# Off

## NC

T

#### Interpretation: Affs must specify what is included in an unconditional right to strike. To clarify, they must defend what the specific aff looks like or provide definitions in the 1AC that justify the plan. Just government must be all governments

#### Violation: They don’t spec uncon - in cx couldn’t note

#### They are not all governments – they spec

#### Standards:

#### 1] Shiftiness – allows them to siphon out of key negative ground on what the right to strike includes. The definition is different in multiple legal contexts, so explaining what the plan does to the right to strike solves. It could be a creating of a new strike, or removing of all conditions, etc.. that all tries to draw a line that negs can’t predict

Reddy, 1-6, ““There Is No Such Thing as an Illegal Strike”: Reconceptualizing the Strike in Law and Political Economy”, Yale Law Journal, Diana Reddy is a Doctoral Fellow at the Law, Economics, and Politics Center at UC Berkeley Law, and a PhD candidate in UCB's Jurisprudence and Social Policy Program. Her research interests lie at the intersection of work law, law and political economy, law and social movements, and social stratification and inequality. You can find her recent scholarship and commentary in Yale Law Journal Forum and Emory Law Journal, as well as in less formal outlets, like the Law and Political Economy blog. URL: https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy , KR

The strike has never fit easily within extant legal categories. According to Craig Becker, “the law has variously categorized strikes as criminal activity, as an invasion of property rights, and as a fundamental component of labor’s right to engage in collective bargaining.”77 Jurisprudentially, striking has been theorized as either an associational freedom upon which law cannot intrude, or in the alternative, conduct so coercive and disorderly as to be antithetical to the rule of law—industrial vigilante justice.78 Following enactment of the NLRA, strikes ostensibly became legal for the private sector workers covered by it. But especially after the 1947 Taft-Hartley Amendments to the NLRA, striking’s legality was tied to an increasingly narrow understanding of its purpose. In this Part, I provide a brief overview of how current law—shaped by its Progressive Era mortal weakness—codifies long-lasting legal ambivalence about striking, by constructing the strike as an “economic weapon,” and in so doing, as apolitical.

A. The “Right” to Strike: Under the NLRA, workers are generally understood to have a “right” to strike. Section 7 of the Act states that employees have the right to engage in “concerted activities for . . . mutual aid or protection,”79 which includes striking. To drive this point home, section 13 of the NLRA specifies, “Nothing in this [Act] . . . shall be construed so as either to interfere with or impede or diminish in any way the right to strike . . .”80 Note that it is a testament to deeply-held disagreements about the strike (is it a fundamental right which needs no statutory claim to protection, or a privilege to be granted by the legislature?) that the statute’s language is framed in this way: the law which first codified a right to strike does so by insisting that it does not “interfere with or impede or diminish” a right, which had never previously been held to exist.

#### Government is a state

**Merriam Webster ND** (https://www.merriam-webster.com/dictionary/government)

the group of people who control and make decisions for a country, state, etc.The government has been slow to react to the crisis.She works for the federal government.[See More Examples](https://www.merriam-webster.com/dictionary/government)

2: a particular system used for controlling a country, state, etc.He is a firm believer in democratic/representative government.

3: the process or manner of controlling a country, state, etc.We learned about different methods/systems of government.The country has been damaged by many years of weak/corrupt government.

#### Key to ground and limits they justify government of the week affs

#### T is a voter for fairness and education

#### They’re going to say that cx checks but a) it isn’t enough to formulate a large enough neg strat. I.e. if it is made fully legal negs can make arguments about the implications of that, but if it’s about guaranteeing it, negs are forced to resort to defending minority workers who don’t have rights. b) can’t solve the majority of our abuse which is lost prep time b/c we didn’t know how’d you defend it; that also allows new definitions per round which isn’t predictable

#### DTD because the abuse was in the 1AC and any neg abuse is justified by this shell being a pre-req to engagement

#### Competing interps:

#### 1] specificity – you can’t win you’re reasonably right because any small shift of the right to strike is enough to trigger new debates in the 1ar

#### 2] race to the bottom and norm setting – we can’t set norms without setting a clear standard

#### 3] arbitrary and missing brightline – increases judge intervention AND new 2AR arguments since the counter-interp will be newly contextualized

#### No RVI’s:

#### 1] Logic – you’ve won that you’re predictable for the neg to engage with in the first place, you deserve a ribbon not a ballot

#### 2] No time skew – 1] 13-13 means its fair 2] more neg skew since affs can always restructure arguments in the 1ar and 2ar 3] non-uq; every argument that got up-layered OR weighed over is lost

## NC

Econ DA

**Strikes torch the economy- that turns the case- workers are financially devastated**

**McElroy, 19** -- Blue Sky Productions editorial director

[John, "Strikes Hurt Everybody," WardsAuto, 10-25-2019, https://www.wardsauto.com/ideaxchange/strikes-hurt-everybody, accessed 10-14-2021]

**Strikes Hurt Everybody**

There’s got to be a better way to get workers a raise without torching the countryside.

The recent strike at General Motors shows traditional labor practices must change. Not only did the strike cause considerable financial damage at GM, it drove another wedge between the company and its workers. And worst of all, it hurt a lot of innocent bystanders.

Thanks to the UAW, the hourly workforce at GM earns the highest compensation in the U.S. auto industry. But you would never know that by listening to union leaders. They attack GM as a vile and heartless corporation that deliberately tries to oppress honest working men and women.

Of course, they kind of have to say that. Union officials are elected, not appointed, and they are just as political as any Republican or Democrat. No UAW official ever got elected by saying, “You know what? Management is right. We’ve got to make sure our labor costs are competitive.”

It’s the opposite. Union leaders get elected by attacking management’s greed and arrogance.

This creates a poisonous relationship between the company and its workforce. Many GM hourly workers don’t identify as GM employees. They identify as UAW members. And they see the union as the source of their jobs, not the company. It’s an unhealthy dynamic that puts GM at a disadvantage to non-union automakers in the U.S. like Honda and Toyota, where workers take pride in the company they work for and the products they make.

Attacking the company in the media also drives away customers. Who wants to buy a shiny new car from a company that’s accused of underpaying its workers and treating them unfairly?

Data from the Center for Automotive Research (CAR) in Ann Arbor, MI, show that GM loses market share during strikes and never gets it back. GM lost two percentage points during the 1998 strike, which in today’s market would represent a loss of 340,000 sales. Because GM reports sales on a quarterly basis we’ll only find out at the end of December if it lost market share from this strike.

UAW members say one of their greatest concerns is job security. But causing a company to lose market share is a **sure-fire path to** more **plant closings and layoffs**.

Even so, unions are incredibly important for boosting wages and benefits for working-class people. GM’s UAW-represented workers earn considerably more than their non-union counterparts, about $26,000 more per worker, per year, in total compensation. Without a union they never would have achieved that.

Strikes are a powerful weapon for unions. They usually are the only way they can get management to accede to their demands. If not for the power of collective bargaining and the threat of a strike, management would largely ignore union demands. If you took away that threat, management would pay its workers peanuts. Just ask the Mexican line workers who are paid $1.50 an hour to make $50,000 BMWs.

But strikes **don’t just hurt the** people walking the picket lines or the **company** they’re striking against. They hurt **suppliers**, car **dealers** and the **communities** located near the plants.

The Anderson Economic Group estimates that 75,000 workers at supplier companies were temporarily laid off because of the GM strike. Unlike UAW picketers, those supplier workers won’t get any strike pay or an $11,000 contract signing bonus. No, most of them lost close to a month’s worth of wages, which must be **financially devastating** for them.

GM’s suppliers also lost a lot of money. So now they’re **cutting budgets** and **delaying capital investments** to make up for the lost revenue, which is a further **drag on the economy**.

According to CAR, the communities and states where GM’s plants are located collectively lost a couple of hundred million dollars in payroll and tax revenue. Some economists warn that if the strike were prolonged it could **knock the state** of Michigan – home to GM and the UAW – **into a recession**. That prompted the governor of Michigan, Gretchen Whitmer, to call GM CEO Mary Barra and UAW leaders and urge them to settle as fast as possible.

So, while the UAW managed to get a nice raise for its members, the strike left a **path of destruction** in its wake. That’s not fair to the innocent bystanders who will never regain what they lost.

I’m not sure how this will ever be resolved. I understand the need for collective bargaining and the threat of a strike. But there’s got to be a better way to get workers a raise without **torching** the countryside.

**Economic recovery caps numerous geopolitical crises- the impact is extinction**

**Baird 20** [Zoe; October 2020; C.E.O. and President of the Markle Foundation, Member of the Aspen Strategy Group and former Trustee at the Council on Foreign Relations, J.D. and A.B. from the University of California at Berkeley; Domestic and International (Dis)order: A Strategic Response, “Equitable Economic Recovery is a National Security Imperative,” Ch. 13]

A strong and inclusive economy is **essential** for American **national security** and **global leadership**. As the nation seeks to return from a historic economic crisis, the national security community should support an equitable recovery that helps every worker adapt to the **seismic shifts** underway in our economy.

Broadly shared economic prosperity is a **bedrock** of America’s **economic** and **political strength**—both **domestically** and in the **international** arena. A **strong** and **equitable** recovery from the economic crisis created by COVID-19 would be a **powerful testament** to the **resilience** of the American system and its **ability to create prosperity** at a time of **seismic change** and persistent **global crisis**. Such a recovery could attack the profound economic inequities that have developed over the past several decades. Without **bold action** to help all workers access good jobs as the economy returns, the **U**nited **S**tates risks **undermining** the **legitimacy of its institutions** and its **international standing**. The **outcome** will be a **key determinant** of America’s **national security** for years to come.

An equitable recovery requires a national commitment to help all workers obtain good jobs—particularly the two-thirds of adults without a bachelor’s degree and people of color who have been most affected by the crisis and were denied opportunity before it. As the nation engages in a historic debate about how to accelerate economic recovery, ambitious public investment is necessary to put Americans back to work with dignity and opportunity. We need an intentional effort to make sure that the jobs that come back are good jobs with decent wages, benefits, and mobility and to empower workers to access these opportunities in a profoundly changed labor market.

To achieve these goals, **America**n policy makers need to establish **job growth strategies** that address **urgent public needs** through **major programs** in green energy, infrastructure, and health. Alongside these job growth strategies, we need to recognize and develop the talents of workers by creating an adult learning system that meets workers’ needs and develops skills for the digital economy. The national security community must lend its support to this cause. And as it does so, it can bring home the lessons from the advances made in these areas in other countries, particularly our European allies, and consider this a realm of international cooperation and international engagement.

Shared Economic Prosperity Is a National Security Asset

A **strong economy** is **essential** to America’s **security and diplomatic strategy**. Economic strength increases our **influence** on the global stage, **expands markets**, and **funds** a **strong and agile military** and **national defense**. Yet it is not enough for America’s economy to be strong for some—prosperity must be broadly shared. **Widespread belief** in the ability of the American **economic system** to create economic security and mobility for all—the American Dream— creates **credibility** and **legitimacy** for America’s **values**, **governance**, and **alliances** around the world.

After World War II, the **U**nited **S**tates grew the middle class to historic size and strength. This achievement made America the **model** of the free world—**setting the stage** for decades of American political and economic **leadership**. Domestically, broad participation in the economy is **core** to the **legitimacy** of our democracy and the strength of our political institutions. A belief that the economic system works for millions is an important part of creating trust in a democratic government’s ability to meet the needs of the people.

The COVID-19 Crisis Puts Millions of American Workers at Risk

For the last several decades, the American Dream has been on the wane. Opportunity has been increasingly concentrated in the hands of a small share of workers able to access the knowledge economy. Too many Americans, particularly those without four-year degrees, experienced stagnant wages, less stability, and fewer opportunities for advancement.

Since COVID-19 hit, millions have lost their jobs or income and are struggling to meet their basic needs—including food, housing, and medical care.1 The crisis has impacted sectors like hospitality, leisure, and retail, which employ a large share of America’s most economically vulnerable workers, resulting in alarming disparities in unemployment rates along education and racial lines. In August, the unemployment rate for those with a high school degree or less was more than double the rate for those with a bachelor’s degree.2 Black and Hispanic Americans are experiencing disproportionately high unemployment, with the gulf widening as the crisis continues.3

The experience of the Great Recession shows that without intentional effort to drive an inclusive recovery, inequality may get worse: while workers with a high school education or less experienced the majority of job losses, nearly all new jobs went to workers with postsecondary education. Inequalities across racial lines also increased as workers of color worked in the hardest-hit sectors and were slower to recover earnings and income than White workers.4

The Case for an Inclusive Recovery

A recovery that promotes broad economic participation, renewed opportunity, and equity will strengthen American moral and political authority **around the world**. It will **send a strong message** about the strength and **resilience of democratic government** and the American people’s **ability to adapt** to a changing global economic landscape. An inclusive recovery will reaffirm American leadership as core to the success of our most critical international alliances, which are rooted in the notion of shared destiny and interdependence. For example, NATO, which has been a cornerstone of U.S. foreign policy and a force of global stability for decades, has suffered from American disengagement in recent years. A strong **American recovery**—coupled with a renewed openness to international collaboration—is core to **NATO’s ability** to solve shared **geopolitical and security** challenges. A renewed partnership with our European allies from a **position of economic strength** will enable us to address **global crises** such as **climate change**, **global pandemics**, and **refugees**. Together, the United States and Europe can pursue a commitment to investing in workers for shared economic competitiveness, innovation, and long-term prosperity.

The U.S. has **unique advantages** that give it the **tools** to emerge from the crisis with **tremendous economic strength**— including an entrepreneurial spirit and the technological and scientific infrastructure to lead global efforts in developing industries like green energy and biosciences that will shape the international economy for decades to come.

## NC

CCP DA

#### Restraining strikes is key to CCP stability- history proves

Griffiths, 16 – CNN International senior producer

[James Griffiths, "China on Strike,” CNN, 3-29-2016, https://www.cnn.com/2016/03/28/asia/china-strike-worker-protest-trade-union/index.html, accessed 10-10-2021]

While unrest in Xinjiang, Tibet and Hong Kong gains the most attention overseas, "in terms of actual number of disputes, labor is almost certainly the biggest source of conflict," Freidman adds.

"The authorities are concerned that this could cohere into a political force."

Signs of such resistance were on view in March, as coal workers in Heilongjiang province took to the streets to protest plans by state-run Longmay Mining Group to lay off more than 100,000 employees.

The protests forced an embarrassing reversal by governor Lu Hao, who had previously held Longmay up as an example of how Xi Jinping's push for restructuring of the state sector could be carried out.

Following the protests, Lu issued a statement vowing to "financially support" the firm to ensure that workers received unpaid wages, blaming managers at the company for withholding information.

"I had known that above ground workers had wages in arrears, but it's also true that workers down shafts are also in arrears, and I spoke wrongly about that," Lu told state media, which did not mention the protests.

Longmay Mining Group did not immediately respond to a request for comment.

Beijing is worried that any kind of greater political consciousness among workers "would lead to a bigger movement" that could threaten their hold on power, Wang says.

"If you look at the crackdown, it is specifically aimed at the pillars of civil society that have been most effective in pushing the government to do things."

This thinking is heavily influenced by the experiences of other Communist regimes, says Friedman.

The decision by the Polish government to allow workers greater freedoms after a series of huge strikes in 1980 led to the rise of the Solidarity Union -- the first non-Communist controlled labor organization in a Warsaw Pact country -- and the eventual end of one-party rule.

"Solidarity played an absolutely decisive role in ending Communist Party rule in Poland," Friedman says.

#### Loss of CCP legitimacy spurs diversionary wars

**Norris, 17** -- Texas A&M Chinese foreign and security policy professor

[William, he teaches graduate-level courses in Chinese domestic politics, East Asian security, and Chinese foreign policy, he is also a nonresident associate with the nuclear policy program at the Carnegie Endowment for International Peace, "Geostrategic Implications of China’s Twin Economic Challenges," June 2017, https://www.cfr.org/sites/default/files/report\_pdf/Discussion\_Paper\_Norris\_China\_OR.pdf, accessed 9-4-19, footnote 23 included]

Populist pressures might tempt the party leadership to encourage diversionary nationalism. The logic of this concern is straightforward: the Communist Party might seek to distract a restless domestic population with adventurism abroad.19 The Xi administration wants to appear tough in its defense of foreign encroachments against China’s interests. This need stems from a long-running narrative about how a weak Qing dynasty was unable to defend China in the face of European imperial expansion, epitomized by the Opium Wars and the subsequent treaties imposed on China in the nineteenth century. The party is particularly sensitive to perceptions of weakness because much of its claim to legitimacy—manifested in Xi’s Chinese Dream campaign today—stems from the party’s claims of leading the restoration of Chinese greatness. For example, the May Fourth Movement, a popular protest in 1919 that helped catalyze the CPC, called into question the legitimacy of the Republic of China government running the country at that time because the regime was seen as not having effectively defended China’s territorial and sovereignty interests at the Versailles Peace Conference.

Diversionary nationalist frictions would likely occur if the Chinese leadership portrayed a foreign adversary' as having made the first move, thus forcing Xi to stand up for China’s interests. An example is the 2012 attempt by the nationalist governor of Tokyo, Shintaro Ishihara, to buy the Senkaku/Diaoyu Islands from a private owner.20 Although the Japanese central government sought to avert a crisis by stepping in to purchase the islands—having them bought and administered by Ishihara’s Tokyo metropolitan government would have dragged Japan into a confrontation with China—China saw this move as part of a deliberate orchestration by Japan to nationalize the islands. Xi seemingly had no choice but to defend China’s claims against an attempt by Japan to consolidate its position on the dispute.21 This issue touched off a period of heated tensions between China and Japan, lasting more than two years.22 Such dynamics are not limited to Japan. Other possible areas of conflict include, but are not necessarily limited to, Taiwan, India, and the South China Sea (especially with the Philippines and Vietnam).

The Chinese government will use such tactics if it believes that the costs are relatively low. Ideally, China would like to appear tough while avoiding material repercussions or a serious diplomatic breakdown. Standing up against foreign encroachment—without facing much blowback—could provide Xi’s administration with a tempting source of noneconomic legitimacy'. However, over the next few years, Xi will probably not be actively looking to get embroiled abroad. Cushioning the fallout from slower growth while managing a structural economic transition will be difficult enough. Courting potential international crises that distract the central leadership would make this task even more daunting.

Even if the top leadership did not wish to provoke conflict, a smaller budgetary allotment for security could cause military interests in China to deliberately instigate trouble to justify their claims over increasingly scarce resources. For example, an air force interested in ensuring its funding for a midair tanker program might find the existence of far-flung territorial disputes to be useful in making its case. Such a case would be made even stronger by a pattern of recent frictions that highlights the necessity of greater air power projection. Budgetary pressures may be partly behind a recent People’s Liberation Army reorganization and headcount reduction. A slowing economy might cause a further deceleration in China’s military spending, thus increasing such pressures as budgetary belts tighten.

CHALLENGES TO XI’S LEADERSHIP

Xi Jinping’s efforts to address economic challenges could fail, unleashing consequences that extend well beyond China’s economic health. For example, an economic collapse could give rise to a Vladimir Putin-like redemption figure in China. Xi’s approach of centralizing authority over a diverse, complex, and massive social, political, and economic system is a recipe for brittleness. Rather than designing a resilient, decentralized governance structure that can gracefully cope with localized failures at particular nodes in a network, a highly centralized architecture risks catastrophic, system-level failure. Although centralized authority offers the tantalizing chimera of stronger control from the center, it also puts all the responsibility squarely on Xi’s shoulders.

With China’s ascension to great power status, the consequences of internecine domestic political battles are increasingly playing out on the world stage. The international significance of China’s domestic politics is a new paradigm for the Chinese leadership, and one can expect an adjustment period during which the outcome of what had previously been relatively insulated domestic political frictions will likely generate unintended international repercussions. Such dynamics will influence Chinese foreign policy and security behavior. Domestic arguments over ideology, bureaucratic power struggles, and strategic direction could all have ripple effects abroad. Many of China’s party heavyweights still employ a narrow and exclusively domestic political calculus. Such behavior increases the possibility of international implications that are not fully anticipated, raising the risks of strategic miscalculation on the world stage. For example, the factional power struggles that animated the Cultural Revolution were largely driven by domestic concerns, yet manifested themselves in Chinese foreign policy for more than a decade. During this period, China was not the world’s second largest economy and, for much of this time, did not even have formal representation at the United Nations. If today’s globally interconnected China became engulfed in similar domestic chaos, the effects would be felt worldwide.23

23. This outcome is only one of several potentially dangerous consequences. Others include a rebellious military, destabilizing foreign policy, outright civil war, renewed military conflict with Taiwan, virulent anti-Americanism, and financial collapse and contagion.

#### Draws in the US and escalates- goes nuclear

Chang, 18 -- CNN contributor

[Gordon, "China and Russia Have Set a Nuclear Collision Course With the United States," Daily Beast, 9-4-18, https://www.thedailybeast.com/china-and-russia-have-set-a-nuclear-collision-course-with-the-united-states?ref=scroll, accessed 9-8-19]

Moreover, any conflict between China and the United States in the Pacific could quickly escalate to nuclear war.

China, surpassing the U.S. last year, now boasts the world’s largest navy, and it is adding to its fleet “at a stunning rate,” according to the Times. Even last year, the count was lopsided with China claiming 317 surface vessels and subs in active service and the U.S. 283.

Of course, it’s not clear how capable the People’s Liberation Army Navy is. The PLAN, as it is known, has never participated in a large-scale wartime engagement at sea, and its fleet is not, on the whole, as modern as America’s.

Nonetheless, China has a few critical advantages. Its naval assets are concentrated along its shores and U.S. forces are spread around the globe; areas of likely conflict are near China and far from America; and the PLAN has some crucial weapons that are better than those of the United States, especially anti-ship missiles. Beijing has also gone big into “asymmetric” warfare, for instance militarizing fishing fleets, enlisting the “little blue men” of what has become a maritime militia.

The Chinese also have one other advantage: the will to use force to take what is in the possession of others. In their peripheral seas, they grabbed control of the Paracel Islands, in the northern portion of the South China Sea, from South Vietnam in 1974 after a short battle. The Chinese also seized Mischief Reef from the Philippines in a series of actions from late 1994 to early 1995, and they snatched Scarborough Shoal, also from Manila, in early 2012. Now, China is, among other things, pressuring other Philippine features in the South China Sea and using menacing tactics to take over a chain of uninhabited islets currently under Japanese control in the East China Sea.

Moreover, Beijing has clearly relished challenging the U.S. Navy and Air Force in the global commons, threatening and on occasion harassing American ships, planes, and drones. The seizure of an American drone in international waters in December 2016, in sight of the USNS Bowditch and in defiance of radio commands, was brazen and nothing short of an act of war.

Moreover, Beijing’s harassment of the USNS Impeccable in March 2009 in the South China Sea, using its maritime militia, was so severe that it constituted an attack on the United States.

“The key point is that China accepts the risk of escalation to a greater extent than does the U.S., because China uses confrontation to alter the status quo in its favor,” Anders Corr, editor of Great Powers, Grand Strategies: The New Game in the South China Sea, told the National Interest at the beginning of this year.

China is apparently willing to escalate all the way. But the New York Times, in its reporting last month, did not mention one Chinese threat to American forces in the region: nuclear attack.

“For regional warfare, especially in Asia, the People’s Liberation Army is equipped for nuclear operations both offensive and defensive,” Richard Fisher of the International Assessment and Strategy Center told The Daily Beast. “If China can conjure a ‘defensive’ political moral high ground to justify offensive military campaigns to retrieve ‘lost’ territory, we should be prepared for China’s very early use of nuclear weapons to support its theater campaign. We can, for example, expect China to ‘demonstrate’ nuclear weapons at sea to deter American or Japanese military support for Taiwan in the event of a Chinese attack, or even outright Chinese use of nuclear weapons against Japanese bases supporting U.S. forces coming to the defense of Taiwan.”

## NC

China PIC

#### Counterplan: A just government ought to recognize the fundamental right of incarcerated workers to strike except only in the People's Republic of China.

#### China is balancing workers’ rights by allowing collective bargaining but not strikes- solves the case and avoids the DA

Brehm, 17 -- Centre for East and South East Asian Studies research fellow

[Stefan Brehm, "Collective Bargaining: New Hope for China’s Workers?," Institute for Security and Development Policy, 3-31-2017, https://isdp.eu/publication/collective-bargaining-new-hope-china/, accessed 10-10-2021]

In China, rising economic and social inequality mean that labour tensions are high. President Xi Jinping has responded with a new idea where the All China Federation of Trade Unions and collective bargaining can emerge as strong forces that will harmonize industrial relations. Yet, Chinese workers do not have the right to organize freely or to strike. Still there are some signs that Beijing is moving beyond pure rhetoric and Nordic trade unions could become a key agent for change.

In 2008 China promulgated a comprehensive and ambitious labour legislation with the Labour Contract Law, the Mediation and Arbitration of Labour Disputes Law, and the Employment Promotion Law. Yet despite legislative efforts to strengthen workers rights, labour tensions have risen in response to growing social inequality. China Labour Bulletin, a Hong Kong based NGO recorded a rising trend of strikes from 1,300 in 2014 to 2,600 in 2016. Labour disputes have also seen a sharp increase. In 2007 for instance, there were around 350,000 labour disputes but this number has risen to 700,000 each following year. These statistics most likely only show the tip of the iceberg as the country still grapples with accommodating even the most basic labour rights. Obviously, the problem is not the labour laws but the lack of political reforms that shift the power balance between employers and employees. There are signs that change is underway; but with a heavy authoritarian pretext.

Towards the ACFTU & Collective Bargaining

The All China Federation of Trade Unions (ACFTU) is a mass organization led by cadres that pursue a political career within the Party or Government organizations. It is the sole legal representative of Chinese workers. During China’s high growth era, it has been reluctant to defend labour rights and instead regularly sided with employers and managers. Aligning the ACFTU with vested business interests was possible due a top-down nomination process. As a result, government and party officials who have strong political incentives to attract investments, usually chair local trade unions while most employee representatives are recruited at the management-level. By global standards, labour relations in China do not fare well. The International Trade Union Confederation (ITUC), for example, ranks China under its fifth category, i.e. “…the worst countries in the world to work in. While the legislation may spell out certain rights workers have effectively no access to these rights and are therefore exposed to autocratic regimes and unfair labour practices.”

For a time, NGOs and lawyers tried to fill the gap of limited workers’ representation but crackdowns and mounting political repression since 2013 have suffocated many civil society initiatives. Instead, President Xi Jinping propagated a new dream where the ACFTU is resurrected as a strong force that can bring harmony back into industrial relations. The core of this strategy is collective bargaining; a process through which workers and their representatives negotiate contracts with their employers. Usually it is organized as a sectoral, multi-employer practice with the aim to limit unfettered competition on wages.

Collective bargaining facilitates an orderly mode of balancing stakeholder interests, which in turn contributes to greater economic equity and social peace. Beijing’s vision for the future of industrial relations is somewhat inspired by the German and Scandinavian model where collective agreements are unified as they apply to entire sectors or regions and even include firms that are not participating in negotiations. Yet, recent developments suggest that China will most likely host a variation of bargaining models rather than a unified approach. The most prominent experiments of this approach have been in Guangdong and Zhejiang.The ‘Guangdong model’ of collective bargaining emerges in a context of large-scale, export-oriented manufacturers and promotes a hybrid worker representation. The so-called ‘Wenling model’ that emerged in Zhejiang is geared towards clusters of small and medium size firms. Even though local government authorities lend their support to collective bargaining, the process is mainly shaped by multi-employer associations and Sectoral Trade Union Associations (STUA).

Pivotal Changes & Nordic Hope

These emerging collective bargaining models point towards strengthened worker representation due to three major changes: Firstly, in 2001, the revised Trade Union Law promoted collective bargaining. Yet it remained only on paper in a political climate where low cost labour is a key strategic priority. The fact that provincial and municipal leaders now seek to profile bargaining models and that Beijing’s top leadership endorses successful examples shows that collective bargaining has received priority status. Secondly, local trade union representatives tend to have very weak connections to workers. Trials with democratic elections of workers representatives are a step forward in strengthening legitimacy and eventually bring workers’ claims to the negotiation table. Thirdly, and closely connected to this hybrid model of union cum worker representation, is a shift from rights- towards interest-based negotiations, i.e. collective agreements which entail more items and move beyond statutory guaranteed minimum requirements such as regular wage rises, or skill-based salaries.

The question is whether emerging collective bargaining models in China will become a motor for promoting workers’ rights as human rights, and in particular, the International Labour Organization’s (ILO) eight fundamental principles. Obviously, the biggest challenges are the first two principles, which demand freedom of association and the effective recognition of the right to collective bargaining. Independent trade unions are unimaginable under the Communist Party of China’s power monopoly. The crackdown on independent worker centres and related detention of prominent labour activists in December 2015 reaffirmed that the Chinese state is prepared to make use of repressive means to reclaim worker representation as the sole matter of the ACFTU. The policy agenda of the ACFTU usually deals with ideological or macroeconomic directives. Practical labour issues are handed down to grassroots unions at the enterprise-level. Accordingly, enforcement of labour rights can vary substantially between factories and largely depends on the relative power of individual enterprise trade union members. Moreover, increasing recruitment of union representatives from managerial-positions lessens the ability of rank and file representatives to promote workers’ interests.

Due to its authoritarian structure, independent labour unions worldwide have been reluctant to maintain official relationships with the ACFTU. Yet opinions are divided. Unions such as the Federation Dutch Labour Movement do not interact with the ACFTU since they fear engagement will legitimize them. In contrast, Nordic trade unions and in particular Swedish unions have been proactive. For example, Swedish IF Metall has maintained relationships with the ACFTU since the early 1990s. Also, the Swedish Trade Union Confederation (LO) and the Swedish Confederation of Professional Employees (TCO) have been in dialogue with the ACFTU for many years.

Swedish trade unions take the view that autonomy of Chinese trade union entities at the firm level can open possibilities for meaningful cooperation while they see little value in exchanges with ACFTU’s higher ranks. The strategic focus lies on corporations with Swedish investments and concrete issues such as workers’ health and safety. Long-standing relations at the grassroots level, and the model character of Nordic collective bargaining open a window of opportunity to support on-going experiments with democratic worker elections. Combined, these characteristics may be instrumental in strengthening rank and file representation in enterprise trade unions.

Remaining Challenges

First, more recent strategic shifts of the international labour union movement may complicate matters. In particular the International Trade Union Confederation supported the ACFTU to gain a non-elective seat at the ILO governing body in lieu of Nordic representation. ICTU members seem to follow this strategic shift. In 2015, for instance, the Nordic Trade Union Confederations (LO) met an ACFTU delegation led by its vice president Fan Jiying in Copenhagen. High-level talks most likely are not conducive for promoting workers’ rights through collective bargaining. Instead, there is a risk that these meetings come up with top-down organized collaboration projects that the ACFTU leadership can use as an alternative to democratic grassroots experiments.

A second major drawback for collective bargaining is the de-facto ban on strikes as a means to enforce workers’ claims. The right to strike entered the Chinese constitution in 1975 but was removed in 1982. Moreover, even though there is no explicit law that prohibits strikes neither the Labour Law nor the Trade Union Law acknowledges it as a right held by workers and trade unions. Thus, participants of a strike are not immune to criminal or civil prosecution. Despite the risk of legal retaliation and political repression , strikes occur frequently in particular along China’s prosperous East Coast but also in impoverished Provinces in Central China. Most strikes, however, emerge spontaneously and hence lack the power of systematic collective workers’ organizing. The right to strike is a basic human right in the Covenant on International Human Rights. Chinese state authorities often take a cautious stance and try to mediate between workers and employers. This, however, is no indication of a weakening stance. In the past, minor concessions in combination with acts of intimidation and leader targeted retaliation tended to be sufficient to undermine collective action. Due to the increasing number of strikes the future of conflict resolution is uncertain. But what seems to be clear is that any sign of organized labour action or political demands will trigger harsh responses.

Finally, despite enhanced effectiveness and comprehensiveness, it is unlikely that China will fully converge towards the Nordic model because collective bargaining is envisioned as a developmental tool rather than an institution in its own right. The swift deregulation of labour relations since 1993 was a consequence of China’s export-led growth strategy. The global financial crisis in 2008 marked the end of this growth model and eventually gave way to an alternative framework that seeks to promote domestic demand. In this new Keynesian political context rising wages are not only perceived as a threat to competitiveness but also as a novel source for indigenous growth. Thus, there is a macroeconomic dimension to the re-regulatory turn since 2008. Collective bargaining, therefore, is synchronized with broader economic and political interests. This observation is evidenced by negotiation strategies that often refer to the current five-year plan in order to legitimize the economic objectives of a bargaining process.

Collective bargaining in China is a work in progress. The political push for universal and effective negotiations with the aim to rebalance economic interests can bring about better protection of workers’ rights. At the same time human rights violations in industrial relations have become more severe as Beijing repressively reinstates the ACFTU’s bargaining monopoly. Nordic trade unions can play an important role in this context, as their expertise is in high demand in a country where local governments and trade unions face increasing pressure to make real progress.

#### Fundamental rights are highly enforceable and challenges will be struck down- but they’re distinct from unconditional rights which are absolute and can’t be restricted by conditions- any perm severs “unconditional”

Sharma, 18 – iPleaders author

[Deepanshi, "Are Fundamental Rights Unconditional?," iPleaders, 1-8-18, https://blog.ipleaders.in/are-fundamental-rights-unconditional/, accessed 11-3-21]

What are Fundamental rights?

Fundamental rights are the basic human rights that are guaranteed to the citizens of India (to all people in case of article 14) by the Indian Constitution. They act as a limitation to the power of the State. These rights are highly revered and any law that is found to be in contravention of them can be challenged in the Supreme Court by the virtue of article 32 of the Constitution, and subsequently struck down to the extent of the inconsistency. The Supreme court can also pass any appropriate order, direction, or writ for the enforcement of these rights. Similar powers are present with the High Courts under article 226 as well.

In case of violation of the fundamental rights, the Courts can be approached not only by the aggrieved person but by any public-spirited person or social action group, acting in good faith, for the socially and economically disadvantaged people who otherwise cannot approach the Court (Subhash Kumar v state of Bihar). This can be done through a simple letter as well (State Of Himachal Pradesh vs A Parent Of A Student Of Medical College). Therefore these rights can be enforced relatively easily. Moreover, a fundamental right cannot be given up by individuals through their own consent. In Behram Singh v State of Bombay, it was held that they are provided not only for benefit of the citizens but on the grounds of public policy as well.

However, can fundamental rights be amended/changed by the legislature?

The Basic Structure Doctrine

A thirteen-judge bench in Keshwananada Bharti v State of Kerala, overturning the landmark judgment of Golak Nath, I.C. v State of Punjab, held that any part of the constitution can be amended, abrogated or abridged without changing the basic foundational values and structure of the constitution. However, a definitive list of what constituted the basic structure was not declared.

The Court in Indira Nehru Gandhi, Smt. v Rajnarain noted that whether any particular part of the constitution forms a part of the basic structure, or not, has to be judged individually as it comes before the court. Post this, several features have been declared as a part of it in different cases. For instance, the Minerva Mills Case declared a constitutional amendment which removed the limitation imposed on the power of the legislature as unconstitutional. It held that limited amending power is part of the basic structure of the constitution and thus, cannot be altered.

Fundamental Rights as Basic Structure

A nine-judge bench in I R Coelho v Union of India recalled the importance given to the articles 14, 19 and 21 in various precedents, including by Justice Chandrachud in Minerva Mills Case. It noted that these three articles have been considered as the part of the basic structure in the Indian Constitutional History. Since the inclusion of a law in the 9th schedule resulted in the abrogation of article 32 of the constitution, it effectively removed such a law from being tested against article 14, 19 and 21 and thus were held to be in contravention of the basic structure doctrine.

Along with enlarging the idea of the basic structure doctrine to include these three Fundamental right, the Court held that any law has to satisfy the direct impact and effect test which judges the effects of such law on the basic structure of the Constitution.

Therefore, the essence of these Fundamental Rights cannot amended, abrogated or abridged. However, are these rights themselves absolute?

Fundamental rights are not absolute

Right to Equality

It is incorrect to say that all laws have to be made applicable to everyone uniformly owing to the right to equality. The concept of equality envisioned in the Constitution necessitates giving consideration to the social and economic inequalities present in the society (para 100, St. Stephen College v University of Delhi). To elevate these, the State, through legislation, are entitled to make reasonable classification to treat differently placed people differently (State of Bombay v Balsara).

Doctrine of Reasonable Classification

While article 14 prohibits class legislation, it does not prohibit classification for the purpose of ensuring equality to those who, by virtue of nature, attainment or circumstances, are differently positioned. For this purpose, differential law based on reasonable classification is permitted. A classification to be considered reasonable has to satisfy two tests-

Intelligible Differentia: The classification must be made on an intelligible differentiating factor which distinguishes persons or things that are included in a group from those who are left out.

Reasonable nexus with the object: The classification must have a reasonable nexus with the object that such a statute aims to achieve. Such an aim, needless to mention, should be lawful in nature (Das J. in State of W.B. v Anwar Ali Sarkar)

Ps. Article 14 is a general provision and therefore, has to be read with all other provisions in Part III of the Constitution.

Special Law for Women and Children

Article 15(3) provides an exception to the rule against discrimination in article 15(1) and 15(2) (Dattaraya Mootiram v State of Bombay). This sub-section carves a place for special laws to be made for the benefit of women and children. For instance, an act mandating provision of maternity leave to women, or one for reservations for women in public employment [Government of A.P. v P.B. Vijaykumar; even beyond 50% (Taguru Sudhakar Reddy v govt of A. P.] would not be a contravention of the prohibition against discrimination.

Special Law made for Social and Economically Backward Classes, Scheduled Castes, and Scheduled Tribes

Aiming to correct the historic discrimination that some classes/groups of people have had experienced or still experience, the Constitution allows positive discrimination for their benefit in Article 15(4).

Added in the First Amendment, this subsection is another exception to the rule against discrimination. It provides the State with the power to make special laws for the Backward classes, Scheduled Castes and Scheduled Tribes. It is also an exception to Article 29(2) that prohibits denial of admission into any public educational institution based on religion, race, caste or language (M. R. Balaji and Ors. v State of Mysore). However, it must be ensured that policies undertaken under this section, if compensatory and protective discriminatory in nature, are reasonable and consistent with the public interest (Preeti Shrivastava Dr. v State of M.P.).

Furthermore, article 16 (4), (4A), and (4B) make it possible for the state to make reservations in appointments in the public sector for those “backward classes” [emphasis] which are not adequately represented in such services.

While the case of Indra Sawhney mentioned that reservations cannot be made in respect of promotions, it held that short of reservations, special provisions could be made to facilitate promotions of members of such backward classes.

Right to Freedom

Article 19 grants the right to speech and expression, to assemble peacefully without arms, to form unions and association, to move freely throughout India, to reside and settle in anyplace such, and to practice any profession, occupation, trade or business. However, these rights given under Article 19(1) can be restricted by law made by the state under respective conditions mentioned in the clause 2 of the same article.

Reasonable Restrictions

Owing to the addition of word “reasonable” by the first amendment, such restrictions have to be within reasonable limits. These restrictions should be reasonable in substance as well as in the procedure laid in such a law. For instance, the procedure for carrying out such law should be in consonance with principles of natural justice. Moreover, the reasonability of the restriction should be judged from the aspect of the general public’s interest (Mohd. Hanif Quershi v State of Bihar)

Grounds for restriction in article 19(2)

Reasonable restrictions on freedom can be placed for the following purposes:

Sovereignty and Integrity of India (added in the sixteenth amendment): To guard against attack on the territorial sovereignty and integrity of India (not the constituent states, as per Romesh Thapar v State of Madras)

Security of the State: To guard against the use of freedom to overthrow, wage, or rebel against the government. This includes restriction of indirect actions towards these aims, for instance, incitement.

Friendly relations with foreign nations (first amendment): To restrict the speech of individuals that can hamper friendly relations of India with a foreign state.

Public order (first amendment): To preserve public order or “public peace, safety and tranquility” (Central Prison v Ram Manohar Lohia). Restriction on indirect acts, which have a tendency to lead to disorder is also within the scope of this restriction as long as there is a reasonable and direct nexus of the restricted act with the objective of maintaining public peace.

Decency and morality: To protect and promote public decency and morality.

Contempt of Court: To prevent contempt of court as defined in section 2 of the Contempt of Court Act. Such contempt of court has to be manifest, malicious, and substantial in nature (E.M.S. Namboodiripad v T.N. Nambiar).

Defamation: To prevent defamation as it results in hatred or ridicule of another citizen.

Incitement of an offence: To prevent speech that results in incitement to commit a crime and violate another person’s rights.

Sedition: To prevent all those actions that lead to disturbance to the tranquillity of the state. However, criticism of the existing system and expression of a desire for a different system of state does not amount to sedition. The expression has to be judged based on the intention and likelihood of inciting disorder. (Nihrindu v.Empror the; Kedar Nath v State of Bihar)

Right to Life

Limited by the “procedure established by law”

Article 21 ensures right to life and personal liberty. However, it is immediately followed by the words “except according to procedure established by law”. This creates the possibility of limitations on various rights that come under the right to life and liberty. For example, punitive detention is a limitation that can be placed on the right to liberty. However, this right cannot be limited in any way except by following the procedure that is laid down by the act that prescribes such detention.

The limitation can only be placed by a law that has been enacted by any competent legislature and such procedure has to be “just, fair, and reasonable”. Also, the validity of the procedure established has to be judged against Article 14 (therefore, reasonability is requisite) as well as Article 19 as these rights are not exclusive of each other (Golden triangle rule) (Maneka Gandhi v. Union of India).

It is also important to note that while the right to life includes several other rights, it does not include the right to die (Aruna Ramchandra Shanbaug v Union Of India).

Religious Freedom

On the grounds of Public order, Morality, and Health

While Article 25 provides for equal right to profess, practice, and propagate any religion, such freedom cannot be used to do acts which are harmful to public order, health, and morality (Ramjilal Modi v. State of UP). For instance, creation of hatred among groups while practising religion, which can have possible ramifications over public order as well as health, was held to be outside the scope of freedom of religion (Subhash Desai v Sharad J. Rao)

While converting is permissible and within the scope of this freedom, conversion for the purpose of taking the benefit of polygamy that was allowed in another religion, while a marriage in the previous one subsisted, was not held to be valid in the case of Lily Thomas v Union of India.

Similar conditions restrict the freedom to manage religious affairs under Article 26 as well.

Limited by other Fundamental Rights

Presence of this phrase in Article 25 (only) results in positioning the Freedom to Religion on a lower niche than other Fundamental Rights. To exemplify, playing of loud preachings was considered to promote noise pollutions and conflict with other people’s liberty to not hear such preachings (Church of God v. KKR Magestic Colony Welfare Ass.).

Conclusion

While the Fundamental Rights are an integral part of the Constitution, it would be incorrect to term them as unconditional. These rights, by the Constitution itself, are restricted by conditions which aim to balance the individual freedom and rights to the necessity of public good and welfare.

# On

### Extinction Outweighs

#### Preventing Extinction is important – it’s key to value to life and is a prereq to social progress

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(Furio “Humankind’s First Fundamental Right: Survival,” Constellations)

This article’s main thesis1 is that, **given the existence of** at least two **global threats**, nuclear weapons and climate change, **which endanger the life of humankind as a civ- ilized species**, its **right to survive should be asserted as its first** human or rather **fundamental right.** The sense of **this** assertion **is not just philosophical but legal as** **well**.¶ To substantiate this thesis, I shall go through six argumentative steps:¶ 1. Why begin with global threats.¶ 2. Why survival is the leading category in this field, and¶ how it interplays with justice.¶ 3. What interest humankind has in its survival, and why¶ it should be protected as a right.¶ 4. Why regard “humankind” rather than “all indi-¶ viduals” as a possible actor.¶ 5. Why speak of a fundamental rather than human¶ right, and how to constitutionalize this right.¶ 6. How two developments in international law after 1945 can contribute to support the argument I have¶ been sketching.¶ \*\*¶ 1. If philosophical thinking starts with being amazed at something in the world (Plato’s θαυμα ́ζειν), my in- terest in the present matter2 was first stimulated by the pre-philosophical amazement I always felt in seeing that in the now enormous human rights discourse (both in politics and academia) so much care is dedicated to the single individuals, and so wide-ranging designs of a cos- mopolis to come are based on their rights. Yet **nobody seems to take note that the life of all present and future individuals could be annihilated** by a nuclear war or up- set by catastrophic developments of climate change. **It is like insisting on first debating the rights of a ship’s** third- class **passengers** 3 **instead of taking action in the light of the fact that the ship is already taking in seawater from a leak** (climate change is already happening) and also risks to hit a mine that is floating around and would send it along with all passengers and crew straight to the ocean depths (by thinking and acting timely, leaks can be filled, mines detected and swept away, all ac- tions that would put the care for third-class passengers¶ on a firmer ground). **These dangers are philosophically significant because they tell something about human beings**, the only ones who have become able to destroy their own race, as well as about modernity: the possibil- ity of self-destruction sets an end to this era, opens a new one, which can only vaguely be termed post-modern,4 and requires an updated rewriting of the Dialectics of the Enlightenment. It is also politically significant as it challenges present politics to restructure itself by ex- tending its attention to the far future, something which is not possible within the boundaries of modern politics because of its narrow time structure.5 In a more precise language, I term **challenges like nuclear weapons** (con- sidered in themselves, while nuclear proliferation is but a subphenomenon) **and climate change** global (in a very specific sense) because they are lethal and planet-wide, **can hit** approximately **everybody on earth and** can be reasonably addressed only by the near totality of coun- tries and peoples. They would not wipe out biologically humankind, although this cannot be excluded in case of an all-out nuclear war; but **they would destroy human civilization**:6 not a set of values, but the set of material and cultural tools (agriculture, communications, trans- portation and trade) that allow unspecialized animals like the humans to survive and to thrive.¶ It is clear that my thesis presupposes a revised scale of relevance among the issues requiring and stimulat- ing theoretical investigations: in my philosophical view global threats have a greater relevance and are intellec- tually more challenging than the issues suggested by the media’s headlines (present wars, terrorism, group and minority rights in the US, multiculturalism in Canada or Australia, immigrants in Europe, or, more recently, the crisis of the global economic system). As a reflection upon the deeper longue dure ́e determinants of hu[hu]man- ity’s fate, political philosophy should not necessarily espouse the agenda suggested by current politics and journalism and, instead, seek its own independent as- sessment of the state of the world as part of its business; this is a critical attitude that cannot be implemented without a philosophical view on history (not to be con- fused with a revival of the “grand narratives”). Besides, **the shifting of** most of Critical **Theory to pure normativity has favored** the emergence not just of worldviews based on the predominance of Sollen, but also of **an exclusive attention on intersubjectivity** and its troubles; **as if challenges to politics and civilization caused by systemic imperatives** (**such as the nuclear threat and**¶ **climate change)** **were beyond the grasp of critical inquiry**. What I am attempting in this article is to address an issue such as human rights that is typical of **the self- centered normative approach** mentioned and to show how it **should be restructured to address the challenges for humankind’s survival**.¶ In this attempt I am driven by the intent to debunk the layer of denial (or repression in pshychoanalyti- cal sense) that, more intensely after the end of the Cold War, has removed the nuclear threat from the philosoph- ical reflection on modernity and has later prevented cli- mate change from entering the main agenda of Critical Theory. There is also an epistemological aspect in this: a critical Zeitdiagnose, or an informed assessment of where history has taken us to in our post-modern times is not possible without first taking what hard science has to say about the threats for humankind very seriously.7 With rare exceptions, **critical theorists seem to be reluctant to address the philosophical issues raised by global challenges, not to mention their** **complete denial** beginning with Horkheimer and Adorno in the Fifties and Sixties (when Mutual Assured Destruction became a real possibility) **of the meaning of nuclear weapons. It is as if Critical Theory**, despite its claim to be a gen- eral assessment of our civilization, **had accepted a tacit division of labor in which its competence is restricted to social justice** (in continuation of its original being rooted in the Marxian critique of political economy) **and the “damaged”**8 **subjectivity**. The rest of the real world is left to a purely Hobbesian (and later Luhmannian) reading, or to the perception of side-figures such as Karl Jaspers or Gu ̈nther Anders.¶ A last epistemological remark: **starting from problems and threats that**, however socially generated, **come up as physical events and are accounted for by hard science has the advantage that philosophy can work on them without first engaging in a complicate and doubt- ful theorizing about how the world should be reshaped** according to a general normative theory. This ad hoc theorizing shows the ability or inability of a philosoph- ical view to come to terms with problems that are of paramount importance to everybody, not just to the prac- titioners of Schulphilosophie.¶ 2. I have explained elsewhere9why survival rather than justice is the leading category of a philosophy of global threats. **The** now thriving **literature on justice and climate change misses the point** that before we look for ways to establish justice between generations, **we have to motivate our interest in** their **existence** and wellbeing, or rath er in the existence and wellbeing of humankind.10 While survival of humankind is what best defines our problematic situation, when it comes to the normative aspect I believe that **we should assume responsibility for future generations** rather than do justice to them; talking responsibility I move from its most elementary¶ manifestation, the responsibility parents take on for their children. Justice as fairness comes in when we have to fight back “generational nepotism:” it is wrong for any generation to spoil the environment without regard to the consequences in the future, far that it may be, that is not just out of respect for those that may harm our children and children’s children. Out of elementary fairness, as expressed in the Golden Rule, we cannot deny parents of the, say, twenty-fifth century the chance to bear and educate their children in decent conditions.¶ Now, survival is a Hobbesian category, as such it sounds like an anathema to critical thinking, just as most categories stemming from the tradition of politi- cal realism do. Since under global threats present and future humankind is really endangered in its survival, it is however hard to see the rationale of denying the fact because the name comes from the enemy’s vocabu- lary. More importantly, there is an essential difference: Hobbes’ survival regards the individual and is there- fore self-centered and adversarial (in common parlance, mors tua vita mea), while humankind’s survival as a moral and political goal is by its own definition an uni- versalistic feature. More on this later.¶ A much talked-about issue in this context is the so- called identity problem, which I am however inclined to dismiss. If it means the doubtfulness of any engagement in favor of future generations because we do not know if they will exist (we could decide to stop procreating), the problem is surrounded by an air of futility: there is no imaginable decision process that could effectively lead to a total procreation stop. On the other hand, if only a few humans were alive in the far future, this would be enough of a reason for our engagement. Of course future humanity could never be born because meanwhile the planet may have been burnt out by an asteroid (natural precariousness of human life) or an all-out nuclear war ([hu]man-made precariousness). Neither type of precarious- ness can however be a reason not to endorse the interest of future generations in survival, because reducing that precariousness is exactly the engagement’s telos. The other aspect of the identity problem — the non-identity of posterity’s values and preferences with our own, or their indeterminacy — is not relevant to our case, be- cause the goal for whose attainment we are called to save or sacrifice something for their survival has to do with their sheer survival (in an indispensably civilized framework, as explained above) rather than with our own and the posterity’s moral configuration; in other words, there is no paternalistic attitude in it.¶ In a fairly different meaning, closer to social rather than moral (analytical) theory, identity comes up in an- other sense. Assuming responsibility for (or, for that matter, being fair to) future generations is not just an altruistic attitude. Not in the sense that we can do as well do so by acting on egoistic grounds: were this the¶ main reason to take action, we were justified to limit our effort to the less costly adaptation policies instead of funding the restructuring of the economy necessary for mitigation, the only way-out from global warming for generations of the far future. To be true, addressing the limitation of global warming or the neutralization of nuclear weapons requires wide-ranging undertakings that can be justified only on grounds of a moral attitude towards future generations rather than of our enlight- ened self-interest. But **doing what we can for the survival of humankind can give ourselves reassurance that our individual life** (also seen in the context of our gen- eration’s) **is meaningful** beyond the limits of our own existence on earth, **because doing so helps us shed our isolation as single individuals or single generation and become partners in a wider transgenerational covenant of solidarity**.¶ 3. That the interest to live and to raise children in de- cent conditions we attribute to future generations ought to be translated into a right is not self-evident. It is not simply that we should abstain from transforming every reasonable claim into a right, and instead reserve this category for the essentials that make the associated life of individuals in the polity possible and acceptable ac- cording to each evolutionary stage.11 More importantly, doubts may also arise as to whether it is wise to translate any goal of social and political struggles into a right, that is to “juridify” it instead of focusing on the underlying conflict dynamics and the participation of the conflict- ing parties. In general I share this preoccupation, and have misgivings at any inflationary expansion of the hu- man rights catalogue. On the other hand, moral rights that do not translate into legal rights12 are politically pointless or at least much less significant than the rights enshrined in a legal order. Also, our case is different, and the issues we are confronted with are more radi- cal than the worries with ‘juridification;’ this is all the truer, since the establishment of a right to survival for humankind would require a long and fierce political and intellectual battle in the first place.¶ First of all, does the right of humanity to survival qualify as a (basic or human) right? Before we proceed, let us note that humankind’s survival is not a good like civil liberties, which is completely at the disposal of human beings; instead, it can depend on the orbits of asteroids and other NEOs.13 The “right of humankind to survival” should therefore be read as a short for “the right of humankind, including future people, to have all previous generations doing their best to ensure their sur- vival and protect them from [hu]man-made threats.” In this version, we are clearly afar from the confusion between rights and goals criticized by Dworkin14 (§3.1 in the chapter on Difficult cases), the causation of the good at stake (survival) being elusive, or not completely nor (in the case of climate change) undoubtedly human; also¶ the content of the right is not a physical state, but rather the behavior influencing it. In a manifest way, this also identifies the right’s indispensable correlate, that is the duty of the relevant actors (individuals and institutions) to refrain from behaviors that are likely to cause harm to that good.¶ Whether or not this claim can translate into a right should be investigated from two points of view, those of its structure (a) and its bearer (b).¶ a. As for structure, three of Feinberg’s15 four crite- ria for being a right are already met (to have a content, a holder and an addressee). The fourth, the ‘source of validation,’ gradually emerges from the argument I am unfolding. Frydman and Haarscher also list four condi- tions, of which three are already present (titulaire, objet, opposabilite ́) – even if more remains to be said about the first one; while the fourth condition (sanction) shall be discussed below in the framework of the constitu- tionalization problem.16 Finally, let us look at the stan- dard distinction of negative and positive rights, which Shue rightly believes to be substantially untenable. This is also true in our case, because the ‘behavior’ of in- dividuals and institutions, which humanity is entitled to expect, according to the new right, can be imple- mented either by abstaining in single cases from using or possessing nuclear weapons and emitting excessive GHGs or by establishing new institutions (a global En- vironmental Protection Agency, say) and strategies (for example, technology transfer from advanced to develop- ing countries to help the latter rein in global warming). What would be acknowledged would be the right, not the policies that according to time and circumstances are devised for its realization.¶ Does this new right share with the other fundamental or human rights the need to be founded in a conception of the human, such as those focused by Donnelly on dignity, by Meyers on moral agency and by Frydman and Haarscher on autonomy?17 Not properly, or not di- rectly. Humanity’s right to survival is a meta-right rather than being the first right and sharing the same founda- tion with the others.18 Therefore, its foundation is for- mal rather than rooted in a substantive view of what is human: **acknowledging this right is the pre-condition for making all other rights possible**. It is their Bedingung der Mo ̈glichkeit, to put it as Kant might have done. Not only in the trivial but sturdy physical sense that **human rights can only apply to a living humankind, but not to a ”republic of insects and grass”** (Jonathan Schell on the state of the earth after a large nuclear war19). **The meta-right as a pre-condition has** rather **to be un- derstood in the moral sense: no foundation of morality** or legality (except in a totally positivistic view of the latter) **makes sense if it cannot rely on the respect of the fundamental rights of those** (poor populations al- ready affected by global warming, future generations¶ as victims of nuclear war or extreme climate change) **harmed by our acts and omissions**. Here I mean moral- ity at large, regardless of its being based on a conception of the right or the good. In other words, the two **global challenges, which have received so little attention in the mainstream philosophy of the last decades, have indeed philosophical implications capable of undermining the** business-as-**usual attitude in moral and political theory**; I mean the attitude to think of the foundations of moral- ity and polity as if the [hu]man-made (modern) world in which they operate had not been substantially altered by humankind’s newly achieved capability to destroy itself and/or the planet.¶ Let us make a further step on the road that leads to uncouple, as far as it goes, the foundation of a new right of paramount importance from a substantive conception of the human – an effort aimed at protecting it from the uncertain or frail fate of such conceptions. On the one hand, as a meta-right to individual-only human rights, the right to survival does not imply a choice among substantive values; this right does not refer to a partic- ular conception of what is good for future generations, as it only wants to ensure for them existential condi- tions that are an indispensable basis for their members to pursue whatever idea of the good, of liberty and self- realization they may choose. On the other hand, survival is indeed referred not to the mere biological fact, but to the survival of humankind in decent, civilized condi- tions, taking civilization in the meaning explained in §1. Alone, as I explained above, this qualification is not an added axiological component (civilization as a sys- tem of values), as it rather relies on the analytical view that some technical and cultural features of civilization are essential to the life of the human species.¶ There is a last aspect to be examined with regard to the structure or nature of this right: its emergence not from a shift in the doctrine of human rights, but as a response to a new situation in world history, in which survival goods (a livable atmosphere in the first place) that were so far tacitly taken for granted turn out to be no longer guaranteed, but more and more endangered. As such, this new right reconnects to what we know about individual human rights, that is that they come up as a response to “perceived threats” and build an “evolving whole”.20¶ b. Let us now come to the question of the right’s bearer. It is humankind, defined as the generality of the living individuals along with those who will be born. There are three possible objections to this proposition.¶ First, it seems to be self-evident that the notion of a human right for the so defined humankind cannot be subject to the classical liberal objection that bearers of such rights are individuals, not groups.21 Humankind is not an exclusive and self-contained group opposed to others (at least until we do not have our first contact with¶ dwellers of other regions of the universe), nor is it meant here to represent particular sets of values. Between the two meanings of “humanity” — as species (Artbegriff) and as regulative notion of a community cemented by shared values and goals (Zielbegriff)22 — I am referring to the first one; it is now becoming philosophically sig- nificant because not even its biological existence can be taken for granted under [hu]man-made threats. Humankind is not a hypostasis detached from the individuals, as in the case of ‘the community’ or ‘das Volk,’ as it rather means the totality of the living individuals of any given generation including (a) their potential to generate fur- ther human beings and generations and (b) their knowl- edge that the latter will exist and probably suffer. This reflexive notion of humankind raises a problem, but remains open to different ethical choices: indifference towards future generations, responsibility for them, and obligations assumed in their favor.¶ 4. A second question is: why should we speak of humankind instead of limiting ourselves to the more sober expression “all present and future individuals?” There is first a lexicological advantage, in as much as we thus use one word instead of connecting two by an “and.” This better conveys the sense that the bond of solidarity based on the responsibility for the elementary living conditions of posterity makes present and future individuals one community – in this sole, thin sense in- deed, which does not try to conceal the deep fractures existing between contemporaries within the present and the successive generations of this community. The very inclusion of future people into humankind is not an act of inclusive kindness towards them, but is rather made compelling by the lethal threats that past and present people have projected into the life of posterity, in an amount unprecedented in history. Lastly, introducing humankind as a bearer of rights highlights that the right of the individuals to be alive and free can be enjoyed only in the middle of a larger community, which makes the claim of human rights possible and helps to im- plement them. In times of economic globalization and global threats, we have come to know that this com- munity is the whole humankind, not just nations. All this however does not alter the truth that who is entitled to vindicate the right to survival is not humanity as a hypostasis, but every individual either living or not yet born – very much like what happens with individual human rights, whose constitutional formulation makes them enjoyable for every citizen who will in the future be born under the same Constitution.¶ Third comes the standard objection: it does not make sense to endorse obligation towards future people, since, if men and women agree to stop reproduction, those people might never be born. I have already dismissed this as a futile mental experiment. It could further be argued, though, that future generations might turn out¶ to have moral standards totally different from ours. Yet, the possibility that posterity will be not amenable to our moral world is not huge enough to release us from any responsibility towards them. We can still under- stand, and to an extent share, the moral problems raised by the Bible or the Greek classical tragedy of millen- nia ago and should not easily assume that our fellow humans of the year 3000, dwellers of a planet spoiled by global warming, will be morally so hugely different from us.¶ Finally, let me anticipate here one of the legal con- siderations that will be developed later on. Any right- establishing text (but I am now referring to the Universal Declaration of Human Rights, UDHR 1948) works with the basic formula “everyone has the right to etc.”23 The validity of the claims is limited only by the spatial ex- tension of the law: a right established by the French Constitution may be thought to be valid universally, but is legally protected only on French territory, while the rights mentioned in the UDHR apply by definition to the entire world where humans live. This can be dubbed spa- tial universalism, while establishing a right of present and future humanity to survive is tantamount to adding a time universalism. In other words, this makes explicit that the right of everyone to a just international order (UDHR 1948, Art. 28; more below) also holds for the ‘everyones’ of the year 3000. This may have always been tacitly intended by the law, the only time limit ly- ing in the possibility that the law is at some point in the future dismissed by another law canceling or expand- ing those rights. In a present like ours, in which it has become known that the future is no longer guaranteed to be essentially homogeneous (with no radical change in the physical and anthropological life conditions) to the present and the past, it has become necessary to openly establish a linkage between our obligations and the rights of future generations, as far as existential issues are concerned; a link that will likewise apply to them as soon as they become the present generation.¶ So far, I have clarified the moral and, to a lesser extent, legal reasons for introducing the notion of hu- mankind as right bearer. I will now stress that the hu- mankind discourse in this article remains political rather than moral.¶ It is not necessary here to rerun the history of the humankind/humanity notion; it is enough to remember that its denial has been a stronghold in the battle of value nihilists (Nietzsche) and realist thinkers (Oswald Spen- gler, who dismissed it as a “zoological notion,” and more extensively Carl Schmitt in Schmitt 1976, particularly §6). As self-contained units (such as the Westphalian system states) were deemed to be the only sustainable and legitimate polities, any reference to humanity was seen as toothless or manipulative, as a noble universalis- tic alibi for particularistic interests.24 Setting aside this¶ sort of criticism, which mistakes the ideological use of the term for its very substance, we know that humanity, as a good-will aspiration of philosophers, poets and re- ligious men, could not be regarded as a political notion because only non-voluntaristic communities can be re- garded as political. They alone allow for binding and effective decisions, whereas any partner can at any time and according to its convenience withdraw from mem- bership in “humanity” or other large associations based on just good will.¶ This can now be expected to change, because **planetary lethal threats such as nuclear war or disastrous climate change have the potential strength to forge all relevant political actors into one community**, not unlike Hobbes’ individuals, **who received the push to unite from the threats to their life and limbs**: first **because they are all put in danger, and** second **because they have to act jointly** if they really want to fight back those dangers. **This is a possibility, not an** actual and **inevitable process**, as there are enough counter-forces that impede those ‘Hobbesian’ threats to fully make hu- mankind one political community: fear, the protecting passion, does no longer work as smoothly as in Hobbes’ model of Leviathan.25 Nor is the potential contained in global challenges supposed to generate a world state as its only outcome: practicing survival policies, who- ever the actors may be, is more important than a uni- fied state-like structure in charge of doing so. Nonethe- less **all this is enough to use ‘humankind’ in a political sense**, as something that is a potential constituency rather than a fragmented multiplicity of individuals and states.¶ 5. Why a fundamental rather than a human right? The distinction between human and fundamental is not univocally worked out in the literature.26 In the vocab- ulary I am using here, human rights are seen as a philo- sophical concept and a moral (deontological) precept, while fundamental rights are those positively acknowl- edged in a legal order, entrusted to political and institu- tional processes for their implementation, and claimable in courts – this last feature being more problematic. Putting on humankind’s survival the label of a funda- mental right avoids leaving it in a philosophical limbo as a regulative idea,27 and gives it a better defined political and legal nature; this is more adequate to the character- istic of survival as something endangered by political decisions (or the lack thereof) and requesting a political solution by a given deadline (the next few years if we want to try to keep the temperature increase expected by 2100 under two degrees).¶ If humankind’s survival is acknowledged as a funda- mental right, it follows that it should be constitutional- ized, that is inserted in new and old (and aptly modified) Constitutions as well as in a new version of the Univer- sal Declaration of Human Rights; as such, it could be referred to as highest guidance in international treaties aimed at implementing it – rather than being enshrined in a specific ‘survival’ treaty. In constitutional law, a development in this sense is already taking place, in as much as either the rights of future generations to a safe environment or our responsibility towards them in this regard or the imperative to preserve the environ- ment (without mention of the future generations, but implicitly to their benefit) have been affirmed in consti- tutional amendments of the last two decades in countries such as Germany, France, Switzerland, but also Burkina Faso and Burundi. Having rights or being protected by the legally defined responsibility of the previous gener- ations is however not the same thing, and with regard to humankind’s survival I would point at its stronger formulation as a right: it is more binding, while the ob- jections against endowing future generations with rights can be easily argued against. Just because it is conceived in favor of those who cannot yet uphold their interest, this right should be protected against cancellation by a sort of Ewigkeitsklausel as in Art. 79.3 of the German Grundgesetz.28 A right to survival is more specific and more stringent than the right to a safe environment be- cause it derives from lethal and global challenges that affect the very core of the polity, protection, rather than from a generic care for a balanced relationship to na- ture or from a diffuse feeling of benevolence for the posterity.¶ In national or regional Constitutions, the acknowl- edgment of this right could be accompanied by the establishment of corresponding institutions, promoting the implementation of the new right; it could be for example an ombudsman29 for future generation as a (countermajoritarian)30 authority protecting their inter- ests against damages resulting from new legislation, and endowed with the power to send it back to the legislative rather than to veto it straight away.31 Not to be underes- timated are the difficulties that would arise in striking a very delicate balance on two levels: in general between the interests of present and future generations,32 but also between parliaments or executives, which act under the pressure of their constituencies, and the members of the ombudsman authority, who remain nonetheless contem- poraries of the former rather than being appointed by the latter – for all too natural reasons.¶ The same difficulty would affect the national courts in which the new fundamental right, as jus cogens principle, should be made claimable at the initiative of institutions such as the ombudsman or of advocacy groups representing a significative number of citizens in a referendum-like counting procedure. In international courts,33 the interest of future generations should be represented by an ombudsman to be established at the UN as well as at regional associations of states such as the EU or Mercosur. A point however that remains¶ open to further discussion has been raised in the de- bate on socio-economic or solidarity rights, which may have some affinity with the right to survival: theoreti- cally, Frank Michelman has made clear that the status of a norm as constitutional law ought not to be con- flated with the question of its availability for judicial enforcement.34 In practice, conflicts are easily possi- ble between the courts sentencing on the states’ failure to implement those rights and “the vain or overbearing nature of these sentences” on a matter that is political rather than judicial. 35 This is true in our case as well: the attainment of a new international order without national possession of nuclear arms or a carbon-free reordering of the world economy are goals for policy-making, not something that can be attained in courts. In this frame- work, however, courts are not jobless: sentencing the nuclear-armed states for their failure in implementing art.VI of the Nuclear Non-Proliferation Treaty (NPT),36 or the US of the Bush years for withdrawing from the Kyoto Protocol and failing to cut emissions is a typical judicial matter, as the two cases would regard the break of treaty obligations or the failure to cease doing some- thing harmful, not to bring about something good.37¶ Finally, two more fundamental objections could be raised against the idea of a legal protection of the inter- est of future generations. It could be argued that what would be represented (in a time-universalistic mode) is not the interest of future generations, but rather the interest of a particular fraction of the present ones, dis- guising itself as standard bearer of those people to come. On the one hand this should be taken into account as critical point of view in the public debate on those inter- ests. On the other hand, this criticism, strictly speaking, would also delegitimize such an ancient principle of Roman and Western law as the protection of the child. In morality it would affirm a radical skepticism that denies the possibility of slipping into another person’s clothes and acting from a non-egoistic stance. This can be obviously upheld, but at the price of the disappear- ance of morality as well as of the polity, which is – in any case and among other things – a solidaristic association.¶ A second problem, which is more difficult to deal with, is that we do not know as a general piece of knowl- edge what the interest of future generations is; whereas in the case of legal protection of the child we share a generally accepted knowledge of his or her future in- terest (to remain healthy, to get sufficient education, to be free to make the best of him/herself). What the real life conditions and the presumable vital interests of fu- ture generations will be can only be tentatively argued from what the several branches of natural and economic (e.g. demography) science are able to tell us about what is likely to remain constant in physical and cultural anthropology and what is likely to be most endangered.¶ As such, it is important that moral and political theory renew their relationship to the natural sciences after a time of reciprocal disdain between the two. While sci- ence cannot by itself draw an encompassing picture of future life under global threats, philosophy should learn from science what those future problems are likely to be and elaborate on them, instead of reflecting on the future of humanity by just moving from the doctrines of past philosophers or relying on the hearsay about it based on media reports or the philosopher’s personal divinations.¶ 6. My philosophical proposal to fill a hole in human rights discourse and legislation by introducing a first or meta-fundamental right of humankind to survival and positivizing it in national, international and world law38 resonates with two legal developments. The first related to ‘humanity’, the second to ‘human rights.’ The latter resonates with the novelties in constitutional law men- tioned in §5.¶ The first one began in 1970 as the UN General As- sembly adopted Resolution 2749, the Declaration of Principles Governing the Seabed and Ocean Floor, con- taining the notion of a “common heritage of mankind”; it was originally introduced to protect the seabed and ocean floor and later the “moon and other celestial bod- ies” from exploitation by powerful countries against the interest of the developing ones.39 In the 1990s, the competing and “thinner” concept of “common concern of mankind” emerged, as in the Convention on Bio- diversity of 1992; nonetheless it can be said that hu- mankind has become a notion contained in binding in- ternational law and referred to indivisible (climate) and divisible (seabed, ocean floor, moon) objects, and that this has happened as an answer to problems and chances generated by huge technological advancement.¶ In another corner of legal development, it could be argued that the logical structure, so to speak the norma- tive algorithm of the UDHR norms — the aforemen- tioned ‘everyone has the right . . . ’ — implies that hu- mankind, not just single individuals, is to be the bearer of those rights, even if the collective singular is not used. Turning to a more substantive level, we could go as far as to say that the legal protection of humankind’s survival was implicitly enshrined as early as 1948 in the UDHR and later in the International Covenant on Civil and Political Rights (ICCPR) as well as the In- ternational Covenant on Economic, Social and Cultural Rights (ICESCR), both of 1966. Art. 28 UDHR (“ev- eryone has the right to a social and international order in which the rights and freedoms set forth in this Decla- ration can be fully realized”) could be rethought in the direction of institutions bound to implement for every- one, now and in the future, the right to life (Art.3 UDHR, Art. 6 ICCPR), the right to an adequate standard of liv- ing incl. adequate food (Art.11 ICESRC)40 as well as¶ the right of the family to be protected (Art.10 ICESRC), a right that would be denied to families of the posterity bound to live under insufferable environmental condi- tions (cf. above the notion of a transgenerational chain of parents). While the different binding strength of the several **legal formulations** (treaty, covenant, convention, declaration) **cannot be ignored**, it remains clear that le- gal documents do not advance by themselves the cause of humankind’s survival, except if they can be effec- tively referred to in a court of justice; but **they create an appropriate and stable environment for what can really bring about a change, that is educational and political struggles,** the former aiming at a change in the political culture.¶ To sum up, (**humankind has thus ceased to be just a concept used by philosophers** and theologians, whose presence in international law was merely philo- sophical, if not rhetorical, as in the Preamble to the UN Charter of 1945. Though not explicitly endowed with rights in the documents quoted above, the humankind of the “common heritage” doctrine is an important prece- dent in the direction, suggested by this article, of in- troducing this new legal actor. When looking at the implementation of the rights that can be attributed to it, the other legal novelty of the “common but dif- ferentiated responsibility”41 of individual actors, such as countries, should also be brought to bear. This is important when it comes to distributing the burden of the duties corresponding to those rights – which is in- deed one of the major issues in the debate following the Copenhagen Accord on Climate Change of 2009. In any case, the legal acknowledgment of a “common responsibility” for the global commons is a further step in designing humankind as a juridical notion.¶ This article is policy-oriented in the peculiar sense of a constitutional policy that will require decades, if ever, to become the subject of debate and even longer to be legally implemented. Impulses in this direction are cer- tainly not be expected from the world of politics, but rather from the scientific community (provided a now utopian sounding collaboration of physics, philosophy and legal theory materializes) or from scattered sen- tences of national and international courts, particularly in environmental matter.42 **Support from civil society would help**.¶ Finally, the author’s suggestion as to how to read this proposal: it has a clearly cosmopolitan (or better: cosmopolitical) character, not however in the sense of cosmopolitanism as a general doctrine of government/ governance. It is rather generated by tools coming from realist thought: new threats as source of new rights, and lethal and planetary threats to the survival of hu- mankind’s civilization as drivers towards a new level of legal protection.

#### Debate must center existential risks – it’s key to civic engagement and academic research to develop risk mitigation strategies, but any alternative impact calc ensures complacency – we can win on this alone

Javorsky 18 [Emilia Javorsky is a Boston-based physician-scientist focused on the invention, development and commercialization of new medical therapies. She also leads an Artificial Intelligence in Medicine initiative with The Future Society at the Harvard Kennedy School of Government. Why Human Extinction Needs a Marketing Department. January 15, 2018. <https://www.xconomy.com/boston/2018/01/15/why-human-extinction-needs-a-marketing-department/>]

Experts at Oxford University and elsewhere have estimated that the risk of a global human extinction event this century—or at least of an event that wipes out 10 percent or more of the world’s population— is around **1 in 10**. The most probable culprits sending us the way of the dinosaur are mostly **anthropogenic risks**, meaning those created by humans. These include climate change, **nuclear disaster**, and more emerging risks such as artificial intelligence gone wrong (by accident or nefarious intent) and bioterrorism. A recent search of the scientific literature through ScienceDirect for “human extinction” returned a demoralizing 157 results, compared to the 1,627 for “dung beetle.” I don’t know about you, but this concerns me. Why is there so little research and action on existential risks (risks capable of rendering humanity extinct)? A big part of the problem is a **lack of awareness** about the **real threats** we face and what can be done about them. When asked to estimate the chance of an extinction event in the next 50 years, U.S. adults in surveys reported chances ranging from **1 in 10 million** to 1 in 100, certainly not 10 percent. The **awareness** and **engagement issues** extend to the **academic community** as well, where **a key bottleneck** is a lack of talented people **studying existential risks**. Developing viable **risk mitigation strategies** will require widespread **civic engagement** and **concerted research** efforts. Consequently, there is an **urgent need** to improve the **communication** of the **magnitude** and importance of **existential risks**. The first step is getting an audience to pay attention to this issue.

#### That is the only egalitarian metric---anything else collapses cooperation on collective action crises and makes extinction inevitable

Khan 18 (Risalat, activist and entrepreneur from Bangladesh passionate about addressing climate change, biodiversity loss, and other existential challenges. He was featured by The Guardian as one of the “young climate campaigners to watch” (2015). As a campaigner with the global civic movement Avaaz (2014-17), Risalat was part of a small core team that spearheaded the largest climate marches in history with a turnout of over 800,000 across 2,000 cities. After fighting for the Paris Agreement, Risalat led a campaign joined by over a million people to stop the Rampal coal plant in Bangladesh to protect the Sundarbans World Heritage forest, and elicited criticism of the plant from Crédit Agricolé through targeted advocacy. Currently, Risalat is pursuing an MPA in Environmental Science and Policy at Columbia University as a SIPA Environmental Fellow, “5 reasons why we need to start talking about existential risks,” <https://www.weforum.org/agenda/2018/01/5-reasons-start-talking-existential-risks-extinction-moriori/>)

Infinite future possibilities I find the story of the Moriori profound. It teaches me two lessons. Firstly, that human culture is far from immutable. That we can struggle against our baser instincts. That we can master them and rise to unprecedented challenges. Secondly, that even this does not make us masters of our own destiny. We can make visionary choices, but the future can still surprise us. This is a humbling realization. Because faced with an uncertain future, the only wise thing we can do is prepare for possibilities. Standing at the launch pad of the Fourth Industrial Revolution, the possibilities seem endless. They range from an era of abundance to the end of humanity, and everything in between. How do we navigate such a wide and divergent spectrum? I am an optimist. From my bubble of privilege, life feels like a rollercoaster ride full of ever more impressive wonders, even as I try to fight the many social injustices that still blight us. However, the accelerating pace of change amid uncertainty elicits one fundamental observation. Among the infinite future possibilities, only one outcome is truly irreversible: extinction. Concerns about extinction are often dismissed as apocalyptic alarmism. Sometimes, they are. But repeating that mankind is still here after 70 years of existential warning about nuclear warfare is a straw man argument. The fact that a 1000-year flood has not happened does not negate its possibility. And there have been far too many nuclear near-misses to rest easy. As the World Economic Forum’s Annual Meeting in Davos discusses how to create a shared future in a fractured world, here are five reasons why the possibility of existential risks should raise the stakes of conversation: 1. Extinction is the rule, not the exception More than 99.9% of all the species that ever existed are gone. Deep time is unfathomable to the human brain. But if one cares to take a tour of the billions of years of life’s history, we find a litany of forgotten species. And we have only discovered a mere fraction of the extinct species that once roamed the planet. In the speck of time since the first humans evolved, more than 99.9% of all the distinct human cultures that have ever existed are extinct. Each hunter-gatherer tribe had its own mythologies, traditions and norms. They wiped each other out, or coalesced into larger formations following the agricultural revolution. However, as major civilizations emerged, even those that reached incredible heights, such as the Egyptians and the Romans, eventually collapsed. It is only in the very recent past that we became a truly global civilization. Our interconnectedness continues to grow rapidly. “Stand or fall, we are the last civilization”, as Ricken Patel, the founder of the global civic movement Avaaz, put it. 2. Environmental pressures can drive extinction More than 15,000 scientists just issued a ‘warning to humanity’. They called on us to reduce our impact on the biosphere, 25 years after their first such appeal. The warning notes that we are far outstripping the capacity of our planet in all but one measure of ozone depletion, including emissions, biodiversity, freshwater availability and more. The scientists, not a crowd known to overstate facts, conclude: “soon it will be too late to shift course away from our failing trajectory, and time is running out”. In his 2005 book Collapse, Jared Diamond charts the history of past societies. He makes the case that overpopulation and resource use beyond the carrying capacity have often been important, if not the only, drivers of collapse. Even though we are making important incremental progress in battles such as climate change, we must still achieve tremendous step changes in our response to several major environmental crises. We must do this even while the world’s population continues to grow. These pressures are bound to exert great stress on our global civilization. 3. Superintelligence: unplanned obsolescence? Imagine a monkey society that foresaw the ascendance of humans. Fearing a loss of status and power, it decided to kill the proverbial Adam and Eve. It crafted the most ingenious plan it could: starve the humans by taking away all their bananas. Foolproof plan, right? This story describes the fundamental difficulty with superintelligence. A superintelligent being may always do something entirely different from what we, with our mere mortal intelligence, can foresee. In his 2014 book Superintelligence, Swedish philosopher Nick Bostrom presents the challenge in thought-provoking detail, and advises caution. Bostrom cites a survey of industry experts that projected a 50% chance of the development of artificial superintelligence by 2050, and a 90% chance by 2075. The latter date is within the life expectancy of many alive today. Visionaries like Stephen Hawking and Elon Musk have warned of the existential risks from artificial superintelligence. Their opposite camp includes Larry Page and Mark Zuckerberg. But on an issue that concerns the future of humanity, is it really wise to ignore the guy who explained the nature of space to us and another guy who just put a reusable rocket in it? 4. Technology: known knowns and unknown unknowns Many fundamentally disruptive technologies are coming of age, from bioengineering to quantum computing, 3-D printing, robotics, nanotechnology and more. Lord Martin Rees describes potential existential challenges from some of these technologies, such as a bioengineered pandemic, in his book Our Final Century. Imagine if North Korea, feeling secure in its isolation, could release a virulent strain of Ebola, engineered to be airborne. Would it do it? Would ISIS? Projecting decades forward, we will likely develop capabilities that are unthinkable even now. The unknown unknowns of our technological path are profoundly humbling. 5. 'The Trump Factor' Despite our scientific ingenuity, we are still a confused and confusing species. Think back to two years ago, and how you thought the world worked then. Has that not been upended by the election of Donald Trump as US President, and everything that has happened since? The mix of billions of messy humans will forever be unpredictable. When the combustible forces described above are added to this melee, we find ourselves on a tightrope. What choices must we now make now to create a shared future, in which we are not at perpetual risk of destroying ourselves? Common enemy to common cause Throughout history, we have rallied against the ‘other’. Tribes have overpowered tribes, empires have conquered rivals. Even today, our fiercest displays of unity typically happen at wartime We give our lives for our motherland and defend nationalistic pride like a wounded lion. But like the early Morioris, we 21st-century citizens find ourselves on an increasingly unstable island. We may have a violent past, but we have no more dangerous enemy than ourselves. Our task is to find our own Nunuku’s Law. Our own shared contract, based on equity, would help us navigate safely. It would ensure a future that unleashes the full potential of our still-budding human civilization, in all its diversity. We cannot do this unless we are humbly grounded in the possibility of our own destruction. Survival is life’s primal instinct. In the absence of a common enemy, we must find common cause in survival. Our future may depend on whether we realize this.

### Solvency NC

**Strikes fail because of public backlash and replacement- that turns the case- a failed strike leaves workers worse off and unions decimated**

**Houlihan, 21** – University of Wyoming master’s student

[Glenn, "The Legacy of the Crushed 1981 PATCO Strike; Forty years ago today, 13,000 air traffic controllers went on strike. President Ronald Reagan would soon crush that strike — leading to **devastating consequences** for organized labor and all workers that we’re still dealing with today.," Jacobin, 8-3-2021, https://www.jacobinmag.com/2021/08/reagan-patco-1981-strike-legacy-air-traffic-controllers-union-public-sector-strikebreaking, accessed 10-14-2021]

Following the failed strike, PATCO was **decertified as a union**. As an organization, it was **annihilated**. Many of the former controllers suffered **immense hardships**, including struggles to replace their income and the subsequent breakdown of relationships and marriages, after losing their highly specialized job. Some fired members and their partners even killed themselves.

Roots of a Failed Strike

The PATCO leadership were blindsided by the firings — especially since the union had, unwisely, endorsed Reagan’s 1980 presidential campaign over Carter’s. PATCO president Poli was persuaded by a letter he received from Reagan in October 1980 that stated:

You can rest assured that if I am elected President, I will take whatever steps are necessary to provide our air traffic controllers with the most modern equipment available and to adjust staff levels and work days so that they are commensurate with achieving a maximum degree of public safety.

Once Reagan took office, however, it soon became apparent that whatever ally PATCO thought they had in the White House was in fact a pro-business zealot who savored the opportunity to crush organized labor. Andrew Tillett-Saks underlines PATCO’s political misjudgment: “Unions that give their imprimatur to an anti-union president will soon find that president destroying them and the rest of the labor movement anyway.”

Another factor that pushed the PATCO strike toward catastrophe was public opinion. As research from the Pew Research Center shows, the fired controllers won little sympathy from the public. A Gallup poll conducted a few days after the firings showed that 59 percent of Americans approved of the way Reagan was handling the issue, compared to just 30 percent who disapproved. The Gallup poll also found that a whopping 68 percent of the public thought that air traffic controllers shouldn’t be allowed to strike. As David Macaray states, “The PATCO strike of 1981 will undoubtedly go down in history as a monument to overplaying one’s hand.”

This lack of popularity **isn’t inherent to illegal strikes**. If strikers demonstrate they are using their militancy to fight not just for themselves but for the entire working class, they can build a broad coalition of sustained community support. Teachers have done this in recent years, waging strikes both legal and illegal in cities like Chicago and red states like West Virginia that have proven widely popular. Unfortunately, PATCO strikers failed to frame their demands in ways that appealed to the public, and Reagan’s narrative that the union was greedy — “the union demands are seventeen times what had [previously] been agreed to,” the president insisted publicly — gained traction, portraying the strikers as selfish and unreasonable.

In addition, the strikers drastically underestimated Reagan’s willingness to replace them. It isn’t illegal for US companies or the government to hire **strikebreakers**. A notorious 1936 Supreme Court ruling, NLRB v. Mackay Radio & Telegraph Co., described by Paul C. Weiler as “the worst contribution that the U.S. Supreme Court has made to the current shape of labor law in this country,” legally defends the act of strikebreaking. Reagan’s intervention during the PATCO strike, however, “normalized the aggressive strike-breaking and union-busting agenda that had already become common in the private sector” and accelerated the use of strikebreaking as an anti-union tactic.

Seth Ackerman points out that permanent replacement became a “critical weapon” that allowed employers to go on the offensive against organized workers, and **management** even “**actively sought to provoke strikes**, with the intention of keeping production running and permanently **replacing the workers**, thereby **getting rid of a union** once and for all.” Indeed, “the probability of a union activist being illegally fired during a union organizing campaign rose from about 10 percent in the 1970s to 27 percent over the first half of the 1980s.” The strike rate collapsed soon after.

In the case of PATCO, two thousand non-striking controllers **crossed the picket line** to join roughly three thousand supervisors and nine hundred military controllers to **effectively circumvent** the firings. In the long-term, the cost of training new replacements far exceeded PATCO’s contract demands. Yet in the short-term, the government was able to quickly restore 80 percent of flights to normal operations — **crushing the strikers’ leverage** in the process.

#### Even if they used to work, in the current moment they’ll fail and leave labor worse off

Medearis, 20 – UC Riverside political science professor

[John, "On the Strike and Democratic Protest," in Protest and Dissent, ed. by Melissa Schwartzberg, 2020, University Press Scholarship Online, accessed 11-3-21]

First, organized labor is rightly seen as having been “the core equalization institution” in the United States in the middle of the twentieth century, at exactly the time when strike activity was (p.240) most robust.4 Effective unions can improve the earnings of their own members, as well as those of non-members in sectors of the economy that have strong union representation. The equalizing power of unions and union activity can thus be seen in wage benefits to unionized workers, and in the effect that a higher degree of union organization has on wages across an industry, even for the sector’s non-unionized workers.5 The precise role of strikes in raising wages is a complicated question, and one whose answer has probably changed over time. In the golden age of organized labor in the United States, workers often won considerable wage benefits through striking. But since the 1980s, many strikes have ended badly for labor. This is likely because of broad forces that have weakened the position of workers and reduced the effectiveness and incidence of strikes. The decline of the strike may represent in part a calculation by workers and unions that the potency of this form of action has diminished.6

#### The right to strike isn’t sufficient- the largest labor union already has it but chooses not to strike anyway

Schuhrke, 20 -- University of Illinois at Chicago labor historian

[Jeff, "Why Won’t the US’s Largest Labor Federation Talk About a General Strike?," Jacobin, 9-18-2020, https://www.jacobinmag.com/2020/09/general-strike-afl-cio, accessed 10-14-2021]

Why Won’t the US’s Largest Labor Federation Talk About a General Strike?

The barriers to organizing a general strike in the United States in response to the myriad miseries American workers are facing are massive. But we can’t move toward such a strike without at least putting the possibility on the table and discussing it — something the AFL-CIO has shown no interest in doing.

Every so often over the past few years, the hashtag #GeneralStrike goes viral, with everyone from obscure Twitter users to celebrities like Cher and Britney Spears calling for a nationwide work stoppage to demand systemic change. It’s much easier to get a hashtag to take off than to actually pull off a general strike, of course. But since the pandemic began, calls for a general strike have become louder and more frequent, with even the New York Times getting on board.

US union density is at its lowest point in a century, and workers’ power is incredibly low. Still, the number of US workers going on strike is at a thirty-year high. Workers like teachers have pulled off successful work stoppages in the last few years, and the pandemic has shown that strikes or strike threats can be essential tools for defending workers’ health and safety. Such successes have no doubt helped grow the popularity of the idea that the most powerful and effective way workers can fight back against the domination of capital and the willful indifference of neoliberal institutions is by collectively withholding our labor.

It seems like everyone is talking about a general strike these days. Everyone, that is, except the one organization best positioned to not just raise the issue of a general strike, but to go beyond mere talk to actually organize one: the AFL-CIO.

Representing 12.5 million workers from fifty-five affiliated unions linked together not only through the national federation, but also through a robust network of statewide federations and local labor councils all over the country, the AFL-CIO is the single largest workers’ organization in the United States. If any entity has the requisite infrastructure and relationships in place to realize a national, cross-industry strike, it is the AFL-CIO.