#### First, inherency, the US fails to recognize the right to strike --- SCOTUS rulings causes severe infringements

Pope NO DATE [James Gray Pope is a professor of Law at Rutgers University. “The Right to Strike Under the United States Constitution: Theory, Practice, and Possible Implications for Canada.” NO DATE. UToronto Law. https://www.law.utoronto.ca/documents/conferences2/StrikeSymposium09\_Pope.pdf]

In practice, however (with the sole exception of the Wolff Packing case, discussed below), the Supreme Court has upheld restrictions on the right to strike without considering their effect on the ability of workers to influence their conditions of employment. As a result, U.S. law is extraordinarily unprotective of the right to strike. The Court has, for example, approved the privilege of employers to permanently replace economic strikers, upheld a flat prohibition on secondary strikes, and sustained flat bans on public employee rights.6 The ILO’s Committee on Freedom of Association has concluded that each of these outcomes violates international standards.7 Scholars have suggested that the permanent replacement rule, in particular, has contributed to a drastic decline in strike activity in the U.S.8 Once labor’s great equalizer, the threat of a strike has been appropriated by management both in negotiations, where employers are more likely to threaten permanent replacement than unions are to threaten a strike, and in organizing drives, where the threat of permanent replacement is “Exhibit Number One” against unionizing.9

#### US soft power is wavering --- there’s still hope for recovery but it requires consistency

Brand 5-2 [Brand finance reports on a wide array of domestic and global news stories; news topics include politics/government, business, technology, religion, sports/entertainment, science/nature, and health/lifestyle. “The decline of US soft power? Last year's ranking leader, America plummets down the Global Soft Power Index.” May 2, 2021. https://www.prnewswire.com/news-releases/the-decline-of-us-soft-power-last-years-ranking-leader-america-plummets-down-the-global-soft-power-index-301238970.html]

LONDON, March 2, 2021 /PRNewswire/ -- A year of widespread turmoil is starkly reflected in America's steep drop in the Global Soft Power Index 2021, making the US the fastest-falling soft power nation globally. Defined as ability to influence the preferences and behaviors of other nations around the world, soft power is linked to attraction or persuasion, rather than coercion. Between a turbulent election campaign and a haphazard COVID-19 response, the US lost its position as the world's soft power superpower, falling from last year's 1st to 6th position in 2021. With an overall Index score of 55.9 out of 100, down by -11.2 points on last year's 67.1 – the US recorded a more significant decline than any other nation in the ranking. With former President Donald Trump's hesitance to acknowledge the scale and severity of the pandemic criticized at home and abroad, the US places at the very bottom of the Index's COVID-19 metric, ranking at an abysmal 105th place among all nations rated in the study. David Haigh, CEO of Brand Finance, commented: "The raging of the virus across the US combined with President Trump's rebuke of medical expertise and touting of reckless home-remedies is the most likely culprit for the waning of America's long-held role model status internationally, at a time where sensible global leadership has arguably been most needed." Unveiled at the virtual Global Soft Power Summit 2021, hosted by leading brand valuation consultancy Brand Finance in partnership with BBC Global News, the Global Soft Power Index 2021 represents the most comprehensive research study on perceptions of nation brands – capturing the opinions of 75,000 respondents across 100 countries. Playing host to various speakers, the Summit also included inputs from David Miliband, CEO and President of the International Rescue Committee, as well as Joseph Nye – the Harvard University Professor originally responsible for coining the phrase 'soft power'. According to Professor Nye, the demise of US soft power began as early as 2017 under the Trump administration, but there is hope for recovery: "Trump's narrow view of international allies, withdrawal from global agreements like the Paris Climate Accord, and lack of support for the WHO were already damaging American soft power before COVID-19 even hit. "Trump was the first president that did not place a high emphasis on values. When America emphasized values, it made the nation more attractive to society, hence our soft power was unrivalled. "The question is if we can recover our soft power, and I think the answer is yes. If America continues making progress on vaccines and can get the pandemic under control, coupled with a sharp economic recovery, then our prospects look good. So, if I were to comment on what the Global Soft Power Index will say next year, I believe the US will be back on an upward trend." David Miliband, in turn, warned of the challenges ahead and underlined the importance of integrity and internal unity for soft power: "There are more power centers today than ever before, and this increased competition for soft power means reproducing past results is going to be much tougher. In this regard, I think the US is going to have to work a lot harder to re-establish its reputation in the next four years. "If a nation is divided, it becomes harder to attract others, and soft power will suffer as a result. Every government lives in coalition with its own people, regardless of the type of rule in place, and the greatest threat to the soft power of a country is dissonance between what it says it stands for and what its actions reveal it to stand for."

#### Failure to comply with ILO on labor strikes hurts US soft power

Rosenberg 20 [Eli Rosenberg covers work and labor for The Washington Post.. “U.S. accused of violating international labor laws, forced-labor protections in new complaint.” October 7, 2020. https://www.washingtonpost.com/business/2020/10/08/international-complaint-worker-protections/]

The Labor Department and Occupational Safety and Health Administration did not respond to a request for comment. The National Labor Relations Board declined to comment. The complaint points to two main avenues of failure for U.S. labor law and policy: the country’s antiquated labor laws, such as the 1935 National Labor Relations Act, which leaves farmers, gig workers, contractors and other classes of workers without protection; and the softening of workers’ protections by the Trump administration that has continued into the pandemic. Some of the complaint’s harshest words were reserved for the Trump administration’s orders declaring industries such as meatpacking essential, compelling them to stay open even amid potential novel coronavirus outbreaks, while federal agencies, including OSHA, declined to issue enforceable safety regulations. “These executive orders gave a green light for employers to force workers to report for work and risk their lives or lose their jobs,” said the complaint, signed by Trumka and SEIU President Mary Kay Henry. “This is tantamount to forced labor.” The complaint highlighted the racial implications of these orders too, arguing one executive order was inherently discriminatory because the vast majority of meatpacking workers who contracted the coronavirus were Black or Hispanic. The complaint also took aim at other ways Trump’s labor agencies rolled back protections for workers. During the pandemic’s early weeks, the NLRB, which oversees union elections, suspended them, giving companies more time to maneuver against them, the complaint charged. The NLRB also issued a memo in March that the union presidents said signaled employers could avoid bargaining about proposed layoffs because of the pandemic. And in two cases in August, the NLRB said companies were in the clear for dismissing workers who expressed concern about safety issues during the pandemic, even though workers have protections from the National Labor Relations Act from being fired in many cases for raising safety concerns at work. “Each of these decisions disarms workers and their unions in the face of management actions to violate their collective bargaining rights in the Covid-19 crisis,” the complaint said. “Since these memoranda also serve as instructions to NLRB regional authorities on how to handle similar cases, they have a cascading effect that will undermine workers’ rights in weeks and months ahead as the pandemic continues to ravage American workplaces.” As they rushed to maintain U.S. meat supply, big processors saw meat plants become covid-19 hot spots, worker illnesses spike It also put a spotlight on OSHA, charged with upholding worker safety regulations, noting that the agency failed to issue a safety standard businesses would be required to adhere to for coronavirus safety. “The complaint is stunning in its level of detail and the number of examples,” said Joseph A. McCartin, a U.S. labor expert at Georgetown University. “What becomes clear is that the U.S. is far from an example for how to protect workers and is actually showing itself to be well behind the curve.” McCartin said the type of complaint was not very typical of prosperous, democratic countries. Countries that had complaints investigated by the U.N. labor body in 2019 include Burundi, China, Myanmar, Pakistan and France. Though the ILO does not have any enforcement power, a finding against the United States after an investigation could have serious ramifications for the country’s reputation, McCartin said. “It would strengthen politically the argument that our laws are inadequate,” McCartin said. “It could help to bring some political pressure to bear on those agencies if in the eyes of the world and this duly designated committee that the U.S. is found to be failing to ensure basic human rights.” The United States participates in the ILO but has not signed on to all of its conventions. “The committee’s finding that the U.S. is in violation of these essential international standards would make it a lot more difficult for the U.S. to hold other countries accountable,” said Lance Compa, a labor law expert who helped draft the complaint. “To the extent that the committee finds that the U.S. has violated international standards, it makes it a lot more difficult for the U.S. to, for example, hold China accountable for labor rights violations. Or Russia, or India, or Brazil.” Henry, SEIU’s president, said that state of labor protections in the United States was “unconscionable.”

#### Soft power fosters multilateralism---solves extinction but also renews the institutional foundation of the global order

John G. Ikenberry 11, Albert G. Milbank Professor of Politics and International Affairs at Princeton, Spring, “A World of Our Making”, http://www.democracyjournal.org/20/a-world-of-our-making.php?page=all

Grand Strategy as Liberal Order Building **American dominance** of the global system **will eventually yield to the rise of other powerful states. The unipolar moment will pass. In facing this circumstance, American grand strategy should be informed by answers to this question: What sort of international order would we like to see in place in 2020 or 2030 when America is less powerful?** Grand strategy is a set of coordinated and sustained policies designed to address the long-term threats and opportunities that lie beyond the country’s shores. Given the great shifts in the global system and the crisis of liberal hegemonic order, how should the United States pursue grand strategy in the coming years? The answer is that **the United States should work with others to rebuild and renew the institutional foundations of the liberal international order** and along the way re-establish its own authority as a global leader. The United States is going to need to invest in alliances, partnerships, multilateral institutions, special relationships, great-power concerts, cooperative security pacts, and democratic security communities. That is, **the United States will need to return to the great tasks of liberal order building.** It is useful to distinguish between two types of grand strategy: positional and milieu oriented. With a positional grand strategy, a great power seeks to diminish the power or threat embodied in a specific challenger state or group of states. Examples are Nazi Germany, Imperial Japan, the Soviet bloc, and perhaps—in the future—Greater China. With a milieu-oriented grand strategy, a great power does not target a specific state but seeks to structure its general international environment in ways that are congenial with its long-term security. This might entail building the infrastructure of international cooperation, promoting trade and democracy in various regions of the world, and establishing partnerships that might be useful for various contingencies. My point is that under conditions of unipolarity, in a world of diffuse threats, and with pervasive uncertainty over what the specific security challenges will be in the future, this milieu-based approach to grand strategy is necessary. The United States does not face the sort of singular geopolitical threat that it did with the fascist and communist powers of the last century. Indeed, compared with the dark days of the 1930s or the Cold War, America lives in an extraordinarily benign security environment. Rather than a single overriding threat, the United States and other countries face a host of diffuse and evolving threats. **Global** warming**,** nuclear proliferation, jihadist terrorism, energy security**, health** pandemics**—these and other dangers loom on the horizon. Any of these threats** could endanger **Americans’** lives **and way of life either directly or indirectly** by destabilizing the global system **upon which American security and prosperity depends**. What is more, these threats are interconnected—and it is their interactive effects that represent the most acute danger. And **if** several of **these threats materialize at the same time and interact to generate greater** violence and instability, then **the global order itself, as well as the foundations of American national security, would be put at risk.** What unites these threats and challenges is that they are all manifestations of rising security interdependence. More and more of what goes on in other countries matters for the health and safety of the United States and the rest of the world. Many of the new dangers—such as health pandemics and transnational terrorist violence—stem from the weakness of states rather than their strength. At the same time, technologies of violence are evolving, providing opportunities for weak states or nonstate groups to threaten others at a greater distance. When states are in a situation of security interdependence, they cannot go it alone. They must negotiate and cooperate with other states and seek mutual restraints and protections. The United States can-not hide or protect itself from threats under conditions of rising security interdependence. It must get out in the world and work with other states to build frameworks of cooperation and leverage capacities for action against this unusually diverse, diffuse, and unpredictable array of threats and challenges. This is why a milieu-based grand strategy is attractive. **The objective is to shape the international environment to maximize your capacities to protect the nation from threats.** To engage in liberal order building is to invest in international cooperative frameworks—that is, rules, institutions, partnerships, networks, standby capacities, social knowledge, etc.—in which the United States operates. **To build international order is to increase the global stock of “social capital**”—**which is the term** Pierre Bourdieu, Robert Putnam, and other **social scientists have used to define the actual and potential resources and capacities within a political community, manifest in and through its networks of social relations, that are available for solving collective problems.** If American grand strategy is to be organized around liberal order building, what are the specific objectives and what is the policy agenda? There are five such objectives. First, the United States needs to lead in the building of an enhanced protective infrastructure that helps prevent the emergence of threats and limits the damage if they do materialize. Many of the threats mentioned above are manifest as socioeconomic backwardness and failure that cause regional and international instability and conflict. These are the sorts of threats that are likely to arise with the coming of global warming and epidemic disease. What is needed here is institutional cooperation to strengthen the capacity of governments and the international com-munity to prevent epidemics or food shortages or mass migrations that create global upheaval—and mitigate the effects of these upheavals if they occur. The international system already has a great deal of this protective infrastructure—institutions and networks that pro-mote cooperation over public health, refugees, and emergency aid. But as the scale and scope of potential problems grow in the twenty-first century, investments in these preventive and management capacities will also need to grow. Early warning systems, protocols for emergency operations, standby capacities, etc.—these safeguards are the stuff of a protective global infrastructure. Second, the United States should recommit to and rebuild its security alliances. The idea is to update the old bargains that lie behind these security pacts. In NATO, but also in the East Asia bilateral partner-ships, the United States agrees to provide security protection to the other states and brings its partners into the process of decision-making over the use of force. In return, these partners agree to work with the United States—providing manpower, logistics, and other types of support—in wider theaters of action. The United States gives up some autonomy in strategic decision-making, although it is more an informal restraint than a legally binding one, and in exchange it gets cooperation and political support. Third, the United States should reform and create encompassing global institutions that foster and legitimate collective action. The first move here should be to reform the United Nations, starting with the expansion of the permanent membership on the Security Council. Several plans have been proposed. All of them entail adding new members—such as Germany, Japan, India, Brazil, South Africa, and others—and reforming the voting procedures. Almost all of the candidates for permanent membership are mature or rising democracies. The goal, of course, is to make them stakeholders in the United Nations and thereby strengthen the primacy of the UN as a vehicle for global collective action. There really is no substitute for the legitimacy that the United Nations can offer to emergency actions—humanitarian interventions, economic sanctions, uses of force against terrorists, and so forth. Public support in advanced democracies grows rapidly when their governments can stand behind a UN-sanctioned action. Fourth, the United States should accommodate and institution-ally engage China. China will most likely be a dominant state, and the United States will need to yield to it in various ways. The United States should respond to the rise of China by strengthening the rules and institutions of the liberal international order—deepening their roots, integrating rising capitalist democracies, sharing authority and functional roles. The United States should also intensify cooperation with Europe and renew joint commitments to alliances and multilateral global governance. The more that China faces not just the United States but the entire world of capitalist democracies, the better. This is not to argue that China must face a grand counterbalancing alliance against it. Rather, it should face a complex and highly integrated global system—one that is so encompassing and deeply entrenched that it essentially has no choice but to join it and seek to prosper within it. The United States should also be seeking to construct a regional security order in East Asia that can provide a framework for managing the coming shifts. The idea is not to block China’s entry into the regional order but to help shape its terms, looking for opportunities to strike strategic bargains at various moments along the shifting power trajectories and encroaching geopolitical spheres. The big bargain that the United States will want to strike is this: to accommodate a rising China by offering it status and position within the regional order in return for Beijing’s acceptance and accommodation of Washington’s core strategic interests, which include remaining a dominant security provider within East Asia. In striking this strategic bargain, the United States will also want to try to build multilateral institutional arrangements in East Asia that will tie China to the wider region. Fifth, the United States should reclaim a liberal internationalist public philosophy. When American officials after World War II championed the building of a rule-based postwar order, they articulated a distinctive internationalist vision of order that has faded in recent decades. It was a vision that entailed a synthesis of liberal and realist ideas about economic and national security, and the sources of stable and peaceful order. These ideas—drawn from the experiences with the New Deal and the previous decades of war and depression—led American leaders to associate the national interest with the building of a managed and institutionalized global system. What is needed today is a renewed public philosophy of liberal internationalism—a shift away from neoliberal-ism—that can inform American elites as they make trade-offs between sovereignty and institutional cooperation. Under this philosophy, the restraint and the commitment of American power went hand in hand. Global rules and institutions advanced America’s national interest rather than threatened it. The alternative public philosophies that have circulated in recent years—philosophies that champion American unilateralism and disentanglement from global rules and institutions—did not meet with great success. So an opening exists for America’s postwar vision of internationalism to be updated and rearticulated today. The United States should embrace the tenets of this liberal public philosophy: Lead with rules rather than dominate with power; provide public goods and connect their provision to cooperative and accommodative policies of others; build and renew international rules and institutions that work to reinforce the capacities of states to govern and achieve security and economic success; keep the other liberal democracies close; and let the global system itself do the deep work of liberal modernization. **As it navigates this brave new world, the United States will find itself needing to share power and rely in part on others to ensure its security**. **It will not be able to depend on unipolar power or airtight borders.** It will need, above all else, authority and respect as a global leader. **The United States has lost some of that authority and respect in recent years. In committing itself to a grand strategy of liberal order building, it can begin the process of gaining it back.**

#### Institutional legitimacy checks conflict escalation even after hegemony erodes---key to prevent global transition wars and power vacuums

- No risk of heg bad

- Emulation is key to hegemony—that solves global conflict—empirics

- No offense—legitimacy through institutions reduces the need for material intervention

- Institutions provide a framework to reach agreement—prevents conflict escalation and solves existential threats

- The alternative is global power vacuums—those escalate

- Institutions are key to manage the transition—creating US-modeled institutions prevents conflict even after heg declines

Kromah 9 (Lamii Moivi Kromah, Department of International Relations University of the Witwatersrand, February 2009, “The Institutional Nature of U.S. Hegemony: Post 9/11”, <http://wiredspace.wits.ac.za/bitstream/handle/10539/7301/MARR%2009.pdf>)

After WWII the U.S. established organizations such as the United Nations, NATO and others. In each these new regimes it make Germany a member and eventual an integral partner. The interests of the leader are projected on a universal plane: What is good for the hegemon is good for the world. The hegemonic state is successful to the degree that other states emulate it. Emulation is the basis of the consent that lies at the heart of the hegemonic project.41 Since wealth depended on peace the U.S set about creating institutions and regimes that promoted free trade, and peaceful conflict resolution. U.S. benevolent hegemony is what has kept the peace since the end of WWII. The upshot is that U.S. hegemony and liberalism have produced the most stable and durable political order that the world has seen since the fall of the Roman Empire. It is not as formally or highly integrated as the European Union, but it is just as profound and robust as a political order, Kant’s Perpetual Peace requires that the system be diverse and not monolithic because then tyranny will be the outcome. As long as the system allows for democratic states to press claims and resolve conflicts, the system will perpetuate itself peacefully. A state such as the United States that has achieved international primacy has every reason to attempt to maintain that primacy through peaceful means so as to preclude the need of having to fight a war to maintain it.42 This view of the post-hegemonic Western world does not put a great deal of emphasis on U.S. leadership in the traditional sense. U.S. leadership takes the form of providing the venues and mechanisms for articulating demands and resolving disputes not unlike the character of politics within domestic pluralistic systems.43 America as a big and powerful state has an incentive to organize and manage a political order that is considered legitimate by the other states. It is not in a hegemonic leader's interest to preside over a global order that requires constant use of material capabilities to get other states to go along. Legitimacy exists when political order is based on reciprocal consent. It emerges when secondary states buy into rules and norms of the political order as a matter of principle, and not simply because they are forced into it. But if a hegemonic power wants to encourage the emergence of a legitimate political order, it must articulate principles and norms, and engage in negotiations and compromises that have very little to do with the exercise of power.44 So should this hegemonic power be called leadership, or domination? Well, it would tend toward the latter. Hierarchy has not gone away from this system. Core states have peripheral areas: colonial empires and neo-colonial backyards. Hegemony, in other words, involves a structure in which there is a hegemonic core power. The problem with calling this hegemonic power "leadership" is that leadership is a wonderful thing-everyone needs leadership. But sometimes I have notice that leadership is also an ideology that legitimates domination and exploitation. In fact, this is often the case. But this is a different kind of domination than in earlier systems. Its difference can be seen in a related question: is it progressive? Is it evolutionary in the sense of being better for most people in the system? I think it actually is a little bit better. The trickle down effect is bigger-it is not very big, but it is bigger.45 It is to this theory, Hegemonic Stability that the glass slipper properly belongs, because both U.S. security and economic strategies fit the expectations of hegemonic stability theory more comfortably than they do other realist theories. We must first discuss the three pillars that U.S. hegemony rests on structural, institutional, and situational. (1) Structural leadership refers to the underlying distribution of material capabilities that gives some states the ability to direct the overall shape of world political order. Natural resources, capital, technology, military force, and economic size are the characteristics that shape state power, which in turn determine the capacities for leadership and hegemony. If leadership is rooted in the distribution of power, there is reason to worry about the present and future. The relative decline of the United States has not been matched by the rise of another hegemonic leader. At its hegemonic zenith after World War II, the United States commanded roughly forty five percent of world production. It had a remarkable array of natural resource, financial, agricultural, industrial, and technological assets. America in 1945 or 1950 was not just hegemonic because it had a big economy or a huge military; it had an unusually wide range of resources and capabilities. This situation may never occur again. As far as one looks into the next century, it is impossible to see the emergence of a country with a similarly commanding power position. (2) Institutional leadership refers to the rules and practices that states agree to that set in place principles and procedures that guide their relations. It is not power capabilities as such or the interventions of specific states that facilitate concerted action, but the rules and mutual expectations that are established as institutions. Institutions are, in a sense, self-imposed constraints that states create to assure continuity in their relations and to facilitate the realization of mutual interests. A common theme of recent discussions of the management of the world economy is that institutions will need to play a greater role in the future in providing leadership in the absence of American hegemony. Bergsten argues, for example, that "institutions themselves will need to play a much more important role.46 Institutional management is important and can generate results that are internationally greater than the sum of their national parts. The argument is not that international institutions impose outcomes on states, but that institutions shape and constrain how states conceive and pursue their interests and policy goals. They provide channels and mechanisms to reach agreements. They set standards and mutual expectations concerning how states should act. They "bias" politics in internationalist directions just as, presumably, American hegemonic leadership does. (3) Situational leadership refers to the actions and initiatives of states that induce cooperation quite apart from the distribution of power or the array of institutions. It is more cleverness or the ability to see specific opportunities to build or reorient international political order, rather than the power capacities of the state, that makes a difference. In this sense, leadership really is expressed in a specific individual-in a president or foreign minister-as he or she sees a new opening, a previously unidentified passage forward, a new way to define state interests, and thereby transforms existing relations. Hegemonic stability theorists argue that international politics is characterized by a succession of hegemonies in which a single powerful state dominates the system as a result of its victory in the last hegemonic war.47 Especially after the cold war America can be described as trying to keep its position at the top but also integrating others more thoroughly in the international system that it dominates. It is assumed that the differential growth of power in a state system would undermine the status quo and lead to hegemonic war between declining and rising powers48, but I see a different pattern: the U.S. hegemonic stability promoting liberal institutionalism, the events following 9/11 are a brief abnormality from this path, but the general trend will be toward institutional liberalism. Hegemonic states are the crucial components in military alliances that turn back the major threats to mutual sovereignties and hence political domination of the system. Instead of being territorially aggressive and eliminating other states, hegemons respect other's territory. They aspire to be leaders and hence are upholders of inter-stateness and inter-territoriality.49 The nature of the institutions themselves must, however, be examined. They were shaped in the years immediately after World War II by the United States. The American willingness to establish institutions, the World Bank to deal with finance and trade, United Nations to resolve global conflict, NATO to provide security for Western Europe, is explained in terms of the theory of collective goods. It is commonplace in the regimes literature that the United States, in so doing, was providing not only private goods for its own benefit but also (and perhaps especially) collective goods desired by, and for the benefit of, other capitalist states and members of the international system in general. (Particular care is needed here about equating state interest with "national" interest.) Not only was the United States protecting its own territory and commercial enterprises, it was providing military protection for some fifty allies and almost as many neutrals. Not only was it ensuring a liberal, open, near-global economy for its own prosperity, it was providing the basis for the prosperity of all capitalist states and even for some states organized on noncapitalist principles (those willing to abide by the basic rules established to govern international trade and finance). While such behaviour was not exactly selfless or altruistic, certainly the benefits-however distributed by class, state, or region-did accrue to many others, not just to Americans.50 For the truth about U.S. dominant role in the world is known to most clear-eyed international observers. And the truth is that the benevolent hegemony exercised by the United States is good for a vast portion of the world's population. It is certainly a better international arrangement than all realistic alternatives. To undermine it would cost many others around the world far more than it would cost Americans-and far sooner. As Samuel Huntington wrote five years ago, before he joined the plethora of scholars disturbed by the "arrogance" of American hegemony; "A world without U.S. primacy will be a world with more violence and disorder and less democracy and economic growth than a world where the United States continues to have more influence than any other country shaping global affairs”.51 I argue that the overall American-shaped system is still in place. It is this macro political system-a legacy of American power and its liberal polity that remains and serves to foster agreement and consensus. This is precisely what people want when they look for U.S. leadership and hegemony.52 If the U.S. retreats from its hegemonic role, who would supplant it, not Europe, not China, not the Muslim world –and certainly not the United Nations. Unfortunately, the alternative to a single superpower is not a multilateral utopia, but the anarchic nightmare of a New Dark Age. Moreover, the alternative to unipolarity would not be multipolarity at all. It would be ‘apolarity’ –a global vacuum of power.53 Since the end of WWII the United States has been the clear and dominant leader politically, economically and military. But its leadership as been unique; it has not been tyrannical, its leadership and hegemony has focused on relative gains and has forgone absolute gains. The difference lies in the exercise of power. The strength acquired by the United States in the aftermath of World War II was far greater than any single nation had ever possessed, at least since the Roman Empire. America's share of the world economy, the overwhelming superiority of its military capacity-augmented for a time by a monopoly of nuclear weapons and the capacity to deliver them--gave it the choice of pursuing any number of global ambitions. That the American people "might have set the crown of world empire on their brows," as one British statesman put it in 1951, but chose not to, was a decision of singular importance in world history and recognized as such.54 Leadership is really an elegant word for power. To exercise leadership is to get others to do things that they would not otherwise do. It involves the ability to shape, directly or indirectly, the interests or actions of others. Leadership may involve the ability to not just "twist arms" but also to get other states to conceive of their interests and policy goals in theory thus shifts from the ability to provide a public good to the ability to coerce other states. A benign hegemon in this sense coercion should be understood as benign and not tyrannical. If significant continuity in the ability of the United States to get what it wants is accepted, then it must be explained. The explanation starts with our noting that the institutions for political and economic cooperation have themselves been maintained. Keohane rightly stresses the role of institutions as "arrangements permitting communication and therefore facilitating the exchange of information. By providing reliable information and reducing the costs of transactions, institutions can permit cooperation to continue even after a hegemon's influence has eroded. Institutions provide opportunities for commitment and for observing whether others keep their commitments. Such opportunities are virtually essential to cooperation in non-zero-sum situations, as gaming experiments demonstrate. Declining hegemony and stagnant (but not decaying) institutions may therefore be consistent with a stable provision of desired outcomes, although the ability to promote new levels of cooperation to deal with new problems (e.g., energy supplies, environmental protection) is more problematic. Institutions nevertheless provide a part of the necessary explanation.56 In restructuring the world after WWII it was America that was the prime motivator in creating and supporting the various international organizations in the economic and conflict resolution field. An example of this is NATO’s making Western Europe secure for the unification of Europe. It was through NATO institutionalism that the countries in Europe where able to start the unification process. The U.S. working through NATO provided the security and impetus for a conflict prone region to unite and benefit from greater cooperation. Since the United States emerged as a great power, the new ways. This suggests a second element of leadership, which involves not just the marshalling of power capabilities and material resources. It also involves the ability to project a set of political ideas or principles about the proper or effective ordering of po1itics. It suggests the ability to produce concerted or collaborative actions by several states or other actors. Leadership is the use of power to orchestrate the actions of a group toward a collective end.55 By validating regimes and norms of international behaviour the U.S. has given incentives for actors, small and large, in the international arena to behave peacefully. The uni-polar U.S. dominated order has led to a stable international system. Woodrow Wilson’s zoo of managed relations among states as supposed to his jungle method of constant conflict. The U.S. through various international treaties and organizations as become a quasi world government; It resolves the problem of provision by imposing itself as a centralized authority able to extract the equivalent of taxes. The focus of the identification of the interests of others with its own has been the most striking quality of American foreign and defence policy. Americans seem to have internalized and made second nature a conviction held only since World War II: Namely, that their own wellbeing depends fundamentally on the well-being of others; that American prosperity cannot occur in the absence of global prosperity; that American freedom depends on the survival and spread of freedom elsewhere; that aggression anywhere threatens the danger of aggression everywhere; and that American national security is impossible without a broad measure of international security.57

### 1AC - Treaty Cred

#### Biden has the chance to turn over a new leaf --- Trump’s non-compliance with human rights laws decked legitimacy --- new policies are key

Sutton and Kenney 19 [Trevor Sutton is a senior fellow for National Security and International Policy at American Progress. Previously, Sutton worked at the U.N. Development Programme and International Organization for Migration. Carolyn Kenney is a senior policy analyst for National Security and International Policy at American Progress. “Taking The High Ground.” October 23, 2019. https://www.americanprogress.org/issues/security/reports/2019/10/23/476234/taking-high-ground/]

When it comes to President Donald Trump and human rights, it’s hard to know where to begin. Like many aspects of the Trump presidency, his administration’s approach to promoting and defending human rights abroad has at various points appeared driven by indifference, malice, incompetence, or some combination of the three. Indeed, the administration’s record on human rights to date provides cause for concern. Under President Trump, the United States has sought to undermine multiple international bodies focused on advancing and protecting human rights;[1](https://www.americanprogress.org/issues/security/reports/2019/10/23/476234/taking-high-ground/#fn-476234-1) blindly supported the Saudi-led campaign in Yemen despite overwhelming evidence of war crimes and the killing of *Washington Post* columnist Jamal Khashoggi;[2](https://www.americanprogress.org/issues/security/reports/2019/10/23/476234/taking-high-ground/#fn-476234-2) launched a broad assault on women’s rights through such actions as the reinstatement and expansion of the Global Gag Rule and the removal of reproductive rights from human rights reporting;[3](https://www.americanprogress.org/issues/security/reports/2019/10/23/476234/taking-high-ground/#fn-476234-3) and engaged in a range of abhorrent practices toward asylum seekers in U.S. custody, including separating minors from their families and attempting to prevent domestic violence victims from obtaining asylum.[4](https://www.americanprogress.org/issues/security/reports/2019/10/23/476234/taking-high-ground/#fn-476234-4) In addition, the president has in his public statements expressed admiration for the leaders of authoritarian regimes and their repressive practices, while creating needless friction with long-standing democratic allies in Europe.[5](https://www.americanprogress.org/issues/security/reports/2019/10/23/476234/taking-high-ground/#fn-476234-5) All this points to a dispiriting backslide in U.S. global leadership on human rights, a leadership that—while inconsistent and often hypocritical—has been a powerful force for good over many decades.[6](https://www.americanprogress.org/issues/security/reports/2019/10/23/476234/taking-high-ground/#fn-476234-6) Such a retreat could not have come at a worse time. As the United States disengages from human rights, other states with authoritarian governments, such as China and Russia, have grown more aggressive in their long-standing campaigns to water down and reframe the global human rights agenda in a way that excuses their own violations and those of their autocratic partners.[7](https://www.americanprogress.org/issues/security/reports/2019/10/23/476234/taking-high-ground/#fn-476234-7) In July, Secretary of State Mike Pompeo announced the creation of a new body within the State Department whose purpose would be to give him “advice on human rights grounded in our nation’s founding principles and the principles of the 1948 Universal Declaration of Human Rights.”[8](https://www.americanprogress.org/issues/security/reports/2019/10/23/476234/taking-high-ground/#fn-476234-8) The body, called the Commission on Unalienable Rights, has been greeted with skepticism by human rights advocates and lawmakers, many of whom have rightly observed that the State Department already possesses a highly respected bureau focused on monitoring and responding to human rights conditions across the world. In introducing the commission, Pompeo drew a distinction between “inalienable” and “ad-hoc” rights and implied that many of the principles championed by the human rights community deserved subordinate status.[9](https://www.americanprogress.org/issues/security/reports/2019/10/23/476234/taking-high-ground/#fn-476234-9) That statement, along with the anti-LGBTQ views of a number of the commission’s members, have raised widespread alarm that the Trump administration is seeking to make an end run around the traditional understanding of human rights that has guided U.S. foreign policy for decades in order to reorient U.S. human rights policy toward a narrow “religious freedom” agenda.[10](https://www.americanprogress.org/issues/security/reports/2019/10/23/476234/taking-high-ground/#fn-476234-10) All of this begs the question: Can the United States be a credible and effective advocate for human rights after President Trump? There are reasons for cautious optimism. In the past, global audiences have been willing to turn the page on ugly episodes in U.S. foreign policy with the inauguration of a new administration. Consider, for example, the willingness of U.S. partners and allies in places such as Europe, the Middle East, and Latin America to work with the Obama administration after a deterioration in relations during the George W. Bush years, most notably in the negotiation of a deal with Iran over its nuclear program or the reestablishment of diplomatic ties with Cuba.[11](https://www.americanprogress.org/issues/security/reports/2019/10/23/476234/taking-high-ground/#fn-476234-11) In addition, the most high-profile U.S. foreign policy initiatives related to human rights, such as the annual Country Reports on Human Rights Practices and Trafficking in Persons Reports, remain highly respected in foreign capitals and among civil society. Despite the Trump administration’s hostility to the project, it has not been able to abandon U.S. commitments to human rights entirely. Several decades of congressional legislation obligate the executive branch to engage in multiple forms of human rights reporting and advocacy, as well as constrain its action in a number of important areas, such as the training of foreign military units who have committed human rights violations.[12](https://www.americanprogress.org/issues/security/reports/2019/10/23/476234/taking-high-ground/#fn-476234-12) These requirements have led the current administration, like those before it, to call attention to many grave human rights situations across the world, albeit with an emphasis on major U.S. adversaries or competitors such as Iran, Venezuela, and China.[13](https://www.americanprogress.org/issues/security/reports/2019/10/23/476234/taking-high-ground/#fn-476234-13) The administration has also used its authority under the Global Magnitsky Act to impose sanctions on a small number of human rights violators worldwide.[14](https://www.americanprogress.org/issues/security/reports/2019/10/23/476234/taking-high-ground/#fn-476234-14) All this being said, undoing the damage inflicted by President Trump and restoring credibility to U.S. human rights advocacy will not be easy and cannot be accomplished with a reversion to the previous status quo. Dissolving Secretary Pompeo’s commission and forcefully repudiating the policies of the Trump administration will be important first steps, but they will not be enough on their own. Through a blend of ideology and incompetence, Trump and his allies at home and abroad have weakened global adherence to human rights and sabotaged key institutions committed to advancing human rights in the international system. Fixing what Trump has broken will require a more forceful and expansive commitment to human rights than anything previous administrations have put forward.

#### That contradicts international labor law --- the right to strike is protected

Weissbrodt 14 [David Weissbrodt, University of Minnesota Law School. “Compliance of the United States with International Labor Law.” 2014. <https://scholarship.law.umn.edu/cgi/viewcontent.cgi?article=1372&context=faculty_articles>]

The ILO considers the right to strike to be a fundamental union right, while U.S. labor law may restrict, or prohibit altogether, the right to strike. Appreciable differences exist be tween the ILO and U.S. approaches, particularly in regard to protected strikes, picketing, replacement workers, limitations on the right to strike, and public employee work stoppages. 1. Protected Strikes The ILO protects the right to strike as a way to defend union and employee occupational, social, and economic interests.150 Under ILO standards, “an acute national emergency” is the only time a blanket ban on strikes can be instituted.151 Unlike the United States, the ILO does not restrict sympathy and recognition strikes.152 U.S. labor law protects unfair labor practice strikes,153 the majority of private sector economic strikes,154 work preservation strikes,155 and certain organizational strikes. Noticeable differences exist concerning the treatment of secondary union activity. ILO standards generally permit all forms of secondary activity and boycotts.157 The United States allows only a minimal amount of secondary union activity.158 Peaceful, non-coercive requests to a U.S. secondary employer or employees thereof to stop dealing with the goods and services of the primary employer are permitted.159 In addition, a U.S. union may appeal to consumers to withhold purchasing the primary employer’s products or services.160 The NLRA largely prohibits all other forms of secondary union activity.161 2. Picketing The ILO takes a more permissive approach to picketing than the United States, since its standards permit prohibitions only if the picketing “ceases to be peaceful.”162 In order to remain peaceful under ILO standards, picketing cannot “disturb[] public order and threaten[] workers who continued work.”163 union; a rival union strikes within the election bar period; the strike is done without an election petition being filed within a reasonable time; and the strike is against an already certified union. See Goldman & Corrada, supra note Picketing in the United States, even if it remains peaceful, may be enjoined to effectuate public policy.164 Under the ILO, member states can require that pickets only be located near an employer—generally the only place permitted by U.S. labor law.165 The United States views picketing as a free speech right protected by the Constitution—as a result, blanket bans on picketing are prohibited.166 The NLRA does, however, prohibit some recognitional picketing.167 U.S. labor law does permit picketing for economic and area standards purposes.168 While U.S. labor law prohibits picketing for publicity purposes against a neutral party, other concerted employee action for such purposes are considered legal.169 3. Replacement Workers Under ILO standards, when permanently replacing workers exercising their right to strike, employers risk the relaxation of the right to strike and affect the exercise of union rights.170 ILO standards state that hiring replacement workers may inhibit the right to strike and freedom of association, and employers may not dismiss employees who choose to exercise their right to strike.171 Under U.S. law, employers may not permanently replace employees exercising their right to strike when the strike is protesting employer unfair labor practices.172 U.S. employers may, however, hire permanent replacements and only offer reinstatement to former strikers as vacancies arise.173 Both the ILO and United States proscribe employers from granting benefits to strike replacements and employees who return to work.174 U.S. employees face a considerable risk when striking for economic purposes. While U.S. employers may not discharge employees engaged in an economic strike, the employers may hire replacement workers with no guarantee that the striking employees’ jobs will be available when the strike ends.175 Furthermore, a U.S. employer may, under certain circumstances, permanently replace an employee honoring a picket line in order to preserve the efficient operation of business.176 Contrary to ILO standards, U.S. employers have the right to inform employees during the bargaining process that if a union forces a strike, the employer will hire permanent replacements.177 4. Limitations on the Right to Strike ILO Convention No. 87 prohibits nearly all restrictions on the right to strike.178 ILO standards only permit member states to restrict strikes (1) of a purely political nature,179 (2) by workers in essential service areas,180 (3) by public workers exercising authority in the name of a state,181 (4) during “an acute national emergency,”182 and (5) affecting minimum safety and occupational services.183 Collective bargaining agreements in the United States generally contain some form of a no-strike clause.184 Moreover, when a collective bargaining agreement does not include a nostrike clause, one may be inferred for bargaining subjects covered by compulsory arbitration.185 Under the NLRA, a U.S. court may enjoin a strike when the strike is over a grievance the parties are bound to arbitrate.186 U.S. labor laws also restrict most recognitional strikes, strikes that occur during the insulated period prior to the expiration of a CBA, and hot cargo agreements.187 By contrast, ILO standards view the right to strike as a natural “corollary to the right to organize.”188 If the United States were to ratify ILO Convention No. 87, most of the restrictions on secondary union activity would be prohibited.189 Currently, the United States prohibits secondary strikes that induce or encourage a strike or other refusal to handle goods.190 In addition, U.S. laws prohibit strikes that threaten, coerce, or restrain any person.191 U.S. labor laws ban strikes to achieve secondary boycotts.192 The ILO does not comment on the permissibility of lockouts; some member states permit lockouts, while others prohibit lockouts.193 In the United States, lockouts are permissible absent proof of an unlawful motive.194 A lockout in the United States must also have a “business or bargaining justification” and must not be “designed to destroy the union.”195 5. Public Employee Work Stoppages The ILO extends the fundamental right to strike, with few limitations, to public employees.196 Public workers in essential services197 and public servants exercising authority in the name of the state198 may be prohibited from work stoppages. The ILO allows a minimum safety service limitation “to the extent necessary to comply with statutory safety requirements.”199 In addition, the ILO permits a minimum operation service limitation for public services of fundamental importance, as well as for non-essential services where the extent and duration of a work stoppage might result in an acute national emergency.200 If the United States were to comply with ILO standards, federal and state governments would face a reduced ability to restrict public employees’ right to strike.201 While the ILO provides compensation to those whose right to strike may be restricted, the United States does not generally offer any such compensation.202 Currently, most public employee work stoppages are prohibited in the United States.203 A number of alternatives do exist for U.S. state and local employees. In most states, either party can call for intervention by way of state mediation.204 At a bargaining impasse, most states allow either side to initiate a fact-finding procedure to help resolve a dispute.205 The majority of U.S public strikes result from municipal or school district employees.206 U.S. federal law imposes greater penalties for illegal public work stoppages than international labor law. For example, a union can be decertified if it encourages workers to participate in a prohibited work stoppage.207 Additionally, employees may be prosecuted, a court may issue an injunction, and employees can become disqualified from further federal employment for an indefinite period of time.208 Under ILO standards, decertification should only be possible through judicial channels.209 The difference in treatment of public employee work stoppages creates a gulf between U.S. labor law and ILO standards.

**Ensuring the US can’t flagrantly violate regimes is necessary to global treaty strength**

**Keehn et al. 16** [Emily Nagisa Keehn is the Associate Director of the Human Right Porject at Harvard Law, Anna Crowe is a Clinical Instructor and Lecturer on Law at the Human Rights Program, Yee Htun is the Director of Myanmar Program for Justice Trust, “Investing in International Human Rights in the Age of Trump,” December 15, 2016, Human Rights@Harvard Law, <http://hrp.law.harvard.edu/staff/investing-in-international-human-rights-in-the-age-of-trump>]

It is now well trodden discourse that the election of Donald Trump, like the rise in nationalist movements in Europe, is both creating and reflecting paradigmatic shifts in the way we view global institutions. These shifts point to pressing concerns for the international human rights project. The xenophobic, rights-abusive platform of the Trump campaign put the human rights community on notice, and we have assumed a defensive stance to protect the potential roll-back of hard-won progress. In the era of Trump, **we believe the U.S. human rights community must continue to draw on i**nternational **human rights law as an advocacy and accountability tool, partnering with international movements and actors to stop rhetoric from becoming reality.** For U.S. scholars, lawyers, policymakers and activists committed to the defense of human rights, the rhetoric and fledgling policies of the incoming administration have raised strategic and existential questions. In this new era, we are examining and debating critical concerns about the state and utility of international human rights law, and questioning where to place our resources. For those of us working within law schools, we face added questions from students, some of whom feel a crisis of conscience about where best to stake their social justice careers. From our perspective we must continue to invest in international human rights.To begin with, **we must dispel with the false dichotomy that pits domestic rights against the international human rights regime**. International human rights norms are implemented by domestic actors and often embedded in national constitutions. And human rights abuses are not a phenomenon that ‘happens’ abroad, violating the rights of ‘others’ who are unconnected to us. The systemic interlinkages in our globalized world make us common rights-holders, in issues spanning trade and the environment, to counter terrorism. The international system exists as a failsafe for local and domestic efforts. No domestic space is a paradigm of human rights virtue and we all benefit from the scrutiny of global institutions. Granted, international human rights law has limited power in U.S. courts, but **it is not impotent**. We have seen its **persuasive function** in important **Supreme Court** Cases such as Lawrence v Texas, which struck down the sodomy law in Texas, and **Roper v Simmons,** which abolished capital punishment for people under 18. **There is further work to do in pushing back against American exceptionalism by both diffusing international norms, and keeping human rights language and knowledge alive, in the U.S. legal community and judiciary** – if anything, **U.S. human rights activists have perhaps prematurely given up on the project of making international human rights law enforceable in U.S. courts.** History shows that **human rights violations carry reputational risks, and have tangible costs for national security and the U.S.’s geopolitical position.** For instance, the Bush-era war on terror and the torture memos made the U.S. an outlier to established international law, damaged its moral authority, and fanned the flames of conflict. During this period of what may be a redux in U.S. human rights ‘deviance’, we must fight to limit damage to the integrity of human rights norms. **This requires our continued engagement with global institutions mandated with international human rights law protection, to prevent and seek accountability for any new violations, and to protect against the dismantling of important gains**. This could include backslides in progress under international U.S. leadership in the areas of LGBTQI rights, women’s health and reproductive rights, and a strengthened UN Human Rights Council. Protecting gains also means safeguarding against cuts in U.S. government support for human rights defenders around the world who are working with vulnerable people in hostile environments. Finally, we must demonstrate heterogeneity and dissent in U.S. voices in international settings, and avoid brain drain and the deskilling of the U.S. human rights community. For humanistic and principled reasons, concern for human rights should not follow national borders or be driven by nationalist impulses. This cuts to the core of our group identity as a human rights constituency, committed to the foundational principles of universal application of human rights for all. Today’s shifting ground and the risks of a regressive trajectory present an opportunity **to re-double efforts and promote the resonance of international norms domestically**. **Now, more than ever, work needs to be done to bring the U.S. into a larger comparative framework**. **Human rights actors are needed in both domestic and international institutions to serve as critical, reinforcing bridges between these two arenas**.

**Myriad emerging threats risk extinction --- try-or-die for maximizing treaty regime strength**

**Brooks 14** [Rosa, 11/13, Professor of Law at Georgetown & Schwartz Sr. Fellow at the New America Foundation, November 13, 2014, <http://www.foreignpolicy.com/articles/2014/11/13/a_strategyless_nation_america_democrats_grand_strategy_foreign_policy>]

I've written about these issues before (here and here), and at risk of being both a narcissist and a broken record, I'll quote myself: The world has grown more complex. Believe it. The world now contains more people living in more states than ever before, and we're all more interconnected. A hundred years ago, the world population was about 1.8 billion, there were roughly 60 sovereign states in the world, the automobile was still a rarity, and there were no commercial passenger flights and no transcontinental telephone service. Fifty years ago, global population had climbed to more than 3 billion and there were 115 U.N. member states, but air travel was still for the wealthy and the personal computer still lay two decades in the future. Today? We've got 7 billion people living in 192 U.N. member states and a handful of other territories. These 7 billion people take 93,000 commercial flights a day from 9,000 airports, drive 1 billion cars, and carry 7 billion mobile phones around with them. In numerous ways, life has gotten substantially better in this more crowded and interconnected era. Seventy years ago, global war killed scores of millions, but interstate conflict has declined **sharply** since the end of World War II, and the creation of the **U**nited **N**ations ushered in a far more egalitarian and democratic form of international governance than existed in any previous era. Today, militarily powerful states are far less free than in the pre-U.N. era to use overt force to accomplish their aims, and the world now has numerous transnational courts and dispute-resolution bodies that collectively offer states a viable alternative to the use of force. The modern international order is no global utopia, but it sure beats colonial domination and **world wars**. In the 50 years that followed World War II, medical and agricultural advances brought unprecedented health and prosperity to most parts of the globe. More recently, the communications revolution has enabled exciting new forms of nongovernmental cross-border alliances to emerge, empowering, for instance, global human rights and environmental movements. In just the last two decades, the near-universal penetration of mobile phones has had a powerful leveling effect: All over the globe, people at every age and income level can use these tiny but powerful computers to learn foreign languages, solve complex mathematical problems, create and share videos, watch the news, move money around, or communicate with far-flung friends. All this has had a dark side, of course. As access to knowledge has been democratized, so too has access to the tools of violence and destruction, and greater **global interconnectedness** enables disease, pollution, and conflict to **spread quickly** and easily **beyond borders**. A hundred years ago, no single individual or nonstate actor could do more than cause localized mayhem; today, we have to worry about massive bioengineered threats created by tiny terrorist cells and globally devastating cyberattacks devised by malevolent teen hackers. Even as many forms of power have grown more democratized and diffuse, other forms of power have grown more concentrated. A very small number of states control and consume a disproportionate share of the world's resources, and a very small number of individuals control most of the world's wealth. (According to a 2014 Oxfam report, the 85 richest individuals on Earth are worth more than the globe's 3.5 billion poorest people). Indeed, **from a species-survival perspective**, the world has grown **vastly more dangerous over the last century**. Individual humans live longer than ever before, but a small number of states now possess the unprecedented ability to destroy large chunks of **the human race** and possibly the **Earth itself** -- all in a matter of days or even hours. What's more, though the near-term threat of interstate nuclear conflict has greatly diminished since the end of the Cold War, nuclear material and know-how are now both less controlled and less controllable. Amid all these changes, our world has also grown far more uncertain. We possess more information than ever before and vastly greater processing power, but the accelerating pace of global change has far exceeded our collective ability to understand it, much less manage it. This makes it increasingly difficult to make predictions or calculate risks. As I've written previously: We literally have no points of comparison for understanding the scale and scope of the risks faced by humanity today. Compared to the long, slow sweep of human history, the events of the last century have taken place in the blink of an eye. This should ... give us pause when we're tempted to conclude that today's trends are likely to continue. Rising life expectancy? That's great, but if climate change has consequences as nasty as some predict, a century of rising life expectancy could turn out to be a mere blip on the charts. A steep decline in interstate conflicts? Fantastic, but less than 70 years of human history isn't much to go on.... That's why one can't dismiss the risk of catastrophic events [such as disastrous climate change or **nuclear conflict**] as "high consequence, **low probability**." How do we compute the probability of catastrophic events of a type that has never happened? Does 70 years without nuclear annihilation tell us that there's a low probability of nuclear catastrophe -- or just tell us that we haven't had a nuclear catastrophe yet?... Lack of catastrophic change might signify a system in stable equilibrium, but sometimes -- as with earthquakes -- pressure may be building up over time, undetected.... Most analysts assumed the Soviet Union was stable -- until it collapsed. Analysts predicted that Egypt's Hosni Mubarak would retain his firm grip on power -- until he was ousted. How much of what we currently file under "Stable" should be recategorized under "Hasn't Collapsed Yet"? This, then, is the character of world messiness in this first quarter of the 21st century. So on to the next question: Where, in all this messiness, does the United States find itself? This has urgent implications for U.S. strategic planning. Precisely because U.S. global power may very well continue to decline, the United States should use the very considerable military, political, cultural, and economic power it still has to foster the international order most likely to benefit the country if it someday loses that power. The ultimate objective of U.S. grand strategy should be the creation of an equitable and peaceful international order with an effective system of global governance — one that is built upon respect for human dignity, **human rights**, and the rule of law, with robust mechanisms for resolving thorny collective problems. We should seek this not because it’s the “morally right” thing for the United States to do, but because a maximin decision rule should lead us to conclude that this will offer the United States and its population the best chance of continuing to thrive, even in the event of a radical future decline in U.S. wealth and power. But, one might argue, the United States already tries to promote such a global order — right? Sure it does — but only inconsistently, and generally as something of an afterthought. We pour money into our military and intelligence communities, but starve our diplomats and development agencies. We fixate on the threat du jour, often exaggerating it and allowing it to distort our foreign policy in self-destructive ways (cf. Iraq War), while viewing matters such as United Nations reform or reform of global economic institutions or environmental protection rules as tedious and of low priority. If we take seriously the many potential dangers lurking in the unknowable future, however, **fostering a stronger, fairer, and more effective system of international governance** **would become** a matter of urgent national self-interest and **our highest strategic priority** — something that should be reflected both in our policies and in our budgetary decisions. An effective global governance system would need to be built upon the recognition that states remain the primary mode of political and social organization in the international sphere, but also upon the recognition that new forms of social organization continue to evolve and may ultimately displace at least some states. **An effective and dynamic international system** will need to develop **innovative ways to bring such new actors and organizations within the ambit of international law and institutions**, both as responsible creators of law and institutions and as responsible subjects.

### Plan

#### Resolved: The United States federal government ought to recognize the unconditional right of workers to strike.

Brudney 21 [James; Joseph Crowley Chair in Labor and Employment Law, Fordham Law School; “The Right to Strike as Customary International Law,” THE YALE JOURNAL OF INTERNATIONAL LAW; January 2021; <https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1710&context=yjil>]

\*\*\*CIL = customary international law

3. Federal Courts’ Position on CIL as National Law

What about the position of the federal courts toward CIL and its acceptance as national law in the US? The leading Supreme Court decision, Sosa v. AlvarezMachain, 219 involved a claim by Alvarez-Machain for violation of CIL under the Alien Tort Statute (ATS).220 A cause of action under the ATS may be distinguished from the right to strike setting in two respects. As a jurisdictional matter, the ATS typically involves lawsuits alleging violations of CIL committed in foreign countries and brought by citizens of foreign countries. By contrast, as developed in parts III and IV, the right to strike as CIL would be asserted by U.S. workers against U.S. employers within the U.S. Further, as explained in Part III, the CIL right to strike is to be asserted directly as a form of federal common law, rather than being applied through a particular statute that may impose its own historically grounded limits.221

At the same time, the substantive standard set forth in Sosa is relevant in allowing for suitably delineated CIL to be directly applied in domestic federal and state court contexts.222 While urging lower courts to exercise a “restrained conception” when considering new causes of action based on CIL, the Court in Sosa added that such claims can be recognized if “rest[ing] on a norm of international character accepted by the civilized world and defined with a specificity comparable to the features of the 18th-century paradigms we have recognized.”223 The Court’s formulation in the ATS setting is slightly different from the two elements—general practice and opinio juris—that have been discussed at length in defining and applying modern CIL.224 But Sosa’s emphasis on international law norms that are precisely defined and reflect the importance of general practice is compatible with contemporary conceptions of CIL.225

Lower courts have understood that Sosa sets a “‘high bar to new private causes of action’ alleging violations of CIL”226 based on whether the sources of such law are “sufficiently specific, universal, and obligatory.”227 But they have proceeded to recognize such causes of action when “multiple international agreements (including one that is binding on more than 160 signatory states), as well as the domestic laws of over 80 states, adopt a particular definition of that norm.”228 As has been amply demonstrated in sections B and C of this Part, the universality of the claims based on the right to strike as part of FOA can qualify under this approach. The right is recognized under multiple international agreements (including ILO conventions ratified by over 150 states and other international agreements ratified by over 170 states); regional human rights agreements around the world; domestic constitutions and laws in over 90 countries; and major court decisions at both a regional and national level. Further, this CIL norm includes a sufficient level of specificity regarding the two key areas that are the focus of analysis for purposes of U.S. law: the right of public employees to engage in strike activities with limited exceptions and the right of all strikers to be protected against permanent replacement.229

All of the above suggests that U.S. failure to ratify Convention 87 is likely to be compatible with its recognizing FOA and the right to strike as CIL.230 At the same time, there is no independent or tripartite analysis comparing Convention 87 to U.S. labor law, identifying what changes in national and state law would be needed to comply with the Convention in general and the right to strike in particular. 231 U.S. employer representatives have expressed concern that ratification would alter national and state labor law in a number of important respects including the right to strike.232 Given the U.S. historical position of nonobjection alongside non-ratification, the Article next addresses whether—even if the right to strike under FOA is accepted as CIL in traditional international law terms and is recognized under the Sosa standard—the right can be asserted in U.S. courts as CIL. This question implicates several distinct problems, which are discussed in Parts III and IV.

#### Reforming labor relations and our economy is key to international standing

Fernandez and Otis 07 [Dídimo Castillo Fernández Center for Research and Advanced Studies in Population, Autonomous University, Mexico. “Hegemony and the U.S. Labor Model.” Latin American Perspectives , Jan., 2007, Vol. 34, No. 1, The Crisis of U.S. Hegemony in the Twenty-First Century (Jan., 2007), pp. 64-72. Sage Publications, Inc. https://www.jstor.org/stable/27647995]

At least from the end of World War II until the beginning of the 1970s, the United States was a full hegemonic power. Since then, with the appearance of other major economic actors on the international stage, the central position of the United States has deteriorated. Certainly, there is no disintegration, but the threat of it is real and has various economic, cultural, and ideological dimensions. The rapidity with which other devel oped economies are displacing U.S. power gives the impression of an imminent decline, although the United States has made strategic moves oriented toward preventing that decline. The external threat is perhaps most noticeable, but internal factors have called into question the so-called American Dream, weakening its very legitimacy and future. Internally, the United States is a decadent society. The principles, ideals, and beliefs that originally gave meaning and continuity to the country's charter have lost force in the face of the deterioration of living conditions wrought by the current economic model and the limited possibilities for social ascent that it offers. The gap between poor and rich has widened. The United States can no longer presume to be recognized as offering a model of social ascent to which every American can aspire and that other countries of the globe might imitate. Put more bluntly, the U.S. labor model has lost its guarantees as well as its supporters. With social mobility no longer ensured, the United States is no longer the great country of promises that gave birth to so much confidence. The U.S. labor market model is now widely rejected, particularly in Europe, where the U.S. economy is con sidered a rule-less, Wild West one, with unacceptable social implications. In a way, social mobility was the substrate that gave meaning, validity, and confidence to the American social model, and social mobility has stagnated and closed down for the immense majority of the native and immigrant population. The current American social environment is marked by uncertainty due to increasingly precarious jobs, social inequality, and growing poverty. The United States has not lost hegemony because of increased inequality or poverty, but the current situation has, predictably, undermined its legitimacy and the confidence that the prior labor model enjoyed before the capitalist restructuring of the mid-1970s. The United States is a country in evident decline. In terms of the possibility for social mobility, it is no longer the promised land. The belief in U.S. superiority and hegemony has eroded. The American Dream may well be experiencing its death throes. If the republic is lost, the empire weakened, that dream is inevitably lost.

#### Economic rights are necessary to restore global image --- the right to strike implies the right to work

Sutton and Kenney 19 [Trevor Sutton is a senior fellow for National Security and International Policy at American Progress. Previously, Sutton worked at the U.N. Development Programme and International Organization for Migration. Carolyn Kenney is a senior policy analyst for National Security and International Policy at American Progress. “Taking The High Ground.” October 23, 2019. https://www.americanprogress.org/issues/security/reports/2019/10/23/476234/taking-high-ground/]

U.S. human rights policy has traditionally focused on civil and political rights—such as freedom of speech, worship, and assembly—and protections against arbitrary deprivations of life, liberty, and property. But for much of the international community—including many key U.S. allies and partners—human rights also encompass social and economic rights such as the right to an adequate standard of living, the right to health care, and the right to just working conditions. In the immediate aftermath of World War II, the United States was a proponent of social and economic rights but quickly soured on them as anti-communism became the defining feature of U.S. foreign policy during the Cold War.[38](https://www.americanprogress.org/issues/security/reports/2019/10/23/476234/taking-high-ground/#fn-476234-38) The skepticism toward social and economic rights has continued in the present day. Today, the United States is one of only a small number of countries—and the only high-income democracy—that has not ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR), although President Jimmy Carter signed the treaty in 1977.[39](https://www.americanprogress.org/issues/security/reports/2019/10/23/476234/taking-high-ground/#fn-476234-39)

There remains significant disagreement over the precise mechanism by which compliance with economic and social rights should be assessed and enforced. Nonetheless, there is an overwhelming international consensus that economic and social rights are human rights and that governments are required to satisfy them in proportion to their resources and capabilities. The Obama administration took significant steps in this direction, including by affirming that it was “committed to not defeating the object and purpose of” the ICESCR.[40](https://www.americanprogress.org/issues/security/reports/2019/10/23/476234/taking-high-ground/#fn-476234-40) It also provided support for the development of the sustainable development goals (SDGs), an international development agenda whose objectives closely track many of the rights enshrined in the ICESCR, in addition to civil and political rights. The Trump administration, by contrast, has sought to characterize the SDGs as “non-binding documents that do not create rights or obligations under international law.”[41](https://www.americanprogress.org/issues/security/reports/2019/10/23/476234/taking-high-ground/#fn-476234-41) Not coincidentally, the United States was recently assessed to be the industrialized country that had done the least to achieve the SDGs, behind Russia.[42](https://www.americanprogress.org/issues/security/reports/2019/10/23/476234/taking-high-ground/#fn-476234-42)

Going forward, there is little reason for an administration that cares about human rights to approach social and economic rights with reluctance or hostility. Social and economic rights are no substitute for political and civil rights, but they have become an important part of the global human rights conversation and constitute a serious and widely accepted framework for addressing some of the gravest threats facing humanity, such as economic inequality, climate change, and corruption. In addition, a growing body of research points to the connection between the failure to realize social and economic rights and the rise of right-wing populist and authoritarian movements that campaign on an explicitly xenophobic and anti-human rights agenda.[43](https://www.americanprogress.org/issues/security/reports/2019/10/23/476234/taking-high-ground/#fn-476234-43) Viewed from this perspective, advancing social and economic rights can lessen the likelihood of a backslide in political and civil rights, especially in fragile democracies.

### Util

**The standard is maximizing expected wellbeing:**

#### Pleasure and pain are intrinsically valuable. people consistently regard pleasure and pain as good reasons for action, despite the fact that pleasure doesn’t seem to be instrumentally valuable for anything.

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

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

#### 2. existential threats outweigh-

#### a. Adopt a Parliamentary model to account for moral uncertainty. This entails minimizing existential risk.

Bostrom 09 [Bostrom, Nick (*Existential*ist of a different sort). “Moral uncertainty – toward a solution?” 1 January 2009. <http://www.overcomingbias.com/2009/01/moral-uncertainty-towards-a-solution.html>]

It seems people are overconfident about their moral beliefs. But **how should one** reason and **act if one** acknowledges that one **is uncertain about morality** – not just applied ethics but fundamental moral issues? if you don’t know which moral theory is correct? It doesn’t seem **you can[’t] simply plug your uncertainty into expected utility** decision theory and crank the wheel; **because many** moral **theories** state that you **should not** always **maximize** expected **utility.** Even if we limit consideration to consequentialist theories, it still is hard to see how to combine them in the standard decision theoretic framework. For example, suppose you give X% probability to total utilitarianism and (100-X)% to average utilitarianism. Now an action might add 5 utils to total happiness and decrease average happiness by 2 utils. (This could happen, e.g. if you create a new happy person that is less happy than the people who already existed.) Now what do you do, for different values of X? The problem gets even more complicated if we consider not only consequentialist theories but also deontological theories, contractarian theories, virtue ethics, etc. We might even throw various meta-ethical theories into the stew: error theory, relativism, etc. I’m working on a paper on this together with my colleague Toby Ord. We have some arguments against a few possible “solutions” that we think don’t work. On the positive side we have some tricks that work for a few special cases. But beyond that, the best **we have managed** so far is **a** kind of **metaphor, which** we don’t think is literally and exactly correct, and it is a bit under-determined, but it **seems to get things roughly right** and it might point in the right direction: **The Parliamentary Model.** Suppose that you have a set of mutually exclusive moral theories, and that you assign each of these some probability. Now imagine that **each** of these **theorie**s **gets to send** some number of **delegates to The Parliament**. The number of delegates each theory gets to send is **proportional to the probability of the theory.** Then the delegates bargain with one another for support on various issues; and the Parliament reaches a decision by the delegates voting. What you should do is act according to the decisions of this imaginary Parliament. (Actually, we use an extra trick here: we imagine that the delegates act as if the Parliament’s decision were a stochastic variable such that the probability of the Parliament taking action A is proportional to the fraction of votes for A. This has the effect of eliminating the artificial 50% threshold that otherwise gives a majority bloc absolute power. Yet – unbeknownst to the delegates – the Parliament always takes whatever action got the most votes: this way we avoid paying the cost of the randomization!) The idea here is that moral theories get more influence the more probable they are; yet **even a** relatively **weak theory can still get its way on some issues** that the theory think are extremely important **by sacrificing** its influence **on other** i**s**sues that other theories deem more important. For example, **suppose you assign 10% probability to** total **util**itarianism and 90% to moral egoism (just to illustrate the principle). Then **the Parliament** would mostly take actions that maximize egoistic satisfaction; however it **would make some concessions to util**itarianism **on** issues that utilitarianism thinks is especially important. In this example, the person might donate some portion of their income to **existential risks** research and otherwise live completely selfishly. I think there might be wisdom in **this model**. It **avoids the** dangerous and **unstable extremism** that would result **from letting one’s current favorite moral theory completely dictate action**, while still allowing the aggressive pursuit of some non-commonsensical high-leverage strategies so long as they don’t infringe too much on what other major moral theories deem centrally important

#### b. prereq to their offense- it forecloses all future value and causes massive structural violence

#### 4. only it can explain degrees of wrongness- it is worse to kill thousands than to lie to a friend- either ethical theories cannot explain comparative badness, or it collapses

#### 5. Revisionary intuitionism is true and proves util

Yudkowsky 08 [Eliezer Yudkowsky (research fellow of the Machine Intelligence Research Institute; he also writes Harry Potter fan fiction). “The ‘Intuitions’ Behind ‘Utilitarianism.’” 28 January 2008. LessWrong. http://lesswrong.com/lw/n9/the\_intuitions\_behind\_utilitarianism/]

I haven’t said much about metaethics – the nature of morality – because that has a forward dependency on a discussion of the Mind Projection Fallacy that I haven’t gotten to yet. I used to be very confused about metaethics. After my confusion finally cleared up, I did a postmortem on my previous thoughts. I found that my object-level moral reasoning had been valuable and my **meta-level moral reasoning had been** worse than **useless**. And this appears to be a general syndrome – **people do much better when discussing whether torture is** good or **bad than**when they discuss **the meaning of “good” and “bad”. Thus, I deem it prudent to keep moral discussions on the object level** wherever I possibly can. Occasionally people object to any discussion of morality on the grounds that morality doesn’t exist, and in lieu of jumping over the forward dependency to explain that “exist” is not the right term to use here, I generally say, “But what do you do anyway?” and take the discussion back down to the object level. Paul Gowder, though, has pointed out that both the idea of choosing a googolplex dust specks in a googolplex eyes over 50 years of torture for one person, and the idea of “utilitarianism”, depend on “intuition”. He says I’ve argued that the two are not compatible, but charges me with failing to argue for the utilitarian intuitions that I appeal to. Now “intuition” is not how I would describe the computations that underlie human morality and distinguish us, as moralists, from an ideal philosopher of perfect emptiness and/or a rock. But I am okay with using the word “intuition” as a term of art, bearing in mind that “intuition” in this sense is not to be contrasted to reason, but is, rather, the cognitive building block out of which both long verbal arguments and fast perceptual arguments are constructed. **I see** the project of **morality as a project of renormalizing intuition.** We have intuitions about things that seem desirable or undesirable, intuitions about actions that are right or wrong, intuitions about how to resolve conflicting intuitions, intuitions about how to systematize specific intuitions into general principles. **Delete all** the **intuitions, and** you aren’t left with an ideal philosopher of perfect emptiness, **you’re left with a rock. Keep all your** specific **intuitions and** refuse to build upon the reflective ones, and you aren’t left with an ideal philosopher of perfect spontaneity and genuineness, **you’re left with a** grunting **caveperson** running in circles, due to cyclical preferences and similar inconsistencies. “Intuition”, as a term of art, is not a curse word when it comes to morality – there is nothing else to argue from. **Even modus ponens is an “intuition”** in this sense – **it**‘s **just** that modus ponens **still seems like a good idea after being** formalized, **reflected on**, extrapolated out to see if it has sensible consequences, etcetera. So that is “intuition”. However, Gowder did not say what he meant by “utilitarianism”. Does utilitarianism say… That right actions are strictly determined by good consequences? That praiseworthy actions depend on justifiable expectations of good consequences? That probabilities of consequences should normatively be discounted by their probability, so that a 50% probability of something bad should weigh exactly half as much in our tradeoffs? That virtuous actions always correspond to maximizing expected utility under some utility function? That two harmful events are worse than one? That two independent occurrences of a harm (not to the same person, not interacting with each other) are exactly twice as bad as one? That for any two harms A and B, with A much worse than B, there exists some tiny probability such that gambling on this probability of A is preferable to a certainty of B? If you say that I advocate something, or that my argument depends on something, and that it is wrong, do please specify what this thingy is… anyway, I accept 3, 5, 6, and 7, but not 4; I am not sure about the phrasing of 1; and 2 is true, I guess, but phrased in a rather solipsistic and selfish fashion: you should not worry about being praiseworthy. Now, what are the “intuitions” upon which my “utilitarianism” depends? This is a deepish sort of topic, but I’ll take a quick stab at it. First of all, it’s not just that someone presented me with a list of statements like those above, and I decided which ones sounded “intuitive”. Among other things, **if you try to violate** “**util**itarianism”, **you run into paradoxes, contradictions**, circular preferences, **and other** things that aren’t **symptoms of** moral wrongness so much as **moral incoherence**. After you think about moral problems for a while, and also find new truths about the world, and even discover disturbing facts about how you yourself work, you often end up with different moral opinions than when you started out. This does not quite define moral progress, but it is how we experience moral progress. As part of my experienced moral progress, I’ve drawn a conceptual separation between questions of type Where should we go? and questions of type How should we get there? (Could that be what Gowder means by saying I’m “utilitarian”?) The question of where a road goes – where it leads – you can answer by traveling the road and finding out. If you have a false belief about where the road leads, this falsity can be destroyed by the truth in a very direct and straightforward manner. When it comes to wanting to go to a particular place, this want is not entirely immune from the destructive powers of truth. You could go there and find that you regret it afterward (which does not define moral error, but is how we experience moral error). But, even so, wanting to be in a particular place seems worth distinguishing from wanting to take a particular road to a particular place. Our intuitions about where to go are arguable enough, but our intuitions about how to get there are frankly messed up. **After** the two hundred and eighty-seventh **research** study **showing that people will chop their own feet off if you frame the problem the wrong way, you start to distrust first impressions. When you’ve read** enough **research on scope insensitivity** – people will pay only 28% more to protect all 57 wilderness areas in Ontario than one area, **people will pay the same amount to save 50,000 lives as 5,000** lives… that sort of thing… Well, the worst case of scope insensitivity I’ve ever heard of was described here by Slovic: Other recent research shows similar results. Two Israeli psychologists asked people to contribute to a costly life-saving treatment. They could offer that contribution to a group of eight sick children, or to an individual child selected from the group. The target amount needed to save the child (or children) was the same in both cases. Contributions to individual group members far outweighed the contributions to the entire group. There’s other research along similar lines, but I’m just presenting one example, ’cause, y’know, eight examples would probably have less impact. If you know the general experimental paradigm, then the reason for the above behavior is pretty obvious – focusing your attention on a single child creates more emotional arousal than trying to distribute attention around eight children simultaneously. So people are willing to pay more to help one child than to help eight. Now, **you could** look at this intuition, and **think it was** revealing **some** kind of incredibly **deep moral truth** which shows that one child’s good fortune is somehow devalued by the other children’s good fortune. But what about the billions of other children in the world? Why isn’t it a bad idea to help this one child, when that causes the value of all the other children to go down? How can it be significantly better to have 1,329,342,410 happy children than 1,329,342,409, but then somewhat worse to have seven more at 1,329,342,417? **Or you could** look at that and **say: “The intuition is wrong: the brain can’t** successfully **multiply** by eight and get a larger quantity than it started with. **But it ought to**, normatively speaking.” And once you realize that the brain can’t multiply by eight, then the other cases of scope neglect stop seeming to reveal some fundamental truth about 50,000 lives being worth just the same effort as 5,000 lives, or whatever. You don’t get the impression you’re looking at the revelation of a deep moral truth about nonagglomerative utilities. It’s just that the brain doesn’t goddamn multiply. Quantities get thrown out the window. If you have $100 to spend, and you spend $20 each on each of 5 efforts to save 5,000 lives, you will do worse than if you spend $100 on a single effort to save 50,000 lives. Likewise if such choices are made by 10 different people, rather than the same person. As soon as you start believing that it is better to save 50,000 lives than 25,000 lives, that simple preference of final destinations has implications for the choice of paths, when you consider five different events that save 5,000 lives. (It is a general principle that Bayesians see no difference between the long-run answer and the short-run answer; you never get two different answers from computing the same question two different ways. But the long run is a helpful intuition pump, so I am talking about it anyway.) The aggregative valuation strategy of “shut up and multiply” arises from the simple preference to have more of something – to save as many lives as possible – when you have to describe general principles for choosing more than once, acting more than once, planning at more than one time. Aggregation also arises from claiming that the local choice to save one life doesn’t depend on how many lives already exist, far away on the other side of the planet, or far away on the other side of the universe. Three lives are one and one and one. No matter how many billions are doing better, or doing worse. 3 = 1 + 1 + 1, no matter what other quantities you add to both sides of the equation. And if you add another life you get 4 = 1 + 1 + 1 + 1. That’s aggregation. **When you’ve read** enough heuristics and **biases research, and**enough **coherence** and uniqueness **proofs for** Bayesian probabilities and **expected utility**, and you’ve seen the “Dutch book” and “money pump” effects that penalize trying to handle uncertain outcomes any other way, then **you don’t see** the **preference reversals** in the Allais Paradox **as** revealing some incredibly **deep moral truth** about the intrinsic value of certainty. **It** just **goes to show that the brain doesn’t** goddamn **multiply.** The primitive, perceptual intuitions that make a choice “feel good” don’t handle probabilistic pathways through time very skillfully, especially when the probabilities have been expressed symbolically rather than experienced as a frequency. So you reflect, devise more trustworthy logics, and think it through in words. When you see people insisting that no amount of money whatsoever is worth a single human life, and then driving an extra mile to save $10; or when you see people insisting that no amount of money is worth a decrement of health, and then choosing the cheapest health insurance available; then you don’t think that their protestations reveal some deep truth about incommensurable utilities. Part of it, clearly, is that **primitive intuitions don’t**successfully **diminish the emotional impact of** symbols standing for **small quantities** – anything you talk about seems like “an amount worth considering”. And part of it has to do with preferring unconditional social rules to conditional social rules. Conditional rules seem weaker, seem more subject to manipulation. If there’s any loophole that lets the government legally commit torture, then the government will drive a truck through that loophole. So it seems like there should be an unconditional social injunction against preferring money to life, and no “but” following it. Not even “but a thousand dollars isn’t worth a 0.0000000001% probability of saving a life”. Though the latter choice, of course, is revealed every time we sneeze without calling a doctor. The rhetoric of sacredness gets bonus points for seeming to express an unlimited commitment, an unconditional refusal that signals trustworthiness and refusal to compromise. So you conclude that moral rhetoric espouses qualitative distinctions, because espousing a quantitative tradeoff would sound like you were plotting to defect. On such occasions, people vigorously want to throw quantities out the window, and they get upset if you try to bring quantities back in, because quantities sound like conditions that would weaken the rule. But you don’t conclude that there are actually two tiers of utility with lexical ordering. You don’t conclude that there is actually an infinitely sharp moral gradient, some atom that moves a Planck distance (in our continuous physical universe) and sends a utility from 0 to infinity. You don’t conclude that utilities must be expressed using hyper-real numbers. Because the lower tier would simply vanish in any equation. It would never be worth the tiniest effort to recalculate for it. All decisions would be determined by the upper tier, and all thought spent thinking about the upper tier only, if the upper tier genuinely had lexical priority. As Peter Norvig once pointed out, if Asimov’s robots had strict priority for the First Law of Robotics (“A robot shall not harm a human being, nor through inaction allow a human being to come to harm”) then no robot’s behavior would ever show any sign of the other two Laws; there would always be some tiny First Law factor that would be sufficient to determine the decision. Whatever value is worth thinking about at all, must be worth trading off against all other values worth thinking about, because thought itself is a limited resource that must be traded off. When you reveal a value, you reveal a utility. I don’t say that morality should always be simple. I’ve already said that the meaning of music is more than happiness alone, more than just a pleasure center lighting up. I would rather see music composed by people than by nonsentient machine learning algorithms, so that someone should have the joy of composition; I care about the journey, as well as the destination. And I am ready to hear if you tell me that the value of music is deeper, and involves more complications, than I realize – that the valuation of this one event is more complex than I know. But that’s for one event. When it comes to multiplying by quantities and probabilities, complication is to be avoided – at least if you care more about the destination than the journey. **When you’ve reflected** on enough intuitions, **and corrected enough absurdities, you** start to **see a common denominator**, a meta-principle at work, **which one might phrase as “Shut up and multiply.”** Where music is concerned, I care about the journey. When lives are at stake, I shut up and multiply. It is more important that lives be saved, than that we conform to any particular ritual in saving them. And the optimal path to that destination is governed by laws that are simple, because they are math. **And that’s why I’m a utilitarian** – at least when I am doing something that is overwhelmingly more important than my own feelings about it – which is most of the time, because there are not many utilitarians, and many things left undone.

#### 6. actor spec-

#### a. no act-omission or intent-foresight distinction- gov’ts must create permissions and prohibitions so inaction is functionally an action and policymakers have to take the global perspective since they are responsible for the public and lack the relevant features of individual agents like autonomy that justify such a distinction

#### b. gov’ts have to aggregate since all collective actions require trade-offs that benefit some and worsen others- side-constraints freeze action and render ethics inoperable- takes-out and turns calc indicts- consequentialism is hard but not impossible, it’s empirically false since we calculate all the time, and the alt is no action which is worse

#### c. only consequentialism treats agents equally since it values their well-being the same- public officials have special obligations by virtue of their role to benefit its people in an equal manner

#### 7. Lexical pre-requisite: Threats to life preclude the ability for moral actors to effectively utilize and act upon other moral theories