# 1NC---Run for the Roses---Race 3

## OFF

### 1NC

Remand CP:

#### The United States federal judiciary should decline to strengthen collective bargaining rights by mandating sectoral bargaining on the grounds that it ought to avoid abstract issue creation in the presence of significant reliance interests, announce support for the legal modification and remand the issue, grant certiorari and expedited review upon appeal, and declare that judicial precedent requires this process in future cases that involve significant reliance interests.

#### It competes and solves---remanding never mandates the plan but strongly induces lower courts to uphold its legal effect. Empirics prove they’ll comply, forcing the Supreme Court to revalidate the ruling BUT the process shores up reliance interests by promoting adjudicative consistency.

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Much scholarship in law and political science has long understood the U.S. Supreme Court to be the "apex" court in the federal judicial system, and so to relate hierarchically to "lower" federal courts. On that top-down view, exemplified by the work of Alexander Bickel and many subsequent scholars, the Court is the principal, and lower federal courts are its faithful agents. Other scholarship takes a bottom-up approach, viewing lower federal courts as faithless agents or analyzing the "percolation" of issues in those courts before the Court decides. This Article identifies circumstances in which the relationship between the Court and other federal courts is best viewed as neither top-down nor bottom-up, but side-by-side. When the Court intervenes in fierce political conflicts, it may proceed in stages, interacting with other federal courts in a way that is aimed at enhancing its public legitimacy. First, the Court renders a decision that is interpreted as encouraging, but not requiring, other federal courts to expand the scope of its initial ruling. Then, most federal courts do expand the scope of the ruling, relying upon the Court's initial decision as authority for doing so. Finally, the Court responds by invoking those district and circuit court decisions as authority for its own more definitive resolution. That dialectical process, which this Article calls "reciprocal legitimation," was present along the path from Brown v. Board of Education to the unreasoned per curiams, from Baker v. Carr to Reynolds v. Sims, and from United States v. Windsor to Obergefell v. Hodges--as partially captured by Appendix A to the Court's opinion in Obergefell and the opinion's several references to it. This Article identifies the phenomenon of reciprocal legitimation, explains that it may initially be intentional or unintentional, and examines its implications for theories of constitutional change and scholarship in federal courts and judicial politics. Although the Article's primary contribution is descriptive and analytical, it also normatively assesses reciprocal legitimation given the sacrifice of judicial candor that may accompany it. A Coda examines the likelihood and desirability of reciprocal legitimation in response to President Donald Trump's derision of the federal courts as political and so illegitimate.

INTRODUCTION

Given its legal and cultural significance, Obergefell v. Hodges has to be one of the most widely read and discussed Supreme Court decisions in recent memory. 1 Yet judging from the reactions in the law reviews, the casebooks, the blogosphere, the media, and even the dissenting opinions in the case, no one seems to have emphasized a potentially significant feature of the majority opinion. 2 The Court repeatedly implied that it was responding to developments in the federal courts, suggestions that were nothing but the truth. But they were not the whole truth. In all likelihood, the Court itself was partially responsible for causing those developments in United States v. Windsor 3 and its aftermath. 4 What is more, the Court may have intended to cause those developments.

In explaining why it had to decide whether states may prohibit same-sex marriage, the Court in Obergefell pointed to the existence of a circuit conflict. 5 And in holding that same-sex marriage falls within the scope of the fundamental right to marry, the Court made clear that it was adopting the majority view in the federal district and circuit courts--all listed in Appendix A to its opinion. 6 What the Court did not do is acknowledge that all of the federal court rulings in favor of same-sex marriage came after Windsor. Nor did the Court acknowledge that its opinion in Windsor seemed tailor-made to generating a lopsided circuit split in favor of same-sex marriage. The Court in Obergefell seemed to be trying to legitimate its controversial conclusion in part by portraying federal court decisions concerning same-sex marriage as if they were entirely independent of its decision in Windsor, when in all likelihood they were not.

The Court's conduct in Windsor and Obergefell is not sui generis; it is generalizable in at least two ways, one common and the other uncommon. First, the Court often alters judicial precedent, impacts the course of legislation, or affects public opinion and then later cites those changes in support of its own further conclusions. In so acting, the Court often does not acknowledge that it played a role in producing those changes. Second, when the Court takes on issues that deeply divide Americans, it characteristically takes steps to protect its public legitimacy, often in ways that are not fully candid. One way in which it may do so is by interacting dialectically with other federal courts.

The dialectical nature of the Court's interaction with other federal courts in Windsor and Obergefell was also evident (with a notable twist) in the conduct of the Court that decided Brown v. Board of Education, 7 the subsequent federal court decisions that expanded the scope of the Court's holding in Brown to racial segregation in other public settings, and the Court's unreasoned per curiams that validated the expansion. 8 A similar dialectic was present (with an important difference) in the Court's reapportionment decisions, beginning with Baker v. Carr 9 and culminating in Reynolds v. Sims. 10 By contrast, reciprocal legitimation has so far failed to result from the Court's decisions in District of Columbia v. Heller 11 and McDonald v. City of Chicago, 12 although what the Court intended in those decisions is unclear at this point.

The judicial phenomenon that this Article documents and generalizes can be understood as a process of reciprocal legitimation. The process is reciprocal because lower federal courts and the Supreme Court each enlist the support of the other. Specifically, district and circuit courts seek to legitimate their decisions by relying upon an initial Supreme Court decision (e.g., Windsor) as authority for expanding the scope of the decision, and the Supreme Court in a later decision (e.g., Obergefell) seeks to blunt threats to its own legitimacy by invoking those district and circuit court decisions as authority for validating the expansion.

Reciprocal legitimation takes two basic forms: it is either intended by the Court as an original matter, or it is unintended. In a case of intended reciprocal legitimation, such as Brown, the Court first intends for other federal courts to expand the scope of its initial decision and then later relies on those federal court decisions as authority in eventually validating the expansion. In a case of unintended reciprocal legitimation, such as Baker, the Court causes other federal courts to expand the scope of its initial decision without intending that result but nonetheless relies upon those federal court decisions as authority in eventually validating the expansion. This Article, while mindful of the perils of speculation absent internal evidence, will suggest that the Court may have intended reciprocal legitimation in Windsor. If that is correct, it is worth exploring why the Court deemed it desirable to proceed in that fashion. But even if the Court did not intend reciprocal legitimation in Windsor, it set the process in motion, and that process constitutes a potentially important part of how the American constitutional system functions.

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The process of reciprocal legitimation has not previously been recognized. The closest idea to it in the law review literature is Professor Richard Re’s astute observation that federal courts sometimes narrow Supreme Court precedent because of (among other possibilities) signals from the Court that the precedent should be narrowed.13 Re does not suggest, however, that in certain circumstances the Court may invoke the fact of such narrowing as authority for validating it. The analysis that follows has implications for constitutional law scholarship that emphasizes the role of political forces in identifying mechanisms of constitutional change, including Professor Bruce Ackerman’s theory of “constitutional moments,” Professors Jack Balkin and Sanford Levinson’s theory of “partisan entrenchment,” Professor Barry Friedman’s theory of the agency of public opinion in shaping the Court’s decisions, and Professors Robert Post and Reva Siegel’s theory of “democratic constitutionalism.”14 One lesson of recent gay rights litigation is that, to a greater extent than is recognized by any of those theories, constitutional change can be driven not just by political actors, but also by legal elites—by judges. Instead of simply responding to the gestalt or public opinion, judges on different courts may work together to actively shape public opinion through orchestration behind the scenes. This Article also has implications for scholarship in the fields of federal courts and judicial politics. Much of that scholarship either studies the Supreme Court without regard to its relationship to other courts, or else conceives of the Court and other federal courts as relating hierarchically—as principal and faithful agent—and therefore as constituting distinct institutions with different jobs to do. In contrast to such top-down models, other scholarship takes more of a bottom-up approach, either viewing the lower federal courts as unruly agents or analyzing the phenomenon of issue percolation in the lower federal courts before the Supreme Court decides. As already noted, however, another lesson of recent gay rights litigation (and desegregation and reapportionment litigation before it) is that the Court and other federal courts interact dialectically in interesting ways; they are part of the same federal courts system—a system in which lines of communication and influence can run back and forth, not just down or up. If one models that system as consisting of both nodes and links between nodes, the nodes begin to look different—and sometimes appear more, rather than less, alike—when viewed in the light cast by the links. The dialectical, side-by-side model of judicial interactions developed in this Article is distinct from approaches that emphasize either top-down hierarchy or bottom-up resistance or percolation.15 Part I documents the interaction between the Supreme Court and other federal courts beginning in Windsor and culminating in Obergefell. Part II generalizes by explaining that this episode is one instance of two larger judicial phenomena. Part III draws implications for the study of constitutional change and the study of federal courts in law and political science. Part III also identifies extensions of the model to state courts and non-judicial actors and to judicial phenomena like experimentation and learning, which can blend into reciprocal legitimation. This Article is primarily interested in identifying a judicial phenomenon and analyzing its implications, not praising or burying it. Nonetheless, reciprocal legitimation—especially, but not only, its intentional variant—implicates difficult questions about the circumstances in which, and the extent to which, it is permissible for judges to be less than fully candid about what they are doing.16 Accordingly, Part IV normatively assesses the Court’s conduct in Windsor and Obergefell. The Conclusion summarizes the argument, and a Coda suggests that it is reasonable to anticipate—and to defend— reciprocal legitimation in response to President Donald Trump’s repeated attacks on the legitimacy of federal judges who rule against him. Before proceeding, however, two clarifications are in order. First, for the most part this Article conceptualizes “the Court,” not individual Justices, as the relevant unit of analysis, even though it is familiar learning that a collegial court is a “they,” not an “it.” The Article proceeds in that fashion for two reasons. First, it is often impossible to know what recently happened at the level of individual Justices. For example, one suspects that Justice Ginsburg asked Justice Kennedy to include some equality reasoning in the majority opinion in Obergefell, 17 but that is just speculation, and, even if true, it is also speculative whether Kennedy agreed to do so because he thought it was a good suggestion or because he wanted to avoid separate opinions from Justices in the majority. Second, the idea of collective intent is more coherent than is suggested by academic criticism of the concept (often, but not only, when analyzing claims about original intent).18 It sometimes (although not always) makes sense to view the members of an institution or organization as sharing an objective, particularly when the institution is composed of a small number of people.19 Second, where to start a story depends upon one’s purposes in telling it. Just as Brown is not the beginning of the Supreme Court’s dismantling of an apartheid social order in the American South, Windsor is obviously not the beginning of the Court’s gradual insistence that gay people possess constitutional rights that government is required to respect.20 But Windsor is a useful starting point for documenting the reciprocal reliance between the Supreme Court and other federal courts that is the focus of this Article. If the focus were instead on the interactions between the Court and state courts concerning same-sex marriage, a better starting point would be Lawrence v. Texas, 21 including Justice Scalia’s dissent.22 As suggested by Appendix B of the Court’s opinion in Obergefell, and as explored in Part III.C, some state courts began invalidating bans on same-sex marriage after Lawrence. I. AN ACCOUNT OF WINDSOR AND OBERGEFELL A. Federalism as a Way Station As developed elsewhere, the Windsor Court appeared to use “federalism as a way station” by “combining equal protection reasoning with the analytical and rhetorical resources of federalism both to self-consciously lean in the direction of marriage equality and to not yet embrace it entirely.”23 On the one hand—the hand that conceives of federalism as limiting federal power—the Court emphasized that the all-purpose restriction of marriage to opposite-sex couples in the federal Defense of Marriage Act (“DOMA”) was constitutionally suspect because of its extraordinary interference with state control over domestic relations law.24 That reasoning seemed to imply that the states, not the federal government, are authorized to decide who may marry whom. Chief Justice Roberts, in his dissent, so read the majority opinion.25 On the other hand—the hand that used federalism in the service of living constitutionalism and emphasized the equal dignity of gay people—the Court celebrated the minority of states that were allowing same-sex marriage while ignoring the majority that were banning it; qualified its discussion of state control over domestic relations law by stating three times that states must respect constitutional rights; and emphasized (based on DOMA’s title, legislative history, and consequences) that the statute had the purpose, effect, and social meaning of demeaning the dignity of same-sex couples and their children.26 That reasoning seemed to imply that state bans on same-sex marriage are at least as constitutionally problematic as the federal ban at issue in Windsor. Justice Scalia, in his dissent, so read the majority opinion.27 Why did the Court issue such an opinion? As discussed further in the next Section, it is hazardous to speculate about the collective intent of the Justices in the majority absent access to the Court’s internal proceedings. But by resisting any dispositive “equality” or “federalism” interpretation and preserving for itself a certain Delphic obscurity, the Court in Windsor may have intended to generate a circuit conflict: there was something for both sides in the opinion, and the appellate courts were understood by the Court to be ideologically diverse. What is more, the Court may have intended to create a lopsided split in favor of marriage equality: there was much more in the opinion for gay rights advocates to use than their opponents.28 In addition, public opinion was moving with dispatch in favor of same-sex marriage, as the Court surely knew.29 That, of course, is exactly what happened. Federal courts, in invalidating state bans on same-sex marriage, invoked Windsor in two primary ways. (This Article discusses the decisions of the federal circuit courts, not the district courts, both because there are fewer of them and because they are more influential.) First, the Supreme Court in 1972 had held in a one-line summary decision that a state law preventing same-sex couples from marrying did not present a substantial federal question.30 In explaining why that decision, Baker v. Nelson, was no longer controlling, appellate courts invoked the Court’s decision in Windsor, which did not discuss Baker. “[S]ince Windsor was decided,” the U.S. Court of Appeals for the Tenth Circuit reported, “nearly every federal court to have considered the issue—including the district court below—has ruled that Baker does not control.”31 Typical was the reasoning of the U.S. Court of Appeals for the Fourth Circuit, which wrote that “[t]he Supreme Court’s willingness to decide Windsor without mentioning Baker speaks volumes regarding whether Baker remains good law.”32 Second, circuit courts leaned heavily on Windsor in ruling in favor of marriage equality either on substantive due process grounds33 or on equal protection grounds.34 For example, in holding that Virginia’s ban on same-sex marriage violated the fundamental right to marry, the Fourth Circuit reasoned that “Lawrence and Windsor indicate that the choices that individuals make in the context of same-sex relationships enjoy the same constitutional protection as the choices accompanying opposite-sex relationships.”35 And in holding that Idaho’s and Nevada’s bans on same-sex marriage unconstitutionally discriminated on the basis of sexual orientation, the U.S. Court of Appeals for the Ninth Circuit expressly applied heightened scrutiny,36 which it had previously read Windsor to require.37 At the same time, almost every dissenting judge in those cases distinguished Windsor as a federalism decision.38 “In Windsor,” Judge O’Scannlain of the Ninth Circuit observed, “the Court struck down a federal law that intruded on a state’s prerogative to define marriage.”39 “If anything,” he continued, “Windsor’s emphasis on the unprecedented federal intrusion into the states’ authority over domestic relations reaffirms Baker’s conclusion that a state’s definition of marriage presents no ‘substantial federal question.’ ” 40 Along similar lines, Judge Kelly of the Tenth Circuit asserted that “Windsor protected valid same gender, state law marriages based on federalism concerns, as well as Fifth Amendment due process and implied equal protection concerns.”41 “Given an unusual federal intrusion into state authority,” he reasoned, “the Court analyzed the nature, purpose, and effect of the federal law, alert for discrimination of ‘unusual character.’ ” 42 In the wake of those appellate decisions, the Supreme Court further nudged the federal courts in the direction of marriage equality by denying certiorari in all of them.43 The Court also remarkably declined to stay the judgments of courts in subsequent cases that ruled in favor of same-sex marriage.44 From a realist perspective, those last moves made it inconceivable that the Court would subsequently issue a decision effectively un-marrying thousands of couples it had just freed to marry. When the U.S. Court of Appeals for the Sixth Circuit generated the split by reading Windsor as imposing no constitutional limits on the states,45 the Court granted certiorari. In resolving the circuit conflict, the Court in Obergefell listed in Appendix A the many federal court decisions that had addressed state bans on same-sex marriage; it did not acknowledge that those decisions—in contrast to the state legislation and judicial decisions listed in Appendix B—were overwhelmingly decided post-Windsor. 46 Nor did it acknowledge that all of the federal court decisions invalidating state bans were post-Windsor. The Court referenced Appendix A three times in its opinion. It explained that there was both a split that needed resolving47 and a majority view in the circuits that it was adopting.48 The Court largely took itself out of the deliberative interactions it described. For example, in rejecting the argument that it should await further developments before declaring a right to same-sex marriage, the Court detailed the participation of almost every actor but itself in debates over same-sex marriage: The Court portrayed the opinions of the federal courts as having been informed directly or indirectly by the arguments of litigants, lawyers, and society—not in part by the Court itself in Windsor. In sum, the Court in Obergefell invoked the authority of the many federal court decisions that had invalidated state prohibitions on same-sex marriage, which in turn had relied on the Court’s own decision in Windsor. The Court did not disclose the existence of any reciprocal reliance—of any reciprocal legitimation. It instead presented federal court decisions as independent developments to which it was required to respond in order to ensure uniformity in the interpretation of important questions of federal law.50 It is common, although not inevitable, for the Court to invoke the prevailing view in the circuits as confirming its own conclusion—for example, when it rejects the position of an outlier circuit.51 What is different about the phenomenon discussed here is that the Court, through its decision in Windsor, likely played a causal role in determining which view would prevail in the circuits. What is also potentially different is that the Court may have intended to do so. B. A Preliminary Defense of the Account The foregoing interpretation is unlikely to satisfy scholars who are skeptical of claims of subjective judicial intent—and for good reason. Absent “smoking gun” evidence, which is currently unavailable, it is impossible to establish the subjective intent of any—let alone all—of the five members of the Windsor majority. It remains possible that the Court was uncertain about what to do, was simply awaiting further developments and learning, and was pushing its decision off for another day, which came sooner than expected. That interpretation seems unable to account for the extent to which the majority opinion in Windsor leaned in the direction of marriage equality, but perhaps another interpretation can. It matters if the Court in Windsor intended what followed, both because it raises the question of why it acted with such an intent (see Part II.B), and because such an intent may affect a normative assessment of the Court’s conduct (see Part IV). But it also matters that reciprocal legitimation subsequently occurred regardless of the intent of the Windsor majority. That is, even if the Court in Windsor caused subsequent events without intending to do so, other federal courts still invoked its decision as authority for invalidating state bans on same- The foregoing interpretation of events is also unlikely to satisfy empiricists. It is difficult to demonstrate empirically the extent to which the Court’s opinion in Windsor caused the reactions of the federal courts in its wake (just as it is difficult to establish the causal relationship between those reactions and the Court’s opinion in Obergefell). Perhaps the Court and other federal courts were moving independently in response to the same general conception of human rights52 or the same changes in public opinion, which were reflected in the position of the Obama Administration that classifications drawn on the basis of sexual orientation warrant heightened scrutiny.53 Although this Article cannot rule out that possibility, it likely does not tell the whole story. The probable consequences of the Court’s decision in Windsor were predictable—and were predicted—at the time it was decided.54 sex marriage, and the Court in Obergefell still invoked those decisions as authority in validating the result that most federal courts had reached. As Professor Katie Eyer observes, moreover, “[T]he history of gay equality claims in the lower federal courts suggests that such courts may be slower and more hesitant than the Supreme Court to make doctrinal moves responsive to broader shifts in constitutional culture, particularly in the absence of some clear doctrinal signal from the Court itself.”55 Windsor offered such a signal, even if (perhaps by design) it was not an entirely clear one. It was clear enough to embolden willing federal judges to go where they wanted to go—and where, perhaps, their grandchildren wanted them to go. (The fact that those federal judges wanted to decide in favor of marriage equality is what makes the legitimation reciprocal, as opposed to one-sided.) But the Court’s signal was not so clear as to effectively require unwilling federal courts or judges to go there as well. Is it accurate to characterize the Court as involved in persuasion, not compulsion, when it is an authority vis-à-vis the group (other federal courts) with which it is communicating? A skeptic might wonder what kind of communication from the Court would count as persuasion that would not also count as either precedent or strongly worded dicta. Such skepticism draws attention to the important point that hierarchy is always present to a non-trivial extent, and a fuller discussion of the issue must await Part IV.B. For now, it is worth reiterating that the Windsor Court seemed to go out of its way to offer something to both sides in the debate over same-sex marriage, even as it offered more to one side. In addition, there is a difference between a nudge and a shove. The Windsor Court, in essence, offered a nudge. II. TWO GENERALIZATIONS OF THE ACCOUNT Although the short amount of time that elapsed between Windsor and Obergefell may be uncommon and indeed dizzying, little else about the Court’s behavior in those cases is unprecedented. This Part identifies two ways, one common and the other not, in which the Court’s conduct constitutes one instance of more general judicial phenomena. A. Judicial Precedent, Legislative Trends, and Public Opinion

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First, when the Court seeks to alter substantially the course of the law, and even when it has no such conscious intention initially, it may affect the content of potential sources of legal authority—including judicial precedent, legislation trends, and public opinion—only to later invoke those changes in support of more aggressive doctrinal conclusions. For example, the Court in McLaughlin v. Florida justified its invalidation of a state law that punished interracial cohabitation more severely than intraracial cohabitation by citing (among other decisions) Brown v. Board of Education, 56 whose holding a decade earlier the Court had expressly limited to the field of public education.57 Three years later, the Court invoked McLaughlin in striking down anti-miscegenation statutes in Loving v. Virginia. 58 Similarly, the Court in Roper v. Simmons overruled earlier precedent permitting the juvenile death penalty by invoking, among other things, its intervening decision in Atkins v. Virginia, which prohibited the execution of the intellectually disabled.59

Examples of that kind of move abound not just in constitutional law, but also in the field of federal courts. For example, after the Court in Seminole Tribe of Florida v. Florida held that Congress is barred from using most of its Article I powers to override the states’ sovereign immunity from suit in federal court,60 the Court in Alden v. Maine held that, given Seminole Tribe, it would be anomalous to allow Congress to use those same powers to abrogate state immunity in state court.61 Dissenting, Justice Souter called out the Court for bootstrapping its way to an unjustified conclusion:

Using past decisions as authority for further extensions is broader than bootstrapping and is common.63 It is the progression of precedent characteristic of common law constitutionalism.64

When the Court leverages judicial precedent as justification for further expansions, it may seem relatively obvious (although see below) that the Court is responsible for having caused previous changes in the doctrine because the Court is citing itself. Likewise, the Court’s emphasis on reliance interests as one of several considerations in decisions about stare decisis transparently exemplifies the feedback loop discussed here. The Court explained in Planned Parenthood of Southeastern Pennsylvania v. Casey that when it reexamines a previous decision, “its judgment is customarily informed by a series of prudential and pragmatic considerations designed to test the consistency of overruling a prior decision with the ideal of the rule of law, and to gauge the respective costs of reaffirming and overruling a prior case.”65 Among other questions, the Court asks “whether the rule is subject to a kind of reliance that would lend a special hardship to the consequences of overruling and add inequity to the cost of repudiation.”66 The Court is thus candid about its own previous role in causing other actors to behave in ways that it is currently taking into account in preserving a particular result.

Another “Casey” factor that the Court considers is changes in the law: “whether related principles of law have so far developed as to have left the old rule no more than a remnant of abandoned doctrine.”67 As justification for overturning precedent, the Court may invoke tensions in the doctrine and countervailing lines of precedent, even though it obviously contributed to those tensions. An example from constitutional law is Lawrence v. Texas. 68 The Court reasoned that “[t]wo principal cases decided after Bowers cast its holding into even more doubt,”69 and proceeded to discuss Casey and Romer v. Evans. 70 An example from the field of federal courts is Monell v. Department of Social Services, 71 which overruled the holding of Monroe v. Pape that municipalities may not be sued under 42 U.S.C. § 1983.72 The Monell Court reasoned in part that “our cases—decided both before and after Monroe . . .—holding school boards liable in § 1983 actions are inconsistent with Monroe,” so that “it can scarcely be said that Monroe is so consistent with the warp and woof of civil rights law as to be beyond question.”73

Again, when the Court invokes its own precedent, it may seem obvious that the Court is relying upon changes that it caused. It may not, however, always be so obvious. One should recall that the Court is a “they,” not an “it,” not just at a particular point in time, but also over time. It may not be apparent to all consumers of its opinions whether the Court is citing a previous Court or the current one.

The Court can have an impact on the course of legislation that is similar to its impact on the course of judicial precedent, and it may subsequently take advantage of that impact without being entirely candid about what is going on. Perhaps the best example is Eighth Amendment jurisprudence, where the Court expressly looks in part to objective indicia of “evolving standards of decency” in order to determine whether a national consensus rejects a particular punishment for a particular crime.74 For example, in holding in Kennedy v. Louisiana that the Constitution categorically prohibits the death penalty for child rape, the Court emphasized that only six states permitted capital punishment for that offense.75 In dissent, Justice Alito charged that “this statistic is a highly unreliable indicator of the views of state lawmakers and their constituents.”76 Dicta in the Court’s decision thirty years earlier in Coker v. Georgia, 77 he explained,

gave state legislators and others good reason to fear that any law permitting the imposition of the death penalty for this crime would meet precisely the fate that has now befallen the Louisiana statute that is currently before us, and this threat strongly discouraged state legislators—regardless of their own values and those of their constituents—from supporting the enactment of such legislation.78

The Court is also characteristically not candid about its previous role in causing legal or social change when it invokes shifts in public opinion. The Court has a history of first affecting public opinion (admittedly, in complex ways79) and then later citing those effects in support of more controversial conclusions. One example is the Court’s notation in Loving of the fourteen states that had repealed their prohibitions on interracial marriage over the previous fifteen years.80 That development was likely affected by the Court’s decisions leading up to, including, and following Brown.

Relatedly, the Court may affect public opinion in ways that it later invokes in order to maintain constitutional commitments it had previously made. An example is the Court’s invocation in Grutter v. Bollinger of a widespread societal commitment to “diversity,”81 an ostensibly non-remedial justification for affirmative action that Justice Powell fashioned in Regents of the University of California v. Bakke82 at a time when universities were expressly defending affirmative action admissions programs on remedial grounds.83 Another example is the Court’s reaffirmation of Miranda v. Arizona84 in Dickerson v. United States. 85 The Court there declared—in a majority opinion by Chief Justice Rehnquist, no previous friend of Miranda—that “Miranda has become embedded in routine police practice to the point where the warnings have become part of our national culture.”86

Reciprocal legitimation is like the foregoing phenomena in that the Court invokes changes that it played a part in causing without candidly admitting as much. Reciprocal legitimation is distinct, however, in that it involves a particular kind of relationship that the Court establishes with other federal courts when it perceives threats to its public legitimacy, and so is less common. The next Section documents instances in which the Court forged—or did not forge—such a relationship.

B. Public Legitimacy

There is a second way in which the Court’s conduct in Windsor and Obergefell is generalizable. When the Court intervenes to decide a question on which American constitutional culture is deeply divided, the Court often takes measures to safeguard its public legitimacy.87 Public legitimacy is distinct from legal legitimacy because each “is constituted by its collective acceptance” in the minds of a distinct audience.88 As Professor Richard Fallon has explained, “When legitimacy functions as a legal concept, legitimacy and illegitimacy are gauged by legal norms.”89 “As measured by sociological criteria,” Fallon continues, “the Constitution or a claim of legal authority is legitimate insofar as it is accepted . . . as deserving of respect or obedience—or . . . is otherwise acquiesced in.”90 Public legitimacy turns on whether non-legal actors, including the general public, different regions of the country, and government officials, view judicial decisions as deserving of respect or obedience or otherwise acquiesce in them.91

One way in which the Court may seek to shore up its public legitimacy is by participating in the process of reciprocal legitimation, which may initially be either intentional or unintentional. This Section canvasses a successful instance of intended reciprocal legitimation, a successful instance of unintended reciprocal legitimation, and a recent failure to achieve reciprocal legitimation that may or may not have initially been intended.

Before beginning the case studies, it is important to note that whether the words of a judicial opinion have any particular empirical effect, such as enhancing the public legitimacy of the issuing court, depends upon what Professor J.L. Austin called the perlocutionary force of those words. Austin observed that the perlocutionary force of speech turns on “what we bring about or achieve by saying something, such as convincing, persuading, [or] deterring.”92 The perlocutionary force of a judicial opinion is a matter of contingent causality that depends, among other things, upon how exactly the court speaks. For the Court’s speech to affect its public legitimacy, it is not necessary to assume that the public carefully parses Supreme Court opinions. Rather, it is necessary to assume only that the content of the Court’s opinion is relevant to the perlocutionary effect of its speech. It is no doubt true that the meaning of the Court’s opinions is conveyed to the public in complex, highly mediated ways.

1. The Segregation Cases

The Brown Court sought to protect its public legitimacy in numerous familiar ways. It set the case for re-argument twice, and it expended great efforts to publicly project unanimity even though the Justices were divided. The Court also expressly limited the holding to education (as noted above), did not moralize about a moral issue, and allowed desegregation “with all deliberate speed.”93

The Brown Court took those actions because it was concerned about the extent to which Southern politicians and citizens would comply with federal court orders to desegregate Southern public schools. The Court was less troubled by the prospect that a broader ruling condemning all state-mandated segregation would be unconvincing to legal professionals. Indeed, because purporting to limit Brown’s rationale to education predictably subjected the Court to harsh criticism from legal luminaries,94 the Court was willing to sacrifice a portion of its legal legitimacy in order to shore up its public legitimacy. Reciprocal legitimation concerns threats that the Court may at times perceive to its public legitimacy, not its legal legitimacy. The Brown Court was most concerned about protecting its public legitimacy, as was the Windsor Court when it declined to rule more broadly—say, by holding that discrimination on the basis of sexual orientation triggers heightened scrutiny.95

Brown is an extreme case because the Court perceived that its public legitimacy was under extreme stress. But evidence of similar behavior is discernible in Windsor and Obergefell. As documented in the previous Part, the Court’s opinion in Windsor may have been designed to set in motion the process of reciprocal legitimation, and, in any event, that is what happened: the Court and other federal courts invoked one another as authority in attempting to legitimate a controversial decision in the face of divided public opinion. That strategy is potentially risky for the Court because other federal courts may decline the Court’s invitation. But they also may accept it, as Windsor and Obergefell illustrate.

Notably, the reciprocal legitimation technique is also exemplified (albeit with an important twist) by Brown, the subsequent federal court decisions that expanded the scope of the Court’s holding in Brown to racial segregation in other public settings, and the Court’s per curiams that validated the expansion. As noted, the Court decided Brown in a way that self-consciously did not necessarily condemn all de jure racial segregation, all racial classifications, or all practices of racial subordination.96 During the opinion drafting process, Chief Justice Warren rejected a proposed addition offered by Justice Jackson because Warren “felt it could be interpreted as being directed toward segregation in general, not only in public education.”97 Warren wrote that the Court was limiting the rationale to education even though he clearly knew that the basic issue was much broader, and that the Court was encouraging litigants and federal judges to read it broadly. Among other things, Plessy v. Ferguson, whose reasoning the Court was rejecting, involved segregation in railroad cars.98 And almost immediately after Brown, the Court vacated the judgment of an appellate court that had upheld segregation in municipal recreational facilities and remanded for reconsideration in light of Brown. 99

In short order, many other federal courts leaned on the authority of Brown in expanding the scope of its holding to segregation in other public spaces in Southern life100—for example, public beaches and bathhouses,101 intrastate bus systems,102 and public parks and golf courses.103 In response, the Court leaned on those federal court decisions so heavily that it did not issue opinions and offer its own reasons. Instead, the Court simply affirmed the decisions summarily with citations to Brown, 104 while infamously postponing consideration of the constitutionality of anti-miscegenation laws.105 Fearful that giving reasons or condemning anti-miscegenation statutes so soon after Brown would only make Southern resistance more massive, the Court waited eleven years to speak loudly in Loving. 106 In the interim, the Court’s legitimacy became more secure,107 and so the Court developed sufficient confidence to write per curiam opinions invalidating segregation in various settings.108 Exuding self-confidence in Loving, the Court reinterpreted Brown as having condemned racial classifications that reinforce inferior social status.109

2. The Reapportionment Cases

Another example of reciprocal legitimation, albeit one that was not initially intended, is the reapportionment decisions of the 1960s, which were decided in the shadow of massive resistance to Brown. Prior to the 1960s, many state legislatures were severely malapportioned, with districts of vastly different populations. As cities and suburbs grew in population, election districts were not redrawn to reflect the population changes. For example, fifty thousand people might elect a representative in one district while two hundred and fifty thousand people in another district elected a representative to the same legislature. The same malapportionment problem existed in congressional districts in states across the country.110

Writing in 1946 for the Court in Colegrove v. Green, Justice Frankfurter admonished that “[c]ourts ought not to enter this political thicket” of legislative reapportionment, lest the public legitimacy of the court be imperiled.111 By 1961, his position had not changed, and he attempted to sway Justice Stewart to his side while Baker v. Carr112 was pending before the Court. He wrote to Justice Stewart that judicial intervention threatened to “bring the Court in conflict with political forces and exacerbate political feelings widely throughout the Nation on a larger scale, though not so pathologically, as the Segregation cases have stirred.”113 Justice Frankfurter would later write in dissent in Baker that “[t]he Court’s authority—possessed of neither the purse nor the sword—ultimately rests on sustained public confidence in its moral sanction.”114 “Such feeling,” he continued, “must be nourished by the Court’s complete detachment, in fact and in appearance, from political entanglements and by abstention from injecting itself into the clash of political forces in political settlements.”115

Justice Frankfurter failed to persuade Justice Stewart, and the Court forged ahead over Justice Frankfurter’s objections, notwithstanding reasonable concerns that state legislatures or Congress might not comply with federal court orders to reapportion.116 In responding to reapportionment cases, the Court proceeded in stages. First, it held in Baker v. Carr only that reapportionment challenges were justiciable, leaving it to other courts to initially decide whether to insist upon population equality, something close to equality with permissible deviations for sufficient cause, mere rationality, or some other standard.117 In rejecting the applicability of the political question doctrine, Justice Brennan wrote in part for the majority that “[j]udicial standards under the Equal Protection Clause are well developed and familiar, and it has been open to courts since the enactment of the Fourteenth Amendment to determine, if on the particular facts they must, that a discrimination reflects no policy, but simply arbitrary and capricious action.”118 The Solicitor General and counsel for the plaintiffs had urged the Court to adopt a deferential approach.119 At that point, however, the Court was deciding only the question of justiciability.

Although “[s]ome commentators criticized the Court for laying down no more specific guidelines for lower courts to follow,” Professor Gordon Baker, writing in 1966, opined that the Court’s forbearance “may have been a calculated and perceptive move.”120 “By letting state and lower Federal courts tackle the specific problems in particular states,” Baker explained, “the supreme tribunal would be able to gauge the reactions—both political and judicial—before moving farther.”121 He added that the Court “must have been impressed with the ensuing flood of litigation,” as well as with “the alacrity with which many lower court judges moved to correct alleged malapportionments.”122 Political scientist Martin Shapiro was less pleased with the Court, opining that it “has, in a sense, not kept its word to those of its defenders who have relied on the initially limited arguments” and that “[i]t remains to be seen whether or not the tactical advantage gained by its ‘delayed action’ approach will compensate for the Court’s loss of that precious political asset, a reputation for candor.”123

Judging from the inside account of the Court’s deliberations recently offered by Professor J. Gordon Smith, however, the reason the Court decided only the issue of justiciability in Baker appears to have had much to do with unstable internal Court dynamics.124 Justice Brennan initially needed Justice Stewart’s vote in order to secure a majority, and Justice Stewart did not want to decide more than the issue of justiciability. Whatever the reasons for Justice Stewart’s minimalism (among other possibilities, perhaps Justice Frankfurter’s lobbying took a toll), Justice Brennan no longer required Justice Stewart’s vote when Justice Clark changed his mind after unsuccessfully attempting to write a dissent. What is more, Justice Clark expressed willingness to decide not only the issue of justiciability, but also the merits. After talking with Chief Justice Warren, however, Justice Brennan decided not to redraft the majority opinion so late in the term. Perhaps Justice Brennan did not push for a broader ruling at least in part because he perceived strategic advantage in delay— whether because he had intended reciprocal legitimation in mind, or because he did not want to alienate Justice Stewart. It also seems likely, however, that the Court would have issued a broader ruling had Justice Clark initially joined the majority. Moreover, there were not yet five votes for “one person, one vote,”125 so the Court could not then have been proceeding with that ultimate objective in mind.

Whatever the best explanation for the limited nature of the Court’s intervention in Baker, the “short-term response” to it was “nothing short of astonishing.”126 Writing in 1962, Professor Robert McCloskey observed that “not only federal judges, but state judges as well, have taken the inch or so of encouragement offered by the Supreme Court and stretched it out to a mile,” for “legislatures all over the country have been bidden to redistrict or to face the prospect of having the judiciary do the job for them.”127 In all, there were “more than seventy legislative and congressional reapportionment lawsuits filed in forty states in the aftermath of Baker v. Carr.”128 Baker set in motion a process, the next phase of which entailed federal and state judges leaning on its authority in moving toward population equality.

The final phase began when those decisions returned to the Court. Over the next few years, the Court decided the merits of various apportionment scenarios, roughly in order from least controversial to most controversial. In Gray v. Sanders, 129 the Court invalidated Georgia’s primary election law and county unit system.130 Writing for the Court, Justice Douglas declared that “[t]he conception of political equality from the Declaration of Independence, to Lincoln’s Gettysburg Address, to the Fifteenth, Seventeenth, and Nineteenth Amendments can mean only one thing—one person, one vote.”131 In Wesberry v Sanders, the Court turned its attention to the House of Representatives,132 agreeing with the dissenter on the three-judge district court, who had “relied on Baker v. Carr.”133 In a majority opinion written by Justice Black, the Court held that “as nearly as is practicable one man’s vote in a congressional election is to be worth as much as another’s.”134

More controversially, in Reynolds v. Sims, the Court expanded the scope of the principle of population equality to state legislative districts.135 The Court held that, “as a basic constitutional standard, the Equal Protection Clause requires that the seats in both houses of a bicameral state legislature must be apportioned on a population basis.”136 Writing for the Court, Chief Justice Warren observed that “[t]he spate of similar cases filed and decided by lower courts since our decision in Baker amply shows that the problem of state legislative malapportionment is one that is perceived to exist in a large number of the States.”137 The Court added in a footnote that “litigation challenging the constitutionality of state legislative apportionment schemes had been instituted in at least 34 States prior to the end of 1962—within nine months of our decision in Baker v. Carr.”138

The Court in Reynolds v. Sims did not expressly cite numerous federal and state court decisions as authority for its own resolution, as it did in Obergefell. As just noted, however, the Court did lean on federal and state court decisions in documenting the scope of the “problem . . . that is perceived to exist.” The Court did not acknowledge that Baker likely played a role in producing that perception, even as the Court observed that those decisions were rendered after Baker. As Professor Gordon Baker reported, moreover, “the ‘consensus of lower courts’ in moving toward representative equality” was a major theme of oral arguments in reapportionment cases that term.139 Thus, the reapportionment cases appear to be another instance in which the Court intervened in stages and interacted dialectically, not simply hierarchically, with other federal (and state) courts.

In another way, the majority opinion in Reynolds v. Sims quietly sought to ameliorate threats to the Court’s public legitimacy. Chief Justice Warren offered the reassurance that controversies over reapportionment did not simply involve “urban-rural conflicts,” notwithstanding how they “are generally viewed.” This was because “fast-growing suburban areas . . . are probably the most seriously underrepresented in many of our state legislatures,” and because “malapportionment can, and has historically, run in various directions.”140 Those observations were irrelevant to the constitutional question, as Warren acknowledged.141 But he included them anyway.142

#### The plan’s unexpected legal change shatters reliance interests---that cascades, destabilizing the entire edifice of regulatory law.

Bridgens ’21 [Gary; 2021; J.D. from the Antonin Scalia Law School at George Mason University; George Mason Law Review, “Demystifying Reliance Interests in Judicial Review of Regulatory Change,” vol. 29]

Reliance interests cannot be described as a neat set of criteria that are easily identified. Due to their nuance and often-backward-looking nature, reliance interests regularly go unconsidered. However, reliance interests play a rather large role in stabilizing other legal functions and can play a similar role in stabilizing regulatory judicial review. For instance, reliance interests are a well-understood element of “stare decisis,” the legal concept that a court “should adhere to [the] rules [of] its prior decisions.”164 Reliance interests embody the idea that “private parties may . . . shape their behavior around [regulatory and] judicial precedent such that sudden or significant change in . . . applicable legal rules [may] be costly [or] unfair.”165 While it would be reasonable to say that a private actor should expect regulations to change, it is not reasonable that the change should happen under wildly erratic or frequently recurring conditions.166 Accordingly, reliance interests should be understood to protect against changes in rulemakings that, due to their irregular or sudden nature, implicate the unrealized investments of private parties in that regulation.

Perhaps the foremost argument for consideration of reliance interests is that considering the impact of a regulatory action on real stakeholders promotes stability in the law. Individuals and institutions operate around and build upon official representations of the law. That is, “private parties can and do shape their behavior around administrative regulations and adjudicative orders.”167 Generally, private stakeholders are incapable of managing the risk of legal change in a rational and effective manner, as they are unable to inoculate themselves against unforeseeable, broad swings in policy.168 This is particularly true in a hyperactive regulatory environment, where regulated entities expect that they will at least have the opportunity to comply with a regulation, let alone benefit from it over time. Stability in regulation promotes efficiency, transparency, and ensures accountability upon departure from the status quo.169 Judicial consideration of reliance interests thus functions to protect private stakeholders against those regulations that are both sudden and drastically alter the status quo.170 While there may be a time and place for sudden or drastic regulations, regulatory procedures, such as data publishing requirements and the notice-and-comment rulemaking processes, indicate that this sort of agency action ought not be the norm. Regulation, when necessary, should be deliberate and inclusive.

Private actors are not the only stakeholders who rely on legal consistency for efficiency in operational planning. Congress regularly builds upon the legal rules established by judicial interpretations and agency actions,171 such that administrative law can fairly be characterized as a tangled web. This practice is so commonplace that “overruling an established judicial interpretation could, therefore, ‘unsettle a vast cluster of public and private expectations.’”172 This argument applies with equal vigor to hyperactive regulatory change. As more regulations are prematurely altered or rescinded, operating costs and mid-to-long-term planning become more unpredictable, and thus costly.173 Consideration of reliance interests in judicial review of regulatory change would provide important protections against regulations that fail to consider their practical impact on stakeholders and thus contribute to the stability of the regulatory sphere.

Without a common understanding of reliance interests, it will be difficult for courts and agencies to strike an appropriate balance in the application of reliance-interest considerations. This Comment recommends the following definition of reliance interests as it relates to regulatory change: Interests established or entered into by private parties for the purposes of adherence to a rulemaking or attendant requirement, or with an understanding that the rulemaking or attendant requirement would remain law for a period sufficient to justify investment by private parties.174 The interest must have been established in reliance on the rule in question.

This definition of reliance interests accounts for both physical and non-physical investment in dependence on a rule. Understating that reliance-interest review is not dispositive, but rather a reliance interest will be weighted according to its role in a case, it is similarly important to be as inclusive as possible here. Any rule contemplating reliance interests must account for both physical and circumstantial investment. For example, an agency’s assessment should account for the physical investment that must be made by private actors in energy, infrastructure, and in other sectors that are largely capital-intensive. These industries largely involve fixed assets, which must be altered, or their processes adapted, when regulations change.175 Similarly, a reliance-interest definition must capture investment similar to that sustained in Regents.176 Where a regulation has encouraged individuals to invest in a certain way, or has incentivized certain economic behavior, it is reasonable that those individuals should expect to receive the returns on those investments. Accordingly, any reliance-interest assessment must capture these individuals’ reliance interests for consideration by a reviewing court. In sum, a proper understanding of reliance interests considers both the industrial and individual, and the economic and the personal; these are the areas of life most susceptible to a loss of welfare due to hyper-regulatory activity.

B. The Supreme Court and Administrative Agencies Must Demystify Reliance Interests

The issue of unconsidered reliance may be addressed through clear statements from the Supreme Court and dedicated efforts by administrative agencies. This Comment suggests that Courts should establish triggers for consideration of reliance interests, and that agencies should establish commitments to and procedures for accounting for reliance in rulemaking. Further, dedicating CBA resources to reliance considerations will not only enhance the staying power of reliance interests generally but will enhance the usefulness of CBA.

1. The Court Should Establish Triggers for Reliance Consideration

Most importantly, the Court ought to designate triggering circumstances which would require the assessment of reliance interests in judicial review. When the Supreme Court says that it will give weight to reliance interests in cases where rules have engendered them, it should do exactly that. Rather, the Court has eschewed reliance interests at nearly every opportunity, creating a patchwork of decisions which offer little-to-no clarity on how reliance interests will be assessed.177 As such, this Comment proposes that a court should examine, and an agency be required to address, reliance interests in the following cases:

#### A hyper-volatile administrative landscape jumpstarts backlash to containment of emergent technology---extinction.

Li ’25 [Jieli; May 16; Professor of Sociology in the Department of Sociology and Anthropology at Ohio University; Fudan Journal of the Humanities and Social Sciences, “Governing High-Risk Technologies in a Fragmented World: Geopolitical Tensions, Regulatory Gaps, and Institutional Barriers to Global Cooperation,” vol. 18]

The erosion of trust in governance institutions, as explained by Habermas’ concept of the “legitimation crisis,” highlights the growing disconnection between modern governance structures and the public they serve. Habermas (1975) argues that as modern states struggle to maintain security and stability, public confidence in institutional frameworks deteriorates, leading to a crisis of legitimacy. This issue is particularly relevant in the governance of emerging high-risk technologies, where regulatory bodies often fail to keep pace with rapid innovation in fields such as nuclear power, synthetic biology, and artificial intelligence. The growing dependence on expert systems and technocratic governance further distances the public, intensifying concerns over democratic accountability and transparency in the decision-making process (Jasanoff 2011). In this context, global technology governance is caught in a double bind—striving to build public legitimacy and trust while also maintaining the efficiency and technical expertise needed to regulate fast-moving industries. Without inclusive, participatory mechanisms, governance institutions may become detached from the public sphere, leading to heightened skepticism, resistance, and potential regulatory failures.

The growing uncertainty and unpredictability of technological risks align with Beck’s “risk society” thesis, which describes modernity as a system increasingly defined by man-made risks rather than natural ones. Beck (1992, 2009) argues that societies today face systemic and unpredictable risks that arise from technological and industrial developments, many of which go beyond national boundaries. He distinguishes between “voluntary risks” (e.g., workplace hazards) and “involuntary risks” (e.g., large-scale technological disasters and climate change), emphasizing that the latter are becoming harder to control. He asserts that “in advanced modernity, the social production of wealth is systematically accompanied by the social production of risks” (Beck 1992, p. 19). This paradox presents a unique challenge: While technological advancements offer efficiency and progress, they also introduce profound vulnerabilities that are difficult to predict, mitigate, or regulate.

The acceleration of such vulnerabilities in a globalized world, as suggested by Giddens’ “runaway world” thesis, highlights how technological change often outpaces governance structures, leaving regulatory mechanisms struggling to keep up. Giddens (1990, 2003) describes how globalization has intensified risks while simultaneously diminishing the regulatory capacity of national governments. He explores the concept of “disembedding,” wherein traditional social structures are supplanted by abstract systems, leading to an increased reliance on expert knowledge while simultaneously eroding public engagement and trust. This growing detachment complicates regulatory efforts, as governance mechanisms often struggle to keep pace with rapid technological advancements.

Similar to Beck, Giddens argues that modern society is increasingly shaped by “manufactured risks”—threats that emerge from human innovation rather than natural processes. The acceleration of such risks is evident in phenomena like AI-driven disinformation, climate change fueled by industrial emissions, and financial crises triggered by algorithmic trading. Given the inherently global nature of these risks, effective international governance mechanisms are essential. However, their development remains constrained by geopolitical rivalry, economic disparities, and national security concerns, which hinder coordinated responses and the establishment of effective regulatory frameworks.

The instability and unpredictability of global governance structure in the modern world align with Bauman’s concept of “liquid modernity,” which depicts a world where regulatory institutions and governance mechanisms are increasingly fragmented and volatile. Bauman (2000) contrasts “liquid modernity” with the solid and predictable governance structures of the past, arguing that contemporary political and economic institutions are increasingly characterized by instability. This fluidity heightens uncertainty and insecurity, making political, social, and economic conditions more volatile. Bauman’s theory is particularly relevant to the governance of high-risk technologies, where regulatory frameworks are in constant flux in response to technological developments. The rapid progression of AI, biotechnology, and cybersecurity threats exemplifies the challenge of establishing stable governance mechanisms. Cultural shifts, evolving legal standards, and geopolitical uncertainties further complicate efforts to develop consistent global governance strategies.

The inevitability of failures in complex technological systems is central to Perrow’s “normal accidents” theory, which suggests that failures in highly interconnected, tightly coupled systems are unavoidable. Perrow (1984) argues that large-scale technological systems—such as nuclear plants, chemical factories, and air traffic control networks—are inherently vulnerable to unforeseen failures, regardless of safety measures. Despite efforts to design fail-safe mechanisms, complex interdependencies between system components make catastrophic failures inevitable. The 2011 Fukushima nuclear disaster serves as an example of how multiple failures within a tightly coupled system can escalate into large-scale catastrophes, even in the presence of extensive precautionary measures (Perrow 2011). Similarly, the increasing complexity of digital infrastructures—particularly those powered by artificial intelligence—heightens the potential for cascading failures with far-reaching global consequences, including financial crashes and large-scale cybersecurity breaches (World Economic Forum, 2023).

Synthesizing the above theoretical perspectives reveals a common theme: the governance of high-risk technologies is increasingly constrained by complexity, unpredictability, and transnational interdependence. Habermas’ “legitimation crisis” highlights the political dimensions of risk management, illustrating how declining public trust in governance structures complicates regulatory efforts. Beck’s “risk society” underscores the uncertain and pervasive nature of technological risks, emphasizing their global and systemic implications. Giddens’ “runaway world” aligns with Beck’s arguments, demonstrating how globalization accelerates technological change, often outpacing regulatory adaptation. Perrow’s “normal accidents” theory further reinforces this challenge, arguing that failures within highly complex systems are not only inevitable, but also difficult to contain. Meanwhile, Bauman’s “liquid modernity” provides a broader sociological framework for understanding the instability and fluidity that characterize contemporary governance structures, emphasizing their struggle to keep pace with rapid technological transformations.

These theoretical perspectives highlight the urgent need for innovative global governance structures to manage emerging technological risks. Given the deeply interconnected nature of emerging technologies, national policies alone are insufficient for mitigating systemic risks, thereby necessitating coordinated international regulatory responses. As technological advancements continue to accelerate, governance institutions must adapt to the challenges of complexity, unpredictability, and interdependence. In the absence of comprehensive regulatory mechanisms, the risks posed by high-tech innovations may outpace society’s capacity for oversight and control, further deepening the crisis of legitimacy in both national and international governance systems. A forward-thinking, collaborative approach is therefore essential to ensuring that technological progress aligns with societal well-being and long-term global stability.

3 The Catastrophic Potentials of High-Risk Technologies

A defining feature of the “risk society” is the proliferation of high-risk technologies, as modern societies are increasingly shaped by “manufactured risks” and the global threats arising from industrial and scientific progress. Although these advancements have the potential to greatly improve global well-being, they also carry the risk of catastrophic consequences for humanity.

3.1 Nuclear Technology

Nuclear energy has long illustrated the dual-edged nature of high-risk technology—offering clean energy solutions while at the same time presenting severe environmental and public health challenges. Historical nuclear disasters highlight the systemic vulnerabilities of nuclear power. The 1986 Chernobyl disaster remains one of the most catastrophic nuclear accidents in history, releasing widespread radioactive contamination, and leading to long-term health crises, environmental devastation, and mass displacement (Medvedev 1990; Plokhy 2018). Similarly, the 2011 Fukushima Daiichi nuclear disaster demonstrated how technological failures, compounded by natural disasters, can have far-reaching transnational consequences (Funabashi & Kitazawa 2012). The radiation contamination from Fukushima impacted not only Japan, but also neighboring countries, disrupting global food supplies and trade networks (Madigan et al. 2012).

Beyond reactor failures, nuclear proliferation remains a critical global security concern. The dual-use nature of nuclear technology—where civilian nuclear energy programs can be diverted for military applications—exacerbates international tensions. The North Korean nuclear crisis and Iran’s uranium enrichment program exemplify the geopolitical instability linked to nuclear governance, as both state and non-state actors pursue nuclear capabilities despite international sanctions (Cirincione 2008). The difficulties in enforcing global nuclear security are further demonstrated by the limitations of non-proliferation frameworks such as the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), which faces ongoing compliance challenges and enforcement difficulties.

3.2 Biotechnology and Genetic Engineering

Advancements in gene-editing technologies, particularly CRISPR-Cas9, have sparked significant ethical, ecological, and security concerns. One of the most controversial incidents occurred in 2018, when Chinese scientist He Jiankui genetically modified twin embryos to confer resistance to HIV (Regalado 2018). This experiment sparked widespread global concern, underscoring the unpredictable long-term consequences and ethical dilemmas associated with human genetic modification (Krimsky 2019).

Beyond human genome editing, gene drives—a groundbreaking biotechnology designed to facilitate the spread of genetic modifications through entire wild populations—introduce serious ecological risks. While gene drives hold promise for controlling disease-carrying insects, they also present unintended environmental consequences. For instance, modifying mosquito populations to reduce malaria transmission could inadvertently disrupt ecosystems and threaten biodiversity (Esvelt & Gemmell 2017). Another pressing issue is genetic pollution, where genetically modified organisms (GMOs) interbreed with wild populations, posing risks to biodiversity and food sovereignty. A notable case is the contamination of native maize varieties in Mexico by genetically modified corn, raising concerns over its impact on traditional agriculture and indigenous food systems (Quist & Chapela 2001; Altieri & Rosset 1999).

Furthermore, the emergence of synthetic biology has introduced new bioterrorism threats. In 2017, Canadian researchers successfully synthesized a smallpox-like virus, demonstrating how engineered pathogens can be recreated using publicly available genetic data (DiEuliis & Giordano 2018). This breakthrough has intensified fears regarding the weaponization of synthetic viruses, as both accidental releases and intentional misuse could lead to global pandemics, reinforcing the urgent need for stronger biosafety regulations (Koblentz 2021; Koblentz & Popescu 2024).

3.3 Quantum Computing

Quantum computing holds transformative potential across sectors such as pharmaceuticals, logistics, climate modeling, and AI, yet it also introduces significant, often overlooked risks. These stem not only from the technology itself, but also from its geopolitical, economic, and ethical ramifications. As with other high-risk technologies, governance is hindered by international fragmentation, regulatory inertia, and strategic competition. A major concern is its capacity to break existing cryptographic systems. Algorithms like Shor’s could render RSA and elliptic curve cryptography obsolete, threatening global digital security and enabling “quantum decryption” of previously secure data (Bernstein & Lange 2017; Mosca 2018). The risk is heightened by “harvest now, decrypt later” tactics and slow adoption of post-quantum cryptography (Kshetri 2021).

### 1NC

### 1NC

#### The United States federal government should:

#### Invest in supply-chain resilience, including developing indigenous production lines for critical inputs and deepening friendshoring,

#### establish a universal basic income that transitions to a negative income tax if a universal grant proves fiscally unsustainable,

#### establish pandemic preparedness protocols, including mandatory vaccinations, quarantine protocols, and global intelligence sharing and modernization, and

#### ban non-competes;

#### Not inject particles into the stratosphere.

#### The United States military should not participate in any civil militarized conflict on United States soil, without announcing this policy.

#### It solves supply chains.

Iakovou ’20 [Eleftherios; December 3; the Harvey Hubbell Professor of Industrial Distribution at Texas A&M University; Brookings Institute, “How to build more secure, resilient, next-gen U.S. supply chains,” <https://www.brookings.edu/techstream/how-to-build-more-secure-resilient-next-gen-u-s-supply-chains/>]

New information and manufacturing technologies provide great potential for improving resiliency and productivity in response to real-time demand analysis. Real-time demand data can be used to determine transshipment decisions of raw materials, work-in-progress, and finished products in order to ensure inventories are kept in balance. Further, real-time decision making can rebalance relocatable production. For example, for distributed multi-facility additive manufacturing systems, 3D-printers can be relocated as demand shifts geographically, in conjunction with delaying product differentiation (postponement) for a more agile supply chain.

The result is supply chain performance that blends the advantages of distributed supply chain systems (having inventory and/or manufacturing capacity close to demand to enable fast fulfillment) and centralized supply chain systems (to enable economies of scale, inventory and risk “pooling,” reduced total safety inventory, and reduced total capital expenditures). This performance is in contrast to lean supply chains that minimize cost but may be unable to effectively respond to and recover from unexpected and disruptive events. A dynamically resilient data-driven supply chain network will quickly detect, respond to, and recover from such changes by adjusting manufacturing capacity as needed. Such a supply chain will be resilient and either lean or agile, depending on need.

The role of government in supply chain resilience

Supply chain resilience has already emerged at the forefront of the United States’ research and development agenda. In identifying R&D priorities for federal agencies for fiscal year 2021, the Office of Science and Technology Policy at the White House has called for the development of resilient advanced military capabilities and improved resilience of critical infrastructure and U.S. advanced manufacturing to natural and man-made disasters, including cyber-attacks and exploitation of supply chain vulnerabilities.

Following the COVID-19 pandemic, policymakers are now calling for supply chains of critical goods, especially medical supplies and high-tech products, to be reshored to the United States. But the complete reshoring of such supply chains cannot be the answer. Domestic suppliers can also be disrupted. And such a move would make U.S. businesses less competitive, putting them at a disadvantage with businesses of other (often adversarial) nations that continue to embrace globalization and support key industries with aggressive industrial policies, including subsidies and currency manipulation. The result may be reduced appeal of U.S. products in foreign markets, increased costs to U.S. consumers, reduced shareholder value for investors, and the erosion of the United States’ global innovation leadership, as complete reshoring would hinder its openness to ideas, people, and sourcing of parts and may not make the U.S. economy more resilient to pandemic-type shocks.

The design and operation of a supply chain is highly dependent on the product. Functional products with long life cycles and relatively small demand variability require cost efficient supply chains that can be offshored. Innovative products with short life cycles and relatively high demand variability require market-responsive supply chains with nearshored or domestic sourcing and production. Products of critical importance to defense, security, health, and national competitiveness require the federal government to take a special interest in their supply chains. Today, such products include rare-earth metals, artificial intelligence, hypersonic weaponry, 5G technology, semiconductors, pharmaceuticals, synthetic biology, and specialized medical equipment.

The competitiveness, resilience, and security of these supply chains, embracing holistically R&D, planning, procurement, manufacturing, distribution, and maintenance along with the cultivation of a national manufacturing ecosystem of small to medium enterprises is key to U.S. national security. Achieving this requires an understanding of a given industry’s “clock speed”, which refers to the speed at which it introduces new products, processes and organizational structures; government and regulatory processes; and manufacturing operations for repair and maintenance, which are often not synchronized across these supply chains. Federal government interventions to cultivate supply chain resilience must work in tandem with a given industry’s clock speed.

As it responds to the pandemic, the United States has made some moves to improve its supply chain resiliency, including provisions in the CARES Act economic relief package to investigate U.S. medical supply chains. President-elect Joe Biden has announced a plan to rebuild U.S. supply chains that aims for broad-based resilience as opposed to pure self-sufficiency. Additionally, there have been multiple Senate hearings to examine the integrity and reliability of critical supply chains following the onset of the pandemic. There are a number of other policy interventions the U.S. government might take to promote more resilient and competitive supply chains. These interventions include:

Mapping supply chains that are critical to U.S. health and economic security in order to identify potential vulnerabilities and threats. Supply chain mapping provides visibility to “the suppliers’ suppliers” and can be laborious and time intensive, as it is often conducted on paper. Following the 2011 tsunami in Japan, for example, a team of 100 executives of a global semiconductor giant needed more than one year to complete this task. Embracing novel digital approaches to illuminate the relevant extended supply networks is imperative to help identify what data are important for the development of well-informed policy interventions and operations.

Investing to improve national logistics infrastructure, including its “hard” (ports, roads, rail networks) and “soft” infrastructure (the service industries that underpin logistics) with a focus on improved customs performance, supply chain reliability and service quality, cybersecurity, environmental sustainability, and skills shortages. These priorities would further raise the United States’s ranking in supply chain performance, global logistics connectivity, and competitiveness. Such long overdue investments unfortunately were not made in the globalization-driven economic boom of the 1980s, when policymakers failed to embrace long-term thinking.

#### It’s a silver bullet for inequality and unemployment.

Greenwell ’22 [Megan; October 24; Journalist, teaches journalism at Syracuse University’s Newhouse School of Public Communications, citing city-level experiments on basic income, the associate director of Stanford University’s Basic Income Lab, and a bevy of other empirical research on basic income; Washington Post, “Universal Basic Income Has Been Tested Repeatedly. It Works. Will America Ever Embrace It?” <https://www.washingtonpost.com/magazine/2022/10/24/universal-basic-income/>]

Now, though, as the country emerges from the pandemic, the guaranteed income movement sits at a crossroads. The pilot programs have created [scores of stories](https://www.washingtonpost.com/politics/2019/09/01/month-no-strings-attached/?itid=lk_inline_manual_10) like Everett’s about how a small amount of money led to massive change in a recipient’s life. And a growing body of research based on the experiments shows that guaranteed income works — that it pulls people out of poverty, improves health outcomes, and makes it easier for people to find jobs and take care of their children. If empirical evidence ruled the world, guaranteed income would be available to every poor person in America, and many of those people would no longer be poor.

But empirical evidence does not rule the world, and it is far from clear that there is a political path forward for guaranteed income on a large scale. The city-level experiments cannot last forever: Stockton’s lapsed in early 2021, a few months after Tubbs lost his reelection bid to a Republican successor who showed no interest in trying to keep SEED going. On Capitol Hill, too, political momentum for handing out cash has waned. At the end of 2021, an extension of the expanded child tax credit — which was seen by many advocates as a key steppingstone to guaranteed income — was [blocked by a Democrat](https://www.washingtonpost.com/us-policy/2021/12/20/manchin-biden-child-tax-credit/?itid=lk_inline_manual_11) representing the state with the sixth-highest poverty rate in the country.

Early in the pandemic, some in the guaranteed-income movement had begun to whisper about accelerating the timeline for taking their efforts nationwide. America’s most progressive social policies have always grown out of economic crises, so maybe covid would bring about a guaranteed-income policy in the next few years. But the failure of the expanded federal child tax credit diminished some of that optimism; many of those same advocates are now looking toward the long game. “You have to be willing to fight for something to the end,” says Baltimore Mayor Brandon Scott, who recently launched a guaranteed-income experiment, “even if it doesn’t happen, even if you only push it a few feet further, even if it means that you die doing it.”

Without a radical solution — like, say, giving people money with no strings attached — America will continue to be home to one of the worst rates of income inequality of any rich nation in the world. And from city to city, there is massive energy and momentum to keep expanding this experiment. But true believers also harbor a sense of anxiety about what the future holds. “I’m worried,” says Sean Kline, the associate director of Stanford University’s Basic Income Lab, “that these guaranteed income demonstrations are going to sunset and then it’s just going to go quiet.”

For as long as America has had a poverty problem — which is to say, for its entire history — a small group of dreamers has proposed guaranteed income as a solution. The idea dates to the year the country was founded: Thomas Paine proposed a type of basic income in his 1776 pamphlet “Common Sense.” In the mid-20th century, it gained traction among Black American thinkers: In 1966, the Black Panthers’ Ten-Point Program demanded “employment or a guaranteed income” for everyone. A year later, the Rev. Martin Luther King Jr. wrote in his last book — “[Where Do We Go From Here: Chaos or Community?](https://read.amazon.com/kp/embed?asin=B009U9S6EO&preview=newtab&linkCode=kpe&ref_=cm_sw_r_kb_dp_G1E0RYSDQ350VFGPSP96&tag=thewaspos09-20)” — that government aid programs all have a “common failing: they are indirect. Each seeks to solve poverty by first solving something else. I am now convinced that the simplest approach will prove to be the most effective — the solution to poverty is to abolish it directly by a now widely discussed measure: the guaranteed income.”

The first official proposal for a federal basic income program, though, came not from a paragon of progressivism, but from Richard Nixon. In 1969, Nixon introduced the Family Assistance Plan, which would have provided additional cash to poor families through a negative income tax — cutting checks to the poorest Americans instead of them paying the government — of $1,600 (about $13,000 today) for a family of four. The proposal was motivated by Nixon’s desire to replace the welfare system, which was unpopular with White blue-collar voters, but it never made it out of the Senate Finance Committee.

Many skeptical politicians and voters feared that giving people cash would allow them to quit their jobs, stop looking for work or work less. Around the same time, a series of negative-income-tax experiments benefiting about 7,500 people in six states appeared to confirm those concerns: In Seattle and Denver, where the two largest programs took place, married men worked an average of 7 percent fewer hours after three years of the program, while married and single women worked 17 percent fewer hours. And while researchers didn’t look at any other measures of stability — whether participants were more likely to seek medical care, for example, or whether their children missed fewer days of school — they did observe a modest increase in the divorce rate. Those two factors were enough to destroy widespread interest in guaranteed-income experiments for several decades.

Over time, however, interpretations of the 1970s experiments have morphed. Participants don’t seem to have dropped out of the labor force entirely, suggesting that the money may have given them the luxury of waiting a little longer for the right job to come around instead of rushing into the first available option. And working less sometimes means getting more education, which is almost always a net positive for the economy. An uptick in divorces can be a good thing too: Studies show that financial insecurity is a major contributor to keeping women in failing relationships, as in Everett’s case. In retrospect, the legacy of the first significant guaranteed-income pilots was a whole lot of complicated questions and limited information with which to answer them.

Meanwhile, the concept of conditional cash-transfer programs — in other words, paying poor people for desirable behavior — was gaining steam in middle-income countries like Mexico and Brazil. In 2007, New York Mayor Mike Bloomberg launched a program called Opportunity NYC, which rewarded parents for tasks like taking their children to the doctor and completing job-training courses. The experiment had a moderate positive effect on families’ overall finances but did not boost academic performance among elementary-schoolers or increase families’ likelihood to seek preventive medical care, researchers found. Bloomberg did not extend the program when it expired in 2010.

Among many poverty scholars and activists, conditional cash transfers are seen as a step in the right direction, but only a small one. To maximize the impact on poor people’s lives, they say, money must be a right, not a reward, because that’s the only way to empower people to make their own choices. “There are positive outcomes from conditional cash, there are positive outcomes from unconditional cash,” Kline says. “But I think for me, making it conditional misses a really fundamental value around trust, dignity, agency, freedom.”

The word “dignity” comes up a lot among guaranteed-income advocates. Research shows that the vast majority of people don’t “waste” cash on vices like drugs and alcohol, but rather use even small amounts to improve their life circumstances dramatically. In a 2019 working paper, Nobel Prize-winning development economist Abhijit Banerjee and two co-authors concluded that the distribution of unconditional cash in low-income countries had positive effects on “income, assets, savings, borrowing, total expenditure, food expenditure, dietary diversity, school attendance, test scores, cognitive development, use of health facilities, labor force participation, child labor migration, domestic violence, women’s empowerment, marriage, fertility, and use of contraception, among others.”

Banerjee is part of the research team studying the world’s largest basic-income program, which is midway through a 12-year run across 300 rural villages in Kenya. For about 5,000 people, that means an extra $22 a month for more than a decade. Thus far, the researchers have found, participants have been less likely to get sick or go hungry, and more likely to start a business.

In the United States, which has the world’s largest gross domestic product, the basic-income calculus is different than in places like Kenya, where a significant minority of people live on less than a dollar a day. But America has its own unique factors, like that inequality rate and a history of racist policies that have left a disproportionate number of people of color at the bottom of the income scale. Indeed, Tubbs and his counterparts frame basic income as something akin to reparations — a way to alleviate harm done to marginalized people by decades of biased and ineffective policy. The SEED recipients were struggling to survive because society had let them down, Tubbs argues, and the conventional methods of helping them were paternalistic and inadequate.

In Baltimore, where more than 1 in 5 residents live below the federal poverty line, a new guaranteed-income pilot gives $1,000 a month to 200 recipients, all of them parents in high-crime neighborhoods. “We’re like the birthplace of racial redlining, right?” Scott says. “You’re not going to erase inequality, inequity that was caused by policy, without creating policy to do the opposite.”

The notion of guaranteed income as a government-backed corrective for decades of racist policies has spread to dozens of cities, many led by young, Black mayors. Scott, 38, consults regularly with St. Louis Mayor Tishaura Jones, 50, whose city launched a guaranteed-income pilot in December 2021. St. Paul, Minn., Mayor Melvin Carter, 43, serves as co-chair of Mayors for a Guaranteed Income, and is a mentor to Tubbs, 32. According to Tubbs, guaranteed-income programs in Columbia, S.C.; Shreveport, La.; and Atlanta were the result of a Black mayors’ group text shortly after George Floyd’s murder in which he evangelized for King’s approach to solving urban poverty, before sending everyone a copy of “Where Do We Go From Here.”

It’s no coincidence that these are the people plotting the future of guaranteed income in America, Scott argues. Many of them grew up in families that would have benefited from guaranteed-income programs. “We’re the first group of elected folks who actually lived through all of the s---,” he said, looking up from his phone for a rare moment during a 30-minute interview at Baltimore City Hall and drawing out the vowel sound in “lived.” “We lived through crack and heroin. We lived through [zero tolerance](https://www.washingtonpost.com/archive/politics/2000/06/15/group-finds-racial-disparity-in-schools-zero-tolerance/0ad585b4-c814-44a8-919e-09ad82ab0b9b/?itid=lk_inline_manual_29). So all the stuff that folks are now talking about, we understand it in a way that no one else will.”

The most basic objection to guaranteed-income programs is about cost. Providing $1,000 a month to every American regardless of income — which some scholars argue would make the policy more palatable than one targeted to people in poverty — would cost $3.1 trillion a year, nearly half the federal government’s entire budget in 2021.

And yet, the adage that it is expensive to be poor applies not just to individuals, but to their governments. A mountain of evidence shows how tightly income inequality correlates with crime rates, education levels, drug abuse, incarceration, intimate-partner violence, and physical and mental health, which together cost billions upon billions of tax dollars. Numerous studies, for example, have found it would be cheaper to give homes to unhoused people than it is to cover all the costs associated with allowing them to stay on the streets, but progressives have faced an uphill climb to convince policymakers and voters that providing free housing is a worthwhile strategy. While there isn’t yet research on the potential economic benefits of guaranteed income specifically, studies of similar initiatives have shown that pulling people out of poverty generates a huge increase in tax revenue as well as savings on public assistance programs.

First, though, the guaranteed-income movement had to show that its idea worked at all. When the current wave of experiments kicked off, the goal was to drown opponents in data demonstrating that the simplest idea for alleviating poverty was in fact the silver bullet it appeared to be.

Of course, whether something “works” depends on the definition. Obviously giving people more money makes them less poor, but the Stockton Economic Empowerment Demonstration team set out to show that as little as $500 a month — not nearly enough to replace actual income — would have a multiplier effect, allowing recipients to improve their employment prospects, their physical health and mental well-being, their children’s education, and their overall stability.

A research team from the University of Pennsylvania’s Center for Guaranteed Income Research laid out three overarching questions: How does guaranteed income affect volatility? To what degree do changes in income volatility alter financial well-being, psychological distress and physical functioning? How does guaranteed income generate agency over one’s future?

To conduct their randomized controlled trial, the Penn researchers tracked purchases on the debit cards provided to the 125 recipients, asked recipients and control-group members to input monthly income data, and conducted biannual surveys to learn how people’s lives were going. The questions focused on recipients’ well-being, but also on some of the most common objections to guaranteed income: Did they quit their jobs, content to live on “free money”? Did they blow all their funds on cigarettes and liquor?

“I never came in asking for permission,” Tubbs said on a sweltering November day in Los Angeles, where he moved after losing his reelection bid in Stockton. “I was not ready for a vote; I was going to do this. But I did go in wanting to make sure I understood sort of where the sentiment was, where the opposition was. I said, ‘Well, look, we’ll evaluate this and see how the money is spent and we’ll see who’s right.’”

In March 2021, the researchers released preliminary data from the first year of the pilot. While their first peer-reviewed paper is still in the works, their self-reported results showed an unqualified success. More than 50 percent of recipients said they could pay for a $400 emergency expense in cash, compared with 25 percent before the program began and 28 percent of the control group. Recipients experienced statistically significant improvements in their mental health as determined by a common test of psychological well-being.

Importantly for Tubbs and other politicians looking to sell conservatives on guaranteed income, the study found that SEED participants were more likely to find full-time employment than members of the control group. Recipients spent the biggest share of their cash on food, followed by other merchandise, utility bills, and gas and car maintenance. Less than 1 percent of the total allotted funds were used to buy tobacco or alcohol. “Honestly, I don’t think SEED could have gone any better,” Kline says. “I’m astounded at what a small little demonstration can do.”

A year later, data from a D.C.-based guaranteed-income experiment showed similarly promising results. Thrive East of the River provided $5,500 to 600 families in Ward 8 during the pandemic, either as a lump sum or as five monthly payments. Although the program was too short-term to measure effects on employment, Urban Institute researchers found [significant positive effects](https://www.washingtonpost.com/dc-md-va/2022/02/26/guaranteed-basic-income-dc-poverty-thrive/?itid=lk_inline_manual_43) on recipients’ mental health, food security and ability to meet their children’s needs. Thrive wasn’t part of the mayors’ consortium launching guaranteed-income pilots, but policymakers embraced the Urban Institute data as an important part of the overall work.

“Even my staff cautioned me about being so optimistic and confident, but I was going to bet on people,” Tubbs said, tilting back in his chair in the messy shed-turned-office that sits behind his home in a historically Black neighborhood of L.A. The SEED results “were particularly vindicating because everyone was like, ‘We need cash,’ but there were all these racist tropes. And the opposite of all the tropes is what the data showed was true.”

The question Tubbs and his allies did not originally confront, however, is what would happen if they showed that guaranteed income works — but still didn’t convince enough lawmakers to support it. Toward the end of 2021, guaranteed-income advocates got a harsh lesson on the limitation of data when it comes to winning the hearts and minds of policymakers and voters.

Earlier that year, in response to the pandemic, President Biden had signed a dramatically expanded version of the child tax credit (CTC). Suddenly, parents would be paid as much as $3,600 per child per year, up from $2,000. But there was a bigger change, too: The money became fully refundable, meaning parents would receive the funds even if their total tax liability was lower than the credit itself. Historically, the poorest one-third of parents didn’t benefit from the CTC because they pay the least in taxes. Now, they would receive an extra several thousand dollars a year, delivered monthly — essentially a small guaranteed income. Scholars called it one of the most important moves to fight poverty since the creation of Social Security.

As soon as parents began receiving the extra CTC funds, several groups of researchers began studying the results. “We were hopeful that people would be able to see the immediate benefits — the poverty reduction that was happening, but also … the impacts for families in terms of reducing stress and the ability to afford the basics,” says Chris Wimer, who co-led one such team, at Columbia University’s Center on Poverty and Social Policy. With that proof of effectiveness in hand, Wimer hoped, Congress would feel compelled to make the policy permanent.

In December 2021, Wimer and his colleagues released a report on the first six months of the expanded CTC. Each month, they found, the policy single-handedly kept as many as 3.8 million children out of poverty, reducing the child poverty rate by nearly 30 percent. The largest percentage of money was spent on food, followed by essential bills, clothing, rent or mortgage payments, school expenses, and paying down debt. The number of families who didn’t have enough to eat in a given week dropped by 24 percent; parents were no more likely to stop working because of the extra funds.

A separate Columbia study found that a permanent expansion would have generated 10 times as much revenue as it cost. But ultimately, none of that mattered. The Build Back Better bill, which included a one-year extension of the CTC expansion, narrowly passed the U.S. House in November 2021, but all 50 Senate Republicans opposed it. When Biden’s negotiations with Sen. Joe Manchin III, a conservative Democrat from West Virginia, broke down just before the holiday break, Biden stopped publicly advocating for the new version of the CTC.

#### It solves disease.

Williams ’23 [B. Adam, Charles Jones, Verna Welch, and Jane True; November 20; Health care and pharmaceuticals professional; Ph. D., Aktum Group's director of strategic innovation and partnerships; Associate Professor of Community Health and Preventive Medicine, Morehouse School of Medicine; vice president for mRNA commercial strategy and innovation and global pandemic security lead at Pfizer; NPJ Vaccines, “Outlook of pandemic preparedness in a post-COVID-19 world,” no. 178]

Lesson #1: Prioritize early-stage R&D and platform technologies

Early-stage research and platform technology approaches enable earlier access to vaccines and treatments. The biggest turning point during the COVID-19 crisis was the deployment of vaccines; and vaccines using novel platform technologies, like mRNA and adenovirus platforms, were among the fastest to be developed and authorized. Technology platforms are frameworks that allow the development of new vaccines without customizing the process, allowing for rapid production of multiple vaccines from a single system. The speed and flexibility of vaccine platforms contributed to reducing overall morbidity and mortality from COVID-19, which eventually lowered reliance on NPIs to slow disease spread35,36. The earlier a vaccine is made available in a pandemic, likely the more favorable the outcome33.

Thus, world leaders have set ambitious goals to respond more swiftly to the next pandemic. The US set goals to design, test, and review a new vaccine just 100 days after a pandemic declaration and to produce enough vaccines for the US and the world in 130 and 200 days, respectively57. Similarly, both CEPI and the G7 have initiatives that aim for new vaccines to be ready for authorization within 100 days after recognition of a pandemic pathogen58,59. Such speeds will require streamlining existing processes, like increasing collaboration and information sharing between government and industry and faster approval processes.

Crucially, the mRNA vaccines developed to combat SARS-CoV-2 were not an overnight success. Development of the COVID-19 mRNA vaccines was enabled by decades of research following the initial production of synthetic mRNA in the 1980s60,61. Equally important, advancements in carrier lipid nanoparticles enabled the delivery of mRNA to cells62. mRNA’s use as a therapeutic has been examined since the 1990s but was finally demonstrated at a global scale during the COVID-19 pandemic61. Importantly, research conducted by the US National Institute of Allergy and Infectious Diseases (NIAID) on both severe acute respiratory syndrome (SARS) and Middle East respiratory syndrome (MERS) revealed the spike protein as a target for vaccine development, allowing for rapid production of mRNA vaccines against SARSCoV-249,58. Further research discovered that the 2 P stabilization of the spike protein was a modification that helps to stabilize the S protein in its prefusion form, which is a target for the immune response and therefore crucial for vaccine efficacy63. The fundamental role of basic research cannot be overstated. The success of the COVID-19 mRNA vaccines relied on years of progress in basic and translational research on influenza and previous coronaviruses60. Therefore, continuing to invest in basic research, as well as flexible vaccine development platforms, could help to speed response to the next pandemic58,64.

Basic and translational research must continue following COVID19 because the next pandemic pathogen may be even harder to target than SARS-CoV-260. Ongoing research should be informed by surveillance systems that track pathogens with the potential to cause an outbreak or pandemic. Understanding vaccine targets and correlates of protection of these pathogens and generating data may provide the solid foundation of science needed for rapid vaccine development. This process requires continuous funding, yet typically, there are valleys in funding that follow high peaks during a disease outbreak or pandemic. This was highlighted by the lack of sustained, continuous investment in vaccine research following the SARS outbreak in the early 2000s, which affected the development of new vaccine technologies49. Commitments to maintain funding for vaccine research from both public and private funds—and an acceptance of funding research with a higher risk of failure, given difficult-to-target pathogens—may ensure rapid development of a vaccine when a new pathogen emerges.

Some initiatives are already committed to funding research with the aim of advancing our understanding of various virus families and developing effective vaccines. NIAID, for instance, focuses on studying potential pandemic-causing viruses, and CEPI is aiming to develop a comprehensive library of prototype vaccines against a range of viral pathogen families65–67. While these efforts could be complicated and slow given the range of pathogens of outbreak and pandemic potential, early-stage R&D initiatives such as these may provide enough learnings to jump-start future pandemic responses.

Further, agile vaccine technology will be critical for the response to any future pandemic due to the unpredictability of emerging pathogens. Existing mRNA vaccine platforms are highly suitable for a rapid response to an emerging pathogen given their proven manufacturing agility and scale, as demonstrated during the COVID-19 pandemic68. Typically, manufacturing can commence shortly after the antigen genetic sequence has been ascertained. This could result in both timely and effective responses to emerging threats from influenza, coronaviruses, or other pathogens with pandemic potential. Alongside an adaptable vaccine platform, research should also focus on addressing limitations in vaccine storage and distribution. For current mRNA vaccines, the requirement to keep doses frozen is a significant barrier to global distribution69. There exist goals to develop a more “ideal” vaccine, one which has a longer shelf life, extended durability, minimal dosing schedule, and wider breadth of coverage70.

Currently, efforts are also underway to apply mRNA technology to influenza following the proven success against SARS-CoV-271–73. But this technology may also hold promise for other endemic pathogens for which vaccines have been difficult to develop or pathogens with significant outbreak or pandemic potential74. Efforts are needed to steer research funding toward a better understanding of pandemic pathogens and vaccine targets; projects such as the WHO’s recently launched process to update their list of pathogens with pandemic potential may begin to accomplish this75.

The benefit of vaccine technologies such as mRNA relies on their “plug and play” possibilities to allow for a flexible response in the next pandemic, enabled by research identifying the most effective vaccine targets for a range of pandemic pathogens. Unlocking the potential of platform technologies will require collaboration across governments, multilaterals, academia, and industry to prioritize it. In the future, mRNA vaccine technology will be an important tool among a suite of options to respond to pandemics, one that has already been proven as an effective platform on a global scale.

Lesson #2: Bolster pandemic pathogen intelligence

Detecting novel pathogens as they arise allows for the earliest possible response, so surveillance systems should be expanded and more extensively leveraged to better detect and respond to infectious disease outbreaks in real time. Sentinel surveillance systems for global influenza—e.g., the Global Influenza Surveillance and Response System (GISRS)—were leveraged during the COVID-19 pandemic and could continue to play an important role for SARS-CoV-2 and future pathogens. In partnership with WHO, GISRS was systematically expanded to include RSV in 2015 and SARS-CoV-2 in 2020, and vitally acting as early testing centers for SARS-CoV-276. Strengthening systems like GISRS to include even more pathogens of outbreak or pandemic potential can improve future surveillance efforts. In parallel, there is a need to expand the number of surveillance sites globally; more than 70 countries still lack WHO-designated influenza surveillance centers, let alone broader systems77.

Excluding systems for West Nile virus and other arboviruses, no formal system exists to actively monitor a broad range of priority emerging and re-emerging infectious diseases, both in animals and humans78,79. For respiratory diseases, using existing influenza surveillance systems to monitor outliers of influenza-like illness (ILI) more extensively, which may encompass a range of pathogens, could also lead to earlier outbreak detection. One study speculated that if such a robust surveillance system were in use, the spread of COVID-19 could have been detected more than 13 weeks before the first reported infection peaks80. Earlier detection of SARS-CoV-2 could have led to an earlier response, potentially limiting its health and economic impact.

An expanded global surveillance system would also require investment in laboratory infrastructure, diagnostic capabilities, and workforce development at a local-, national-, and international level. Projects such as the Seattle Flu Study and the US Agency for International Development’s PREDICT may provide a roadmap. The Seattle Flu Study, launched in 2018 by the Brotman Baty Institute, University of Washington School of Medicine, Seattle Children’s Hospital, and the Fred Hutchinson Cancer Research Center, is a city-wide platform for the surveillance of respiratory pathogens, as well as pilot interventions81. This platform was used to identify the first documented U.S. case of COVID-19 community transmission in February 2020. PREDICT, which operated across more than 30 countries for a decade, worked from the ground up to strengthen surveillance for both known and newly discovered viral threats. Given lessons from COVID-19, it may also be time to experiment with new models of building surveillance systems at the local level82. Communitybased surveillance, particularly in low- and middle-income countries, integrated with national and global surveillance hubs, such as WHO’s newly launched Hub for Pandemic and Epidemic Intelligence, could help drive earlier detection of emerging infectious diseases83,84.

With information on pathogens coming from surveillance systems, major public health authorities have evolved strategies to constantly evaluate pandemic risk. The CDC’s Influenza Risk Assessment Tool (IRAT) and WHO’s Tool for Influenza Pandemic Risk Assessment (TIPRA) evaluate the risk of viruses not currently circulating in humans and help to prioritize investments in pandemic preparedness85,86. For example, changes in the viral properties of a particular flu strain may signal the need to assess this strain for pandemic potential86. These tools may guide research and surveillance, while also serving as a forum to share information between scientists, public health authorities, and other stakeholders. They may also facilitate the development of pre-pandemic vaccines; this happened following the emergence of the pandemic flu strain H7N9 in 201348. As in this example, disease intelligence must be translated into action.

Furthermore, to effectively respond to newly detected disease outbreaks, sharing pathogen data is essential. Originally established in 2011, the WHO’s Pandemic Influenza Preparedness (PIP) Framework allows for pathogen samples to be shared with companies to support vaccine development. In exchange, manufacturers agree to approaches that increase access to pandemic vaccines, thereby increasing equity in the event of a pandemic87. Efforts like these lay the groundwork for data sharing in a future pandemic, but must not require additional negotiation in the event of a crisis, leading to delays in the development of medical countermeasures. For example, varied national interpretation of the Nagoya Protocol—a supplemental agreement to the Convention on Biological Diversity (CBD) that came into effect in 2014—has led to delays in sharing virus samples and subsequent manufacturing for seasonal influenza vaccines88. During COVID-19, China’s sequencing and sharing of the SARS-CoV-2 genome just days after identifying it was pivotal to successful vaccine development89. Continuous genetic sequencing of the circulating virus then allowed the detection of variants as they emerged90. Sequencing combined with surveillance may uncover the next SARS-CoV-2 variant or novel pathogen before it escalates, as long as frameworks are in place to rapidly disperse this information to the world.

On top of detection and assessment, an optimal disease intelligence system would seek to predict the next pathogen with pandemic potential. Vast amounts of existing data can be used to inform decision-making on pandemic policy and response through, for example, predictive modeling91. Other efforts are underway to use artificial intelligence to predict the next pathogen spillover event92. There is an opportunity to test new approaches to predict emerging pathogens using a range of data sources while ensuring surveillance systems focus on threats of respiratory pathogens93. Above all, sharing disease intelligence and data—quickly, in the event of a disease outbreak—can speed response to the next pandemic.

#### It solves “stratospheric geoengineering” by not doing it.

#### AND it solves civil war. The military won’t fight it, so it’s impossible to spread AND an angry, impoverished citizenry doesn’t have advanced weaponry.

### 1NC

#### Market competition is high and stable.

Ashton ’25 [Fred; June 16; MA applied economics, Director of Competition Policy at the American Action Forum; American Action Forum, "Update: Are Monopolies Really a Growing Feature of the U.S. Economy?" https://www.americanactionforum.org/research/update-are-monopolies-really-a-growing-feature-of-the-u-s-economy/] \*Language edited in brackets

Introduction

In July 2021, President Biden’s Executive Order on “Promoting Competition in the American Economy” set in motion a “whole-of-government” approach to antitrust enforcement that was broadly skeptical of market concentration. The fear among the nation’s trustbusters was that “excessive market concentration” was threatening “basic economic liberties, democratic accountability, and the welfare of workers, farmers, small businesses, startups, and consumers.”

This concern prompted the federal antitrust agencies – the Federal Trade Commission and Department of Justice – to rewrite the jointly published 2023 Merger Guidelines. The updated guidelines jettisoned the consumer welfare standard that had guided antitrust enforcement for nearly 50 years and replaced it with a “big is bad” approach focusing largely on firm size. The agencies adopted several policies designed to quash merger activity by raising the cost of mergers.

Like previous iterations, new data from the 2022 Economic Census show no evidence to support the claim the oligopolies and monopolies were gaining ground as the predominant market structure in the U.S. economy. Most industries continued to operate in a low-concentration environment.

This research – which provides an update to previous American Action Forum research that found, using the 2017 Economic Census, no evidence to support the claim of increased industry concentration – finds that the share of industries operating in high, medium, and low concentration environments has remained relatively stable over the past 20 years.

Market Concentration Levels

To measure concentration, this study focuses on the share of sales by the four largest firms (CR4) in an industry and identifies industries using the North American Industry Classification System (NAICS). There are degrees of specificity ranging from a 2-digit NAICS code (a general sector, e.g., 22 – Utilities) to a 6-digit code (a specific industry, e.g., 221115 – Wind Electric Power Generation).

The main finding is displayed in Figure 1. It shows that the distribution of market concentration largely remained unchanged between 2002 and 2022. In 2002, just 9 percent of all 6-digit NAICS industries were classified as highly concentrated with a CR4 of 70 percent or greater. Fast forward to 2022, and the share of highly concentrated industries was slightly lower at 8 percent, unchanged from 2017.

The average CR4 for all 6-digit NAICS industries in 2002 was 35.0 percent. That level increased to 36.8 percent in 2007 before falling to 35.2 percent in 2012, to 34.8 percent in 2017, and to 34.7 percent in 2022 (the last year for which there are data).

Comparing 6-digit NAICS codes with data for both 2002 and 2022, the average change in CR4 was 2.6 percentage points. Forty percent of firms saw a decrease in the CR4, while just 21 percent saw an increase of 10 percentage points or more.

For industries with data for both 2017 and 2022, nearly half (46.9 percent) saw a decrease in the CR4, showing a lower share of sales among the four largest firms. The average change in the CR4 was an increase of 0.4 percentage points, while the median change was up 0.2 percentage points. Of the industries that saw an increase in concentration ratios, only 5.6 percent increased by at least 10 percentage points.

The stability of the distribution among low, medium, and high concentration levels and the small share of the sample with an increase of the CR4 of greater than 10 percentage points makes it difficult to argue that industries have become more concentrated over time.

Figure 1

Market Concentration Levels by Sector

Is it possible that the use of broad averages across detailed industries masks increased concentration? To check this, this study shows that an analysis of each industry over time also fails to support the theory that markets have become more concentrated. The series of graphs below show the share of 6-digit NAICS code by concentration level for each overall industry (e.g., Information sector). The share of low, medium, and high levels of concentration remained relatively consistent over the 20-year span.

The table below shows the rank correlation coefficient between time periods. The calculation uses the subset of the data with six-digit NAICS industry groups and observations in both time periods. Each five-year gap had a rank correlation coefficient between 0.94 and 0.95, meaning there was little movement in the rank of a CR4 concentration level for an individual six-digit NAICS code. In other words, an industry that was more concentrated in one year tended to remain more concentrated in the following year. The ranked correlation coefficient between 2002 and 2022 dropped to 0.84, suggesting that this relationship is not as strong across a wider period.

Conclusion

There is a lack of evidence to support the claim that industries are becoming more concentrated and, if left unchecked, the largest firms will exert some level of monopolist power. Indeed, the data from the Economic Census show that average concentration ratios have remained largely unchanged over the past 20 years and the share of highly concentrated firms remained [limited] muted.

While the definition of a “market” is undoubtedly fluid and unlikely to be captured perfectly by the NAICS definitions, these data show that competitive markets (low concentration) are the predominant landscape for most industries.

#### Industry-level bargaining is anti-competitive. It enables large firms to impose barriers to entry and price out competitors, causing consolidation.

Valtat ’19 [Antoine; November 26; PhD candidate at École Polytechnique; Essays on sectoral-level wage bargaining, “Large firms’ collusion in the labor market: Evidence from collective bargaining,” p. 11-12, https://theses.hal.science/tel-02381257v1/file/86088\_VALTAT\_2019\_archivage.pdf]

Wage setting can occur at different levels, from the most decentralised level - firm level - to the most centralised one - national level. In their seminal paper, Calmfors and Driffill (1988) show that the intermediate level of centralisation - industry level - leads to the worse macroeconomic performance. The simultaneity of the German decentralisation of wage bargaining and resurgence of the German economy in the 1990s seems to corroborate such findings (Dustmann et al., 2014). We argue in this paper that some common features of industry-level wage bargaining can produce the effect of an anti-competitive tool. Indeed, in several countries, among which France, Italy or Portugal, the bargained wages are extended to all firms of the industry, whether they sit at the negotiating table or not, and firms cannot opt out from these agreements. Because of this extension system, the characteristics of bargaining firms are a crucial component of the bargaining outcome. If bargaining firms have different characteristics, and thus different objectives, as the average firm in the industry - ie are unrepresentative of the industry, the bargained wage may favour affiliated firms. In particular, the domination of employers federations by large firms 1 - that we will denote unrepresentativeness in the following - , tilts the bargaining process in their favour, generating a cartel effect. Therefore, dominant firms can use collective bargaining as a tool to raise the labor cost of competitors, and in doing so, reduce the number of producing firms. The following quote, extracted from an Economic survey of the OECD on Portugal (see OECD (2012)), summarizes this mechanism.

“[...] dominant firms impose wage and working conditions on others via the administrative extension of collective agreements, reducing competition and entry, thereby hurting competitiveness.”.

OECD, Economic surveys Portugal, 2012.

In the first two parts of the paper, we compare within a Melitz-type model (Melitz (2003)) two different levels of wage bargaining : firm-level and industry-level bargaining. First, we find that the higher the productivity-level of the firm, the higher the rent to be shared, so the higher the wage negotiated at the firm-level. As a consequence, when there is an industry-level wage floor, it is binding only for small firms, and it raises the wages they pay above their optimal level, thus driving them out of the market . The higher the domination of large firms on the employers federations, the higher the wage floors, which is detrimental to small firms. Equivalently, the more employers federations are dominated by large firms, the higher the negotiated wage floor and, as a result, the lower the product market concentration. We depict the main results of our model in Figure 1.1.

FIGURE 1.1 : Results from our theoretical model

<<FIGURE 1.1 OMITTED>>

We then empirically confirm the collusion effect highlighted by the model. We first derive novel stylized facts on the relation between the representativeness of employers federations and the degree of competition of an industry. To measure representativeness we construct a novel proxy using unique data from the Minister of Labour. This dataset enables us to compare for the first time the average size, for each industry agreement, of the bargaining firms as compared to the average size of all firms of the industry - ie bargaining and non-bargaining firms. The index built therefore proxies the domination of employers federations by large firms, ie the federations’ unrepresentativeness. We find a positive correlation between unrepresentativeness and product market concentration, as well as between unrepresentativeness and small firm’s destruction rate.

In our model, the mechanism explaining the positive correlation between federations unrepresentativeness and product market concentration is that bargaining firms have higher incentives to raise wage floors the larger they are compared to the average firm of the industry - ie the more unrepresentative the employers federation. Our model indeed establishes that large firms always have higher incentives than small firms to raise the wage floors because it enables them to evict the small firms from the market. However, for that to translate into higher wage floors, bargaining firms must be the large firms. Therefore, the over-representation of large firms in employers federations - that we call unrepresentativeness of federations - is a crucial component to understand the outcomes of the bargaining system. In other words, bargaining firms have differential incentives to raise wage floors whether they are representative or not of the average firm in the industry.

#### Insufficient competition causes cyber-attacks---removes the incentive to invest and spawns tech monocultures.

Duan ’20 [Charles; May 11; JD, Director of Technology and Innovation Policy at R Street Institute and Assistant Professor at American University Washington College of Law; Santa Clara High Technology Law Journal, “Of Monopolies and Monocultures: The Intersection of Patents and National Security,” vol. 36]

Strong competition can thus complement national security by enhancing domestic cybersecurity, and patent assertion that unduly weakens competition detracts from cybersecurity.156 Competition promotes better cybersecurity in at least two ways. First, multiple studies show that competition encourages firms to improve their products on multiple vectors including cybersecurity. Second, competition avoids a situation that security experts call a “monoculture,” which increases vulnerability to severe cyberattacks. As former Secretary of Homeland Security Michael Chertoff wrote recently, “We need competition and multiple providers, not a potentially vulnerable technological monoculture,” to guarantee national security.157 Thus, cybersecurity provides a useful lens for understanding how unfettered patent assertion and licensing can detract from national security.

A. Cybersecurity as Competitive Value-Add

Competition enhances national security by reducing the incidence of technical vulnerabilities. That effect is especially important for security sensitive systems such as mobile telecommunications.

Intuitively, a causal chain from competition to cybersecurity makes logical sense. Computer security is a value-added benefit to consumers, so firms in competitive markets are likely to use security to gain an edge over their competitors.158 In monopolized markets, though, there may be less external impetus to test products for flaws, and the monopolist may choose to focus less on security and more on new product features or increased product quality.

Economic research confirms these hypotheses about competition leading to better cybersecurity. A 2009 empirical study of web browsers considered the impact of market concentration on the amount of time that vendors took to fix security vulnerabilities as they were discovered.159 The study found that the presence of more competitors correlated with faster cybersecurity response—a reduction of 8-10 days in response time per additional market rival.160 Similarly, business researchers in 2005 modeled incentives for firms to engage in sharing of cybersecurity information, and concluded that the “inclination to share information and invest in security technologies increases as the degree of competitiveness in an industry increases.”161 Another study found that, where two software firms are in competition, at least one will be willing to take on some degree of risk and responsibility for cybersecurity, whereas a monopoly software firm will consistently fail to accept such responsibility.162 To be sure, an unpublished study from 2017 found that some market concentration can make firms more responsive to cybersecurity issues, but only to a point: “being in a dominant position reduces the positive effect of having less competitors on the responsiveness of the vendor,” and indeed the “more dominant the firm is, the less rapid it is in releasing security patches.”163 This research confirms that competition is more conducive to cybersecurity.

It is not hard to see how this applies to emerging communication technologies markets. In the absence of competition, the above research suggests that device manufacturers, chip makers, and software developers will lack incentives to respond to vulnerabilities, to share information about cybersecurity practices and issues, and to take responsibility for security matters. Mobile phone chips have had their share of cybersecurity failures already.164 The best way to flush out ongoing and future cybersecurity issues is to maintain competitive pressure at all levels of the supply chain.

B. Vulnerabilities of “Monocultures”  
A second reason why monopoly undermines cybersecurity is that monopoly leads to a “monoculture” of single-vendor products, opening the door to massive systemic failure in the case of a cyberattack. Computer researchers developed the theory of software monocultures in the early 2000s, in response to the regular phenomenon of computer viruses and other attacks spreading rapidly by exploiting flaws in the dominant operating system at the time, Microsoft Windows.165 Where a computer system such as Windows has a commanding share of users, a virus that exploits a flaw in that system can quickly spread to infect a whole interconnected ecosystem. An operating system monopoly thus enables fast and easy spread of cyberattacks, and better cybersecurity would be achieved through greater diversity in online systems.166 As one research group posited, “a network architecture that supports a collection of heterogeneous network elements for the same functional capability offers a greater possibility of surviving security attacks as compared to homogeneous networks.”167

There has been considerable study of the theory that computer monocultures are naturally more vulnerable to attacks.168 In one study, computer science researchers reviewed a catalog of 6,340 software vulnerabilities recorded in 2007, to compare whether comparable software would share the same flaws.169 Of the 2,627 vulnerabilities applicable to application software (as opposed to operating systems, web scripts, and other software components), only 29 (1.1%) applied to substitute products from different vendors but providing the same functionality.170 By contrast, different versions of a single software product were found to share vulnerabilities 84.7% of the time.171 Thus, software monocultures share exploitable flaws even when there is some variation in versions across the monoculture; by contrast, diversity in software is almost guaranteed to prevent a single flaw from affecting all users.

In the case of 5G and wireless mobile communications, a monoculture is an especially concerning possibility. To the extent that systems such as smart city sensors or communication networks are widely deployed in a monoculture fashion, a widespread attack could have devastating consequences, potentially blacking out a region and affecting essential services such as 911.172 A monoculture that is vulnerable to so-called “rootkits” or “backdoors”—maliciously installed software that enable bad actors to commandeer systems—could also enable mass surveillance or spying by private hackers or foreign governments.173 The presence of systems from multiple vendors would mitigate these possibilities.

The monoculture theory is not without critics, but a review of those criticisms shows them to be inapplicable to contemporary communication technologies. Some critics suggest that software diversity imposes unwarranted costs on firms who must forego economies of scale and devise seemingly duplicative yet different setups of computer systems.174 But those concerns largely focus on the situation where a single firm produces and manages heterogeneous systems, concerns that are avoided where heterogeneity arises naturally through competition between two unrelated firms. Critics also argue that technological measures can create “artificial diversity” through automated randomization of software code, so software engineers can purportedly solve monoculture issues and device users need not worry about the issue.175 But even these critics acknowledge that artificial diversity techniques are often insufficient because they must make assumptions about what aspects of the technology are most vulnerable to attack, and they concede that artificial diversity cannot stop attacks involving operation of legitimate software functions in undesirable ways (sending spam emails or deleting document files, for example).176

#### Cyber-attacks spread through interlinked systems. Extinction.

Acton ’20 [James M.; Spring 2020; PhD, co-director of the Nuclear Policy Program at the Carnegie Endowment for International Peace; Dædalus, “Cyber Warfare & Inadvertent Escalation,” vol. 149, https://doi.org/10.1162/daed\_a\_01794] \*Language edited

The vulnerability of nuclear forces and C3I systems creates the risk of inadvertent escalation: that is, escalation resulting from military operations or threats that are not intended to be escalatory. So-called crisis instability, for example, could arise if a state were afraid of being disarmed more or less completely in a preemptive strike by an adversary, whether or not such fears were well founded.4 In the most extreme case, “use-’em-or-lose-’em” pressures could lead the state to employ nuclear weapons, conceivably in its own preemptive attempt to disarm its adversary, but more likely in a limited way to try to terrify the opponent into backing down. In less extreme scenarios, a state afraid of being disarmed might take steps—issuing nuclear threats, for example, or dispersing mobile nuclear forces—that raised the likelihood of nuclear use later.

This danger is likely to be exacerbated by any cyber vulnerabilities affecting nuclear forces and C3I systems. Most directly, the existence of such vulnerabilities could intensify existing fears of being disarmed—fears that are already acute in China and Russia (as well as in Pakistan and, most likely, North Korea).5 However, because of their unique characteristics and effects, cyber threats could create at least three qualitatively new mechanisms by which a nuclear-armed state might come to the incorrect conclusion that its nuclear deterrent was under threat. First, the purpose of cyber interference could be misinterpreted. In particular, espionage could be mistaken for an attack. Second, a cyberattack could have a more significant effect than intended. Malware implanted into information technology (IT) systems associated with non-nuclear weapons could accidentally spread into more sensitive nuclear-related systems, for instance. Third, the initiator of a cyber operation could be misidentified. An operation carried out by a third party, for example, could be misattributed by one state in a bilateral confrontation to its opponent. What makes these pathways so pernicious is that the catalyst for escalation could appear to its initiator to be a relatively benign action.

To make matters worse, such pathways could lead to inadvertent escalation even if the target of the cyber interference were not afraid of being completely disarmed. Today at least, this description fits the United States. If, in a conflict against Russia, say, the United States wrongly concluded that its strategic early-warning system was under cyberattack, it might reason that Moscow was seeking to undermine U.S. missile defenses, which use early-warning data, prior to launching a nuclear attack.6 Given that U.S. declaratory policy explicitly highlights the option of a nuclear response to non-nuclear attacks on nuclear C3I assets, such a “misinterpreted warning” might lead Washington to use nuclear weapons.7 But even if it did not, its response, which might include nuclear threats, could still be escalatory.

My focus here is narrowly limited to inadvertent cyber threats against, or interference with, one state’s nuclear forces or C3I systems by another nuclear-armed state (C3I systems encompass not only communication capabilities, but also the intelligence, surveillance, and reconnaissance capabilities, including early warning, that would be critical to decision-making). To be sure, cyber vulnerabilities probably create other escalation risks too, though, in my judgment, they are less serious.8 For example, while no state would likely try to detonate another’s nuclear weapons, a nihilistic terrorist group might (though it is unclear whether such a group could obtain the requisite cyber capabilities). Separately, vulnerabilities associated with conventional forces or their C3I systems could increase the likelihood of a conventional war’s escalating to a higher level of violence, thus making nuclear use more credible.9

Cyber interference with nuclear forces and C3I systems can involve two (not mutually exclusive) types of operations: espionage and attack. Cyber espionage involves collecting data from a target IT system without otherwise damaging it. A cyberattack involves undermining the operations of the target system, typically by compromising the integrity or availability of data. Cyber tools suitable for surveilling or attacking nuclear forces or C3I systems have innumerable differences from noncyber tools, which are themselves quite varied. Six of these differences are particularly salient to the risk of inadvertent nuclear escalation.

First, cyber espionage offers the potential to obtain information about an adversary’s military forces and operations that cannot plausibly be obtained in any other way. By accessing an adversary’s C3I systems directly, cyber tools may be capable of exfiltrating exceptionally sensitive information, such as the locations of mobile delivery systems. This is not to suggest that cyber surveillance is infallible. As a security measure, for example, a state could choose not to track the movements of its mobile delivery systems (or it could do so only approximately). Alternatively or additionally, it could try to use a cyber intrusion in its networks to feed misinformation to the adversary. In spite of these and other limitations, however, cyber espionage almost certainly offers unique advantages. For example, no practical constellation of high-resolution surveillance satellites in low Earth orbit could provide continuous coverage of a given location on Earth’s surface.10 Cyber surveillance, by contrast, may allow for continuous monitoring of an adversary’s military posture.

Second, cyber weapons offer an unparalleled capability to manipulate the data that go into decision-making. Other types of weapons, by destroying or disabling sensors or communication systems, can also deny data to decision-makers. However, their use generally alerts the target to the fact it is under attack. By contrast, if a well-designed cyber weapon is used, a loss of data may appear to be, say, the result of a malfunction, potentially allowing the attacker to conduct surprise follow-on attacks. Even more significant, cyber weapons can be used to feed false information to decision-makers. For example, the Stuxnet virus, which was reportedly developed by the United States and Israel, was designed not only to destroy centrifuges at Iran’s Natanz enrichment plant, but also to hinder plant operators from discovering the cause of these failures by producing falsely reassuring readings on monitoring equipment.11 In a similar vein, sophisticated cyber weapons offer a unique capability to shape an adversary’s perception of a battlefield by feeding misinformation into C3I systems.12 To be sure, information operations have always been a part of warfare. However, cyber weapons represent a sea change because their effects can be tailored with great precision in real time, and because they could be used to directly influence the perceptions of high-level decision-makers.

Third, cyber operations—whether conducted for espionage or offensive purposes—can present particularly significant risks of unanticipated collateral effects, that is, of affecting IT systems other than the intended target.13 Noncyber weapons can, of course, lead to collateral damage. Yet such effects are inherently constrained by geography. Moreover, the likelihood of physical collateral damage can be often quantified, at least to some extent (military planners may be able to estimate, for example, the probability of an incoming weapon missing its military target and hitting a nearby civilian facility).14 The risks of collateral effects in cyberspace are much more difficult to estimate. Minimizing such effects relies, in part, on detailed intelligence about the target network and on connections between it and other networks. Obtaining the requisite intelligence is potentially much more difficult than identifying what surrounds a target in physical space (as is verifying that the resulting picture is complete). To complicate matters further, sophisticated malware must generally be tailored to each target and, if revealed, will become ineffective once the adversary can clean its networks and fix whatever exploit was used to gain access. As a result, the effects of cyber weapons cannot usually be understood through testing, further increasing the likelihood of unanticipated collateral damage (simulations can be used but they are only as good as the available intelligence on the target).

Fourth, in peacetime, malware used to enable a cyberattack may often be inserted into an enemy’s networks—but not activated—in the hope that it will remain undetected and thus can be used in a potential future crisis or conflict. (In theory, not only can a vulnerability in an operational IT system be exploited in this way, but so too could security weaknesses in the supply chain for the system’s components.) Noncyber weapons, by contrast, are generally used as and when the decision to authorize a strike on a particular target is taken.15 One consequence of this difference is that, if a state discovers dormant malware in its networks, it can be faced with the challenge of attributing it—that is, identifying which entity is responsible for its implantation—before activation. The equivalent challenge rarely arises with the kinds of noncyber weapons typically used in interstate warfare (though it does arise in irregular warfare or counterterrorism with unexploded ordnance).

Fifth, and relatedly, cyberattacks are generally easier to conceal than other forms of attack. As a result, decision-makers may be more inclined to authorize them. In fact, if the goal is for a cyber weapon to have either a persistent effect or an effect when triggered at some future time, the malware used in the attack must remain hidden to be effective because exposure could enable the adversary to take countermeasures.

Sixth, and finally, distinguishing between offensive operations and espionage is significantly more challenging in cyberspace than in other domains.16 To be sure, the line dividing espionage and offensive operations in physical space is not always entirely clear. Aircraft—unmanned aerial vehicles (UAVs), in particular—are used for both surveillance and offensive operations. But the distinction is much murkier in cyberspace. One challenge is that identifying the purpose of a piece of malware—understanding whether it can be used for espionage, offensive purposes, or both—can be time-consuming. In a fast-moving conflict or crisis, this process might move slower than decision-making. Moreover, even if a state quickly and confidently established that a piece of malware could be used solely for espionage, it could not be confident that whatever vulnerability was used to introduce the malware would not also be exploited for offensive purposes—at least until it had identified and fixed the vulnerability.

States can threaten each other’s nuclear forces through a combination of offensive “counterforce” operations to target nuclear-weapon delivery systems preemptively, and air and missile defense operations to intercept whatever remained. The United States openly acknowledges it would seek to limit the damage it would suffer in a nuclear war.17 Russian doctrine is believed to embrace a similar concept.18 India may be moving in the same direction.19

The question of whether, in practice, a state could actually succeed in limiting the damage it would suffer in a nuclear war to an extent that decision-makers would consider meaningful is currently a subject of considerable debate.20 However, from the perspective of inadvertent escalation, what matters is not whether damage-limitation operations would actually prove effective, but whether a potential target believes they might. In this context, Chinese and Russian fears that the United States is seeking the capabilities—non-nuclear capabilities, in particular—to negate their nuclear deterrents could prove escalatory in a crisis or conflict by generating “crisis instability,” that is, pressures to use nuclear weapons before losing the capability to do so.21 And even though the United States is not concerned today about the possibility of being disarmed, Washington appears to be less sanguine about the future, given growing threats to its C3I assets, in particular.

Cyber capabilities could contribute to damage-limitation operations in two distinct ways. First, cyber espionage could prove useful in collecting intelligence that might increase the effectiveness of counterforce attacks and air and missile defenses, especially if complemented by effective analytic tools for synthesizing large amounts of data from multiple sources.22 If cyber espionage helped reveal the locations of mobile weapons, for example, it could enable preemptive attacks against them. And if it helped to reveal targeting data, it could assist defenses in intercepting missiles and aircraft after launch.

Second, cyber weapons could be used, alongside other capabilities, to conduct counterforce strikes. A hypothetical cyber “kill switch” that could permanently shut down an adversary’s nuclear C3I systems would certainly be attractive to any state with a damage-limitation doctrine. In practice, this kind of perfect capability seems fanciful, not least because a state could find analog or even nonelectronic ways to use its own nuclear forces given enough time (in fact, some states may even prepare such means in advance). At best, therefore, a cyberattack could be a “pause button” that delayed an adversary’s ability to use its nuclear weapons. Real cyber weapons are likely to be still less effective, however. All nuclear-armed states likely operate multiple C3I systems with some degree of redundancy between them. Cyber operations would probably not prove equally effective against these different systems, potentially delaying the target from using some elements of its nuclear forces for longer periods of time than others.

Even given these limitations, however, cyberattacks could still assist with damage limitation. They could buy more time for counterforce operations to attrite an opponent’s nuclear forces and reduce the coherence of any retaliatory attacks, somewhat simplifying the task of air and missile defenses. Moreover, the potential for cyberattacks to shape an adversary’s perceptions could prove valuable. For example, an attacker might try to “~~blind~~” [shut down] its adversary’s early-warning system just before launching counterforce strikes on its nuclear forces.

Just how effective cyber-enabled damage-limitation operations might prove in an actual conflict is far from clear, not least because of the difficulty of testing cyber weapons. That said, any state that has made the enormous investments necessary to develop damage-limitation capabilities is likely to spend relatively modest additional sums on developing complementary cyber tools, and it might reach a different conclusion about their potential efficacy. Even more important, from the perspective of inadvertent escalation, its potential adversaries might do so too.

China, in particular, appears to be concerned about cyber-enabled damage limitation. Summarizing the thinking of their peers on this subject, two Chinese scholars, Tong Zhao and Li Bin, have concluded that “Chinese analysts have demonstrated an acute awareness of the potential vulnerabilities of the country’s nuclear C3I system, particularly against cyber infiltrations.”23 Russian views have been less aired. In fact, a dichotomy has emerged in what little public discussion there has been. For example, three respected experts, including a former general officer in Russia’s Strategic Rocket Forces, have recently played down the threat, arguing that “because the command-and-control systems of strategic nuclear forces are isolated and highly protected, they are, in all probability, not vulnerable to cyber attacks.”24 At about the same time, however, another influential Russian scholar argued that, among the emerging non-nuclear technologies that could threaten nuclear forces, “probably the most dangerous development is cyber weapons, which could be used for non-nuclear disarming and decapitating attack by completely paralysing the entire command-and-control system.”25 News reports that Russia has created cyber defense units for its nuclear forces suggest that the Russian military may be less than sanguine about the cyber threat.26

Fears about cyber-enabled damage limitation may be particularly pernicious because of the potential difficulty of detecting a cyberattack. A sophisticated cyberattack on nuclear forces or C3I systems could conceivably occur without being detected. In the extreme case, a state might only find out that it had been attacked when it attempted to launch nuclear weapons and discovered that its ability to do so had been impeded in some way. If a state believed that it would be unlikely to detect an ongoing cyberattack, then it could rationally conclude that it might be under attack even in the absence of attack indicators. The simple belief that an opponent had highly sophisticated cyber capabilities could, therefore, precipitate a false positive—the incorrect assessment that an attack was underway—by itself. By contrast, if a state’s nuclear forces were under assault from kinetic strikes, the target would likely be aware. To be sure, it is still not entirely impossible that a state could wrongly come to believe it was under kinetic attack. Early-warning systems, for example, have produced false warnings of incoming ballistic missile strikes.27 But mistakes of this kind could be identified once the incoming weapons ceased to exist (though the window of time before they disappeared could be particularly dangerous).

To make matters worse, a state that was concerned about its nuclear forces and C3I systems coming under cyberattack might be inclined, especially in a crisis or conflict, to interpret ambiguous indicators in the worst possible light. For example, if one of its nuclear C3I systems malfunctioned because of, say, bad design or aging components, it might wrongly attribute the failure to a cyberattack (in fact, the temptation among operators to do so might be particularly strong if they would otherwise be held responsible for an internal failure). Regardless of precisely how it arose, however, a false positive that occurred in a crisis or conflict could generate significant escalation pressures.

Concerns about the potential for cyber operations to enhance the effectiveness of damage limitation can have effects beyond generating crisis instability at a time of heightened tensions or during a conflict. In peacetime, such concerns may induce nuclear-armed states to take steps to try to ensure that nuclear weapons could be employed when duly ordered in a crisis or conflict, even at the expense of exacerbating the danger of inadvertent or unauthorized use. Concerned states, for example, could remove permissive action links—electronic “locks” designed to prevent the unauthorized use of nuclear weapons—because of the perceived danger that they could be hacked and thus subverted to prevent authorized use.28

Alternatively or additionally, states could make plans to predelegate the authority to use nuclear weapons down the chain of command to guard against the possibility of the communication links serving national leaders being severed. The dangers of predelegation depend, in part, on the degree of flexibility afforded to commanders in determining whether and how to use nuclear weapons. Nevertheless, certain risks are inherent in any model. A localized communications failure might be mistaken for an attack, for example, leading to inadvertent use.29 Predelegation also increases the risk of unauthorized use because a field commander could order the use of nuclear weapons in a scenario in which he or she was not permitted to do so. This danger becomes greater as more people are granted launch authority. In this respect, cyber threats could promote a particularly dangerous form of predelegation by inducing a state to entrust launch authority to the relatively large number of lower-level officers who are capable of issuing a launch order without electronic communications.

Surveillance operations in cyberspace, even if conducted exclusively for defensive purposes, pose unique risks of escalation. Cyber surveillance of an adversary’s nuclear forces can serve purposes besides damage limitation. In any dyad involving two nuclear-armed states, each has a strong incentive to monitor the status of the other’s nuclear forces at all times—and particularly during a crisis or conflict—including for the exclusively defensive purpose of spotting any preparations for nuclear use. Several intelligence collection techniques, including overhead imagery and signals intelligence, are likely used for this purpose. Given the potentially unique advantages of surveillance in cyberspace, however, states may see good reason to adopt it alongside these other approaches, especially if they judge that the likelihood of cyber espionage being detected is small.

Depending on the sophistication of the malware used and the target’s defenses, the true likelihood of being detected may or may not be small, but the consequences of being caught could be significant. In fact, if the target detected ongoing cyber espionage of networks associated with its nuclear forces or C3I systems, inadvertent escalation could result from either of two concerns that are distinct from those that might plausibly be generated by other forms of surveillance.

First, even if the target of cyber interference were convinced that the operation was being conducted exclusively for the purpose of espionage, it might worry that the data being collected could be used against it in damage-limitation operations. Intelligence collection in physical space could also enable damage limitation, but it differs from cyber surveillance in one critical respect. In a crisis or conflict, a state would generally have no way of knowing whether or not countermeasures against physical surveillance (such as camouflage or concealment) had proved effective—unless its nuclear forces were successfully attacked. By contrast, if it detected an ongoing effort to collect intelligence through its C3I networks, it would know definitively that at least some of its cyber defenses had failed. This realization might lead the state to fear that attacks on its nuclear forces were imminent.

Second, because of the difficulty of rapidly distinguishing cyber espionage from a cyberattack, espionage against nuclear forces or C3I systems would risk being misinterpreted as an attack. In theory, the use of armed UAVs for surveillance of an adversary’s nuclear forces could generate a similar risk. However, a state motivated by purely defensive considerations would have strong and obvious reasons not to use armed UAVs in this way.

The risks resulting from cyber espionage being mistaken as an attack would depend on who had initiated the operation and who was the target. China or Russia might assess that U.S. cyber surveillance was actually an offensive effort intended to undermine—or, more likely, give Washington the option of undermining—Beijing’s or Moscow’s ability to launch nuclear weapons, thus potentially generating crisis instability. By contrast, because Washington is apparently more confident in the survivability of its nuclear deterrent, cyber espionage directed against U.S. nuclear forces or C3I systems would be less likely to have the same result. Nonetheless, such operations would likely be of real concern to Washington and could, for example, be misinterpreted as a prelude to nuclear use by China or Russia.

Even if the two states involved in a crisis or conflict did not engage in any kind of deliberate cyber interference with one another’s nuclear forces or C3I systems, one of them might wrongly conclude that the other had. Such a misperception, which could be the result of collateral effects or third-party action, could also induce escalation through crisis instability or misinterpreted warning.

A state that eschewed cyber operations of any kind against an opponent’s nuclear forces or C3I systems might still launch such operations against adversary military networks involved exclusively in non-nuclear operations. If, because of design flaws, imperfect intelligence, or mistakes in execution, the malware used in such attacks spread and infected networks that were involved in nuclear operations, the target might conclude that its nuclear forces or C3I systems were under deliberate cyberattack or cyber surveillance.

There could be collateral effects even if a state’s networks for nuclear operations were entirely isolated; air-gapping (physically isolating one particular network from others) is, after all, not a cyber security panacea.30 Moreover, achieving perfect isolation could prove difficult in practice.31 To give but one reason, every nuclear-armed state, apart from the United Kingdom, has dual-use delivery systems, which can be used to deliver nuclear or non-nuclear weapons. Such delivery systems represent a potential point of contact between the C3I systems supporting nuclear operations and those supporting non-nuclear operations.

In practice, some nuclear-armed states—perhaps many or even all of them—have not tried to isolate their nuclear C3I systems. The United States, for example, has a number of dual-use C3I assets for communications and early warning that support both nuclear and non-nuclear operations.32 Other nuclear-armed states, including China and Russia, may as well, but are less transparent.33 Because the networks supporting dual-use C3I assets are likely to be connected directly to others involved in non-nuclear operations, there may be a particularly high risk of their being subject to collateral effects.

### 1NC

#### Stopgap resolution passes now because of historically unprecedented political incentives BUT it’s fragile, hinging on party coordination.

Hill ’9-22 [Meredith; September 22; Senior Congressional Reporter, B.A. in Journalism from the University of Wisconsin; POLITICO, “Tables turn for Democrats as they use shutdown for leverage,” https://www.politico.com/news/2025/09/22/democrats-shutdown-leverage-00574029]

It’s Republicans who are pushing a “clean” seven-week continuing resolution, which they say will buy time for more negotiations on full-year spending bills and possibly an extension of expiring health insurance subsidies. Democrats, meanwhile, wrote an alternative four-week punt that tacks on a laundry list of other demands, including a permanent extension of the insurance subsidies.

Conservative Republicans who have balked at past stopgaps have signed on to their party’s strategy, as have Democrats who have traditionally been most loath to flirt with shutdowns — such as the Washington-area members who represent federal workers who stand to be furloughed.

“My brain’s falling out of my head,” Rep. Rich McCormick (R-Ga.) said in an interview. ”When you talk about the Freedom Caucus talking about passing a CR and the Democrats saying, ‘I’m going to shut down the government.’ I’ve never seen anything so weird in my life.”

There are myriad reasons for the current moment’s Bizarro World politics, but the biggest is a transformation of incentives. Where Republicans have spent most of the past 15 years heeding the wishes of a party base spoiling for a fight, damn the consequences, it’s now Democrats in that position. The GOP, meanwhile, is in lockstep behind President Donald Trump, who is determined to corner his opposition.

The current situation, in fact, is a nearly precise inversion of the standoff seen in the fall of 2013, when conservative Republicans led by Sen. Ted Cruz of Texas sparked a shutdown over a demand to reverse Democrats’ signature health care law, the Affordable Care Act. They backed down after 17 days.

“It did not work for them,” House Appropriations Chair Tom Cole (R-Okla.) recalled last week as he reflected on how Democrats are now seeking a reversal of parts of the GOP’s own signature legislation — health care provisions in the domestic policy bill the party passed in July. Democrats also want to extend the enhanced ACA subsidies that expire at the end of this year.

“They tied something unrelated to spending, Obamacare, and shut down the government,” Cole added. “That was the wrong thing to do then. … You are doing the same thing now. It’s nothing else.”

Democrats at the time insisted that any funding bill stay free of policy provisions. Then-Majority Leader Harry Reid at the time cast the choice for the GOP as “whether to pass the Senate’s clean CR or force a Republican government shutdown.”

They said much the same when they had majorities under President Joe Biden. According to statistics that have been circulated by Senate Republicans this month, Congress complied by passing 13 clean funding stopgaps in that four-year stretch.

Pressed on the turning of the tables, Senate Minority Leader Chuck Schumer on Friday insisted there was an articulable distinction.

“What’s different? They were taking something away,” he told reporters. “We’re trying to restore something that they took away. It’s a world of difference when you’re trying to do some good for people rather than doing negative stuff for people.”

It’s not just Democrats who have had to confront a tactical 180 in the current fight. Facing grumbling from the right flank of his conference, Speaker Mike Johnson vowed last year to never pass another continuing resolution to fund the government. On Friday, he muscled through the second GOP-backed stopgap of 2025.

One House Republican described a closed-door conference meeting last week like being in “The Twilight Zone,” as several hard-liners who once opposed continuing resolutions as preludes to bloated, opaque omnibus spending bills voiced support for a short-term punt.

Among those who spoke up was Rep. Scott Perry (R-Pa.), a former House Freedom Caucus chair, and Rep. Jim Jordan (R-Ohio), a co-founder of the hard-right group who used to push for shutdowns but now urged his colleagues to “send Chuck Schumer a clean CR.”

The key difference this time is Trump, who publicly backed both GOP-led stopgaps this year. It’s also helped that his budget director, Russ Vought, has delighted conservatives by seeking to formally rescind or simply not spend money Congress has previously appropriated. Democrats are now seeking a prohibition on those moves in the current standoff.

“There’s nothing clean about the administration undermining Congress,” Rep. Mike Levin (D-Calif.) said.

Last week, Democrats were mainly fuming about Trump’s comments that GOP leaders shouldn’t “even bother dealing with” them. On Friday, he predicted “it could very well end up with a closed country for a period of time.” A day later, after top Democratic leaders demanded a meeting, he said he would “love to meet with them, but I don’t think it’s going to have any impact.”

“Donald Trump told them, ‘Don’t talk to the Democrats,’ and so they didn’t,” Rep. Bennie Thompson (D-Miss.) said. “He wanted a clean CR, and he got it on the House side. I’m not sure what he’ll get in the Senate.”

Trump’s comments fueled partisan tensions that spilled into plain sight Friday with Schumer and Sen. John Barrasso of Wyoming, the No. 2 Republican leader, bickering on the Senate floor.

Barrasso accused Schumer of trying to take funding “hostage,” blocking Schumer’s attempt to claim speaking time to ask a question.

“The reason we are having a shutdown now is you and your leadership refused to talk to Democrats or have any input,” Schumer said in response. “Never a shutdown when we were in the leadership.”

Top Republican leaders are supremely confident that Democrats are holding a losing hand — based in part on the outcomes of past shutdown fights their own party instigated.

#### Labor reform blows up Congress---opposition, filibuster, AND empirics.

Levin ’22 [Andy and Colton Puckett; March; American attorney and politician, representative from Michigan's 9th congressional district; Field Attorney, National Labor Relations Board; Harvard Law Journal, “Labor Law Reform at a Critical Juncture: The Case for Protecting the Right to Organize Act,” vol. 59, no. 1]

D. Past Efforts for Reform

The dire need for pro-worker labor law reform is not new. A 1984 report published by the Subcommittee on Labor-Management Relations of the House Committee on Education and Labor begins simply, “labor law has failed.”88 Yet over the past eighty-six years and counting since the Wagner Act passed, pro-worker reform has remained elusive.

That is not to say there have not been efforts. In 1977, the House of Representatives passed the Labor Reform Act, which, among other things, would have shortened the timeline for union elections (thereby reducing employers’ opportunities to interfere), provided union organizers access to the workplace, and enhanced remedies in cases of anti-union discrimination.89 The bill passed the House of Representatives but died in the Senate after six attempts to overcome a filibuster.90

President Clinton threw his support behind a bill that would have protected striking workers from being replaced permanently, but that bill, too, died in the face of a Senate filibuster.91 President Clinton also created the Commission for the Future of Worker-Management Relations to examine potential reforms.92 Known alternatively as the Dunlop Commission after its chair, John Dunlop, the body deliberated for over a year before releasing a final report.93 The report investigated and recommended new ways for institutions to enhance workplace productivity, changes in collective bargaining to enhance cooperation and reduce conflict and delay, and methods to increase the extent to which workplace problems are resolved by the parties.94 Indeed, a version of many of these recommendations are included in the PRO Act, such as requiring the NLRB to seek injunctions in cases of discrimination during election campaigns, a dispute resolution system to ensure a first contract, and strong standards for defining “employee” and “joint employer” under the NLRA.95 Republicans swept into power in the House after the 1994 elections, and the recommendations in the report were never taken up by Congress.

The most recent attempt at labor law reform before the PRO Act was also the closest to success. While the Employee Free Choice Act (“EFCA”) contained a few provisions similar to those in the PRO Act,96 the centerpiece of the legislation took a decidedly different form by codifying the “card check” procedure for union certification.97 That is, if a union were to present signed authorization cards from the majority of workers in a proposed bargaining unit, the NLRB would be required to certify that union without forcing workers to go through the onerous election process. Although this bill passed the House in 2007, it died in the Senate after a failed vote to overcome the filibuster.98

When President Obama took office with a House majority and, soon after, sixty Democratic votes in the Senate,99 many hoped that the EFCA might become a reality. However, even amongst Democrats, getting sixty votes to support the bill proved difficult and ultimately led to the card check provisions being stripped from the bill.100 Even then, the Senate remained tied up in the debate over the Patient Protection and Affordable Care Act. With Senator Ted Kennedy’s death in August of 2009, and a Republican winning the special election to fill his seat, a host of policy priorities, including the EFCA, were never realized.101

These prior attempts at labor law reform prove two interrelated points: (1) that any pro-worker labor law reform will face significant opposition and be incredibly difficult to pass; and (2) that the filibuster has been, and will continue to be, one of the biggest barriers to achieving reform. What was true in 1977, 1994, and 2007–2010 remain true today. The PRO Act has twice passed the House of Representatives but has not even come up for a vote in the Senate. While it may not guarantee passage,102 eliminating the filibuster would be a monumental step toward progress for workers.

#### Shutdown plays roulette with WMD terror---extinction

Twardowski ’19 [Adam and Michael E. O’Hanlon; January 28th; Senior Research Assistant - Foreign Policy, Center for Security, Strategy, and Technology; Director of Research at The Brookings Institution, During a government shutdown, we’re not paying our protectors, https://www.brookings.edu/articles/during-a-government-shutdown-were-not-paying-our-protectors/]

For a president, and members of Congress, who have declared preventing another attack from al-Qaida or ISIS to be among their top national security priorities, there is an enormous contradiction in their apparent willingness to tolerate an indefinite shutdown of so much of the government: the effects upon the Transportation Security Administration, as well as other parts of the federal workforce focused on national security such as the Coast Guard, the FBI and the Border Patrol. With 10 percent of the TSA workforce recently calling in sick, the risks are growing—not only in the sense that on any given day in 2019, a threat may slip through the depleted ranks of those watching our borders, but also in the longer-term threat to those institutions as places where talented and dedicated Americans w ill want to work.

An analogy is instructive. In 1981, President Ronald Reagan fired 11,000 of the nation’s 13,000 air traffic controllers when they went on strike. In that era, aircraft accidents happened considerably more often than today, so Reagan’s move was risky in more ways than one. As things turned out, however, an interim force of some 6,000 controllers was cobbled together out of those who did not strike, plus their supervisors and other qualified individuals; flight patterns did not suffer unduly for long, and major catastrophes were averted.

However, two key points need to be kept in mind as we face the current crisis. First, the controllers created their own crisis in 1981, with what many saw as unreasonable wage and work-hour demands. Reagan was in response mode, and could not be blamed for starting the problem in the way that Washington has today. Second, while the air traffic controller strike wound up fine for the country—and indeed, contributed to Reagan’s early reputation for decisive leadership—there were great doubts at the time about whether his gamble would end in tragedy, or at least a severely curtailed airline market.

There’s a reason we haven’t been attacked

Which brings us to today, when we are playing roulette with our security again—but this time, through the fault of Washington and Washington alone. The United States continues to debate how to secure its southern border against illegal immigration and drug flows. But the parameters of this debate have been set by an administration that is loose with facts and seems predominantly concerned with the political fallout the president would face from his base should he fail to build his promised wall on the Mexican border. The United States faces real threats to its security on a daily basis that a fact-based national debate could bring to the public’s attention. Such a debate would show that whatever their weaknesses and limitations, those who man our main checkpoints at airports, major ports of entry, and seacoasts appear to be having considerable success in preventing or deterring the movement of terrorists and weapons of mass destruction into this country. One rarely hears concern about such matters anymore. After the Cold War ended, we worried greatly about “loose nukes” in Russia—and whether they’d be detected before somehow reaching American shores. After the 9/11 attacks, we worried that terrorists could infiltrate the country again, perhaps by evading checklists and flying into a major airport undetected, or that they could again find a way to get weapons on a flight.

### 1NC

States CP:

#### The fifty states, all relevant territories, and localities should:

#### - mandate sectoral bargaining;

#### - strengthen employment law over wage, hours, and working conditions;

#### - if state governors deem state-level sectoral bargaining insufficient, suspend their cooperation with federal initiatives on the federal government until mandated sectoral bargaining is statutory law.

#### Subnational bargaining results in federal uptake while aggressively expanding state sovereignty.

Johnson ’20 [Olatunde; November 19; Jerome B. Sherman Professor of Law at Columbia Law School; Industrial and Labor Relations Review, “The Future of Labor Localism in the Age of Preemption,” vol. 74]

Since the mid-1990s, labor and civil rights groups have been successful in expanding protections for workers by pursuing legislation at the state and local levels. Twenty-nine states and 44 localities have minimum wage provisions higher than the current national minimum wage (Economic Policy Institute 2020; National Conference of State Legislatures 2020a). Twelve states and 23 localities have enacted some form of paid sick days (A Better Balance 2019; National Partnership for Women and Families 2019, 2020). Six states and the District of Columbia have enacted paid parental and family leave (Almukhtar et al. 2019). Voters in two states—Arkansas and Missouri—enacted measures in 2018 to increase minimum wages in their states (Almukhtar et al. 2019). Advocates at the state and local levels have also pursued other worker reforms, including laws that allow workers more control of scheduling their workweek (known as predictive scheduling or fair workweek laws) (Sen and Razza 2015; National Partnership 2019). Since 2014, six municipalities, two states, and the District of Columbia have enacted these fair workweek laws (Center for Popular Democracy 2020). In the area of civil rights, many states and localities have anti-discrimination laws to protect workers—laws that are unavailable at the national level and that most commonly prohibit discrimination on the basis of sexual orientation and gender identity.

The strategy of relying on states and localities to expand protections for workers is not entirely new. Living wage campaigns focused on increasing the minimum wage for city-contracted employees date from the 1990s (Zabin and Martin 1999). And at least since the 1980s, civil rights reformers have had a concerted strategy of expanding sexual orientation anti-discrimination laws at the state and local levels (Turner 2007).1 After the success of initial campaigns to use city procurement power to increase wages for contracted workers in the late 1990s (Reynolds 2001), several cities in the early 2000s elevated wages and benefits for private-sector workers more generally (Reich, Jacobs, and Dietz 2014). Beginning in 2012, traditional unions invested in campaigns to increase the wages and conditions of low-wage workers by organizing unionized and non-unionized workers (Andrias 2016; Rolf 2016). The initial campaigns involved strikes from 2012 to 2015 by fast food workers, which ultimately resulted in a statewide order to increase the minimum wage to $15 in New York (Rolf 2016; New York State Department of Labor 2020). The momentum around some of these initiatives increased after 2010, with most of the wage and leave provisions put in place since 2012 (U.C. Berkeley Labor Center 2020).

Reformers have articulated strategic and political economy rationales for investing in the expansion of labor and civil rights protections at the subnational level. The decline of formal unions and collective bargaining and changes in the structure of employment have pushed workers to develop new political and institutional arrangements that take place outside the National Labor Relation Act’s (NLRA) collective bargaining regime (Drummonds 2009; Sachs 2011; Andrias 2016; Rolf 2016; Block 2018). In the absence of an increase in the federal minimum wage, national paid leave, or federal anti-discrimination law on the basis of sexual orientation or gender identity, reformers have turned to states and localities. These subnational campaigns are often supported and funded by national labor groups and national nonprofits but build out from intensive organizing at the local levels, targeting cities with expanding economies, diverse populations, and relatively progressive bases of potential support (Rolf 2016; National Employment Law Project 2018). LGBTQ groups since the 1980s pursued this strategy of expansion at the subnational level, embracing horizontal diffusion of anti-discrimination rights at the state and local level in the absence of comprehensive national legislation prohibiting discrimination based on sexual orientation and gender identity (Johnson 2016). In the case of LGBTQ and gender identity anti-discrimination, this subnational strategy has become less necessary as the Supreme Court ruled in June 2020 that Title VII of the 1964 Civil Rights extends to gender identity and sexual orientation.2

The national and local terrain may also be shifting with regard to paid sick and family leave. To respond to the COVID-19 pandemic, the US federal government in April 2020 enacted paid sick leave for certain workers affected by COVID-19, and granted paid leave to allow workers to care for a family member affected by the virus or for a child whose school or place of care is closed due to the virus. The legislation represents the first time the federal government has authorized paid family or sick leave, though it is slated to expire on December 31, 2020.3

The state and local strategy is also supported by a long-standing theoretical and normative framework that celebrates the distinct importance of subnational experimentation and decentralization. States and local governments permit engagement and participation of citizens that is often missing at the federal level. Localities in particular are celebrated as crucial “sites for democratic participation and local engagement” and as permitting smaller-scale cooperation to solve problems (Briffault 1990; Gerken 2010; Davidson 2019: 975). The US federalist structure allows 50-state experimentation, and scholars have argued that local governments (in part because there are more of them) are even better positioned than states to serve as entrepreneurial problem solvers (Gerken 2010). A related rationale for federalism and localism is that subnational governments also provide an alternative political space for policy development or the advancement of values at a time of polarization at the national and state levels that contributes to the blocking of policy implementation (even when it might be supported by a critical majority) (Bulman-Pozen and Gerken 2009). In this space, policy entrepreneurs can exploit American federalism to advance their desired policies at a more receptive level of government.4

#### Reasserting state sovereignty counterbalances governance failures from federal encroachment---extinction.

Mihalakas ’19 [Nasos; May 21; Global Professor of Law at the University of Arizona, LL.M. from University College London, J.D. from the University of Pittsburgh School of Law; The Federalism Project, “The Need for Governance Reform – Symptoms vs. Cause,” <https://the-federalism-project.org/2019/05/21/the-need-for-governance-reform-symptoms-vs-cause/>]

There is no doubt that we live in “challenging” times. We face ‘social challenges,’ from racial discrimination to gender inequality, women’s rights (reproductive or otherwise) that will have to be addressed, LGBTQ issues (recognition of gay marriage), a gun violence epidemic due to both inadequate gun control laws but also excessive violence in our society, etc. We also face ‘economic challenges,’ like stagnant salaries and low wages, job insecurity (due to automation or outsourcing), taxes that are too high for some and not high enough for others, mounting student debt, and yes massive income inequality. And, of course, we do face ‘external challenges’, from nuclear proliferation in the Korean peninsula, to ISIS and religiously motivated global terrorism, to global warming and climate change!

Yet, most of these issues are but symptoms of a greater cause. Their existence, or our inability to overcome them, is being caused by a much greater problem in our society that unless we address soon we risk permanent societal failures within the next 20 to 30 years.

This greater cause is our very own failing system of governance!!!

Though brilliant in its original construction by the founding fathers, our Federal system of governance (separation of powers, check and balances, separate Federal and State governments) is grossly off track and highly unbalanced. During the past 200 years, we witnessed a steady transfer of power away from the States and into the Federal government, and within the Federal government we saw a similar steady concentration of power in the hands of the Executive (the singular President), and to a certain extend the Supreme Court (due to Congressional acquiescence).

This did not happen due to some conspiracy by the ‘powerful elite’ or through interference by foreign powers. It happened gradually (almost naturally), as a response to major failures at the State level: in dealing with slavery and racial discrimination (see Civil War and Jim Crow laws in the south), in dealing with market failures and the need to regulate business and provide a safety net (see Great Depression, The New Deal and the Great Society), in fighting a Cold War with the Soviet Union (see expansion of military and intelligence services to advance US foreign policy).

Today, power and authority to deal with issues and solve problems is highly concentrated at the Federal level, away from ordinary people and their ability to monitor let alone influence elected politicians.

There is so much power concentrated at the Federal level, and in particular in the hands of one person (the President) that it makes Washington politicians constant targets of special interests and lobbying organizations, makes negotiations for compromise impossible because there is so much at stake, and it has created a highly unbalanced system (where “checks and balances” are not fully implemented and more often can’t work effectively).

Washington gridlock, dysfunction, polarization, and partisanship have led to the inability to pass a budget (balanced or otherwise), or address the need for immigration reform, or provide for adequate healthcare coverage and affordable prescription drugs, or even implement proper tax reform. Therefore, unless we address these ‘systemic’ failures of our system of governance, unless we implement institutional changes and fix the process, we will never get lasting solutions to our current and future societal challenges.

Unfortunately, there is no one thing we can do, no ‘magic bullet’ that can fix the dysfunction of our Federal system of governance (because it’s not just ‘the Federal government’ that needs reform, but also/primarily Congress and the Judiciary). Rather, there are several things (from specific process changes through laws/regulations to Constitutional amendments) that we will have to changes now, in order to see improvement in the function of our system of governance in the next 20 to 30 years.

There is a parallel example to this system of governance failures, and it’s that of ‘global warming.’  Global temperatures have been rising, due to greenhouse gases (caused by human activity – burning fossil fuels like coal and oil), presenting an existential threat to our planet and our way of life. However, fossil fuels are not inherently evil, used by certain people bent on the destruction of humanity!  Energy from fossil fuels was instrumental in facilitating the industrial revolution, which brought progress and technological innovations during the past 150 years, that helped the whole world to advance, prosper, and better connect. It was not until recently that we realized that the constantly expanding use of fossil fuels by humans is contributing to rising temperatures, and if we don’t do something now to ‘bent the curve’, then in 20 to 30 years from now temperatures will rise to levels that can be devastating to the planets ecosystem, and by extension us humans.

Concentration of power at the Federal level, over the past 200 years, though not inherently evil (downright necessary and proper during some critical periods), has reached a point of pure dysfunction. The proof of the unsustainable nature of our current system (like rising temperatures are a proof of global warming) is income inequality. During the past 50 years, we have witnessed a steady concentration of wealth at the hands of the top 10% (and primarily the top 1%).

And although one can look at our society today statically and say: “things are still ok: there are rich people and poor people, and we are still the most powerful and wealthy nation in the world – so what’s the problem?”… the trend keeps going upwards: currently over 70% of our national wealth is concentrated at the hands for the top 10%. When do we need to do something to stop this trend?  When it gets to 80%, or 90%?

Democrats and Republicans (now thanks to Donald Trump) both agree on the existence of a ‘powerful elite, in cahoots with the political establishment, bent on exploiting the middle class’… yet both party’s solution is the same: win political power and cut or raise taxes, regulate more or less, appoint some type of judges… in essence, deal with the symptoms and not the underlying cause!

If we want to address the underlying cause of income inequality (and outsourcing of jobs, health-care failures, racial tensions, education funding, women’s rights, public housing, etc.), then we need to reform our system of governance, before we can consider specific policy priorities. By fixing the legislative process, restoring proper checks, correcting the imbalance within the government branches and returning powers back to the States… we can get on a path where we see real results within the next 20 to 30 years.

Otherwise, gridlock and dysfunction at the Federal level will only get worse!

## ADV---Manufacturing

### Hegemony---1NC

#### No hegemony impact.

Bandow ’23 [Doug; November 20; Senior Fellow, J.D. from Stanford Law School, Former Vice President of Policy at Citizen Outreach; CATO, “Washington’s pursuit of hegemony undermines American security,” https://www.cato.org/commentary/washingtons-pursuit-hegemony-undermines-american-security]

Europe approaches the second anniversary of a war in which the U.S. is deeply involved, openly battling a nuclear‐​armed power via proxy. Long‐​standing Middle Eastern antagonisms highlighted by Israel’s increasingly oppressive rule over millions of Palestinians exploded. In this fight the administration heedlessly intervened, deploying the fleet for political effect while leaving American personnel under attack across Iraq and Syria.

Washington continued to intensify military operations near China while planning for a possible conflict over Taiwan, even as Beijing expands its nuclear force. The U.S. is tightening its alliance with South Korea while Pyongyang is enlarging its nuclear arsenal and developing ICBMs to carry those nukes to the American homeland.

The greater the danger, the more delusional Washington’s analysis seems to be. The presumed problem is always that the U.S. is not doing enough. For instance, insisted the Hudson Institute’s Nadia Schadlow: “Chaos is spreading throughout the world as a direct consequence of America’s failure to deter Russia, Iran and China. The balance of power in key regions is faltering, leading to instability and global disorder. Like it or not, the U.S. is the only force that can restore equilibrium.”

If only Washington got serious in telling everyone else what to do, all would be well. The bad guys would fall into line. The lion would lie down with the lamb. The world’s peoples would hold hands, singing “Kumbaya” around a really big international bonfire. We all would live happily ever after.

In fact, Americans feel buffeted by global events mostly because their government constantly intervenes. The world is a mess, but it still doesn’t pose much threat to the United States—its territory, people, fundamental liberties, and constitutional system. The only serious danger to America today is a nuclear assault from Russia or China; yet such an attack would result in either nation’s destruction.

The violence that Schadlow cites is occurring away from the U.S., mostly far away. That doesn’t make it unimportant or of no concern. Nevertheless, nothing Russia, Iran, or China is doing threatens a vital American interest and warrants war. The U.S. should stay out of rather than jump into such conflicts.

For instance, Ukraine, although caught in a tragedy, is unimportant strategically. From the original colonies’ fight for independence until the Soviet Union’s break‐​up, that territory was ruled by Moscow. Never did American policymakers imagine risking war to stage a rescue. The Middle East continues to decline in importance, while Tehran is a military midget with no ability to reach any Americans other than those unwisely placed within its reach by the likes of the former Ambassador James Jeffrey, who admitted misleading President Trump to keep the U.S. dangerously entangled in Syria. The People’s Republic of China is focused on expanding its influence in its own neighborhood, not imposing its will on the U.S. In contrast, Washington is determined to enforce its hegemony most everywhere irrespective of cost.

Of course, American policymakers ritualistically promote the “rules‐​based international order,” but the concept is a pious fraud—a set of standards created for Washington’s benefit which it breaks whenever convenient, which is often. No other nation sanctions, drones, bombs, invades, and occupies other countries more frequently. After all, that is what the self‐​proclaimed guardian of the rules‐​based international order must do!

No doubt, the regimes in Moscow, Tehran, and Beijing are malign. However, U.S. policymakers have never let murderous dictatorships stop them from forming “beautiful friendships.” Consider Iran’s Shah Mohammad Reza Pahlavi, whose brutality brought today’s Islamists to power. American officials even urged the Iranian military to be more ruthless, “to kill as many demonstrators as necessary to keep the shah in power.” Now the Biden administration has proposed turning American military personnel into bodyguards for the Saudi royals, who slaughter foreign civilians and murder domestic critics with equal avidity. Indeed, most of Washington’s Mideast clients tilt authoritarian.

Moreover, American conduct has done much to make antagonists hostile. For instance, despite having been with the KGB, Vladimir Putin demonstrated no animus to America early in his rule. He was the first foreign leader to call President George W. Bush after 9/11 and late gave a conciliatory speech to the German Bundestag. However, Putin’s tone was far different in in his 2007 address to the Munich Security Conference, in which he pointed to the allies’ broken promises over NATO expansion and aggressive assaults on Russian security interests. Now Washington is waging a proxy war‐​plus against Moscow. Yet members of the infamous Blob express shock that Russia has allied itself with China, Iran, and North Korea.

Of course, Washington’s counterproductive policies don’t excuse other governments’ misconduct. What if the danger increases? Schadlow complains that “Since the mid‐​2000s the U.S. and its allies have forgotten the central goal of geopolitics: to maintain the balance of military power and thereby deter revisionist powers in critical regions.” Yet the best way for Washington to limit threats against the U.S. would be to abandon its attempt to control events up to every other state’s border—and sometimes beyond. It is one thing to prevent other nations from dominating critical regions. It is quite another to impose its will there instead.

Washington’s chief strategy should be to help friendly states protect themselves. After the Cold War ended, American policymakers should have promoted new power balances that did not rely on the U.S. military. Americans would be more secure if its allies took on roles commensurate with their capabilities. In Europe and the Middle East, at least, Washington’s presence is not necessary to deter adverse military action. Even in Asia friendly states are capable of exacting a very high price for any Chinese aggression.

Yet Europe’s dependence continues nearly eight decades after the conclusion of World War II, even though NATO’s European members possess a larger collective population and economy than Russia. As the alliance incorporated the former Warsaw Pact nations, Europeans continued to wail and whine about the threat posed by Moscow, insisting that America do more, ever more, on their behalf. Now, with war raging in Ukraine, European governments are still determined to rely on the U.S., seemingly forever.

Schadlow complains that Washington did not deter Russia’s invasion of Ukraine. But the U.S. never purported to do so. In Europe Washington protects nations by including them in NATO. The U.S., and its European allies, refused to add Kiev because they were not willing to fight for it. Hence Moscow was not deterred from invading Ukraine.

However, this doesn’t mean Russia is prepared to attack other European states. First, Moscow has shown no interest in further aggression. Second, the bloody war in Ukraine demonstrates that Russia could not conquer multiple European countries, let alone the continent, if it wanted to do so. Third, nothing suggests that Washington would not fulfill its treaty obligations to other European states, however improvident the offer and difficult the task. Fourth, and most important, the Europeans can afford to do whatever they believe to be necessary for their defense.

As for the Middle East, nothing there is worth protecting by America. The international oil market has diversified, the U.S. has become the globe’s leading energy producer, and successor governments would have little choice but to sell their resources. Moreover, Washington could significantly increase oil supplies by dropping counterproductive sanctions on producing nations.

Israel is a regional superpower well able to defend itself and doesn’t need U.S. support. The greatest threat to Israel is internal, its inability to remain democratic while enforcing military rule over millions of Palestinians. Moreover, its mistreatment of the latter has helped turn Americans into terrorist targets. Perhaps worst is the collective kowtow of successive U.S. administrations to the Saudi royals, a tyrannical medieval throwback to absolute monarchy. The best news of late is not the Abrahamic accords, which reinforce all parties’ worst tendencies, but the modest détente between Tehran and Riyadh, which occurred despite, not because, of Washington’s efforts.

Although the People’s Republic of China dominates East Asia, it is no colossus, suffering from slowing growth, economic weakness, demographic decline, political uncertainty, and regional animosity. Indeed, over the last century Beijing has been at war with Russia, Japan, India, Korea, and Vietnam. Its neighbors should mimic China’s military strategy versus the U.S., one of anti‐​access/​area denial, or A2/AD.

Most important, Taiwan should seek to lower tensions by prolonging the ambiguous status quo while preparing to exact a high price against any Chinese attempt to invade. Other nations in the region, which have consistently underinvested in defense, should also do more militarily, working together rather than expecting the U.S. to be ever on station. Especially South Korea, with more than 50 times the GDP and twice the population of the North, and Japan, which for decades has limited its defense outlays.

Schadlow wants the U.S. “to restore balance in the world.” The right global balance of power would not treat America as the world’s defender of last resort. Rather, the U.S. should offload defense responsibilities onto populous, prosperous allies, which heretofore have treated the Pentagon as a foreign welfare agency.

The U.S. should start by reducing its presence in Europe, allowing the Europeans to step up. Washington also should stop underwriting destructive behavior by Middle Eastern governments that foment conflict and spawn terrorism. Finally, American officials should help Asian states arm themselves for their own defense, while eschewing war over Taiwan and the gaggle of contested islands which provide the region’s primary flashpoints.

Washington’s primary duty is to keep America safe, not make other nations comfortable. With the world aflame it is time for Washington to formally drop any pretense of being Globocop. Uncle Sam’s first responsibility is the security and welfare of the American people.

#### Hegemony’s unsustainable---failure to retrench guarantees accidental transition wars AND shatters cooperation over existential threats.

Swaine ’23 [Michael and Andrew Bacevich; April 18; Senior Research Fellow at the Quincy Institute; PhD, Chairman of Quincy Institute’s board of directors, Professor Emeritus of International Relations and History at Boston University; Quincy Institution, “A Restraint Approach to U.S.–China Relations: Reversing the Slide Toward Crisis and Conflict," https://quincyinst.org/research/u-s-relations-with-china-a-strategy-based-on-restraint/]

Core Restraint Views

A Restraint approach to U.S.–China relations is founded upon and reflects several overall views and assumptions regarding both vital American national interests and policies and several key features of the international system.

One core Restraint set of views is that the United States is unnecessarily over-extended in its military involvement across the globe, has an excessively broad definition of its vital interests, and too frequently relies on military over diplomatic means to defend those interests while seeking to maintain, to the maximum extent possible, economic and military dominance worldwide and to extend democracy to as many nations as possible.2

A second Restraint view that follows from the above is the notion that post–Cold War efforts to maintain U.S. global military primacy, whether emphasizing deterrence or active intervention, have most often produced a more dangerous, less stable world, thereby undermining the most vital U.S. interest of safeguarding the security and well–being of the American people.3

The United States is physically very secure behind two oceans and with two friendly neighbors on its borders, and in any event has the capability, through nuclear weapons and a territory–based conventional power projection capability, to counter any direct or indirect military threats to its most vital interests. The definition of vital national interests should thus be limited to the defense and preservation of conditions directly necessary to the territorial integrity, security, and well–being of the American people and their way of life.

This primarily requires the ability to protect the nation against both direct and indirect, national, transnational, and subnational threats to such interests, and a stable global order open, as much as possible, to trade, investment, technological innovation, and people–to–people contacts. It also requires co–existence with countries with different political systems, congruent with a stable and open global order. Above all, it requires a strong and cohesive domestic political, economic, and social order. It does not require absolute security, the maintenance of a prominent global military presence, a reliance on frequent overseas military forays, or extensive, formal, often one–sided, security commitments to a wide range of other nations.

A third Restraint viewpoint stresses the fact that the international system within which the United States defends or advances its interests is no longer unipolar.4 The conditions that elevated the United States to the status of global hegemon after the fall of the Soviet Union in 1991 no longer exist and cannot be restored. The United States has no practical alternative but to accept the reality of an increasingly multipolar world and recognize that both continued U.S. dominance and world peace are illusions. For the foreseeable future, mutual coexistence, compromise, and balance among the great powers will have to suffice as an operative conception of “peace.”5 This concept thus rejects the use of distorting and dangerous, usually zero–sum ideological frameworks in understanding global politics, such as “democracy versus authoritarianism,” or a singular stress on “great power competition.”6

The Restraint view holds that, within this system, two existential or near–existential international threats endanger humankind above all else in the present century: first, the increased possibility of large–scale nuclear war (as a result of proliferation, new technologies, the erosion of arms control agreements, and deepening great power rivalries); and second, the largely unchecked worsening of the climate crisis as the preeminent expression of global environmental degradation.7

A third threat is primarily domestic and mostly affects democratic states, although it certainly also has international implications: the rise of extremely nationalist, anti–democratic, race–based nativism and the political polarization and dysfunction it engenders.8

For Restraint advocates, these threats supersede any supposed global, value–based threats, including the commonly perceived inflated and distorted international struggle between democracy and authoritarianism, as well as narrower, conventional security or economic rivalries among non–nuclear powers.

In assessing the role of diplomacy (and other non–military forms of international engagement and conflict resolution) versus military force, despite the introduction of new technologies, Restrainers believe that military conflict remains fraught with risk, uncertainty, higher than expected costs, and the likelihood of unexpected consequences. This fact, along with the gradual emergence of a multipolar order and the frequent historical failures of U.S.–led attempts to invade, occupy, and remake distant nation–states, provide good reasons to prioritize diplomacy and economic or other forms of non–violent tools of statecraft over military intervention.9 While the political use of military capabilities is in many cases essential in the conduct of diplomacy, any actual use of force should be considered a last resort, employed only under extreme conditions, and in the defense of vital interests only.

The United States, as the dominant military and economic power on the planet, has developed and maintained the dangerous notion that only American global primacy and “leadership” can keep the world peaceful and ensure prosperity.10 Restrainers believe this idea has led the United States to engage frequently in a feckless misuse of military power, resulting in large part from inflated threats, overconfidence, and a deep belief in American exceptionalism. With the possible exception of Israel, no nation employs force as frequently. Moreover, many Americans remain strongly supportive of high levels of U.S. defense spending and Washington’s many global security alliances. However, many citizens are also growing weary of U.S. military interventions and the heavy reliance on military options in handling foreign problems.11 Large numbers of Americans now favor diplomacy over military force.12 And some question the need for large numbers of overseas military bases around the world.13 This suggests popular support for a Restraint–oriented foreign policy, including reduced defense spending if and as security competitions with other great powers are reduced.

Compounding the problems caused by military intervention in the service of primacy is the emergence in the United States of deep levels of public uncertainty and insecurity about the future. The many factors underlying this feeling of uncertainty include a crisis of legitimacy involving widespread dissatisfaction with prevailing conceptions of freedom and democracy when viewed through the lens of race, gender, and sexuality, as well as egregious government ineptitude, fiscal irresponsibility, and persistent social problems.14

Politicians often exploit the worsening domestic situation by inflating the threats posed by undemocratic states like China to divert attention from their own responsibility for problems at home and to unify their political base.15 Domestic circumstances have also created a strong tendency toward an excessive level of economic protectionism which, in the absence of countervailing domestic policies, undermines growth and weakens incentives to cooperate with China and other nations in handling common global economic and financial threats.16

Restrainers assert that this dynamic, along with a deeply–rooted commitment to sustaining high levels of defense spending and hundreds of overseas bases, are increasing the chance of conflict with non–democratic powers while undermining efforts to properly define, prioritize and deal with threats at home and abroad.17

Finally, many U.S. friends and allies have both the capacity and the need to do far more to provide for their own defense, thereby allowing the United States to significantly reduce its own global military posture. But Restraint does not encourage those countries to rapidly ramp up their defense spending. Deepening interdependence, the possibility of large–scale nuclear war, and the emergence of high priority common security threats such as climate change all argue in favor of efforts to reduce interstate security competition, which would lower the need for ever higher defense budgets, and enhance incentives for more cooperative forms of security.18

If successfully implemented, Restraint as a basis of policy vis–à–vis China will buy the United States time to repair its severely damaged domestic order and reallocate national security resources to concerns that pose a greater threat to the security and well–being of the American people than China. More broadly, it will facilitate the identification of clear red lines based on the protection of genuinely vital interests, the adoption of prudent and balanced approaches to contentious issues, and the opening of intellectual and political space allowing for greater dialogue, understanding, and compromise between Washington and Beijing.19 This will significantly reduce the chances of conflict.

The Urgent Need to Right–Size the China Threat

Multipolarity and the end of American dominance, rising domestic problems, looming, high–priority transnational threats, heavy levels of global economic and technological interdependence, and the resulting need to create a stable long–term basis for productive and peaceful coexistence together justify an array of Restraint–based U.S. policies toward Beijing. This must begin with a serious effort to right–size the threats and opportunities that China poses, both now and over time, to the international system, American democracy, economic growth, and U.S. national security.20 Right–sizing the threats posed by China, along with a fact–based assessment of current and likely future U.S. and Western resources and capabilities, will provide the foundation for a realistic and effective Restraint–based strategy toward China.

A responsible Restraint perspective acknowledges that there are competitive aspects to the Sino–U.S. relationship, and that a Sino–U.S. security dilemma, along with low levels of trust, is to some extent unavoidable, especially given the different political systems of the two nations and China’s growing power, both globally and especially in Asia. However, the security dilemma can certainly be alleviated significantly, and not all great power competition need be zero–sum in nature. Furthermore, most Sino–U.S. competitions will not end in a neat “victory” for one side over the other, unless one or both regimes collapse, an unlikely prospect. Excessive levels and types of competition can unnecessarily undermine attempts at cooperation over issues such as climate change, as trust disappears and the good will needed to fashion mutual compromises evaporates.21

The current U.S. policy toward China is largely based on a zero–sum, adversarial mindset that assumes above all else a fundamental Chinese commitment to weakening and countering the West and resisting any form of meaningful bilateral cooperation. Beijing is regularly presented as a vaguely–defined existential threat, a rapidly growing military and economic power bent on global domination through predatory trade and investment practices and/or armed coercion, a burgeoning high–tech superpower determined to control the key drivers of future global growth, a hostile opponent of the existing so–called “rules–based” international order, and a pernicious threat to democratic societies from within.22 Moreover, in many instances, the alarm over such supposedly dire threats is magnified by the inaccurate claim that Washington had been essentially asleep at the wheel until very recently as China worked to undermine the United States and all democratic societies.23

China does pose certain challenges to existing and likely future U.S. interests. These consist primarily of:

• In the military arena, the danger of costly and destabilizing conflicts or severe crises, resulting from military and political provocations by either Beijing or Washington (or by U.S. allies) e.g., over Taiwan, disputed territories in Asia, the Korean Peninsula, or as a result of incidents involving U.S. and Chinese ships and aircraft operating in close proximity to one another.24 Chinese military and political actions could also weaken U.S. alliances and reduce support for the forward–deployed U.S. military presence in Asia and elsewhere, thereby increasing the likelihood of arms races and miscalculations by the United States, China, and other states.25

• In the economic and technological area,26 the possibility of Chinese behavior eroding U.S. economic growth rates, U.S. competitiveness in some key high–tech areas, and possibly, in some extreme cases, U.S. access to certain technologies and critical regions, most notably Asia. Chinese actions in this area could also reduce the incentives for other nations to trade and invest heavily with the United States, whether as a result of Chinese pressure or zero–sum forms of competitiveness. China could weaken free market norms in various ways, through its loan practices and political influence. And Beijing could damage key U.S. corporations by ejecting them from the critical Chinese market.

• In the area of norms and values, a concern that Chinese behavior over time could weaken existing Western norms regarding liberal democratic governance, centered on the rule of law, freedom of political speech and behavior, various cyber freedoms, and individual voter rights, as well as current or future norms concerning forms of foreign international intervention relating to human rights. China challenges many of these norms by stressing economic and physical security and top-down state authority over the protection of individual political freedoms and the activities of non-state actors outside of government control.

While certainly very troublesome, and requiring effective countermeasures in many cases, these concerns are not grave enough to justify the kind of absolute, largely zero–sum and confrontational approach now common in U.S. policies toward Beijing. Many gray areas exist in all three of the above realms, largely reflecting Chinese support for long–standing core principles of the international order, such as state sovereignty, a preference for diplomacy over force in resolving disputes, the use of force only in defense of imminent and clear security threats, open air and sea lines of communication and transport across international zones, many market–based forms of economic intercourse, and various other United Nations norms and approaches.

In fact, critics of China’s global stance often conflate the values and norms of the global order, as reflected in various international regimes and practices, with the U.S.–centered structure of global economic and military power.27 In reality, the preservation or constructive adaptation of most of the values, structures, and processes of the global order does not require a single, dominant, democratic ruling power. The limited and contingent nature of Chinese threats requires a strong, competitive United States, clearer, more extensive, and to the extent possible, binding bilateral and international agreements, and specific, credible red lines regarding violations of truly vital interests. It also requires a common international commitment to resolve differences over contentious issues such as Taiwan, political rights and protectionism or state capitalism through negotiation and compromise.

Contrary to the prevailing mindset in Washington, China does not pose an existential or near–existential threat to the United States in the above areas. It is not in a position either to replace the dominance of U.S. and Western economic and military power worldwide or to overturn the so–called liberal world order.28

As a military power, Beijing poses no threat to the existence of the United States except possibly via an extremely unlikely nuclear attack, which would be suicidal. There is no evidence that China wants to threaten, much less use, its relatively small (but growing), second–strike, counter–value strategic nuclear force to attack the United States or its allies. To the contrary, there is much evidence to suggest that China’s leadership regards nuclear weapons predominantly as a deterrent, not as a possible first–strike, offensive war weapon.29

Moreover, Beijing’s recent improvements of its strategic nuclear forces are almost certainly intended primarily to increase the survivability of its second–strike force in the face of significant improvements in U.S. offensive nuclear capabilities and ballistic missile defense. The Chinese might also be expanding their nuclear arsenal in response to an increased fear that Washington would level nuclear threats or actually employ tactical nuclear weapons in a future Taiwan conflict, if the U.S. military were losing on a conventional level.30 That speaks to the urgent need to stabilize that worsening situation (as discussed below).

On the conventional level, Chinese military capabilities are for the foreseeable future only of serious concern in the western Pacific, where Beijing has reached a rough parity of forces with the United States and Japan along the first island chain near Taiwan, and is arguably now the dominant military power in the South China Sea, as measured in numbers of naval and air platforms.31 But even in this vast region, China is not poised to acquire the kind of overwhelming conventional power that would give it the military confidence, even in the face of high political and economic costs, to attempt to seize Taiwan by force, eject the United States from the region, or assert total, direct control over the South China Sea or maritime Asia as a whole — unless, that is, the United States were to force it to undertake the acquisition of such capabilities and take such actions by threatening to permanently separate Taiwan from China, or by precipitating a conflict in the region.32

Fears that China has decided in the near or medium future to invade Taiwan and, going further, is planning eventual aggression against other Asian states are therefore unconvincing.33 The lessons of the U.S. invasion of Iraq and particularly Russia’s failures in Ukraine reinforce for the Chinese the difficulties of an all–out invasion of Taiwan, as discussed further in the appendix.34

Beyond this, China is nowhere near acquiring the capabilities to replace the United States as a global military hegemon and shows few if any signs of having made a commitment to do so.35 This would require a force structure capable of successfully fending off any attempt to defeat Chinese military components within virtually any ocean or air space, and to safeguard passage to virtually any major world port. The United States has enjoyed something approaching this capacity for decades. China is far from attaining it and currently has no clear imperative to do so. This does not mean China will eschew developing a military with a significant global presence. It has already done this to some extent in the naval realm. And Chinese leaders have said that their goal is to develop “world-class forces” by 2049.36 But such a presence could take many forms well below anything approaching that of the U.S. military today, including relatively small–sized, high–quality flotillas or expeditionary groups capable of conducting a variety of important missions well short of achieving control overall critical international ocean areas and air spaces.37

The above suggests that China is unlikely to undertake an unprovoked, out–of–the–blue lunge at Taiwan, or anywhere else in the region, either today or in the near–to–medium–-term (i.e., to about 2035). The most prominent threat will emerge from miscalculations stemming from efforts by the United States, China, and other nations to deter one another in an extreme, zero–sum manner within an increasingly hostile and polarized security landscape. This could involve a high–risk miscalculation and resulting overreaction in the use of military force by one or both sides stemming from excessive overconfidence or insecurity, in response to perceived provocations. In other words, the primary China–related threat is not about the threat Beijing poses to the United States, other nations, or the global order. It is the threat that arises from an interactive, worsening security competition driven by threat inflation and zero–sum worst casing of actions and motives on both sides.38

Moreover, the Chinese almost certainly realize that any effort to achieve global (or even regional) military dominance over the United States will prove extremely costly, could ultimately fail, or place it in a virtually endless, mutually debilitating zero–sum military rivalry with Washington. This sort of gamble is even more unlikely given the enormous domestic challenges that China faces, including high levels of pollution, a rapidly aging population, a weakened leadership succession system, limited domestic natural resources, low levels of productivity, and an excessively ideological, repressive, and top–down policy approach to development and social order.39

These challenges demand a continuous, long–term emphasis on ensuring domestic order and growth, not expanding China’s powers to dominate all others. All this implies that, despite its ambitious goals, likely belief that the West is in decline, and increasing suspicion and pushback toward the United States, Beijing’s policies will necessarily allow for some level of flexibility that could make global (and even Asian) competition more constructive and less destructive, while keeping many doors open to some level of meaningful cooperation between the two powers, including in the military–security arena.

It is certainly not inconceivable that growing threats to China’s sea lines of communication (SLOCs) and overseas economic and political interests could one day cause China’s leaders to fundamentally reassess the nation’s strategic interests and goals in the direction of a costly, dominance–oriented military strategy. Nonetheless, it would be reckless to assume that such a reassessment is inevitable and that the many factors in favor of cooperation and balance in China’s present–day global (and regional) strategy will disappear. Indeed, the huge costs and risks involved in a Chinese attempt to displace the United States as the dominant global military power are unlikely to diminish to such a degree in the decades ahead that Beijing would conclude it is worth the effort to undertake — unless, of course, Washington makes it clear that it is using its global military dominance to support efforts to strangle China and threaten the stability of its government.40

In the economic and technological arenas, blanket, unqualified characterizations of China’s economy as “predatory” or “mercantilist” and its loan and assistance programs as “debt–inducing” distort the reality that some Chinese abuses exist alongside huge levels of mutual economic benefit for many countries.41 Moreover, China poses a limited, not comprehensive and existential, economic and technological threat to the United States, in the form of commercial and technology theft (of which at least the latter is apparently diminishing), unfair trading practices, and other activities that result in unfair advantages or possibly dominance in some specific areas.42

It is highly unlikely that such practices would result in decisive Chinese leverage over the United States, given the likelihood of continued American global economic and technological power and expertise, based on the continuation of its high–quality higher education system, its rule of law, its competitive energy and drive, its overall receptivity to talented immigrants, and its ample domestic resource base.43 All of these features urgently need strengthening. But this places an even greater premium on reducing distracting and destructive tensions with China. And in any event, America’s advantages are unlikely to diminish to such an extent that China will achieve decisive leverage over the United States, given its own huge domestic problems.

There is also the threat that would result from excessive decoupling of the United States and China in many economic and technological areas. Such actions would produce high levels of inefficiency, lower the benefits of global exchange, and create excessive confidence in the quixotic goal of removing all vulnerabilities to the U.S. economy.44 As a result, U.S. (and Chinese) economic growth and resiliency would decline, along with overall global growth and prosperity.

In addition, it is virtually certain that any effort by Beijing to create a Sino-centric, hegemonic regional (or global) order would encounter serious resistance from many other major states aside from the United States (such as Japan, South Korea, India, Germany, France, and the U.K.), many of which have or could muster considerable economic and military capabilities and would politically and ideologically oppose being dominated by an autocratic China. Although these states could not counterbalance Chinese aggression on their own, they would likely unify to greatly augment a U.S. effort to do so, if necessary.45

Regarding global norms, despite assertions by some to the contrary, China is not committed (and does not have the capability) to overturn what many describe as the global order, replacing it with an autocratic, mercantilist, Sinocentric order.46 First, this argument relies on the false notion that such an order is centered primarily, if not solely, on the three principles of democracy, human rights, and a free market economic system. In reality, the global order consists of a wide array of norm–based regimes and understandings, only some of which are associated with Western–defined concepts.47 Moreover, numerous studies have shown that Beijing benefits from and upholds the goals and norms of many of these regimes, such as those governing relatively free trade and finance, weapons of mass destruction (WMD) proliferation, freedom of navigation, the peaceful resolution of disputes, and the management of transnational security threats China presses for reforms in global institutions that are, in many cases, long overdue, including the idea of providing greater representation for China and developing states in multilateral economic organizations.48

Beijing does want to reduce the influence of Western liberal democratic values within global regimes in favor of a more state–centered set of views that reflect the values of economic growth, top–down political control, limited political freedoms, and social order. However, despite some American rhetoric to the contrary, Beijing is not energetically engaged in a deliberate effort to duplicate its system across the world, nor poised to establish a predatory, debt–inducing network of dominance across Eurasia via the Belt and Road Initiative.49 In fact, unlike many 19th and early 20th century imperialist powers, with some limited exceptions during the revolutionary Mao Zedong era in the 1970s, China has not espoused an ideology or mindset that views the acquisition of other territories or the coercive expansion of its system to other countries as essential to its continued national vitality.50

Finally, the so–called global order is rapidly becoming a multipolar order that no single country can dominate in most or all spheres.51 Hence, even if Beijing wanted to create a Sinocentric order, it is extremely difficult, if not impossible, to see how they could make this happen.

Despite the above developments and conflicting interests, Beijing continues to recognize its own need to sustain substantive areas of cooperation with Washington and to avoid slipping into a truly adversarial, destructive, and purely mercantilist form of competition. While increasingly assertive, the Chinese see the obvious problems of such a stance. Of course, it is possible that Beijing eventually comes to regard the high risks of engaging in such intense competition as worth taking, if the danger of not doing so increases. Such a change in perception could occur in part as a result of a continued U.S. or broader Western drive toward confrontation and zero–sum competition with Beijing. This development would greatly undermine those voices within China who favor moderation in the U.S.–China rivalry. In addition it would significantly raise the danger of Sino–American crises and military conflict, and divert huge amounts of U.S. resources away from desperately needed non–military uses at home and abroad.52

The Key Elements of a Restraint Approach to China

From the above, it is clear that a responsible Restraint strategy toward China should seek to replace the current, largely zero–sum, comprehensive competition and confrontation with Beijing with a stable, balanced, mutually beneficial form of peaceful coexistence and bounded competition that can sustain global peace and prosperity while effectively addressing the primary threats facing both countries. This will require a policy toward China geared to effective deterrence regarding red lines, alongside mutual, credible reassurance in key areas, and the channeling of Sino–U.S. competition into as many constructive realms as possible, most importantly including the effort to combat the overriding threats posed by climate change, pandemics, nuclear war, WMD proliferation, and global financial and economic disorder.

An open–ended, winner–take–all security competition can substantially increase the chance of crises and conflict and eliminate options for cooperation in dealing with the truly existential threats all nations face. Ending hostile, zero–sum political rhetoric, and replacing simplistic, confrontational policies with prudent, balanced approaches to contentious issues holds the possibility of creating the intellectual and political space for compromise and the search for common ground.

#### Clinging drives a Russia-China axis and numerous security dilemmas---extinction from miscalculated AND intentional escalation.

Cross ’24 [Sharyl; January 19; Distinguished Professor of International Politics and Former Director of the Kozmetsky Center of Excellence at St. Edward’s University; Perry World House, “Major Power Geopolitical Clashes Jeopardizing the Global Arms Control Regime: Reassessing Priorities, Searching for Approaches in a New Era of Nuclear Tripolarity,” https://global.upenn.edu/perryworldhouse/news/major-power-geopolitical-clashes-jeopardizing-global-arms-control-regime]

The strategic arms control regime—which provides the foundation for global stability between the world’s two largest nuclear powers—is in jeopardy. Even during the Cold War, the United States and Soviet Union were able to avoid nuclear confrontation by maintaining reliable communication channels, routine diplomatic engagement on arms control, and establishing mutually agreed safeguards to avoid escalation of clashes beyond a given threshold, accidents, or misperception.

The experience of the Cuban Missile Crisis that brought the United States and Soviet Union to the brink of nuclear war heightened appreciation for the importance of cultivating a robust nuclear arms control regime to deter U.S. and Soviet/Russian leadership from resorting to the use of nuclear weapons. Since the 1970s, the Soviet Union/Russia and the United States have concluded a series of strategic arms agreements ensuring transparency and reliable mutual verification protocols. Along with introducing transformational reforms of glasnost and perestroika on the domestic front, Soviet leader Mikhail Gorbachev was able to accomplish tremendous strides working with U.S. President Ronald Reagan to achieve major bilateral nuclear arms reductions. The fact that many fewer nations have acquired nuclear capabilities and the international community avoided clashes involving the use of nuclear weapons must be attributed for the most part to the stable core foundations of the U.S.-Soviet/Russia nuclear security regime.

The Strategic Arms Reduction Treaty (New START) that was set to expire in 2026 has been halted. Russia’s war in Ukraine and its severing of relationships with the United States and its Western allies and the collapse of U.S.-Russian strategic dialogue and engagement on arms control, coupled with China’s accelerated drive toward nuclear expansion and escalating tensions in the U.S.-China bilateral relationship, have ushered in a new period of instability and risk for arms control and proliferation. U.S. President Joe Biden has acknowledged that we have reached an “inflection point” that will determine the future security for our allies and partners and the world community for decades ahead, but the circumstances require careful assessment of strategic options and consequences of policy choices. Innovative approaches will be required to prevent catastrophic nuclear escalation and proliferation of weapons of mass destruction as the world system transitions from an era of bipolar nuclear stability to a more comartifiplex three major power nuclear configuration.

Ukraine War, Derailing U.S.-Russia Strategic Nuclear Collaboration, Risk of Nuclear Response

In the past, it has been the expectation that the United States and Soviet Union/Russia could compartmentalize differences to prevent other contentious issues in the bilateral relationship from interfering with the critical areas of nuclear security and arms control. However, the fact that Ukraine has been defined as an “existential” security priority for Russia’s leadership suggests that it is no longer a safe assumption that Moscow will separate clashes on Ukraine from collaboration with the United States on nuclear security. While the United States and the Soviet Union/Russia were able to manage competition and differences in the past on Angola, Ethiopia, Central America, Afghanistan, and, more recently ,in the Middle East (Iraq, Libya, Syria) without undermining strategic arms control, Ukraine’s location bordering the Russian Federation with a large Russian-speaking population and extensive historical, cultural, and geostrategic ties elevates its importance to a level of being associated by Russia’s leadership with survival of the state.

In January 2023, the U.S. State Department reported that it was no longer possible to verify that Russia was complying with New START due to the Kremlin’s unwillingness to allow for on-site inspections. Russia’s President Vladimir Putin announced his decision to suspend New START in February 2023, linking resumption of the treaty with an end to Western military support for Ukraine. The Biden administration responded by expressing interest in engaging Russia to manage nuclear risks and develop a post-2026 arms control framework. While Kremlin spokesperson Dmitri Peskov described the suggestion of the U.S. administration as “important and positive,” Deputy Foreign Minister Sergei Ryabkov reiterated that unless “Washington and the West as a whole do not radically revise their anti-Russian policy…productive negotiations on arms control will hardly be possible.”

Although Russia has a no-first use nuclear policy, since unleashing the “special military operation” in Ukraine in February 2022, Putin has not ruled out the use of nuclear weapons in the event that the survival of the Russian Federation was threatened. For Putin, Russia’s territory includes those areas annexed from Ukraine since 2014 (Crimea, Donetsk, Luhansk, Kherson, and Zaporizhzhia). At the time of launching Russia’s incursion into Ukraine, Putin placed Russia’s nuclear forces on alert and warned that those interfering with Russia’s operation in Ukraine would face consequences on a scale “you have never seen in your entire history.” In September 2022, after annexing four Ukrainian oblasts to Russia, Putin stated, “In the event of a threat to the territorial integrity of our country and to defend Russia and our people, we will certainly make use of all weapon systems available to us. This is not a bluff.”

Russia’s military forces seized control the Zaporizhzhia nuclear power plant which is the largest in Europe early on in the war generating concerns about possible nuclear disaster. In March 2023, Putin announced that Russia would station tactical nuclear weapons in Belarus contending this was no different than the United States positioning nuclear assets among allied nations in Europe.

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Putin’s remarks at the St. Petersburg Economic Forum in July 2023 seemed to dial back concerns about nuclear responses in Ukraine. Putin justified moving tactical nuclear weapons to Belarus as an “element of deterrence” for those “thinking about inflicting strategic defeat” of Russia. Following recounting setbacks in Ukraine’s counteroffensive, Putin reiterated that Russia’s official doctrine allows for the use of nuclear weapons in situations where the survival of the nation was threatened but then implied that this option was not necessary at this point. In mid-August 2023, the United States announced approval for the Netherlands and Denmark to provide F16 fighter jets to Ukraine. Russia has been targeted with a series of drone strikes on military installations and buildings in civilian areas over the past months attributed to Ukrainians operating within the Russian Federation. Following announcement in August 2023 that the Biden administration would provide the 45 tranche of military assistance in Ukraine, including additional ammunition for High Mobility Artillery Rocket Systems (HIMARS), Javelin and anti-armor rockets, Hydra 70 rockets, and 3 million rounds of small arms ammunition, the head of Russia’s space agency ROSCOSMOS Yuri Borisov stated that the Sarmat MIRV equipped intercontinental ballistic missile had been placed into service—a weapon that Putin had said would make Moscow’s enemies “think twice.” Deputy Chairman of the Russian Security Council Dmitry Medvedev has issued periodic warnings about a nuclear scenario stating that “loss of a nuclear power in a conventional war can provoke the outbreak of nuclear war” and that Russia may be forced to use a nuclear weapon if Ukraine’s counteroffensive succeeds. On August 28, 2023, Medvedev posted on Telegram that Ukraine’s approval from Western nations for missile strikes throughout Russia or to attack Crimea unfortunately indicates that the “prophecies of the Apocalypse” were closer. Statements from Russia’s leadership on willingness to resort to the use of nuclear weapons over Ukraine have been echoed by discussions taking place among leading defense experts. Sergei Karaganov, former presidential advisor and dean of the Higher School of Economics in Moscow, published an article in June 2023 calling for Russia to undertake preemptive nuclear strikes against several European countries as a way to end the war in Ukraine. While Karaganov acknowledged that this would be a “terrible choice” on a moral level, he contends that it is necessary to prevent the West from leading the world to a final “full-scale” and “last world war for humanity." Karaganov’s article prompted a series of responses among other leading analysts of Russia’s foreign policy community contending that employing a nuclear strike would not “sober up the West” or that Karaganov’s position “underestimates the willingness of Western elites’ determination to climb the escalation ladder with Russia, and, if necessary ahead of it...”Former head of the Carnegie Moscow Center Dmitry Trenin affirmed that nuclear weapons have been “on the table” from the outset and that basing U.S. strategy on the “belief that the Russian leadership will not dare use nuclear weapons in the current conflict” was an “extremely dangerous misperception.” Russia’s channel 1 and other state-sponsored media networks have hosted programs with pundits, analysts, and legislative leaders calling for nuclear responses over Ukraine. U.S. President Biden cautioned at the outset of the Ukraine conflict that a direct U.S.-Russia war must be avoided because of nuclear risks. In October 2022, Biden warned that the risk of nuclear “armageddon” was the highest it had been since the 1962 Cuban Missile Crisis. Biden has said that there was no way to use tactical nuclear weapons on a battlefield without it ending in Armageddon. In June 2023, he stated that the threat issued by Putin to use nuclear weapons was “real” and that deployment of tactical nuclear weapons in Belarus was “absolutely irresponsible.” U.S. officials have warned of “catastrophic consequences” for nuclear use, but Biden has remained ambiguous in spelling out scenarios and likely U.S. responses, which have traditionally been essential for deterrence. Several analysts have tended to downplay threats of the use of nuclear weapons coming from Moscow as “bluffing,” but others have not dismissed the possibility or even certainty. Although Putin has referenced the doctrinal foundation and taken steps to prepare for employing a nuclear response, he must weigh the consequences in loss of life, destruction of the environment and infrastructure, and damage to existing significant international partnerships. China, India, and other valuable partner nations for Russia have emphasized that nuclear weapons should not be used in the Ukraine war. There are options available to Russia in the conventional, cyber, or other domains that would not entail the costs of using nuclear weapons. At the same time, there is a high risk that the war in Ukraine could escalate involving neighboring nations evoking an Article V response from the North Atlantic Treaty Organization (NATO) and the potential for unleashing a nuclear response should not be ruled out. The longer the war in Ukraine continues the greater the risk of miscalculation and accidents that could result in a nuclear confrontation. Russia had supported Washington and Beijing in containing North Korea’s nuclear development, but the fact that Putin has turned to Kim Jong-un as a source for ammunition for the Ukraine war with the prospect for Russia-North Korea cooperation in the nuclear sphere represents a setback for managing nuclear security and proliferation. Russia’s military cooperation with Iran in the wake of the war in Ukraine with Tehran providing lethal drone technology and Moscow offering diplomatic support to Iran poses further complications for nuclear safeguard compliance. The suspension of the U.S.-Russia New START, threats of resorting to the use of nuclear weapons and shifting geopolitical alignments resulting from clashes over Ukraine has destabilized the global nuclear security order. The issue of perhaps highest priority on the U.S.-Russia security agenda, ongoing collaboration among the two nations holding the world’s largest nuclear arsenals, is now in question. NATO Enlargement, Failed Diplomacy, Costs and Risks of Military Engagement

<<PARAGRAPH BREAKS RESUME>.

Moscow’s invasion of the sovereign nation of Ukraine has come at enormous cost, but the West also made strategic choices that contributed to provoking conflict with Russia. Russia’s leadership, defense, and foreign policy community consistently expressed opposition to expansion of the Western security alliance. George F. Kennan, architect of America’s post-World War II Soviet containment strategy, had warned that expansion of NATO would be “the most fateful error of American policy in the entire post-Cold War era.” Moscow tolerated the first rounds of NATO enlargement in the Baltics and Eastern Europe, but claimed that NATO’s military involvement in Ukraine’s aspirations to join NATO crossed a line constituting a serious immediate and long-term potential threat to Russia.

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Moscow’s leadership had broached proposals to develop a European security architecture that would take account of Russia’s interests. In 2008, Dmitry Medvedev, then serving as president of the Russian Federation, advanced a proposal for a new European security order followed by additional proposals prior to the invasion of Ukraine that were not afforded serious consideration among Western nations. Suggestions in the aftermath of the unraveling of the Soviet Union and Warsaw Pact that NATO was dead or had no purpose were unfounded. NATO provided a platform for bringing nations together to strengthen capacity for addressing a broad range of significant security challenges including promoting collaboration in managing weapons of mass destruction, countering terrorism, cyber and maritime cooperation, providing disaster support, and much more. Together with the EU, NATO offered assistance to Soviet successor nations in Europe and Eurasia for democratic reform, defense transformation, and capacity building. The NATO-Russia Council fostered practical security cooperation and consultation until Moscow’s annexation of Crimea in 2014, but, for Russians, NATO enlargement was considered a betrayal of pledges on the part of the United States and its allies that NATO would not expand and the possibility of Ukraine engaging in military collaboration with the Western security alliance or Ukraine joining NATO became a defining red-line for the Kremlin. The reality is that Ukraine was not a likely candidate for NATO membership in the foreseeable future, but Western involvement in the Euro-Maidan uprising that contributed to unseating Ukraine’s pro-Russian President Viktor Yanukovych prompted Moscow’s annexation of Crimea. The collapse of the Minsk peace process and lack of commitment in finding a workable diplomatic solution for resolving differences between Kyiv and Moscow on Crimea and Russian-speaking communities in Donbas escalated into the devastating war witnessed today. The disclosure by former German Chancellor Angela Merkel revealing that Germany and other Western nations were not sincere about reaching a diplomatic settlement between Russia and Ukraine, but only sought to gain time for Ukraine to enhance NATO military collaboration and presence in Ukraine has done nothing to enlist confidence that a diplomatic settlement would be possible. The Russia-Ukraine war has cost thousands of lives, displaced much of the Ukrainian population, destabilized the European and Eurasian security and economic orders, and disrupted global energy and food supplies. Had Ukraine been willing to forego NATO membership remaining neutral, this war would likely have been averted. Dedicated commitment on the part of all involved to pursue diplomatic channels toward developing alternative approaches for the post-Cold War European security structure would certainly have been preferable to suffering the tragic losses in Ukraine. There is no reason that Ukraine should not have been able to maintain ties with Russia and other Eastern European neighbors while simultaneously benefitting from cooperation with the Euro-Atlantic community. Moscow’s leadership contends that this is not simply a conflict between Russia and Ukraine, but that the West wants to destroy Russia. The perception that the West seeks strategic defeat of the Russian state is not unfounded. U.S. Defense Secretary Lloyd Austin’s public statement that the United States intends to “weaken Russia” by providing military support to Ukraine and frequent comments on prospects for regime change in Moscow by Western policy officials and analysts reinforces the Kremlin’s assessments regarding U.S./Western intentions. Any strategy aimed to destabilize and drive a major world nuclear power into a rogue nation status is obviously misguided and dangerous. Russia is still a European power and stabilizing Moscow’s relationships with nations of the transatlantic community will remain consequential for European and wider global security. Ukraine’s most recent June 2023 counteroffensive has been unsuccessful and it should be understood that Ukraine can not win a war with a much larger committed nuclear power. Anticipating the difficulties ahead for the Ukrainian military in re-taking occupied territories, Chairman of the Joint Chiefs of Staff Mark Milley had said in late 2022 after successes in Kharkiv and Kherson that it might be time to consider entering into discussions on a political settlement. This suggestion was widely rejected, and the Biden administration has been clear that decisions on ending the war in Ukraine would rest with Ukraine’s President Volodymyr Zelensky and the Ukrainian population. However, the setbacks in Ukraine’s most recent June 2023 counteroffensive has generated consideration among some in the administration about the need for an exit strategy. The current period of geopolitical upheaval in Europe and Eurasia is fraught with risks and at a minimum it will be important for the United States and its allies to support Ukraine in re-building and to stabilize relationships with Russia in order to prevent a wider Russia-NATO or world war. It is important to recognize that a consequence of the choices that have been made over Ukraine present major obstacles for continuation of a central U.S. security priority that has ensured global stability over the past decades, the U.S.-Russian nuclear arms regime. If the war in Ukraine continues to grind on for years or becomes a “forever war,” the prospects for negotiating a new START agreement before it expires in 2026 may be over, ending an era of cooperation in arms control and proliferation. This should be a major motivating factor for resuming dialogue and diplomacy toward ending the war in Ukraine avoiding further loss of life and devastation and setting a foundation for a return to normalcy in managing nuclear arms and proliferation of weapons of mass destruction.

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Russia-China Strategic Partnership and Prospects for Tripartite Major Power Nuclear Engagement

Although the history of the Sino-Russian relationship has not been without clashes, the two countries have become more closely aligned over the past decade forging a burgeoning “strategic partnership” described by Russia’s President Vladimir Putin and China’s President Xi Jinping as a “partnership without limits.” Following escalation of tensions with the West over Russia’s annexation of Crimea, Moscow moved to further strengthen its relationship with Beijing. Moscow continued to turn to China to offset stringent economic sanctions imposed by the United States and its European allies in response to Russia’s military incursion in Ukraine. Beijing attributes the Russo-Ukraine war to Western meddling in Ukraine’s domestic politics and NATO’s tendency to remain locked in a Cold War mindset insisting on expansion of the alliance.

Russia and China find common ground in resisting U.S. global hegemony and challenging American leadership of the rules-based liberal international order. Both Moscow and Beijing believe that they should be entitled to have greater influence in shaping world order in the contemporary multipolar system. Though the two countries no longer share ideological affinity, both Vladimir Putin and Xi Jinping are concerned about protecting security of the state and have been united in opposing Western intervention to advance democracy which they contend has resulted in chaos and destabilizing societies. Moscow and Beijing want to ensure that the kind of domestic turmoil that fueled the color revolutions in Eurasia and upheavals in the Middle East will never pose threats of regime change in their respective nations.

Cultivation of relationships on the part of Russia and China with nations of the Global South is another means of counterbalancing the influence of the United States and its Western allies. Both countries issue narratives emphasizing legacies of Western imperialism, moral decadence, and claims of exceptionalism invoking calls for respecting the diversity of world civilizations and traditions. Offering investment without imposing domestic requirements has contributed to China surpassing U.S. economic presence throughout much of the world. The significant expansion of numbers of nations that would like to join BRICS threatens the preeminence of U.S. currency and influence in global finance and economic development over the long term.

Russia and China have expanded military-to-military cooperation and have held routine large-scale military exercises since 2018 in Asia, the Baltics, and the Mediterranean, and Russia has sold some of its most advanced military equipment to China. While China’s economy far exceeds that of Russia, Russia as one of the world’s two largest nuclear powers can offer support to China in accelerating nuclear development. During the visit of Xi Jinping to Russia in March 2023, Putin announced that Russia’s state atomic energy corporation Rosatom and China’s Atomic Energy Agency had entered into a long-term contract that would include exporting plutonium from Russia to China for use in nuclear reactors potentially contributing to more rapid expansion of China’s nuclear arsenal.

China and Russia do not yet have an “alliance,” but the two countries have been driven closer as a result of tensions with the United States. While the conflict over Ukraine has led to collapse of the initial post-Soviet rapprochement between the United States and Russia, the U.S.-China bilateral relationship is quite strained over Taiwan, competition for influence in the South China Sea and wider Asia, economic reprisals in the technology sphere, and more.

The Russia-China strategic partnership has advanced too far to hope that the United States would be able to drive a wedge between the two countries. The Biden administration’s identification of the struggle between democracy and autocracy as the guiding vision for American foreign policy presents additional difficulties for enlisting cooperation in nuclear security and other critical areas or to avoid uniting Russia and China against American interests.

In considering approaches to arms control in the current conflictual and rapidly shifting geopolitical circumstances, U.S. policy officials should understand that both Moscow and Beijing will expect an equal say in setting terms for engagement. Major regional concerns for both countries including Ukraine for Russia and Taiwan for China stand as impediments to advancing cooperation in nuclear security.

Toward a Tripartite Nuclear Framework for the 21st Century Global Security Environment

Concepts for policies of the past that were effective in containing geopolitical and ideological clashes among nuclear rivals such as “peaceful coexistence” and “détente” or aspirations for building U.S.-Russian “strategic partnership” in the early post-Soviet period no longer exist. There is much greater focus today on what is perceived as inevitable peer or near-peer major power confrontation rather than considering ways nations of different historical experience, cultures, values, and core interests might co-exist and cooperate to ensure strategic security. Policymakers of the three nations confront an emerging global security environment that is more daunting not only because of transition from a bipolar to a tripolar major power nuclear order, but also because protecting nuclear security has become more problematic because of new developments in areas such as space, cyber, or artificial intelligence.

If the United States and Russia are not able to establish a framework for continued collaboration in arms control after the expiration of START in 2026 and China is not engaged in nuclear arms control, the global community will face unprecedented circumstances of unconstrained nuclear arms competition. Beijing is on track to have 1,500 nuclear warheads by 2035 and has been exceeding predictions in terms of the pace of development in nuclear capacity, but China has traditionally been unwilling to participate in arms control believing that this would only provide advantages to nations with much larger nuclear arsenals. While the prospects for forging a tripartite nuclear regime appear quite limited in the current geopolitical/strategic circumstances, it is simply too important for global security not to make every effort to preserve longstanding cooperation with Russia in arms control and proliferation and to foster nuclear security cooperation with Beijing.

Prior to the Ukraine war, we suggested that the U.S. administration might boldly propose a tripartite security dialogue with Russia and China to manage nuclear challenges and other security issues of shared concern. This approach would underscore U.S. recognition of the major power status of both countries and the importance of engaging in a constructive and pragmatic spirit to address issues impacting citizens of all three countries and the world community. The U.S. administration should understand the risks of driving Russia and China closer and explore ways to engage with both countries so as to diffuse the perception that the United States sees no alternative to future major power war.

In the past, relationships among Presidents have been pivotal in advancing the U.S.-Soviet/Russia arms control agenda. The fact that the U.S. and Russian presidents do not communicate and China’s president has been reluctant to meet with the U.S. president presents a major obstacle for advancing an arms control agenda. U.S. Secretary of State Antony Blinken’s visit to China in June 2023 was promising in terms of generating dialogue on the U.S.-China bilateral agenda, but Biden’s reference to Xi as a “dictator” upon Blinken’s return from China elicited angry reactions from Beijing.

Presuming that it might be possible to resume dialogue and negotiations on nuclear security at some point, it would of course be important to approach discussions with realistic aspirations and low expectations. This is a process that will require highly skilled diplomats with commitment, patience, and capacity to recognize the stakes and risks of failure.

All parties must appreciate that there is no winning a war among nuclear powers and the United States, Russia, and China would benefit by strengthening commitment to exhausting all diplomatic options for avoiding conflict and rapid termination of kinetic clashes. Pledges like “fighting until the last Ukrainian” or promulgating protracted wars will not bode well for nuclear arms control and avoiding catastrophic loss of life that should be unacceptable to all.

Engaging in discussions on crisis avoidance, crisis management, and implementing safeguards to prevent misperceptions that could result in nuclear use would be obvious priorities. Reliable communication channels among the three nations will be essential for managing clashes and ensuring that intentions are clear in any crisis situation.

In current circumstances in which nuclear threats have been issued over the conflict in Ukraine, the risk of a regional conflict escalating to nuclear use should be clear. Perhaps considering a tripartite no first-use option would provide an objective that the three nations could work to accomplish.

Recent serious U.S. bilateral clashes with both Russia and China only underscore the importance for continually reviewing arms control and deterrence strategies to adjust to rapidly shifting geopolitical circumstances. Entering into dialogue on nuclear security would help the three parties to gain better understanding of the capabilities and intentions of the others. Russia has agreed to abide by the New START limits on numbers of deployed long-range nuclear forces. The United States and Russia might consider agreeing to reductions in order to incentivize China’s cooperation.

Destabilization of major nuclear power collaboration will undermine successes of the nuclear non-proliferation regime as several nations will only be more determined to acquire nuclear capacity in response to changing and strained geopolitical circumstances. In the past, although the United States has been able to collaborate with Russia and China on issues such as engaging Iran in nuclear negotiations, reigning in the North Korean nuclear threat, and achieving successes in nuclear nonproliferation, the risk of uncontrolled proliferation among both state and non-state actors will only increase if the three countries are not able to manage geopolitical strains.

Given the longstanding U.S.-Soviet/Russia experience and prior successes in nuclear arms control, it would be wise to build on this foundation and experience while reaching out to bring China into a major nuclear power triad. Simultaneously, it would be important to strengthen multilateral negotiations in nuclear security among P5 countries while perhaps broadening dialogue with other nuclear nations regarding safeguards necessary for developments in artificial intelligence and other areas.

These measures toward preventing a nuclear arms race, proliferation of weapons of mass destruction, and avoiding nuclear first use will certainly be difficult to implement at this juncture. However, such steps would serve the interests of the United States, Russia, and China and enhance security of the global community and should be among the highest priorities for the world’s leading nuclear powers.

#### Retrenchment maintains essential partnerships while avoiding escalatory spirals.

Latham ’24 [Andrew; October 15; Professor of Political Science at Macalester College, Senior Fellow at the Institute for Peace and Diplomacy, Ph.D. in Political Science from York University; The Hill, “The End of U.S. Global Dominance Presents an Opportunity for America,” https://thehill.com/opinion/national-security/4932894-the-end-of-us-global-dominance-presents-an-opportunity-for-america/]

The era of American hegemony, which dominated global affairs since 1945 and reached its peak after 1991, is coming to an end. And rather than lament this shift, the U.S. and the world should embrace the opportunities it presents.

For too long, the U.S. has shouldered the burden of global policing, tied to the notion of maintaining a “rules-based international order” that is increasingly irrelevant. The end of this era opens the door to a more just, prosperous and realistic world order — one that is based on balancing global powers rather than dominating them. It’s time for the U.S. to adopt a grand strategy of restraint, rooted in realist international relations theory, and reshape its role in a multipolar world.

The decline of American hegemony has been a gradual process, accelerated by major events but always rooted in deeper structural trends. The rise of other global powers has challenged the ability of the U.S. to control world affairs. The myth that Washington believed after the Cold War, that it could dictate global governance indefinitely, was always an illusion. Overreach in military interventions, coupled with domestic and international challenges, have weakened American primacy.

The international system that the U.S. helped build after World War II — a system of multilateral institutions and liberal norms — has shown cracks for years. This was not a neutral or benevolent framework; it was a structure that served American interests, often at the expense of other nations.

Now, with rising competition from other powers, the idea that Washington can — or should — continue to act as the global enforcer is not only unrealistic but also counterproductive. Clinging to hegemony leads only to more costly interventions and strategic failures, as evidenced by recent decades of U.S. foreign policy.

The end of American hegemony is not a catastrophe but an opportunity to adopt a more restrained and realistic approach to international relations. A grand strategy of restraint, as grounded in realist theory, recognizes the limitations of U.S. power and the dangers of overextension.

Realism — with its focus on national interest, the balance of power and the inevitability of competition among states — offers a clear path forward. Rather than attempt to dominate or impose an ideological framework on the world, the U.S. should focus on protecting its core interests while avoiding unnecessary entanglements.

In a multipolar world, the U.S. should be one power among many. The key to maintaining security and stability is not through imposing American leadership but through balance — engaging in selective competition and cooperation with other powers, without trying to dominate them. This shift away from hegemony opens space for new coalitions and more flexible partnerships based on mutual interest rather than unilateral dominance.

As China rises and challenges American influence, it is tempting for policymakers to frame the situation as a new Cold War, with China replacing the Soviet Union as the primary adversary. But this is a flawed analogy. The Cold War was a unique ideological and military struggle between two superpowers, and trying to apply that same logic today only invites dangerous escalation. The U.S. should not attempt to “contain” China in the traditional sense of the word, which would only provoke confrontation without serving U.S. interests.

Instead, Washington should pursue a strategy of “blunting” — using its power and influence to prevent any one nation from dominating key regions or setting the rules of global governance. This realist approach acknowledges that while China’s rise cannot be stopped, it can be managed. The U.S. should work with allies and regional powers to ensure that Beijing’s ambitions do not come at the expense of American security or that of its partners. By focusing on maintaining a balance of power, the U.S. can prevent Chinese domination without overextending itself in futile efforts at containment.

Blunting is not about imposing America’s will on the world, but about ensuring that no other power can impose its will. This strategy recognizes that the global order is shifting, and Washington’s role should be one of prudent management rather than aggressive intervention. Realist restraint means recognizing that the U.S. cannot and should not be involved in every conflict, nor can it dictate terms to every rising power.

The end of American hegemony liberates the U.S. from the yoke of global policing, which it has borne to its own detriment for far too long. A grand strategy of restraint would prioritize America’s core national interests, avoiding the costly and unnecessary interventions that characterized much of its foreign policy in the post-Cold War era. The wars in Iraq and Afghanistan illustrate the dangers of overreach and the futility of trying to impose democratic values through military means.

Restraint, however, is not isolationism. The U.S. still has critical interests that require engagement, particularly in key regions like the Indo-Pacific and Europe. But engagement must be guided by a sober assessment of American power and the realistic limits of influence. Realist theory teaches that international relations are governed by competition among states, and in a multipolar world, the U.S. must pick its battles carefully, choosing to intervene only where its vital interests are at stake.

This strategic recalibration would allow America to play a smarter role in world affairs — working with allies when necessary, but not leading every charge. The notion that any instability anywhere in the world threatens U.S. security is no longer tenable, nor is the belief that the U.S. must bear the burden of global governance alone.

The shift away from American hegemony opens the door to a more sustainable world order that reflects the multipolar character of contemporary international politics. This transition is a natural evolution of the international system, and the U.S. must adapt by embracing restraint and realism as the guiding principles of its foreign policy.

In a more multipolar world order, smaller powers and regional actors will have greater agency, and multilateral cooperation will be driven by shared interests rather than imposed norms. The U.S. has an opportunity to lead by example instead of through coercion. By focusing on blunting the more extreme ambitions of illiberal powers like China, Washington can help shape a world that is more stable and equitable.

The age of U.S. dominance is over, but that is not a cause for alarm. It is a chance to build a more just and prosperous international system — one grounded in the realities of power politics and the recognition that restraint, rather than overreach, is the path to sustainable security.

### Supply Chains---1NC

#### Supply shocks are empirically disproven BUT would be weathered.

Drezner ’22 [Daniel; January 2022; Professor of International Politics in The Fletcher School at Tufts University, Ph.D. in Political Science from Stanford University; Reason, “Where’s My Stuff?” https://reason.com/2021/12/05/wheres-my-stuff/]

Americans can be forgiven for thinking that every critical system we rely on is breaking down. The country—nay, the globe—has endured years of social, political, environmental, and epidemiological upheaval. Pick your shock: COVID-19, wildfires, George Floyd protests, climate change, January 6. They all seem like harbingers of a chaotic future.

But backlogs in Pottery Barn orders are when shit gets real.

From Bosch dishwashers to bucatini to chicken wings to pipette tips, the past year has seen a raft of press coverage about delays, price spikes, and other disruptions to the production and shipment of goods to the United States. Strains in the global supply chain caused semiconductor shortages and big price increases for used cars. Toyota, Ford, and General Motors have all scaled back production in recent months because of the dearth of computer chips. When the container ship Ever Given temporarily ran aground in the Suez Canal, the Financial Times asserted that the accident showed “the inherent fragility of tightly stretched global supply chains at the very moment when they are already being buffeted by a pandemic and in an era when the philosophical underpinnings of global trade are being challenged.”

Journalists aren't the only folks freaking out. Less than six weeks into his term, President Joe Biden issued an executive order mandating that eight cabinet departments examine the resilience of U.S. supply chains, warning that “pandemics and other biological threats, cyber-attacks, climate shocks and extreme weather events, terrorist attacks, geopolitical and economic competition, and other conditions can reduce critical manufacturing capacity and the availability and integrity of critical goods, products, and services.” More recently, Biden has floated multiple policy responses, including using the National Guard to untangle snarled supply chains.

The administration's concern about global supply chains fits in with the political elite's larger ideological pivot away from trade liberalization and toward a more mercantilist posture. Indeed, this is the area where the Biden and Trump administrations sound the most similar. Biden's U.S. trade representative, Katherine Tai, stated in a congressional hearing that trade liberalization and tariff reductions were no longer her office's principal goals. In June, Biden's National Economic Council director, Brian Deese, declared that “resilient supply chains must be at the center of a 21st century industrial strategy.” One of Biden's senior directors at the National Security Council has told me that “the U.S. is not a trade-dependent nation.” Another administration official questioned to me whether the notion of comparative advantage in trade still exists. Never one to be outdone in policy freakouts, Sen. Josh Hawley (R–Mo.) has introduced a bill requiring more than half the value-added of any critical good to be domestically sourced.

The recent convulsions in global supply chains do highlight ways the globalization of the past decade differs from the idealized models taught in introductory economics courses. Globalization has produced far more market concentration than would have been expected a generation ago. The tripling of the Baltic Dry Index (which measures the cost of shipping dry goods such as coal or steel between ports) and the quintupling of U.S.-China container shipping rates over the past year demonstrate that frictionless markets do not exist. Rising geopolitical tensions between the United States and China reveal the ways that great power competition will complicate cross-border exchange. And the pandemic showed how the global economy can be buffeted by shocks that textbooks typically do not discuss.

A closer look at global value chains reveals ways that both public-sector and private-sector actors have prioritized short-term efficiency at the expense of long-term resilience. But it also reveals a mismatch between a lot of overheated political rhetoric and an actual understanding of how the global economy works. Many of the past year's issues are temporary—and when it comes to strained global supply chains, globalization is more often the solution than the problem.

When Ford completed its massive River Rouge plant in 1928, it created a factory that controlled every facet of car production, including its own steel mill. Trade volume was high during this era, but very few intermediate goods crossed borders. In the time since then, the industrial organization of production has changed a wee bit.

Whereas trade a century ago was primarily in finished goods, manufacturing now has disaggregated itself into myriad chains of subcontractors. As one MIT Sloan Management Review article summarized the phenomenon, we have a “deeper tiering of supply chains whereby suppliers draw upon their suppliers who in turn draw on their own networks of suppliers in multistage production networks.”

Why did this happen? The end of the Cold War eliminated most geopolitical concerns about where to locate production facilities. Basic trade theory meant an awful lot of facilities expanded in China, the low-cost manufacturing locale. The reduction of transportation and communication costs made it easier for production to be disaggregated and managed at a distance. “Just-in-time” manufacturing encouraged companies to hold minimal inventories and count on suppliers to respond quickly to fluctuations in consumer demand. Management consultants stressed the efficiency of offshore outsourcing.

The most widely cited example of the globalized supply chain is Apple's iPhone. Most people know that the iPhone is manufactured in China and exported to the United States. What is less well known is that China plays only a minor role in the creation of its added value. The iPhone's flash drive comes from the Japanese firm Toshiba. Samsung, a South Korean firm, provides the application processor. A German company provides the camera module, and a U.S. subcontractor provides the Bluetooth application. All of these parts are then assembled by a Taiwanese firm, Foxconn, with operations in Shenzhen, China.

The management consultants were right about the efficiency. While productivity in the service sector stagnated after the turn of the century, manufacturing productivity continued to soar.

The political economy advantages were also apparent after the collapse of Lehman Brothers. The last time a financial shock of that magnitude hit, the trade wars of the Great Depression began. 2008 was different. A World Bank study examined trade restrictions immediately after 2008 and found that “vertical specialization” was the most powerful economic factor that limited tariff increases. The more a country's economy was enmeshed in global supply chains, the less likely it was to raise barriers to trade. Global supply chains help explain why the Great Recession did not lead to trade wars like those of the Great Depression.

So these global value chains seemed like an unalloyed good. And then the 2010s happened.

As global supply chains grew more and more complex, there were signs of trouble on the horizon. In 2011, the Chao Phraya River floods in Thailand severely but temporarily constricted production of hard disk drives, because close to half of global output was sourced from Thailand. In 2017, U.S. hospitals faced an acute shortage of IV bags after Hurricane Maria knocked out a key production facility in Puerto Rico.

The 2011 earthquake and tsunami that hit Fukushima in Japan affected key nodes in global manufacturing. Some firms suspended sales of cars in certain colors because key ingredients were stored near Fukushima and inaccessible. An iPhone designer warned The New York Times that “there are all kinds of little specialized parts without second sources, like connectors, speakers, microphones, batteries and sensors that don't get the love they deserve. Many are from Japan.”

These supply chain hiccups highlighted one underanticipated phenomenon of globalization: Rather than strengthen market competition, it strengthened market concentration. Consumer-facing firms from Walmart to Ford to Apple to Home Depot stressed cost minimization ubër alles. Firms that excelled at efficiently producing one part became near-monopolists for that component. This is how Taiwan Semiconductor Manufacturing Company (TSMC) became the dominant global supplier of customized semiconductor chips. Other chipmakers focused on design, subcontracting to the Taiwanese firm for the physical production. As TSMC accrued comparative advantages in chip production, even established competitors such as Intel struggled.

The return of geopolitical competition has also flummoxed producers. China is a critical node in almost every global value chain. Over the last decade, as Xi Jinping has consolidated his power, the Chinese state has taken a number of steps that have raised hackles in Western capitals. Some of these, such as the Belt and Road Initiative, have been overhyped. Others, such as the subjugation of the Uyghurs, repression in Hong Kong, increasing control over United Nations agencies, and the expansion of China's nuclear arsenal, have not. Xi's “wolf warrior diplomacy” has triggered evaluations in the United States, Europe, and Pacific Rim about just how vulnerable their economies are to disruptions from Chinese suppliers. The 2010 rare earth embargo on Japan in response to a territorial dispute in the East China Sea offered a warning about how China could weaponize the interdependence of global value chains; Huawei's dominance in 5G offered another. Erratic U.S. policies during the Trump administration served in turn as a warning about how Western governments could disrupt global value chains.

Finally, the COVID-19 pandemic exacerbated the problems of both market concentration and political whimsy. As China reeled from the pandemic's first wave, there were disruptions across the global economy. China exercised state power to seize domestically produced personal protective equipment and other medical supplies; the United States soon reciprocated. According to Global Trade Alert, 157 export controls on medical supplies and medicines were put in place across 86 jurisdictions in the first six months of the pandemic. U.S. leaders expressed concerns about vulnerability to China weaponizing its role in medical supply chains. So did journalists: In May 2021, 60 Minutes warned that “COVID showed that the global supply chain of chips is fragile.” The Washington Post concurred: “The pandemic has exposed fragile global supply chains across multiple continents.”

Countries exercised vaccine nationalism, stunting global immunization against COVID-19, which in turn facilitated the development of more dangerous variants of the novel coronavirus. The delta variant has penetrated Chinese port facilities, Malaysian chip factories, and Bangladeshi textile plants, leading to periodic shutdowns that have spiked container shipping prices and lengthened order backlogs.

Throughout all this, producers seemed to be stuck in quicksand. The past decade has not been shy in signaling to firms that there might be risks to increasingly disaggregated global supply chains. If natural disasters, pandemics, and geopolitical tensions were not enough, now management consultants are piling on. The same consultants who urged offshoring a generation ago are now telling firms to retrench from globalized supply chains. But most firms do not seem terrifically interested in changing their practices. Multinational corporations like Apple have not altered their supply chains in response to political pressure. Whether one looks at business surveys or journalistic accounts, the results are the same: Most U.S. firms do not plan on moving their supply chains away from China.

A world in which the distribution of goods is held up due to constant supply chain disruptions seems less than ideal. What can be done about it?

One thing that would be great is if everyone would acknowledge that a lot of the issues with global value chains right now have to do with demand more than supply.

When the pandemic began, there was an immediate and acute contraction of demand. Producers assumed that this would be the new normal and reduced their output. They were mistaken. The combination of emergency COVID-19 relief and the work-from-home phenomenon led to a resurgence of demand. The affluent class had considerable sums of disposable income. The pandemic made spending on services a less viable option, so instead they spent it on stuff: cars, furniture, home office equipment, gaming systems, house renovations, and so forth. The shortage of semiconductor chips was caused by the unexpected twin rebounds in demand for cars and consumer electronics. As one Federal Reserve analysis explained, “the pause in demand was much shorter and the rebound in demand was much stronger than anticipated.” These demand surges surprised suppliers and led to the production bottlenecks that are currently seizing up Pottery Barn orders.

While demand has been stronger than expected, supply in critical sectors coped better than expected. The predicted pandemic breakdowns in supply chains for food and medical supplies proved to be overstated. Surveys of logistical firms last year revealed that the pandemic had minimal effects on their operational capabilities. Even when it came to medicines and personal protective equipment, there were only minor disruptions after the initial shock in March 2020. Claims that the global supply chain in medical products rendered states vulnerable to weaponized interdependence proved to be wildly exaggerated. The pandemic affected service sectors such as tourism far more severely than any manufacturing sector. Indeed, Slate's Jordan Weissmann pointed out recently that “imports were up 5 percent year-over-year in September, and up 17 percent compared with the same time in 2019.” This happened despite the decline in air passenger traffic, which restricted yet another means of shipping goods by air. Supply has increased—it's just that demand has surged even more.

## ADV---Monopsony

### Circumvention---1NC

#### Corporations circumvent---normal means is a weak penalty enforced by under-resourced regulators.

Stansbury ’24 [Anna; September 19; PhD, assistant professor of Work and Organization Studies at the MIT Sloan School of Management; The Hill, "Why CEOs should want better enforcement of labor law," https://thehill.com/opinion/finance/4875111-why-ceos-should-want-better-enforcement-of-labor-law/]

We assume that if a company breaks the law, it will be punished. But when it comes to many foundational worker protections, the actual punishment for a violation is little more than a slap on the wrist. A new bill introduced by House Democrats in July — the LET’S Protect Workers Act — seeks to change that by raising penalties for breaking major labor and employment laws.

This action is long overdue and would be a boon not just to vulnerable workers, but also to ethical business leaders who risk being undercut by unscrupulous competitors. Right now, penalties are often so low that a simple cost-benefit calculation, absent ethical considerations, would tell many firms to break the law.

Take the Fair Labor Standards Act, the federal law that guarantees workers a minimum wage (set at $7.25 an hour since 2009) and overtime if they work more than 40 hours in a week. In the statute, there’s scope for very hefty punishments for firms that break the law. But in practice, punishments are scant.

My research shows that most firms caught underpaying workers by the Department of Labor are just required to pay the worker the wages owed in the first place — with no additional financial cost to the firm at all. About one-third of firms have to pay additional damages. Only 6 percent are required to pay a civil monetary penalty on top of this — and the amounts are small, very rarely adding up to much more than the initial underpayment. While many states have heftier enforcement apparatuses and higher penalties, the federal level is the baseline for more than half of the U.S.

Perhaps the starkest contrast is with property theft — a crime that is routinely punished by imprisonment. Shoplifting goods worth $2,500 or more, for example, can lead to felony charges and imprisonment in every state. Failing to pay workers what they are legally owed — wage theft — can in theory also lead to criminal charges, but almost never does.

From 2005 to 2020, the Department of Labor identified more than 90,000 cases where a firm underpaid its workers by $2,500 or more — with total underpayment across these cases of $570 million. Only 26 cases from this time led to criminal convictions, with three fines and no prison sentences.

When people steal from companies, they pay a heavy price. When companies steal from their workers, they don’t.

That is, if a violating firm gets caught at all. The Department of Labor’s inspection resources simply can’t stretch as far as their remit: for every federal wage-and-hour division investigator, there are about 175,000 workers covered by the statutes they enforce. The Labor Department targets its enforcement activity on sectors with high violation risk, but even in these cases research estimates the chance of a random inspection in any given year is less than 2 percent.

The troubling reality is that it’s more profitable for many firms to break minimum wage and overtime laws than to comply with them — and indeed they do, in droves. Companies illegally underpay workers in this way to the tune of several billion dollars each year.

This is striking enough, but for certain other worker protections, the incentive for employers to comply is even weaker. Look at the union protections in the National Labor Relations Act. The NLRA imposes no financial penalty for illegally firing a worker for union organizing — it merely requires the offending firm to reinstate the dismissed worker with compensation for lost earnings. And even once workers have voted for a union, a firm may simply stall to avoid reaching a contract. Failure to bargain in good faith is illegal, but carries no financial penalty.

For firms unconcerned with ethics or reputation, this means there is essentially no deterrent to breaking the law. Is it any wonder, then, that at least one worker is illegally fired in an estimated 20 to 30 percent of union elections, and that more than half of newly certified unions don’t get to a first contract within a year?

### Turn---1NC

#### **Productivity is strong now. That delivers fast growth.**

Richardson ’25 [Nela; May 6; PhD economics, ADP’s Chief Economist and ESG Officer; ADP Research, “The power and puzzle of productivity,” https://www.adpresearch.com/the-power-and-puzzle-of-productivity/]

This week, all eyes will be on Federal Reserve policymakers and their decision to cut, raise, or stand pat on interest rates. But there’s another data point that could have an even greater impact on the economic and inflation outlook for 2025: productivity.

On May 8, the Bureau of Labor Statistics will deliver new data on productivity, which is defined as worker output per hour. In the fourth quarter of 2024, worker output increased 2.4 percent from the prior quarter while hours worked to produce that output rose only 0.8 percent.

Year-over-year, productivity was up 2 percent in the fourth quarter. For the full year, productivity rose 2.7 percent.

Apart from the pandemic-driven productivity spike of 2020, 2024 delivered the highest average productivity rate in 15 years.

Strong productivity delivers a host of benefits: faster economic growth, lower inflation, higher pay for workers, and greater profits for businesses.

Productivity puzzles

If 2025 productivity can maintain its 2024 strength, it would be a turning point for the U.S. economy. For more than a decade, the economy has been marked by lackluster productivity. Between 1989 and 2010, productivity averaged 2.4 percent a year. Since 2011, that annual average has fallen by a full percentage point, to 1.4 percent.

This recent slowdown has puzzled economists for two reasons. First, one key driver of productivity, spending on research and development, has been soaring. From 1989 to 2010, research and development spending grew an average of 2.8 percent a year. Since 2011, it’s grown by an average of 4.4 percent a year.

If the economy is spending more on research and development, why hasn’t innovation boosted productivity growth?

Productivity in manufacturing is a second mystery. From 1989 to 2010, manufacturing led U.S. productivity, with 3.7 percent average annual productivity growth. But since 2011, productivity in manufacturing has contracted to an annual average of 0.3 percent.

Manufacturing historically has been one of the most innovative parts of the economy. Yet for more than a decade, a chasm has opened between the development of new manufacturing technologies and output by manufacturing workers.

Productivity and pay

Another way to look at productivity is how much businesses pay workers to produce a unit of labor. In 2024, year-over-year worker pay grew by 4.1 percent, in line with historical trends.

This is where the math gets interesting.

If wages are growing at about the same rate as before, but productivity has fallen, the cost to produce a single unit of something will rise. And that’s exactly what’s happening.

Between 1989 and 2010, unit labor costs rose by an average of 1.5 percent a year, a rate consistent with the less-than 2 percent inflation we saw during those decades.

Since 2011, per-unit labor costs have risen by 2 percent a year on average. And even though 2024 put up strong productivity growth relative to its recent 15-year average, unit costs are still growing faster than they were.

My take

Turning points in the economy are notoriously hard to predict. But an economy that can withstand the uncertainty of inflation, tariffs, and consumer spending fatigue is one that can point to its strength in productivity.

#### Powerful unions suppress productivity growth through wage pressure, work restrictions, and investment disincentives.

Palagashvili ’25 [Liya and Revana Sharfuddin; May 7; PhD economics, senior research fellow and director of the Labor Policy Project at the Mercatus Center; MA development economics, predoctoral researcher at the Labor Policy Project at the Mercatus Center; Mercatus Center, “Do More Powerful Unions Generate Better Pro-Worker Outcomes?” https://www.mercatus.org/research/working-papers/do-more-powerful-unions-generate-better-pro-worker-outcomes]

Cost at the Firm Level: Productivity, Profits, and Investment

The costs unions impose on firms play out through three key channels: productivity, profitability, and investment. At their best, unions can boost productivity by fostering better communication between workers and management, reducing turnover, and creating incentives for efficiency. But more often, restrictive work rules and wage-setting above market rates stifle flexibility, dull incentives, and slow down adaptation. The result is lower profitability: Higher wages that don’t come with matching productivity gains can squeeze margins, limit reinvestment, and weaken firms’ ability to compete and grow. And when profits shrink, so does investment. Faced with rising labor costs, firms cut back on capital improvements, technology upgrades, and R&D, leaving them less competitive in the long run. In the end, while unions may secure short-term benefits for workers, their impact on firms often leads to the very job losses and stagnation they aim to prevent.

One of the key factors in assessing the overall cost of labor unions at the firm level is productivity. In their 1984 book Freeman and Medoff argue that labor unions tend to contribute to increased productivity, although the effect varies depending on the labor relations environment. Labor unions can raise productivity through an “employee morale channel,” by providing workers with a means of expressing discontent as an alternative to “exiting.” The labor unions open communication channels between workers and management, which induces managers to make changes to production methods and to adopt policies to improve efficiency. Open channels of communication also lower quit rates and improve labor relations within the firm. Freeman and Medoff argue that these productivity-enhancing effects can potentially offset the efficiency losses from greater unionization.

Recent research shows a different reality regarding how labor unions impact productivity. Aside from a few exceptions due to unique labor union arrangements, the impact of labor unions on productivity has been shown to be generally negative, mainly through the “investment channel.” That is, when unions set wages above the market rate—where wage determination becomes uncertain and disconnected from actual market conditions—both tangible and intangible investments can be reduced, ultimately hindering firm productivity.[63] In line with Freeman and Medoff's findings, more recent research continues to provide strong evidence that labor unions reduce firm profitability.[64] This decline is largely driven by labor-union-negotiated higher wages, which often lack matching productivity gains. As a result, firms face reduced profits, which limit their ability to invest in capital and R&D, which ultimately hinders long-term productivity growth.[65]

This is the ultimate dilemma for labor unions: The more what the labor union secures at the bargaining table is beyond what is reasonably sustainable, the lower the surplus of profits will be. Therefore, the more the labor union wins at the bargaining table, the more vulnerable the company is to long-term decline. As the company declines, there will be reduced work opportunities.

Besides increasing labor costs beyond what is reasonably justified, labor unions can also harm productivity through restrictive work rules, which include not only establishing inefficient staffing requirements (“featherbedding”), but also limiting incentives for worker effort and restricting management discretion on optimal staffing arrangements.[66] Negotiations over work intensity, or the pace of work, can further influence employment levels. Labor unions often press for reduced work intensity, which necessitates employing more workers but can also diminish overall productivity.[67]

Another example of how restrictive work rules can harm productivity is the case of the International Longshoremen’s Association (ILA), which in 2024 pushed for a total ban on port automation. Their intention was to protect jobs, but their demand would block critical productivity gains and prevent the kind of technology-driven human capital accumulation that fuels economic growth. The economic consequences of such resistance are not just theoretical; they have played out before, most infamously in the mid-20th-century rubber tire industry. Back then, excessive labor costs driven by aggressive labor union bargaining forced companies to relocate to less unionized regions, destabilizing local economies and eroding industrial competitiveness.[68] Yet, to be fair, there are cases where labor unions have managed to boost productivity, as seen in the US and Canadian iron ore industries during the 1980s crisis. Back then, facing intense competition from Brazil and the real threat of permanent mine closures—25 percent of Minnesota mines had already shut down—labor unions made concessions that streamlined work practices. Machine operators were finally allowed to perform basic repairs, and overstaffed repair crews were cut from 50 to 25 percent at the largest mine. Unsurprisingly, the most substantial productivity gains came from mines where these rigid labor union rules were most significantly relaxed.[69]

Contrast this with unionized US school districts, which manage to extract more funding, raising per-pupil spending by about 12.3 percent and increasing teacher pay. Despite these higher inputs, school productivity did not improve. Dropout rates were actually higher, suggesting that while labor unions are adept at securing financial resources, they often miss the mark on effective resource allocation.[70]

The economics literature consistently shows that more powerful and aggressive labor unions with unsustainable demands also tend to reduce firm profitability, which in turn hurts worker-level outcomes. One way to understand this effect is to investigate how labor-market regulations shape the distribution of rents between firms and workers. One study showed that reducing labor union bargaining power—essentially a form of labor market deregulation—can lower real wages without impacting unemployment in the short term. However, over the long term, deregulation boosts firm profits, sparking greater market competition and new firm entry, which eventually drives down unemployment and restores wages to their previous levels. This dynamic illustrates how, in heavily unionized environments, the initial wage cuts from deregulation lead to broader economic benefits over time.[71] The direct and spillover effects of labor union organizing on firm profitability are particularly striking. For instance, companies facing labor union petitions see their stock prices drop by an average of 1.04 percent. This effect extends beyond the targeted firms: Nonunion firms in the same industry also experience market value declines—averaging 0.72 percent—as investors brace for potential spillover effects. In cases where labor unions win representation elections, the hit to market value is even steeper, suggesting that the financial markets view successful unionization as a substantial threat to profitability.[72]

Finally, institutional contexts can either mitigate or amplify the negative impact that labor unions have on employment, productivity, and investments. For example, a relatively more decentralized bargaining system—in which wage negotiations are organized at industry-region level—can sometimes alleviate negative effects, such as reduced employment or stagnated productivity. However, even under decentralized systems, labor unions’ ability to capture quasi-rents remains a significant obstacle to firm reinvest.tment. Quasi-rents, which are the profits that could otherwise be reinvested into the company for future growth, often get diverted to satisfy labor union demands beyond what are reasonably sustainable, reducing the firm’s capacity to innovate or expand.[73] Evidence from privatization cases in Mexico further supports this: State-owned enterprises (SOEs) with strong unions fetched lower auction prices. Potential buyers were deterred by the costly labor liabilities and the focus on employment rather than profitability, underscoring how union strength can directly impact firm valuation and economic performance.[74]

These findings underscore a recurring challenge: While unions can secure short-term gains for workers, their influence often complicates long-term investments and growth. Even when unions negotiate through structured bargaining, the diversion of profits away from reinvestment remains a concern. This not only hampers firm performance but also undermines future worker outcomes when demands are excessive, as reduced investment in innovation and expansion means fewer job opportunities and wage stagnation over time.

The impact of unionization on investment is overwhelmingly negative, particularly when it comes to capital and R&D.[75] There are rare exceptions, like in Germany, where unique institutional arrangements—such as worker councils working hand-in-hand with unions—have led to improved productivity and innovation.[76] Studies have long challenged the earlier rosy views of union benefits, arguing instead that unionization acts like a tax on capital returns, discourages investment in essential long-lived tangible and intangible assets, and slows both employment and productivity growth, especially in heavily unionized sectors.[77] The bottom line? Outside of the rare edge case of Germany, the effect of unionization on investment and R&D remains largely harmful.[78]

Another way to reconcile some of these findings on productivity is not through the absence or presence of unions, but through the lenses of bargaining weight. If unions are very powerful and have a strong bargaining weight, then the negative productivity channels (e.g., investment) may be greater than the positive productivity channels (e.g. employee morale). As discussed above, bargaining weight is a key determinant of whether the union’s monopoly face or the collective voice face will prevail. If unions are overly powerful and make excessive demands, the negative effects through the investment channel will be greater than the positive effects of employee behavior.

### Inequality---1NC

#### Sectoral bargaining fails to secure higher pay.

Mansfield ’24 [Iain; 2024; Director of Research and Head of Education and Science at Policy Exchange; Policy Exchange, “One Size Fits All: Sectoral Collective Bargaining and Its Implications for Business and Taxpayers,” p. 23-24]

Using its classification, the OECD took average wage rates across countries achieved by different levels of bargaining and compared them with average wages paid to those who had no form of bargaining. It found that “workers are paid more with firm-level bargaining, while sectoral bargaining is not associated with relatively higher pay on average... the results [of our research] are in line with a large body of the literature which finds that sectoral bargaining is not linked with higher wages on average.”106

Averages still, of course, mean that some workers will be paid more. And it is also true that the imposition of an SCB system makes it more likely that unionisation will spread and that firm-level bargaining will be layered on top, securing additional pay for some workers.

In any sector-wide negotiation, as was pointed out in the debate in New Zealand, employers are likely to be conservative, creating a risk for workers of lowest-common-denominator settlements, since FPAs must, by definition, be affordable for most if not all affected employers.

The findings for the UK alone are more mixed. The OECD data does, in fact, show that sectoral bargaining produces higher average wages here than workplace bargaining. But given the small number of employees, almost all public sector, with sectoral bargaining in Britain the finding is of lesser value than the Europe-wide finding covering countries where the practice is widespread.

The figures also show that the presence of workplace or company-based collective bargaining in Britain increases wages (though not by much) compared with workforces who have no form of collective bargaining at all. The imposition of sectoral bargaining in Britain may therefore indirectly drive wage rises by encouraging wider unionisation and the growth of workplace collective bargaining, both in the sectors covered by SCB and outside them.

However, while some workers may gain, others may lose. The OECD finds that there are “lower returns to education, seniority and potential experience for workers covered by collective agreements.”107 Those who are relatively better-paid now, because they are older or better qualified, may find themselves being at least relatively less well-paid under the levelling effect of SCB. The OECD adds: “A lower payoff from education, while reducing inequality, may also negatively affect productivity growth if this leads to lower investment in education.”10

#### Inequality is rock-bottom---flawed metrics influence contrary claims.

Waldenström ’25 [Daniel; May 19; Professor of Economics at the Research Institute of Industrial Economics Stockholm, Ph.D. in Economics from the Stockholm School of Economics, Ph.D. in Economic History from Lund University; Foreign Affairs, “The Inequality Myth: Western Societies Are Growing More Equal, Not Less,” https://www.foreignaffairs.com/united-states/inequality-myth-western-societies-more-equal-waldenstrom]

Spend a few minutes browsing political commentary or scrolling social media and you will discover a seemingly settled truth: inequality in the West is soaring, the middle class is being hollowed out, and democracies stand on the brink of oligarchy. The idea is seductive because it fits everyday anxieties in many Western countries—housing has grown increasingly unaffordable, billionaire wealth mushrooms unfathomably, and the pandemic exposed yawning gaps in social safety nets. Yet the most influential claims about inequality rest on selective readings of history and partial measurements of living standards. When the full balance sheet of modern economies is tallied—including taxes, transfers, pension entitlements, homeownership, and the fact that people move through income brackets across their lives—the story looks markedly different. Western societies are not nearly as unequal as many believe them to be.

This is not a call for complacency. Concentrated economic power can distort markets and politics; pockets of deep poverty persist in rich countries; and in the United States, the top of the distribution has indeed sprinted ahead of the rest. But focusing only on the eye-catching fortunes of tech founders or hedge-fund managers obscures a quieter, broader transformation: households across the income spectrum now own capital on a scale unimaginable to earlier generations, and basic measures of well-being in Western societies—including life expectancy, educational attainment, and consumption possibilities—have improved for nearly everyone.

Getting the facts right matters because bad diagnosis breeds bad prescriptions. If governments assume that capitalism is inexorably recreating the disparities of the Gilded Age, they will reach for wealth confiscations, price controls, or ever-larger public sectors funded by fragile tax bases. If, instead, the evidence shows that free-market economies have enriched middle classes by expanding asset ownership, that entrepreneurs’ fortunes are associated with advances shared with the broader public, and that much of the post-1980 rise in recorded inequality reflects methodological quirks, then a different agenda follows: states should encourage ambition, protect competition, widen access to wealth-building, and ensure that public services complement—not smother—private prosperity. In short, before treating inequality as an existential crisis, it is worth double-checking the thermometer.

THE TALE OF RUNAWAY INEQUALITY

The prevailing narrative about inequality—popularized by the economist Thomas Piketty in his bestselling 2014 book, Capital in the Twenty-First Century—depicts a U-shaped curve. In this view, the extreme concentration of income and wealth among a narrow elite in the early twentieth century was broken only by the world wars and taxes on capital. The turn toward market liberalization around 1980 unleashed a second wave of plutocracy. Charts of top-income shares appear to confirm the story: since 1980, the top one percent’s slice of pretax income has surged, especially in the United States and the United Kingdom. Add the proliferation of celebrity billionaires, the stagnation of median wages, and the eruption of high-profile corporate scandals, and the picture seems complete.

Three kinds of evidence underpin this interpretation. First are tax-return data that track pretax market income: salaries, dividends, and realized capital gains. These show widening gaps because high earners captured disproportionate gains from globalization and digital technology. Second are surveys of household wealth that measure who owns stocks and real estate; when asset prices boom, wealthy portfolios balloon. Third are particular statistics that make headlines—the many CEOs paid hundreds of times more than average workers, or the eight men who together are richer than half the world—and feed public outrage.

But such evidence has limits. Starting the clock in 1980 is rhetorically convenient because inequality was then unusually low, following decades of steep taxation and stringent regulation that had dampened entrepreneurship and curtailed many ambitious career paths. Today’s levels, although higher than those of the late 1970s, are far below those of the pre–World War II era when taxes were much lower than they are today. In addition, most estimates of income inequality have actually plateaued in the last two decades. Likewise, focusing on pretax income ignores the consequences of progressive taxation and, crucially, the vast public spending on health care, education, and pensions that disproportionately benefits lower- and middle-income households. Finally, wealth surveys often exclude mandatory pension assets and undercount owner-occupied housing—the two largest stores of middle-class wealth.

Recent work on U.S. income distribution by the tax economists Gerald Auten and David Splinter shows that correcting for underreported income at the bottom, income shifted into tax-deferred retirement accounts, and welfare transfers flattens the trend dramatically: in the United States, the top one percent’s share of after-tax income is only slightly higher today than it was in 1960, nowhere near the doubling implied by estimates presented by Piketty and his co-authors. Europe’s picture is flatter still, thanks to heavier redistribution and less winner-take-all compensation at the top of the corporate ladder.

A RISING TIDE

The canonical data tell only part of the story, and the least flattering part at that. A growing body of scholarship reassesses the long-run distribution of wealth by adding what earlier studies neglected. Three findings stand out.

First, private wealth has exploded—but so has broad ownership of it. Reconstructed national balance sheets for France, Germany, Spain, Sweden, the United Kingdom, and the United States show real per-adult wealth roughly tripling since 1980 and rising more than sevenfold since 1950. Crucially, an increasing share of that capital sits in the homes and pension funds of ordinary households. In 1900, assets held by the elite—agricultural domains and shares in industrial or financial corporations—dominated; today, residential property and funded retirement accounts represent the majority of private assets. That shift parallels mass homeownership: in most Western countries, 60 to 70 percent of households now own the roof over their heads—an equity stake unavailable to their great-grandparents. Most workers hold pension claims in mutual funds or index funds, granting them the high returns of stock markets at low risk—what amounts to financial democratization.

Second, wealth concentration has fallen—not risen—over the past century. In Europe, the top one percent now owns barely a third of the share it held in 1910, right before the beginning of the transformative era of world wars, democratization, and the growth of governmental capacity, and since the 1970s that share has been essentially flat, even as real wealth—that is, wealth adjusted for inflation—has tripled with rising asset prices. The United States shows a clearer uptick beginning in the 1970s, most visible among the spectacular fortunes of tech and finance titans, whose gains have outpaced even the impressive wealth growth of the middle class. Yet U.S. concentration remains closer to its 1960 level than to its pre-1914 peak. The dominant quantitative fact of the century, therefore, is not a new Gilded Age but a dramatic wealth equalization propelled by mass asset ownership.

<<CHARTS OMITTED>>

Third, the fact that people move through different income brackets over the course of their lives should temper typical measures of inequality. So, too, should the effects of welfare payments. Annual snapshots lump graduate students with retirees living off savings, making income and wealth gaps appear wider than lifetime consumption gaps. When studies in different countries instead follow individuals over time, they typically find that within only a few years, half the households in the bottom income decile have climbed to higher levels. Many top-decile households can drop to lower rungs of the ladder after business or investment setbacks. Government welfare programs further compress differences. In Sweden, when public pension entitlements are capitalized and added to assessments of personal wealth, this alone cuts the measured wealth inequality—known as the Gini coefficient—by almost half. In the United States, the market’s redistributive role is smaller, but when Social Security, Medicare, and employer-provided health insurance are treated as in-kind income, median households fare far better than raw wage data suggest.

These facts undermine the image of an inexorably widening chasm between a plutocratic elite and the rest. Yes, superstar entrepreneurs have amassed fortunes measured in tens of billions. But that outcome signals success, not failure: they furnished goods and services that millions freely bought. Their booming companies also supply jobs, higher wage earnings, and substantial tax revenue—directly through profits and payrolls and indirectly by raising the broader tax base. Over the past four decades, life expectancy in advanced economies (including in the United States despite the much-noted increase in “deaths of despair”) rose roughly six years, high school completion became nearly universal, and personal computers once reserved for elites went mainstream.

Those who typically bemoan the rise of inequality don’t correctly weigh the size and division of the pie. Rising real incomes and higher asset values are preconditions for mass prosperity and for a well-funded public sector. Even advocates of government intervention should champion efficient growth: every percentage point of GDP adds billions to tax revenue. The West’s most durable path to fairness, then, is to scale up the channels through which ordinary households acquire assets—including affordable housing supply, portable retirement accounts, and low-fee index funds—and to keep markets open so new firms can challenge incumbents.

#### Inequality is not detrimental to growth.

Hasanov ‘11 [Fuad; 2011; Senior Economist at the International Monetary Fund (IMF) and an Adjunct Professor of Economics at Georgetown University; Journal of Regional Science, “Income Inequality, Economic Growth, and the Distribution of Income Gains: Evidence from the United States,” vol. 51 no. 3]

In the United States, the last few decades witnessed both an increase in inequality and strong economic growth. The Gini coefficient, a measure of inequality, had risen by about 12 percent from 1979 to 1999. A similar trend was observed at the state level.1 The increase in the state Gini coefficients ranged from 7 percent (Nebraska and Iowa) to 19 percent (New York) and 22 percent (Connecticut). During the same time period, real personal income per capita had grown by an annual average rate of about 1.5 percent.

In recent years, many governments have been involved in the implementation of policies aimed toward achieving economic growth.2 Yet it will be hard to justify these policies or convince a majority to support them if the gains from economic growth are not shared by all income groups or are concentrated mostly among the richest quintile (Q5). In this paper using the U.S. states data, we explore the inequality channel of growth policy and assess the distribution of income gains among different income groups.3

Our contribution to the inequality-growth literature is twofold. First, unlike the previous literature that uses the U.S. states data and national CPI deflator (e.g., Frank, 2009; Panizza, 2002; Partridge, 2005, 1997), we use a state cost of living (COL) index as a deflator for state nominal income (measured as state personal income per capita). The empirical evidence indicates that prices are different among states (e.g., McMahon and Melton, 1978; Nelson, 1991). This evidence also points out to a large degree of variability of inflation rates among states. We believe that the use of the national CPI as a deflator for all states can cause a bias in the estimation of the effect of inequality (measured as the Gini coefficient) on economic growth since it introduces a bias into the state real growth rates of income.4,5 We find that using the state COL index rather than the national CPI improves specification tests of our models.

Second, we comprehensively study nonlinearities in an inequality-growth relationship using the U.S. states data. The previous studies used cross-country data, and various forms of nonlinearities were not systematically examined. Banerjee and Duflo (2003) presented a theoretical argument based on models of “hold-up” by political groups and of wealth redistribution that the relationship between a change in inequality and growth was nonlinear. The authors rejected linearity in the cross-country data and found that any increase or decrease in inequality would lower growth. Barro (2000) found that the impact of inequality on growth depended on a country’s development level (measured by log real per capita GDP). In poor countries, higher inequality reduced growth but increased it in rich countries. In our estimations, we test for three forms of nonlinearity, Gini squared, Gini/income interaction, and a change in Gini terms, and assess which model is more relevant to the data.

We find that the impact of inequality on growth is nonlinear. The data mostly favor a change in Gini model, but there is some indication that dropping a few outliers may weaken this result. Both models—a combined model with Gini squared and the Gini–income interaction and a change in Gini model—suggest that at the 2000 average levels of inequality, lower inequality or relatively higher inequality (an increase of more than 0.1) would reduce growth. Some increase in inequality is beneficial for growth, ac- cording to a change in Gini model. Both models also suggest that a stable level of inequality would not be detrimental to growth.

#### No widespread monopsony---that’s because low barriers to entry make the labor market highly competitive.

Aldighieri ’22 [Pedro Aldighieri, Ryan Bourne, and Jeffrey Miron; Summer 2022; Graduate Student in economics, Pontifical Catholic University; MPhil economics, Chair for the Public Understanding of Economics at Cato; PhD, vice president for research at the Cato Institute and director of graduate and undergraduate studies in the Department of Economics at Harvard University; Cato Institute, "Is There Monopsony Power in U.S. Labor Markets?," https://www.cato.org/regulation/summer-2022/there-monopsony-power-us-labor-markets#policy-implications]

Monopsonistic competition / How realistic is this as a model of the labor market? There are important caveats.

First, pure monopsony does not exist; all job markets lie between fully competitive and monopsonistic, with a firm's degree of power determined by both within-market forms of conduct and by government policies that affect entry and thus competition. Businesses in highly concentrated sectors could theoretically collude to suppress wages, but they could also engage in competition. Under some conditions, only two firms might yield a competitive equilibrium. Governments can also be the problem; occupational licensing policies or zoning and housing laws make it difficult for workers to change jobs or move, leaving workers more captive to current employers.

Individual jobs are also highly differentiated, with similar jobs having different amenities, distance from home, ability to work remotely, workload, schedule flexibility, and more. This means individual workers might consider identical job titles to be imperfect substitutes. A waiter might be willing to earn less at one restaurant over another if it means working near home. In these settings, employers hold power over the local labor market because they can mark down wages to some extent. Nevertheless, the worker considers himself better off given this amenity. Contrary to the usual monopsony story, the local market power does not translate to extraordinary profits because competitors can enter the market freely. Economists call this "monopsonistic competition."

The implication is that neither labor market concentration nor elasticities of labor supply are reliable indicators of whether monopsony power exists, is problematic, or occurs because of anticompetitive conduct as opposed to government policies.

In fact, even if monopsony power is suppressing wages, that presents an entrepreneurial opportunity for new firms (perhaps even in different sectors) to enter profitably, bidding away the monopsony power, so long as government barriers to entry are absent.

Wage discrimination / A second problem with the monopsony model is that it presumes firms have market power to suppress wages but no ability to pay workers different wages for the same job. If, for example, a firm can pay new hires more than it pays previous ones, the inefficiency of monopsony declines. That's because wage discrimination breaks the link between increased hiring and higher wages, which decrease profits. Under perfect wage discrimination, average wages would still be lower than under perfect competition in the labor market, but firms would hire the same quantity of workers as in a competitive market.

This has important implications for monopsony-correcting policies. Suppose a government sets a minimum wage at the rate one would see in a perfectly competitive labor market. Workers as a group would be paid more, but the minimum wage would have no effect on the level of employment, which is already at its efficient level.

What would happen is the firm's cost of production would increase. Given it has no pricing power for its product in global markets, its profits would be squeezed, making it more likely to go out of business or cut back on its output. Employment of its workers would fall. Therefore, even in theory, a corrective minimum wage might cause less employment in a monopsonistic local labor market if the firm can wage-discriminate.

Measurement issues / All those wrinkles relate to the difficulties associated with assessing monopsony power empirically.

A researcher might be tempted to define specific local occupational labor markets — say, the Toledo, Ohio restaurant sector — and then look at how the employment concentration of the industry and wages there compare with the same occupational markets elsewhere as a proxy for observing the effect of more monopsony power.

As we have seen, though, concentration (even locally) is not synonymous with market power over workers. Just because some workers are employed by a restaurant does not mean they would be unable to work for an automobile repair firm, or a florist, or a supermarket. This is especially true over time. Examining local occupational concentration measures of employment can therefore give misleading impressions about a firm's power in the labor market.

Likewise, if we look at weak labor supply elasticities as a proxy for monopsony power, we might confuse good job matching — of workers valuing their current jobs and colleagues, making them less responsive to small wage cuts — with nefarious market power. That makes empirical studies seeking to measure monopsony power using concentration or labor supply estimates risky. It may be better to examine the effects of policies implemented to correct monopsony power and determine whether they bear out the monopsony model's predictions.

A Review of the Evidence

The monopsony model's key prediction is that labor market power should lower wages relative to a competitive benchmark, even when wage discrimination is possible. Yet, theory says nothing about whether labor market power is pervasive or whether its downward pressures on wages and employment are large.

Market concentration and lower wages? / Recent papers try to assess these questions by looking at the effects of labor market concentration on local wages. However, this is unlikely to yield reliable estimates of the causal effect of market power on wages.

One reason for this is that confounding variables might bias estimates in both directions. Concentrated labor markets might reflect lower local productivity that itself lowers pay, thus making wage markdowns look larger than they are. Or, concentration might result from productive firms expanding, implying higher productivity and higher wages, which, if uncontrolled for, could suggest that concentration causes higher wages.

In a recent Journal of Human Resources article, José Azar et al. use local labor market concentration measures in particular sectors to gauge market power's effect on wages in commuting zones. To get around productivity driving both concentration and wages, they use comparisons to the average number of firms in other markets for the same occupation as a proxy for labor market power. They find that going from the 25th to the 75th percentile in concentration is associated with a 17% decrease in wages.

Problem is, this estimation strategy relies on two assumptions that together seem implausible. First, it assumes that some changes to the local market number of firms cause concentration to vary in other markets. For example, if a new supermarket with an innovative supply-chain technique opens at a given locale, the supermarket is likely to expand into other locations, affecting concentration elsewhere. Second, the strategy also assumes that factors that both change concentration in a local market and affect concentration in other markets do not affect wages elsewhere directly, but only through local concentration. In our example, the innovative supermarket chain is likely to spread into other markets, causing its market share to increase elsewhere; but this also influences wages directly through changes in productivity.

The authors try to address this problem by considering the effects of national changes in concentration on local wages directly. In this case, their estimate is very close to zero, with an upper bound showing that going from the 25th to the 75th percentile in concentration is associated with an increase of approximately 4% in wages.

Other papers use similar strategies and find smaller effects of concentration on wages. Using the Azar et al. dataset as a benchmark to facilitate comparisons, estimates of the effect of concentration on wages range from a 3.9% decrease to a 13% decrease when going from the 25th to the 75th percentile in concentration. Yet, all analyses face the challenge that concentration might be a symptom of market power, but it might also be a symptom of other things such as changes in productivity or lack of dynamism.

Another problem is wage comparability. Even though wages can be adjusted for inflation to allow for comparisons over time, adjusting for the cost of living is more difficult. The literature surveyed does not attempt to control for the purchasing power of posted wages. This could show higher nominal wages for dense urban areas, when in fact wages adjusted for purchase power are smaller.

In a 2021 working paper, Gregor Schubert et al. try to address some of the concerns with other studies by using a larger dataset of vacancies both online and offline. They also tackle the problem that labor market concentration might be correlated with having bad options in other occupations. The paper finds estimates that are substantially smaller than previous papers: moving from the median to the 95th percentile of employer concentration reduces wages by an average of just 2.6%. Using the Azar et al. data as a benchmark, the estimates imply a wage decrease of only around 2%, as opposed to 17%, when moving from the 25th to the 75th percentile in local market concentration.

Measuring elasticities / Some studies attempt to proxy for labor market power at the firm level by estimating labor supply elasticities directly. Estimates vary wildly, with a mean estimate reported in the literature of 3.75 (and a standard deviation of 36.9), which means that a 10% decrease in wages would lead to a 37.5% reduction in the labor supply. There is no consensus as to what magnitudes would constitute competitive or monopsonistic labor markets. Many of the findings are inconsistent with a textbook monopsony model and instead suggest "monopsonistic competition," where firms can freely enter but hold local market power because of workers' heterogeneous preferences and job search frictions.

In a 2021 American Economic Review article, Elena Prager and Matt Schmitt investigate hospital mergers and find no evidence of lower wages for low-skill workers post-merger. In cases where concentration induced by the merger is large, the authors do find that wage growth is 1% slower for skilled workers. In either case, there are no observable employment effects. In line with these findings, a 2010 Journal of Labor Economics article by Douglas Staiger et al. uses variation in Veterans Affairs hospitals' national wage policies to estimate labor supply elasticities for nurses. They find that this supply is relatively inelastic but mostly explained by geographic differentiation and nurses' preferences. In addition, they find that VA wage changes have similar effects whether the hospital market location is concentrated or not. The authors suggest low labor supply elasticities might result from workplace differentiation.

Analyzing labor supply elasticities for teachers at public school districts in Missouri, a 2010 Journal of Labor Economics article by Michael Ransom and David Sims finds more elastic estimates of 3.7. The authors note that these estimates are smaller than expected and imply that districts wield power to mark down wages. But they are in line with other research that shows strong locational preferences of teachers to stay close to their hometown. The lower-than-expected elasticity might also reflect a rigid pay structure based on work seniority. When looking at tenure duration, the authors find much higher labor supply elasticities (4.7) for teachers with less than 10 years in the same position.

Other studies find much higher elasticities, especially in the long run. But even results that show relatively inelastic firm-specific labor supply mostly fail to find depressive effects of concentration on wages or employment. The findings paint a more nuanced picture of local labor market power stemming from workers' preferences and workplace differentiation, and not from markets where barriers to entry allow for extraordinary profits. It's worth noting that industries that appear to be the least elastic are those where entry regulations exist for employers in specialized jobs (e.g., certificate of need laws for hospitals, which employ doctors and nurses).

What about employment? / Measuring the net employment effects of monopsony power is complex because restricting employment in one occupation will increase the supply of workers in other occupations, leading to lower wages and higher employment elsewhere.

If monopsonies can wage discriminate between employees, resulting employment effects will be small. Legislation that curtails firms' abilities to wage-discriminate — such as pay disclosure laws — might therefore reduce employment when monopsony power exists.

The 2022 Economic Report of the President quotes a staggering estimate that monopsony power reduces U.S. output and employment by 13% and the labor share of national GDP by 22%. Those estimates, however, come from a model that treats the U.S. economy as composed of identical firms that display equal monopsony power. The model is calibrated by labor supply elasticities from previous studies. Some of those elasticities, when plugged into the model, would lead to a more than 50% GDP loss, which is simply not believable.

Assuming all firms have equal monopsony power likely overestimates monopsony effects, especially when the effects of a few monopsonistic labor markets on employment and output are likely to be offset by more competitive labor markets elsewhere. The model's results are hard to square with the decline of the natural rate of unemployment, as noted in a 2020 working paper by Anna Stansbury and Lawrence Summers. They are also inconsistent with studies that look at empirical employment effects.

Furthermore, only 6% of recent empirical studies on state minimum wage hikes conclude that they raised employment, against 80% that find negative effects. A swath of other research shows that unionization tends to reduce job growth within firms. Neither backs the monopsony model's predictions of a well-designed policy raising wages and employment.

Policy Implications

Several policymakers and economists have interpreted the literature presented above as vindicating their longstanding diagnosis of the U.S. economy as skewed by corporate power against the best interests of workers. They claim this explains a host of social problems, including inequality and gender or racial pay gaps. This in turn purports to justify policy prescriptions such as stricter antitrust enforcement against mergers and acquisitions, raising the minimum wage, banning noncompete agreements, strengthening union power, and more.

Our assessment, however, is that the current state of evidence is much less persuasive than portrayed, which makes these proposals problematic.

Suppose, for example, there was a small-town supermarket deemed to be a monopsony employer of retail workers in the local market. Would the supermarket be forced to split in two so that the newly created firms would compete? This could have significantly adverse consequences in product markets by introducing new inefficiencies. How antitrust authorities would consider these tradeoffs is unclear.

The large heterogeneity across labor markets means one-size-fits-all solutions, like raising the minimum wage or nationwide permissive labor union laws, will cause significant problems in some areas or in some industries, even if they help alleviate monopsony power where it exists.

An increased federal minimum wage or even a hike across a whole state might successfully raises workers' wage rates at the cost of monopsony rents in some places but significantly reduce employment elsewhere. It seems unlikely the same wage floor could perfectly correct for monopsony power in all low-pay industries across the whole country.

#### No impact---best studies.

Ariely ’16 [Gal; 2016; Politics and Government Professor at Ben–Gurion University; Globalizations, “Does National Identification Always Lead to Chauvinism? A Cross-national Analysis of Contextual Explanations,” vol. 13]

With respect to internal explanations, the effects of income inequality and ethnic diversity are presented in Table 3. Models 3.1 and 3.2 indicate that neither directly affects chauvinism. H4 is therefore not supported. The results suggest, however, that both have a negative effect on the national-identification slopes. Contrary to our expectations, countries with higher levels of economic and ethnic division appear to exhibit a weaker relation between national identification and chauvinism. While these findings might seem to contradict H5, the pattern was caused by outliers. After excluding South Africa—the most unequal and ethnic diverse country in our sample—the effect of ethnic diversity is not even of borderline significance. After excluding Chile—the most unequal country in our sample—the interaction effects for economic inequality were also far from significant. The results, therefore, do not support H5.21

<<TABLE 3 OMITTED>>

Conclusions

During the historic phone call between President Obama and Iranian President Sheikh Hasan Rouhani in September 2013, the latter stated that his country's nuclear program ‘represents Iran's national dignity’.22 This declaration reflects the common perception that Iran's nuclear program mobilizes Iranians in support of resisting further national humiliation at the hands of foreigners (Moshirzadeh, 2007). This reflects the important role national feelings play in the contemporary international arena. Evidence from other examples—such as the Israeli-Palestine conflict—indicates that national identity serves as a key factor in conflict resolution. The prominence of national feelings is not limited to the Middle East, their effect on public attitudes towards international issues, and conflicts also being manifest in the West (Billig, 1995; Kinder & Kam, 2010).

It is thus hardly surprising that scholars seeking to develop a better understanding of conflicts adopt a social-psychology perspective, replacing the deterministic view that identification with one's in-group necessarily leads to antagonism towards out-groups with an examination of the broader social context. In line with this approach, the present paper focuses on the way in which political and social contexts encourage chauvinistic views towards the international arena and how they affect the relation between national identification and chauvinism.

Integrating various social and psychological theories, we investigated two external contextual explanations (globalization and conflict) and an internal explanation (social division). Employing cross-national survey data, we examined the relation between national identification and chauvinism across 33 countries. The findings indicate that a positive relationship exists between national identification and chauvinism across most of the countries, although the level differs from country to country. Using a multilevel regression analysis, we tested to see whether globalization, conflict, and social division correlate with this variation. The results indicate that social and political contexts are related to chauvinism and the ways national identification and chauvinism are linked. Although a closer relation exists between national identification and chauvinism in more globalized countries, globalization failed to explain the variation in chauvinism itself. These findings support the notion that globalization highlights the importance of national identity (Calhoun, 2007; Castells, 2011). While those sections of globalized societies that are attached to their country also tend to resist international cooperation and endorse hostile views, the complexity of the phenomenon—as evinced by the divergent findings of previous studies (e.g. Jung, 2008; Norris & Inglehart, 2009)—calls for further research of this interpretation. The fact that the current study is cross-sectional must also be taken into account, the findings adducing the relation but not the causal relations between the variables. In contrast to experimental studies, the present design is similarly limited in its ability to offer a robust control for alternative explanations.

Another external factor found to be relevant—to a certain degree—was conflict. Countries that suffered large numbers of deaths in conflicts and mobilized resources and personnel exhibited higher levels of chauvinism. When other indices for conflict were used, however, these results were not replicated. A possible explanation for this finding lies in the inherent limitation in the way in which conflicts are measured across various countries. Measuring international conflicts is a challenging task (Anderton & Carter, 2011). While the ways of measuring conflict were chosen because they reflect different dimensions of conflict in order to be representative of a wide range of countries, the problem of comparability cannot be ignored. An alternative explanation may derive from the fact that only deaths from conflict and resources/personnel mobilization are sufficiently significant to contribute to chauvinism. The limitations of our measurements of conflict and research design mean that this idea must remain speculative, however. In addition, it is important to emphasize that the sample of countries is also limited as many countries are not involved in conflict and there is also limited variation in the types of conflicts.

Contrary to what the divisionary theory of national mobilization would lead us to expect, neither economic inequality nor ethnic diversity were related to chauvinism or affected the relation between national identification and chauvinism. This finding might also be explained by the limitation of the current research design. The number of countries included in the ISSP 2003 National Identity Module being relatively small and the sample only covering countries with available survey data, the results relate solely to this specific sample of countries. Across another set of countries, social division might play a far more significant role. Another explanation might be the meaning given to national identification and chauvinism across the countries. While evidence exists for the comparability of the scales across most of the countries, the divergent meaning probably attributed to them in Germany, the United States, and Israel might form an additional limitation.

### Civil War---1NC

#### No civil war.

Reich ’23 [Robert, June 12; Professor of Public Policy at the University of California, Berkeley, former United States Secretary of Labor; The Guardian, “There will be no civil war over Trump. Here’s why,” https://www.theguardian.com/commentisfree/2023/jun/12/trump-civil-war-chances-documents-indictment]

Violence is possible, but there will be no civil war.

Nations don’t go to war over whether they like or hate specific leaders. They go to war over the ideologies, religions, racism, social classes or economic policies these leaders represent.

But Trump represents nothing other than his own grievance with a system that refused him a second term and is now beginning to hold him accountable for violating the law.

In addition, the guardrails that protected American democracy after the 2020 election – the courts, state election officials, the military, and the justice department – are stronger than before Trump tested them the first time.

Many of those who stormed the Capitol have been tried and convicted. Election-denying candidates were largely defeated in the 2022 midterms. The courts have adamantly backed federal prosecutors.

Third, Trump’s advocates are having difficulty defending the charges in the unsealed indictment – that Trump threatened America’s security by illegally holding (and in some cases sharing) documents concerning “United States nuclear programs; potential vulnerabilities of the United States and its allies to military attack; and plans for possible retaliation in response to a foreign attack”, and then shared a “plan of attack” against Iran.

Republicans consider national security the highest and most sacred goal of the republic. A large number have served in the armed forces.

### Disease---1NC

#### No extinction from disease: genetic diversity, natural selection, and isolation.

Vermeer ’25 [Michael J.D., Emily Lathrop, and Alvin Moon; May 6; PhD Chemistry, senior physical scientist at RAND; PhD Mechanical Engineering, associate engineer at RAND; PhD Mathematics, associate mathematician at RAND; RAND, “On the Extinction Risk from Artificial Intelligence,” p. 18-21, https://www.rand.org/content/dam/rand/pubs/research\_reports/RRA3000/RRA3034-1/RAND\_RRA3034-1.pdf]

Requirement 1. Multiple Pathogens Are Likely Required Because a Single Pathogen Would Be Unlikely to Kill a Sufficient Percentage of the Population to Be an Extinction Threat

To support this assertion, we look first to historical pandemics. Natural biological threats have existed for millennia. The 14th-century bubonic plague—the Black Death—wiped out 30–50 percent of Europe’s population, and the 1918 influenza pandemic resulted in 50 million deaths worldwide (Shipman, 2014). The combination of drought and pathogens introduced during the European conquest of Mexico in the 16th century led to more than a 90-percent reduction in the native population (Acuna-Soto et al., 2002). However, although these examples led to drastic human population declines, they did not fully extinguish the human population. Indeed, with one known exception—the extinction of the Christmas Island rat, preceded by the emergence of a deadly pathogen in the population—there are no well-corroborated instances of pathogens causing the complete extinction of a mammalian species (Wyatt et al., 2008).

A greater threat would likely come from novel pathogens, including both modified natural pathogens or completely de novo pathogens, designed for high transmissibility and high lethality. However, even pathogens designed to cause these effects might be limited by human heterogeneity. Human genetic diversity plays a key role in limiting the effectiveness of pathogens across populations. Within a population, pathogens affect individuals differently depending on factors related to the specific genetic characteristics of each host (Jones, 2021). Some individuals or subpopulations might possess genetic traits that confer resistance or immunity to certain pathogens. For example, differences in viral receptors between individuals can affect the ability of the hepatitis C virus to enter a host’s cells (Huang et al., 2019).

The strength of immune response can vary among individuals, influencing their ability to fight off infections. The likelihood that a pathogen will cause death is influenced by the immune response that an individual is able to put up against the pathogen (Rouse and Sehrawat, 2010), meaning that outcomes will vary between individuals, even when controlling for pathogen dose.

Relatedly, the infection dose—the amount of a pathogen that an individual is exposed to—can significantly alter the course of a disease (Rouse and Sehrawat, 2010). Individuals who only receive a small infection dose have a higher chance of successfully mounting an immune response, and infection dose is a factor that cannot easily be controlled for. This is the case not only for transmissible pathogens that spread person-to-person but also for nontransmissible pathogens, such as Bacillus anthracis, the causative agent of anthrax. As a result, it is unlikely that even a carefully engineered pathogen would be 100 percent lethal for all humans, as certain individuals or populations might possess traits that allow them to fight the disease or receive a nonlethal dose of the pathogen that causes the disease. Case studies have suggested that exposure to even highly lethal viruses, such as rabies, is not always fatal (Gold et al., 2020).

The postinfection survival of some individuals leads to several important consequences. First, some populations will emerge with immunity; survivors might develop immunological memory, thereby reducing the severity of disease on reinfection. Second, over generations, natural selection will dictate that hosts with immune systems that are better equipped to fight off a pathogen will survive and pass along those traits to offspring. Third, subpopulations with increased immunity within a larger population can alter disease dynamics, thereby lowering the pool of susceptible individuals and reducing the continued spread of a pathogen in the population (Grassly and Fraser, 2008).

Finally, even if a single pathogen could be designed to be consistently highly lethal after many replications, we assert that sufficient numbers of humans would likely survive to avoid extinction. A virus that was 99.99 percent lethal and reached the entire human population, for example, might leave at least 800,000 individuals alive. As previously noted, the minimum viable population for human beings is unknown, but it is likely well below 800,000 people.

Requirement 2. Widespread Dissemination in Multiple Places Is Likely Required Because Initial Infections of a Small Population in One Location Could Allow a Pathogen to Mutate to Become Less Lethal over Time

For transmissible pathogens, evolutionary pressures and host-pathogen interactions result in altered pathogen characteristics as the pathogen reproduces within a host and spreads host to host (Geoghegan and Holmes, 2018; Gerstein, Espinosa, and Leidy, 2024). This results in modifications to pathogen characteristics, leading to variants with modified lethality and transmissibility. In addition to host-pathogen interactions altering pathogen characteristics, viruses are prone to transcription and translation errors, resulting in random mutations over time and unpredictable changes in pathogen characteristics (Sanjuán et al., 2010).

In one well-cited evolutionary biology study, researchers traced the evolution of the myxoma virus, which was introduced to Australia in 1950 to control the invasive rabbit population (Kerr et al., 2012). The original virus was highly lethal with a 99.8 percent fatality rate. However, once released, the virus quickly mutated, and, within two years, the landscape was dominated by less lethal strains, even with the continued release of very virulent strains into the local population (Kerr et al., 2012). Although these less lethal strains still had fatality rates of between 70 percent and 95 percent, this allowed for the survival of some rabbits; this natural selection resulted in the emergence of rabbit resistance to myxomatosis (Marshall and Douglas, 1961). Ultimately, the virus failed to exterminate the invasive rabbit population, and invasive rabbits persist in Australia as of this writing. Interestingly, this experiment was independently repeated in France in 1952 with similar results: the emergence of attenuated (i.e., less virulent) strains and natural selection for resistant rabbits (Kerr et al., 2012). We note, however, that the different generational periods for humans and rabbits might indicate the need for caution in applying this example to an equivalent scenario affecting humans. Rabbits reach reproductive age on much shorter timescales than humans do and have many more offspring per pregnancy. Therefore, it might be much more challenging for a human population to recover and sustain itself in the face of a similarly lethal transmissible virus.

Both theory and historical examples of virus evolution indicate that highly lethal viruses will often evolve to decreased virulence over time, resulting in lower mortality (Geoghegan and Holmes, 2018). This makes intuitive sense because very lethal pathogens will quickly sicken and kill their hosts, thereby limiting their own transmission opportunities. Conversely, less virulent strains that allow hosts to survive longer have more chances of spreading among a population, leading to increased presence in a population. If a pathogen retains alternative nonhuman hosts—a reservoir species—it might be less self-limiting because the pathogen could conceivably maintain high lethality in human hosts concurrently with transmissibility from the reservoir species. Others have found, however, that low-virulence infections have a greater chance of establishing transmission in human hosts, which might diminish the ability of pathogens to completely wipe out a human population, even where a reservoir species exists (Geoghegan and Holmes, 2018; Geoghegan et al., 2016).

Requirement 3. Follow-Up Actions Are Likely Required After an Initial Dissemination of a Pathogen Because Natural and Artificial Isolation Might Shield Human Communities from Infection

The path of the coronavirus disease 2019 (COVID-19) pandemic illustrates that a highly transmissible pathogen can readily infect every region of the world despite efforts to contain it (e.g., lockdowns) (Onyeaka et al., 2021; Jeanne et al., 2023); it was a pandemic with truly global diffusion. Although the relatively low lethality of COVID-19—relative to the extremely high lethality assumed in our scenario—and the prevalence of asymptomatic cases likely aided in the diffusion of the virus, the pandemic showed that a pathogen could realistically have global diffusion. However, global diffusion is not sufficient for a pathogen to create an extinction risk—it must reach nearly every human community on earth, even those that are naturally or artificially isolated.

There still exist uncontacted tribes, and many regions and communities remain relatively isolated. As a highly lethal pandemic spreads, it is likely that human communities would take steps to isolate themselves to whatever extent they could to prevent infection; island nations have even been suggested as potential refuges from pandemics with extinction potential (Boyd and Wilson, 2020; Turchin and Green, 2019). Where human communities are successful in isolating themselves from contact with the pathogen, follow-up actions would be required to either intentionally disseminate the pathogen among them or to find other means to exterminate surviving humans.

### Slow Growth---1NC

#### Slow growth doesn’t cause war.

Walt ’20 [Stephen; May 13; International Relations Professor at Harvard University; Foreign Policy, “Will a Global Depression Trigger Another World War?” https://foreignpolicy.com/2020/05/13/coronavirus-pandemic-depression-economy-world-war/]

On balance, however, I do not think that even the extraordinary economic conditions we are witnessing today are going to have much impact on the likelihood of war. Why? First of all, if depressions were a powerful cause of war, there would be a lot more of the latter. To take one example, the United States has suffered 40 or more recessions since the country was founded, yet it has fought perhaps 20 interstate wars, most of them unrelated to the state of the economy. To paraphrase the economist Paul Samuelson’s famous quip about the stock market, if recessions were a powerful cause of war, they would have predicted “nine out of the last five (or fewer).”

Second, states do not start wars unless they believe they will win a quick and relatively cheap victory. As John Mearsheimer showed in his classic book Conventional Deterrence, national leaders avoid war when they are convinced it will be long, bloody, costly, and uncertain. To choose war, political leaders have to convince themselves they can either win a quick, cheap, and decisive victory or achieve some limited objective at low cost. Europe went to war in 1914 with each side believing it would win a rapid and easy victory, and Nazi Germany developed the strategy of blitzkrieg in order to subdue its foes as quickly and cheaply as possible. Iraq attacked Iran in 1980 because Saddam believed the Islamic Republic was in disarray and would be easy to defeat, and George W. Bush invaded Iraq in 2003 convinced the war would be short, successful, and pay for itself.

The fact that each of these leaders miscalculated badly does not alter the main point: No matter what a country’s economic condition might be, its leaders will not go to war unless they think they can do so quickly, cheaply, and with a reasonable probability of success.

Third, and most important, the primary motivation for most wars is the desire for security, not economic gain. For this reason, the odds of war increase when states believe the long-term balance of power may be shifting against them, when they are convinced that adversaries are unalterably hostile and cannot be accommodated, and when they are confident they can reverse the unfavorable trends and establish a secure position if they act now. The historian A.J.P. Taylor once observed that “every war between Great Powers [between 1848 and 1918] … started as a preventive war, not as a war of conquest,” and that remains true of most wars fought since then.

The bottom line: Economic conditions (i.e., a depression) may affect the broader political environment in which decisions for war or peace are made, but they are only one factor among many and rarely the most significant. Even if the COVID-19 pandemic has large, lasting, and negative effects on the world economy—as seems quite likely—it is not likely to affect the probability of war very much, especially in the short term.