# 2AC---DRR---Round 2

## NRC Turn

### NRC DA---2AC

#### Grid turn is backwards---only the case solves:

#### 1---Experts---Trump’s expansion of nuclear power addresses grid reliability

Toro 25 [Quico Toro; Masters in Social Policy and Planning from London School of Economics and Political Science. Director of the Anthropocene Institute, IR from John Hopkins School of Advanced International Studies (SAIS), 1-24-2025, "Putting the Worst Green Ideas in the Dustbin of History", Persuasion, https://www.persuasion.community/p/putting-the-worst-green-ideas-in] \*[language modified]

Whether Donald Trump actually believes climate change is a Chinese hoax, or whether he just says it to get under his opponents’ skin, we don’t know. What we do know is that he drips with contempt for environmentalism and those who espouse it. So it surprised no one that, amid the rash of Week One executive orders, many of them—ranging from pardoning January 6 Capitol rioters to overturning birthright citizenship by executive fiat—deeply irresponsible, he made sure to do his utmost to piss off the greens. The executive order titled “Unleashing American Energy” seems built entirely around the maxim that whatever progressive climate activists support must be bad. Environmentalists were suitably appalled, which figures: appalling them seemed to be the whole point.

This seems like a simple story of a callous administration gleefully wrecking the environment to line the pockets of its backers in the fossil fuel industry. And there’s certainly some of that. But it’s not so simple. The green consensus overturned by Trump’s executive order was badly built around a series of half-baked ideas that create serious problems when you try to implement them. Trump has no idea, but in killing their worst ideas, he’s just done the climate movement a big favor.

For a decade, mainstream environmentalism has been organized around a simple formula: electrify everything, then switch electric generation to renewable sources, especially wind and solar. This was the guiding spirit of Biden’s landmark climate law, the misnamed Inflation Reduction Act (IRA), which Trump is especially keen to dismantle. The IRA’s central plank was a series of juicy tax incentives to subsidize wind and solar production, setting off a boom in generation capacity that was supposed to revolutionize American energy markets.

Pushed with great enthusiasm by activists who didn’t really understand the nuts and bolts of energy markets, the rush towards weather-dependent renewables carried risks that are only now being recognized. Intermittency—renewables’ propensity to flake out when the weather isn’t cooperating—turned out to create complications the climate movement hadn’t properly thought through. For all the hype, hydrogen and grid-scale batteries are far from being ready to take up the slack. Renewable-heavy grids, it turned out, only work if backed up by hugely expensive back-up power sources, usually reliant on fossil fuels. Wherever regulators pushed up the share of renewables in the grid, prices rose, price volatility rose, and grids became more fragile.

This was foreseeable, and ought to have been foreseen. But ideology is a hell of a drug, so the unthinking push towards unstable, unaffordable energy picked up steam around the world. The places that have gone farthest in this direction have ended up with some of the world’s highest and most volatile energy prices. Energy intensive manufacturing has begun to flee these places, which figures: who wants to run a factory where the cost of energy depends on the weather forecast?

It’s still taboo to say this frankly in right-thinking spaces, but it’s becoming obvious that the green consensus was badly misconceived from the start. The more weather-dependent renewables you add to the grid, the more volatile and unreliable it becomes. Pushed far enough, this trend portends a crisis. High and volatile prices aren’t even the worst of it: Industry watchdogs in the United States have been warning for some time that switching from old fossil fuel plants to renewables leaves the Midwest and the Northeast at risk of blackouts.

The rush towards a weather-depending grid threatens to make climate politics synonymous with winter blackouts and economic doldrums. Which is why a small but growing dissident movement within the climate community—sometimes called “energy realists”— increasingly argues that energy abundance is absolutely non-negotiable in the fight against climate change: voters won’t stand for climate policies that pick their pockets and leave them in the dark in the middle of winter. Nor should they.

This is pretty much my view. We energy realists tend to think there’s only one way to square energy abundance with zero emissions: nuclear power. The case for nuclear is simple: it’s the only technology that can get us to zero emissions safely and affordably.

For energy realists, Trump’s executive order isn’t the unmitigated disaster greens see. We see problems, for sure. We also see—dare we say it?—some promise.

The orders include a sweeping mandate to all federal agencies to “suspend, revise, or rescind all agency actions identified as unduly burdensome” to the development of domestic energy resources. Though the order is obviously built around the priorities of the fossil fuel industry, it explicitly includes nuclear resources.

More importantly, it instructs agencies to simplify permitting across the energy industry, by easing requirements under the National Environmental Policy Act—better known as NEPA. This Nixon-era law had grown over the years into a NIMBY’s best friend, creating a labyrinthine permitting process that made it absurdly easy for anti-development groups to tie up any project they didn’t like in legal fights that could last years, even decades. NEPA is one of the biggest reasons it’s gotten so hard to build projects of any level of ambition in the United States, and is a key reason why so few new nuclear power plants get built.

If you squint, there is an optimistic case to be made for Trump’s early executive orders on climate grounds. They don’t know it, but Trump is doing the greens a big favor by forcibly removing the shovel they were using to dig themselves deeper and deeper with regard to wind and solar. Allowed to run for another four years, America’s wind and solar buildout would’ve brought the country to the kind of energy crisis that would have turned environmentalism into a toxic brand for a generation. Now, that’s unlikely to happen.

Instead, by including nuclear in his all-of-the-above energy abundance agenda, Trump could give [an advantage] a leg up to the one zero-emissions technology that actually could bring lasting, politically attractive and economically sustainable decarbonization.

Most people don’t understand this yet, but the next generation of advanced nuclear reactors now wending their way through the world’s research labs are an order of magnitude better than the previous generation. None of them have reached the point of commercial development, but once they do, there’s a very real chance they’ll crowd out fossil fuel generation within a few decades, simply because they’re better in every way: cleaner, cheaper, healthier and much safer. If his administration gets serious about licensing fourth generation nuclear power plant designs, Trump could—paradoxically—be remembered for sounding the death-knell of the fossil fuel economy.

Of course, he’s not doing this because he cares about the environment—he plainly doesn’t. But politicians end up with legacies at odds with their intentions all the time. Take Richard Nixon: making it impossible to build anything important in America was obviously not what he hoped to be remembered for, but by signing NEPA, that’s the legacy he earned.

#### 2---Energy---nuclear addresses AI’s strain on the grid, otherwise blackouts are inevitable

Payton 25 [Ben Payton, freelance journalist focused on responsible investment, natural resources and the energy transition. Ben also writes for titles including Responsible Investor, African Business Magazine and fDi Intelligenc, “Time to go nuclear? Inside the battle to power AI,” 12-27-2025, https://www.reuters.com/sustainability/climate-energy/time-go-nuclear-inside-battle-power-ai--ecmii-2025-12-17/]

It is unlikely that many people stop to think about power consumption as they make AI-generated cat videos on their phones.

But what happens in the virtual world has real-world consequences. Every cat video relies on processors that hum away inside data centres. These data centres, in turn, require huge amounts of electricity, as well as water for cooling. Even before artificial intelligence began to take off, grids were coming under strain around data centre clusters, such as Virginia, Dublin and Singapore. With the rise of power-hungry AI applications, the International Energy Agency expects global data centre power demand to double by 2030.

The scramble for power is particularly intense in the United States, where the animal spirits of American capitalism are driving the frenetic development of AI applications.

Boston Consulting Group projects that by 2030 data centre power demand will rise to 100-130GW, compared to 45-50GW today. It warns that supply constraints will leave the U.S. facing a power shortfall of up to 80GW.

Given the long wait to connect to local power grids in some areas, tech companies are willing to consider radical solutions for private power sources.

Repurposed aircraft engines are being used to power data centres in the U.S. China has begun building an underwater data centre, using seawater to cool processors. Google announced in November that it will consider putting data centres in space.

Tech companies have historically claimed to seek green energy to meet power demands. This has somewhat slipped down the agenda, however, as finding enough power to enable AI to accelerate becomes the overriding priority.

"We are seeing a lot of gas deals, or potential gas deals,” says Kaam Sahely, partner at law firm Vinson & Elkins. “That was probably a place where, two years ago, there was some reluctance on the emissions, and I think that reluctance has definitely dissipated, if not been completely eliminated.”

A total of 114GW of new gas-fired capacity is in the development pipeline in the U.S. as of mid-2025 – more than double the level from a year earlier. Data centres account for almost half of the growth in the country’s forecasted rise in power demand, according to the IEA.

Some tech firms are backing carbon capture and storage as a technology that can mitigate emissions from data centres powered by fossil gas. Google, for example, announced in October that it had signed a first-of-its-kind agreement to support a gas power plant with CCS in Decatur, Illinois, which it says will reduce 90% of the plant’s emissions, compared with unabated gas, when it comes online in early 2030.

“By agreeing to buy most of the power it generates, Google is helping get this new, baseload power source built and connected to the regional grid that supports our data centres,” the company said.

CCS, however, is still a nascent and expensive technology. The NGO Beyond Fossil Fuels warns that new EU data centres, being built without CCS, could account for 39 million tonnes of carbon dioxide by 2030, equivalent to the annual emissions of Estonia and Lithuania.

Over the longer term, if tech companies want to mitigate the carbon footprint of data centres while ensuring a reliable power supply, other alternatives need to enter the mix. This is where the nuclear option comes into view.

Some hyperscalers have embraced conventional reactors: Microsoft agreed last year to restart Three Mile Island in Pennsylvania. But another option is to use small modular reactors. SMRs work in a similar way to conventional reactors, but on a smaller and more flexible scale.

An SMR “offers clean baseload power around the clock”, says Andrew Richards, vice president of government affairs at TerraPower, an SMR developer founded by Bill Gates. “Unlike renewables, it’s on all the time, so it just it fits in perfectly.”

Small-scale reactors have been used for decades in ships and submarines, but no SMR has come into commercial operation in western countries.

That may soon change. TerraPower’s first reactor is currently under construction in Wyoming. The company announced a collaboration with Sabey Data Centers in January to explore deploying SMRs at sites in the Rocky Mountains and Texas.

Google, meanwhile, signed a power purchase agreement with SMR company Kairos Power last year, with a first site to come online in Tennessee in 2030.

The Trump administration is seeking to accelerate the deployment of SMRs through streamlining regulatory processes. The UK government is also supportive. “The fact that you’ve got such a strong backing from a political standpoint to make it happen gives us a little bit more confidence that it will become real,” says Jeff Miller, Americas power and utilities sector lead at EY-Parthenon.

#### Independently, nuclear buildout triggers expansion of microgrids which solves the internal link. Renewables aren’t key

Proctor 24 [Darrell Proctor, senior associate editor for POWER, “Microgrids Take Major Role for Reliability, Resiliency,” 6-26-2024, https://www.powermag.com/microgrids-take-major-role-for-reliability-resiliency/]

The technologies being used in microgrids continue to evolve. Some installations include solar photovoltaic (PV), or solar PV or wind energy paired with energy storage (Figure 1). There are systems utilizing not only renewable energy by also diesel- or natural gas–fueled generators. Some discussions today touch on nuclear power as a generation source. The use of microreactors, or small modular reactors, would support the scalability of microgrids.

#### 3---Exports---adversaries make global nuclear power inevitable, triggering their impacts. Only a risk US development is safer than the squo, that’s Carless

#### Their internal link is bunk:

#### 1---Crowd-out is a myth & nuclear is a prerequisite to renewables

Cadden 25 [Mike Cadden, Regional Vice President at Accelerant Solutions, Senior Reactor Operator certification from the Institute of Nuclear Power Operations, over three decades of experience in the nuclear power industry, “Nuclear Energy Grid Stability: Why Renewables Alone Aren’t Enough,” 5-21-2025, https://discoveraccelerant.com/nuclear-energy-grid-stability/]

The future of grid stability: Nuclear power working alongside renewable energy sources

On April 28, 2025, the Iberian Peninsula experienced one of the most significant power outages in recent European history. The blackout, which began at 12:33 CEST, lasted approximately ten hours and affected millions across mainland Portugal, peninsular Spain, Andorra, and parts of southwest France. The sudden loss of power led to widespread disruptions in telecommunications, transportation systems, and essential services. Tragically, at least eight fatalities were reported, primarily due to candle fires and generator exhaust fumes.

As an energy professional, I find this event particularly compelling because it exemplifies the challenge of maintaining nuclear energy grid stability while transitioning to cleaner systems.

What Actually Happened?

According to grid operator Red Eléctrica de España, the blackout occurred after around 15 gigawatts (GW) of electricity generating capacity—equivalent to 60% of Spain’s power demand—dropped off the system within just five seconds. At the time, about 70% of grid electricity was being supplied by solar and wind.

While investigations continue, the incident has sparked vigorous debate about grid reliability and the role different generation sources play in maintaining it.

The Technical Challenge: Grid Stability with High Renewable Penetration

Traditional electricity grids were built around large, centralized plants—typically coal, gas, or nuclear—which provided both electricity and nuclear energy grid stability through spinning turbines. These turbines acted as “shock absorbers,” smoothing fluctuations between supply and demand.

As Gilles Thonet of the International Electrotechnical Commission explained: “Traditionally, power flowed in one direction: from large coal, gas or nuclear plants to homes and businesses. These plants provided not only electricity, but also stability.”

A major challenge with high renewable penetration is “system inertia”—the grid’s natural resistance to frequency changes. Conventional plants provide inertia through their rotating mass. Wind and solar, by contrast, typically connect via electronics and don’t offer the same stabilizing effect.

The Role of Nuclear in a Renewable-Heavy Grid

Spain generated nearly 57% of its electricity in 2024 from renewable sources and about 20% from nuclear. The country plans to decommission its remaining reactors between 2027 and 2035 while expanding renewables to 81% by 2030.

However, the blackout has reignited the debate over this phase-out plan:

Arguments for Nuclear as a Stabilizing Force:

• Grid Inertia: Nuclear adds essential inertia to the grid, stabilizing frequency where most renewables cannot.

• Reliable Baseload: Nuclear plants operate regardless of weather, complementing intermittent sources like wind and solar.

• Carbon-Free Generation: Like renewables, nuclear produces zero direct emissions and aligns with climate targets.

Spain’s nuclear lobby, Foro Nuclear, has urged the government to reconsider its exit plan, arguing that nuclear plants “provide firmness and stability” to the grid.

Counter-Arguments:

Spanish Prime Minister Pedro Sánchez rejected claims that more nuclear power would have prevented the blackout. He noted that the four nuclear plants operating before the outage were shut down afterward as part of emergency procedures.

Environment Minister Sara Aagesen added that the grid had already withstood a separate outage just 19 seconds earlier. This suggests that deeper systemic issues were involved.

Finding the Right Balance: A Hybrid Approach

The real question isn’t “which source failed?” but “how did each energy source contribute to the outcome?”

An hybrid model, combining nuclear, renewables, and storage may offer the most practical path forward.

An electricity mix that relies heavily on intermittent, asynchronous generation without matching infrastructure invites risk. After the blackout, Spain and Portugal turned to gas-fired turbine plants to restore grid inertia—an option that clashes with long-term climate goals.

A more resilient strategy could include:

Maintain Nuclear Capacity: Preserve part of the fleet to provide reliable baseload power and nuclear energy grid stability.

Expand Renewables Thoughtfully: Grow clean energy sources while upgrading grid technology to support them.

Invest in Storage: Use batteries and other tools to buffer power fluctuations.

Develop Synthetic Inertia: Explore new tech that mimics the stabilizing effects of conventional plants.

Conclusion: Pragmatism Over Ideology

The Iberian Peninsula blackout reminds us how vital a resilient grid really is. As nations push toward clean energy goals, they must weigh reliability just as seriously.

A smart grid— one that combines renewables with nuclear energy grid stability—offers a balanced, pragmatic path forward. While politics will shape the pace of change, the technical case for keeping some nuclear capacity is hard to ignore.

#### 2---Zero uniqueness---Trump’s dismantling renewables left-and-right---only nuclear has a chance of implementation

#### \*3---Microgrid failure is inevitable

Gearino 23 [Dan Gearino, covers the midwestern United States, part of ICN’s National Environment Reporting Network. His coverage deals with the business side of the clean-energy transition and he writes ICN’s Inside Clean Energy newsletter, Inside Clean Energy is ICN’s weekly bulletin of news and analysis about the energy transition, November 16, 2023, https://insideclimatenews.org/news/16112023/inside-clean-energy-state-microgrids-grades/]

The case for microgrids is clear, but companies that try to develop the projects have run into a discouraging array of obstacles, as shown in a recent report from Think Microgrid, a trade group for companies involved with these technologies.

The report, which includes a state-by-state report card, explains that much of the country has little support for microgrids, but I think the authors pulled their punches in their criticism of the places with some of the most problems.

But before we go on, I need to answer a basic question: What is a microgrid?

A microgrid is a localized energy system that can operate in conjunction with the larger grid or independent of it. Examples may include systems that serve housing developments, military bases, school campuses and medical complexes.

Clean energy advocates tend to focus on microgrids that use rooftop solar combined with battery storage. But microgrids also can run on fossil fuels, or a mix of resources.

Microgrids are here already, with several thousand U.S. projects, including 329 completed last year, according to the research firm Wood Mackenzie. The operational projects have about 8 gigawatts of capacity and another 2.5 gigawatts are in some phase of development. Texas, California, Florida and Alaska are among the states with the most projects.

No states got “A” grades and none got “F” grades in the report. The leaders, with “B” grades, are Colorado, Connecticut, Hawaii and Texas. Sixteen states got “C” grades, including California. The rest—a majority of states—got “D” grades.

California stands out for me, since it leads the country in rooftop solar and battery storage and is home to many companies that install these resources. The state also has a severely strained grid and reliability concerns related to wildfires.

This environment is practically begging for microgrids.

But some high-profile attempts to build microgrids in California have been rejected by regulators, often due to opposition from utilities or utility-friendly groups. Inside Climate News wrote about one example this year in which the rooftop solar company Sunnova applied to be certified as a “micro utility” so it could work with builders on housing developments that would produce their own electricity and be able to operate on their own when the regional grid wasn’t working.

The California Public Utilities Commission rejected the application, saying Sunnova didn’t provide enough details, and critics of the plan said Sunnova was ill-equipped to oversee a utility-like framework.

I asked Cameron Brooks, Think Microgrid’s executive director, how to make sense of California being a leader in clean energy but falling short when it comes to microgrids.

“It’s very true that California has done a lot about clean energy, about carbon reduction overall, and energy efficiency, and most of those have been done, I would say, at the bulk power level,” he said. “That’s all good and there’s nothing wrong with that, but it does not address the unique challenges of what it takes to integrate distributed energy and take advantage of that, and that’s an area that I think California is really falling down.”

When he talks about distributed energy, he means customer-owned resources like rooftop solar and battery storage.

If Del Norte County had developed microgrid projects before the August fire and power outage, it could have saved on the expense and emissions of using diesel generators. The Los Angeles Times wrote about the outage and the response, including that each generator used about 47,000 gallons of diesel every 24 hours.

Meghan Nutting, executive vice president of government and regulatory affairs at Sunnova, a Think Microgrid member, said microgrid developers are often frustrated.

“Our system is set up in such a way that stymies innovation (and) technology adoption,” she said.

The California commission ruling this year was especially frustrating, she said, because Sunnova would have liked to continue the discussion and work out any concerns, but the process didn’t allow for that.

The Inflation Reduction Act includes tax credits that apply to equipment and other expenses used to develop microgrids, but Wood Mackenzie has not yet seen evidence that the 2022 law is leading to an increase in projects.

### NRC DA---AT: Sovacool [NU]

#### Sovacool’s paper is riddled with flaws & crowd-out thesis is bunk

Gilbert 20 [Alex Gilbert, Project Manager at Nuclear Innovation Alliance, “We Need Both Nuclear and Renewables to Protect the Climate,” 10-8-2020, https://thebreakthrough.org/issues/energy/we-need-both-nuclear-and-renewables]

The balance of peer-reviewed literature, international energy organizations, and national energy policies are unequivocal: nuclear is a carbon-free energy source with an important role to play in decarbonizing the global economy.

Oddly, a new paper in Nature Energy by Sovacool et. al. implies that nuclear energy is not a serious player in decarbonization and in fact that nuclear is counterproductive for climate because it “crowds out” renewables. The paper reaches this conclusion by observing that nuclear energy is not associated with lower carbon emissions at a national level. In examining 123 countries, the study found that countries with nuclear power were not associated with lower emissions per capita while those with renewables were associated with lower carbon emissions per capita. The basis for the study’s conclusion is a regression analysis looking at two groups of countries in two time periods. It compares countries that have nuclear power with countries that have renewable energy (hydro, wind, solar, and others). The two categories are not mutually exclusive, as all of the nuclear countries are also counted as renewable countries. The study then does regression analysis to establish correlative relationships between nuclear and renewable energy and carbon emissions per capita for non-transportation uses. Based on the results from these regressions, the authors conclude that nuclear power does not correlate with lower carbon emissions, that renewable energy does correlate with lower carbon emissions, and therefore that nuclear and renewable energy crowd each other out.

However, this study has three major flaws.

First, contrary to the media characterization of the study as finding nuclear power does not reduce emissions, the authors did not find any statistically significant relationship between nuclear energy and per capita CO2 emissions from multiple economic sectors. Considering the sample size of the nuclear countries is only 30, a lack of statistically significant effect is to be expected. The study did find that there was statistical significance to the correlation between renewables and lower carbon emissions rates. However, combining the two into the authors’ conclusion that renewable energy is more positive for carbon abatement than nuclear energy is a mischaracterization. Rather, the study’s methodology is inconclusive on the question as it does not actually compare carbon emissions reductions.

Second, the study’s methodology has key limitations, as acknowledged by the authors themselves. This is not a causal study of quantified emissions reductions, but merely a correlative study of energy emissions rates. Most importantly, the study is evaluating whether an electricity source decarbonizes a nation by correlating its presence or absence to per capita greenhouse gas emissions from multiple sectors – i.e, including not just electricity but also industry and other sectors.

The choice of that simplistic metric skews the results. Currently, most countries with existing nuclear power are industrialized and have large non-electric CO2 emissions – because people in rich nations consume more energy per capita in industry and buildings than people in poor nations because they live in bigger houses and manufacture more things.

The study then compares per capita CO2 emissions in these rich nations with per capita emissions in many countries consuming low levels of energy that primarily get their electricity from hydropower. Although the authors’ discussion infers that renewables are better due to the distributed nature of wind and solar, the primary renewable during the time period examined (1990-2014) was in fact hydropower (comprising 85% of total renewable supply). Hence, the study is only finding that most countries with large amounts of hydropower have low emissions, which is primarily because they are poor and do not have significant non-electric emissions, not because renewables are better for decarbonization. In effect, the study is picking up that many countries suffering from energy poverty have low carbon emissions.

Third, the study fails to offer any explanation as to why a nation could not pursue both a renewable and nuclear strategy simultaneously. This correlation identified in the study likely reflects limited renewable resource availability as countries with less hydro are more likely to pursue nuclear and other alternatives. Considering that most growth in wind and solar has occurred after the study’s timeframe ends in 2014, it does not establish that there is competition between nuclear and renewables. Many low-carbon nations like Sweden and Brazil have pursued both. In short, the study offers no convincing analysis supporting its inference that these strategies are inherently mutually exclusive.

Even if this problematic methodology were somehow useful, results from any study should never be viewed in isolation; it is clear that peer-reviewed literature and global energy policy find nuclear energy is a key carbon-free technology to mitigate climate change. Nuclear power is carbon-free power. Among many others, the International Energy Agency and U.S. Department of Energy all acknowledge the importance of nuclear energy for decarbonization. All IPCC scenarios for its 1.5C study found that nuclear power played a critical role in limiting global warming. A study coauthored by noted climate scientist James Hansen found that nuclear power saves millions of lives and prevents the emissions of gigatons of CO2.

A review of country-level data further supports the importance of nuclear power in decarbonization. The number one producer of nuclear power in the world is the United States, where existing nuclear power plants still provide more than half of carbon-free clean electricity. Contrary to the study’s conclusion that nuclear and renewable crowd each other out, the US is also emerging as a strong leader in renewable energy, with solar and wind growing rapidly. Policies that value nuclear and renewable energy can help both sectors grow and reduce US emissions further. China, the largest producer of solar panels, is also aggressively pursuing nuclear power and is on track to the become the second largest producer of nuclear energy. In the European Union, the countries with the lowest power sector emissions are countries that embrace nuclear power.

At the U.S. state level, nuclear and renewable energy are working together to decarbonize electric grids, as seen in the chart below. The top 10 nuclear producing states have an average carbon intensity ~30% lower than the national average. More broadly, states with some nuclear generation have an emissions intensity 24% lower than states without it.

[[chart omitted]]

Although the study fails to support the conclusion that nuclear power does not contribute to climate mitigation, data from the study indicate an important fact: nuclear power has primarily been a choice for industrialized nations. As we look at the decarbonization requirements by mid-century, nuclear power can help many rapidly growing nations in the developing world build decarbonized energy systems from the start. Advanced nuclear technologies can offer safe and affordable power to Africa, Asia, and Latin America for the first time. The choice is not between renewable and nuclear power, it is between severe climate change and decarbonSized energy systems. Building as much zero-carbon power as possible – whether it is solar, wind, nuclear power, or something else - is necessary for global decarbonization.

### NRC DA---AT: Grid !---2AC

#### Global blackouts make all the general impacts inevitable

#### No prolonged blackout and broad resiliency

Stockton 16 – Managing Director of Sonecon LLC, former Assistant Secretary of Defense for Homeland Defense and Americas’ Security Affairs, Stanford University Senior Research Scholar at the Center for International Security and Cooperation, and a PhD from Harvard [Paul, “Superstorm Sandy: Implications for Designing a Post-Cyber Attack Power Restoration System,” Johns Hopkins Applied Physics Laboratory, p. 1-2, <http://www.jhuapl.edu/ourwork/nsa/papers/PostCyberAttack.pdf>]

Sandy packed a one-two punch for electric infrastructure. On the night of October  29,  2012, Sandy made landfall near Atlantic City, New Jersey, as a post-tropical cyclone. Over the next three days, the impacts of Sandy could be felt from North Carolina to Maine and as far west as Illinois. With an unprecedented storm surge in the affected areas, there was especially severe damage to the energy infrastructure. Peak outages to electric power customers occurred on October  30 and 31 as the storm  proceeded inland from the coast, with  peak outages in all states totaling over 8.5  million, as reported in the Department of Energy (DOE) Situation Reports. Much of the damage was concentrated in New York and New Jersey, with some customer outages and fuel disruptions lasting weeks.1 The second punch landed on November 7, 2012, as a nor’easter impacted the Mid-Atlantic and Northeast with strong winds, rain and snow, and coastal flooding. The second storm caused power outages for more than 150,000 additional customers and prolonged recovery.2

The combined damage to critical electricity substations, high-voltage transmission lines, and other key grid components was massive—as would be expected from the second-largest Atlantic storm on record.3 Some major utilities in the region suffered from gaps in their preparedness to conduct repair operations on the scale that Sandy required.4 Overall, however, utilities restored power with **remarkable speed and effectiveness** in most areas hit by the superstorm. Despite the vast number of grid components that needed to be repaired or replaced and the fallen trees and other impediments that restoration crews encountered, within two weeks of Sandy’s landfall, utilities had restored power to 99 percent of customers who could receive power.5

The mutual assistance system in the electric industry was the linchpin for this success. Although the linepeople and other power restoration personnel in utilities across Sandy’s impact zone performed admirably, no single utility retains the restoration capabilities needed to repair the damage caused by a storm on that scale. Achieving such restoration preparedness would be extraordinarily expensive. Moreover, given the rarity of such catastrophic events, the amount of money required to enable a utility to restore power on its own would be difficult to justify as a prudent expense to state public utility commissions (PUCs), shareholders, or elected officials responsible for approving such expenditures.6 Instead, utilities have built a highly effective voluntary system of mutual support, whereby utilities that are not at risk of being struck by a hurricane or other hazard can send restoration assets to those that are. The overall restoration capacity of the industry is **immense**; the mutual assistance system enables utilities to target support when and where specific utilities request aid.

Sandy highlighted the effectiveness of this system. Tens of thousands of mutual assistance personnel, including linepeople, engineers, vegetation crews, and support personnel provided by eighty electric utilities from across the United States, flowed in to the area to help the utilities hit by Sandy—by far the largest deployment of mutual assistance capabilities in US history.7 Utilities contributed these assets from the West Coast, the Midwest, and other regions far beyond the storm’s footprint. Now, drawing on the lessons learned from Sandy, utilities are expanding the mutual assistance system to bring to bear still greater restoration capabilities in future catastrophes.8

This system did not emerge by chance. For decades, hurricanes and other severe weather events have hammered utilities in the eastern and southern United States. Massive ice storms, wildfires, and other natural hazards have also inflicted wide-area power outages in other regions of the United States. In response, utilities gradually built up the mutual assistance system, developing increasingly effective governance and decision-making mechanisms to allocate restoration crews and other limited resources and prioritize assistance when multiple power providers requested help.9 Restoration crews have become as expert at line stringing, replacing power poles, and performing other functions for partner utilities as they are for their own organizations. So that personnel stay sharp between events, utilities conduct frequent exercises that are modeled on the hurricanes and other hazards they typically face. They have also established mechanisms to reimburse each other for the cost of providing assistance and (together with state PUCs) have created special cost recovery mechanisms to help pay for restoration operations in severe storms.

Decades of experience also strengthened government support for power restoration after Sandy. When the superstorm hit, state National Guard personnel in New York, New Jersey, and other states were already prepared to perform well-established (and crucial) support functions at the request of their local utilities, including road clearance and debris removal to help utility repair crews reach damaged equipment. The Emergency Management Assistance Compact (EMAC) system enabled thirty-seven states outside the affected area to send thousands of additional Guard personnel to help to execute these missions.10 The National Response Framework (NRF) also provided time-tested mechanisms to coordinate the provision of government assistance.11 Moreover, as in the case of the power industry’s mutual assistance system, federal and state agencies have launched a wide array of initiatives to draw on lessons learned from the superstorm and strengthen support for power restoration in future catastrophic blackouts.

#### And – past blackouts empirically deny the impact

#### If it happens, solar storms are a huge alt cause

Ellet 16 [Ross Ellet, graduated from Purdue University with his Meteorology degree and a minor in Communications and Sociology 9-26-2016 http://www.13abc.com/content/news/Lawmakers-plan-for-extreme-solar-storm-394857441.html]

When it comes to extreme weather, some storms are just out of this world. Solar storms that develop 93 million miles away could change our way of life. GPS, cell phones and electricity are things we depend on every day, but huge eruptions of plasma from the sun could shut down satellites and overpower the electric grid. “Realistically it will happen again” says Dr. Michael Cushing. Cushing is an associate professor of physics and astronomy at the University of Toledo. While extreme solar explosions are rare, one big event in 1859 produced an aurora that turned the night into day. It was powerful enough to push the northern lights south over Hawaii and Cuba. The solar storm also brought down the country’s telegraph network. Cushing said, “They were sparking on some of the poles, some of the telegraph operators got shocked, and it even started some fires.”

Michigan senator Gary Peters said, “If that happened in 1859 you can imagine what would of happen today. In fact Lloyds of London calculated that if you had an event like occurred in 1859, you could have up to 40 million people without power perhaps up to 2 years without power, and the cost to the economy could be in the trillions of dollars, that is with a T." Senator Peters introduced the Space Weather Research and Forecasting Act back in April. It’s expected to be voted on in the house and senate before the year ends.

Peter’s said, “It is not a question of if, but when. The last one occurred 150 years ago and scientists believe these occur about every 150 years so we may be nearing that again which is why we need to prepare for it." The biggest wake-up call happened in July of 2012 when a solar superstorm missed earth’s orbit by just 9 days. Scientists with NASA believe the blast was just as powerful as the 1859 event.

Extreme geomagnetic storms have occurred all throughout history, but they wouldn’t have made much of an impact without electricity. Today the world is connected like never before. If the next massive solar storm sneaks up without warning, the results could be dramatic. If passed, the bill would open up better communication between space weather forecasters. It would also lead to more research and better forecast tools.

### NRC DA---AT: Biosphere !

#### Nuclear may not be perfect, but it’s textbook try-or-die---nothing is comparatively safer or more effective and innovation checks downsides

Jayanti 23 [Suriya Jayanti, Eastern Europe and Middle Eastern policy expert. She served for 10 years as a U.S. diplomat, including in Kuwait and Iraq, and as the Energy Chief at the U.S. Embassy in Ukraine. She currently runs several clean energy companies, sits on the Board of the Institute for Security and Technology, and is a Senior Fellow at the Atlantic Council, “Nuclear Power Is the Only Solution,” 12-4-2023, https://time.com/6342343/nuclear-energy-climate-change/]

COP28 is underway and grand commitments to triple nuclear power by 2050 are recognition of the following reality: There is no way, absolutely none, that the world’s energy transition away from fossil fuels can be achieved without a massive increase globally of nuclear power. Yet, western governments and companies are failing to get new nuclear technologies and projects off the ground. Outdated anti-nuclear opinions, massive initial capital costs, risks that governments haven’t found a mechanism to share with the private sector, and a crushing and irrational regulatory framework are all holding the industry back.

Wedged between energy crises and climate change natural disasters, there is no longer the luxury of choice. The industry has responded by seeking to develop new technology that can assuage public concerns about safety. Some are designing micro reactors or SMRs. Others are working with new materials or techniques, such as replacing water in cooling systems with molten salt, or using boiling water instead of pressurized water to make the NPP more efficient. Still others are working on new safety systems, or fuel fabrication innovations, or new approaches to storage of nuclear materials. In the U.S., top tier research outfits like the Electric Power Research Institute are finding their expertise in demand all round the world, creating something resembling nuclear diplomacy. The U.S., U.K, Canada, and South Korea are leading the pack on investment in nuclear.

The nuclear industry has been riding high on a wave of enthusiasm for a few years. In recognition of the cost savings of “going nuclear,” smart companies are already making plans to transition to nuclear power. This includes Microsoft, which announced in September that it will use nuclear plants to power its artificial intelligence operations. With electrification the foundation of any coherent energy transition plan and grids struggling to balance themselves with an abundance of non-dispatchable renewables, nuclear is increasingly acknowledged to be the solution. Just as apex science fiction writer Isaac Asimov fantasized in his 1940-50s Foundation books, nuclear energy may save humanity.

And yet, recent headlines have revealed some major setbacks. Small modular nuclear reactor (SMR) company NuScale, once lauded as the leading SMR developer and despite receiving almost $2 billion in U.S. government support, has cancelled its flagship project due to rising costs and mismanagement. It is now facing investor lawsuits for fraud. TerraPower, Bill Gates’ SMR company, was delayed several years by the Russian invasion of Ukraine—Russia was the only country that produced the nuclear fuel needed for TerraPower’s SMR design. X-Energy has walked back its plans to go public. The U.K.’s Rolls Royce SMR is plagued by financial problems. France’s EDF is posting record low power outputs and financial status reports. Others are also delayed, struggling, or facing bankruptcy.

Setbacks are normal for new technologies and emerging markets, but for nuclear power such bumps in the road have outsized potential to disrupt because many people are still hesitant or downright hostile to nuclear power. The Chornobyl, Fukushima Daiichi, and Three Mile Island catastrophes loom large in the imagination. “Meltdown” itself has entered idiom to mean falling apart rapidly and irrationally and beyond control. The world’s preoccupation with Russia’s attacks on Ukraine’s Zaporizhzhye nuclear power plant (NPP), the largest in Europe, shows how gripped we can be by nuclear disasters. In keeping, a March 2023 Gallup poll found that although support for nuclear is increasing slowly, 44% of Americans still somewhat or strongly oppose it, down from 54% in 2016. Similar polls in Switzerland and the U.K. peg support for nuclear at just 49% and 24%, respectively. In Germany, despite still being in the middle of an energy crisis and desperate for additional power sources, 50% of people under 34 want nuclear power eradicated.

With the exception of France, which is 69% nuclear, many of the developed world’s leading economies and governments have been too scared of nuclear power to allow it to flourish. Germany was so spooked by Fukushima it completely phased out its nuclear power program, finally turning off its last three (of an original 17) reactors on April 15, 2023. Belgium and Switzerland decided not to build new plants and to phase out those existing, although the 2021-2023 energy crisis has forced a reconsideration. In the U.S. the trigger was the March 28, 1979 partial meltdown of Three Mile Island in Pennsylvania. No one died or even suffered negative health effects, in the aftermath dozens of planned NPPs were cancelled and almost nothing has been built in decades.

Unfortunately, unencumbered by popular opinions against nuclear, the Western world’s great geostrategic rivals are years if not decades ahead. There are sixty nuclear projects in various stages of construction around the world, and 22 of them are in China; and 22 use Russian technology, and 18 use Chinese technology, or technology China stole from other countries and rebranded. Some European countries, notably Hungary and Serbia, and some NATO countries, such as Turkey, are planning new NPPs using Russian designs and supply chains. Ironically, and tragically, even all four of Ukraine’s NPPs are Russian VVER models, entirely reliant until quite recently on Russian fuel. And Russia controls much of nuclear supply chains.

The Western world ended up so far behind because of fear. Governments around the world are now struggling to catch up, slowed by still-high public opposition rates and regulatory regimes that institutionalized fear of nuclear into licensing and permitting processes. In countries that never had nuclear power, such as Poland and Egypt, opposition is not baked into law, and so they can paradoxically move faster than some countries with longstanding nuclear programs.

In the U.S. the opposite is true; it keeps tripping over the fear-based regulatory regimes that govern its nuclear industry. Tasked by Congress in the 2019 Nuclear Energy Innovation and Modernization Act with liberalizing the licensing process to foster innovation and accelerate the commercialization of nuclear power, the U.S. Nuclear Regulatory Commission (NRC) in 2022 released draft rules and processes for consideration of new nuclear technologies that managed to take all the worst and most burdensome aspects of existing rules and, instead of reducing them, added some new hurdles and standards, some of which nuclear engineers say are scientifically impossible to meet. The draft is twice as long (1252 pages) as the one it was supposed to simplify. Many requirements, both old and new, shouldn’t apply to SMRs and other advanced nuclear designs. The result was decried by experts and companies as a complete failure that will continue to hobble the industry for decades, adding further time and expenses to the already billion-dollar licensing process. The Nuclear Energy Institute, an industry trade group, said the proposal will “increase complexity and regulatory burden without any increase in safety and reduce predictability and flexibility.”

Meanwhile the U.S. is trying to export this same cumbersome nuclear regulatory regime, including to Saudi Arabia. Calling it the “gold standard” of nuclear regulation, the U.S. has refused to allow Saudi, much like it did with the United Arab Emirates, to use U.S. nuclear technology unless the Kingdom also adopts prescribed U.S. safety regulations. What a surprise that Saudi is actively considering Russian nuclear technologies instead.

Yet, the scientific reality is that the rising generation of nuclear innovation doesn’t need to be subjected to a crippling approval process—it is safe. The risk profile of new reactors and other technologies in development is very low. This is especially true relative to the risks of climate change fallout or, for example, the health risks of burning fossil fuels or inhaling combustion engine exhaust. And the waste from a new nuclear plant is far less problematic than that of spent solar panels, for example. The nuclear renaissance is not just more nuclear power, it’s also better, cleaner, safer, more efficient.

SMRs, for example, are much safer than full sized NPPs. They have outputs of 50-300 MW depending on design, compared to 800-1600 MW for traditional NPPs. Microreactors, “pocket nukes” with 1-50 MW outputs, are even more resilient because simple physics means they are harder to damage and so it’s less likely that an accident could result in a radioactive release. Whereas seismic activity is a grave concern for large NPPs like Fukushima, smaller technologies soon to be built do not require the seismic cushions that were needed under previous plants to protect them from even the smallest earthquakes. Micros and SMRs can also be manufactured in a factory—that’s what the “modular” in small modular reactor means — allowing for standardization and systematized security measures, as well as sealed transport. And smaller amounts of radioactive fuel in smaller reactors mean less that could go wrong even in the case of an accident.

One persistent concern opponents of nuclear power often voice is the risk of reactor cooling systems failing, but this not an issue with the new generation of nuclear designs. Fukushima Daiichi NPP’s water-based cooling system stopped when a tsunami disabled the electricity source powering the circulation. This is the same risk Ukraine’s Zaporizhzhye NPP is facing thanks to Russia bombing the dam that held the water that kept the plant’s water cooling system operating. In emerging advanced reactor technologies, however, this vulnerability is eliminated entirely. Many of the new designs have entirely reconsidered systems with passive safety features that maintain cooling without reliance on external power. Others use water in innovative ways. GE Hitachi’s BWRX-300 SMR is designed for the water inside to boil, creating its own convection that in turn powers its own cooling circulation. This eliminates the need for an extensive circulation system of pipes and keeps all potentially contaminated water inside the plant. Some also use materials other than water, such as molten salts.

Another common objection to nuclear power is the disposal of radioactive material. But new technological innovations are mostly eradicating the need to store spent fuel at all. New fuels have a lower enrichment level, which is less radioactive and thus safer. And there’s no such thing as nuclear waste unless the material is wasted. Canada’s Moltex, for example, is developing a fuel recycling “waste to stable salt” technology that repurposes spent fuel into new fuel, reducing waste by over 75% and cutting its radioactive half life to approximately 300 years, down from thousands. Moltex is also designing an SMR, the Stable Salt Reactor-Wasteburner, to run on the recycled fuel, which will cut down the transport of radioactive materials. Other technologies are reducing risk in parallel.

Nuclear energy will never be absolutely, perfectly, guaranteeably safe because nothing is. Wind turbines can fall over, and they can kill birds and negatively impact marine life. Solar panels produce significant volumes of toxic waste, and they take up space that impedes whatever is trying to live under them. Both wind and solar rely on minerals and manufacturing mostly controlled by China, and neither is entirely reliable as a power source. They’re also not dispatchable at times of peak electricity demand. Hydropower only works with abundant water, and droughts are eviscerating rivers across the world. Coal is killing our children and our planet. So is oil. So is natural gas. Geothermal, biofuels, hydrogen, et cetera—these aren’t able to satisfy even a fraction of the demand for energy.

Nuclear power isn’t perfect, and initial construction costs are high. But the marginal risks of nuclear pale in comparison to the proven dangers of air pollution and climate change. Even Japan is reopening its nuclear plants using new, advanced technology. Scary though the specter of a nuclear meltdown or even just radioactive contamination is, the new class of technology should make such accidents almost impossible. Governments need to get out of the regulatory way and allow private sector nuclear companies to expand the reach of their technologies. Cost sharing and risk sharing mechanisms should be used to make these companies’ work easier and their technologies faster to reach market, versus being used to impose additional regulatory conditions. We have to embrace nuclear power; there’s no other option.

## ADV: Experts

### Experts---Warming ! OV

#### Climate change causes extinction---non-linear feedbacks trigger food and water shortages, biod loss, ocean acidification and more. Even if not directly existential, cascade into diseases and wars that are.

#### Prefer our ev---the risk is “constantly underestimated” and Spangenberg cites a consensus of scientists

### Experts---Accidents ! OV

#### Nuclear accidents ensure extinction---low-dose radiation prevents breeding, reduces biod, and upsets ecosystem services that humans rely on.

#### Prefer our ev---existing data is based on wrong predictions and ecosystems are far less resilient than we thought, that’s Mousseau

## ADV: Energy

### Energy---Deterrence ! OV

#### Grey zones and hybrid war make deterrence collapse inevitable by skirting detection and attribution---only strong AI can collect, classify, and predict offensive operations to maintain dominance, that’s Lynch

### Energy---Energy Wars ! OV

#### Global energy wars cause extinction---2 pathways

#### 1---lack of diversification---it triggers competition and scarcity mindsets for fear that one supplier will go down---conflicts cascade from linkages, that’s Liu

#### 2---lack of secure access---increases the risk of miscalc and arms racing via competition for energy---escalates into full-blown conflict with no dampeners, that’s Heath

#### Their ev is wrong---its about higher oil prices which is NOT our impact, it’s about lack of diversified acess

### AT: No Deterrence Breakdown [Heath]

#### Health doesn’t assume hybrid and grey zone warfare creates deterrence gaps AND operationalization gaps are widening. Only AI closes those gaps by increasing credibility via detection and attribution, that’s Lynch

< FOR REFERENCE, 1AC Lynch >

Throughout the Cold War, deterrence theory served as the guiding concept for much of U.S. strategy. Today, however, many practitioners struggle to turn deterrence theory into an effective strategy. While the theory remains fundamentally sound, operations that are difficult to detect and attribute have challenged efforts to implement it as strategy.[1]The increasing proliferation and power of capabilities enabled by sensors, computers, and artificial intelligence (AI) are creating opportunities for deterrers to better detect and attribute offensive operations and to reduce the challenge of translating deterrence theory into effective strategy.

…

In his 1966 work, Arms and Influence, Thomas Schelling defined deterrence as seeking “to prevent from action by fear of consequences.”[2] Patrick Morgan then refined Schelling’s definition by elaborating on the relationship between the actors in a dyad, stating that the “essence of deterrence is that one party prevents another from doing something the first party does not want by threatening to harm the other party seriously if it does.”[3] In their contributions to the study of deterrence, Robert Haffa and others before him argued that to effectively deter a challenger, a deterrer must have sufficient capability, credibility, and communication. Haffa defined capability as “the acquisition and deployment of military forces able to carry out plausible military threats to retaliate in an unacceptable manner or to deny the enemy’s objectives in an unaffordable way.”[4] He also defined credibility as “the declared intent and believable resolve to protect a given interest”[5] and described communication as “relaying to the potential aggressor, in an unmistakable manner, the capability and will to carry out the deterrent threat.”[6]

…

Deterrence strategy, and a state’s ability to effectively employ it, is dependent on the state’s ability to demonstrate capability and credibility and to clearly communicate those signals to a potential adversary. Credibility cannot be achieved without effective detection and attribution. Without detection, would-be deterrers are unable to mount an effective strategy of denial or threaten retaliation as part of a strategy of punishment. Without attribution, defense is possible, though punishment cannot be targeted at a specific actor. While detection and attribution are not the only components of credibility, they are essential.

#### AND, if they extend this, zeroes the disads but warming is external

#### Other warrant was no aggression---it’s wrong:

#### Adversaries have explicit doctrine for grey zone, info ops, and cyber attacks. China, Russia, NoKo, and Iran have all used them against the US.

#### Err aff---most attacks go unreported and many more are inevitable as technology use increases

< FOR REFERENCE, 1AC Lynch >

In the aftermath of the First Gulf War, China and Russia sought to increase their conventional military power, while heightening their emphasis on conflict in the gray zone, adopting new hybrid tactics, and employing information operations.[7] This evolution of warfare has continued to serve U.S. adversaries, enabling them to use force, coercion, and deception to pursue their objectives while reducing the probability of detection and attribution; by extension, they have lowered the probability of a credible threat of effective U.S. defense or retaliation.

…

Several countries around the world have implemented such tactics over the last twenty years. To cite a few examples, Israel has used hybrid operations in its fight against Hezbollah; Russia has done so in its 2014 seizure of Crimea and its all-out invasion of Ukraine since February 2022; and countries like China, Russia, Iran, and North Korea have employed such measures against the United States. Detection and attribution remain a challenge.[11] Jake Harrington and Riley McCabe noted in a 2021 brief about the 2020 U.S. presidential election that Russia used “multiple cut-outs and proxies” to employ agents in Nigeria and Ghana to make unattributed gray zone attacks on the United States as part of a broad campaign of election interference.[12]

…

According to the Center for Strategic and International Studies (CSIS), since 2006, there have been roughly 1,000 known significant cyber incidents worldwide against “government agencies” or “defense and high tech companies,” or “cyber economic crimes with losses of more than a million dollars.”[17] It is reasonable to expect that many more attacks in this realm have gone unreported, undetected, and unattributed. After all, a significant number of those listed by CSIS remain publicly unattributed to any state or nonstate actor. Many more future cyber incidents will certainly follow.

Russia has come to depend on information operations as its “most effective gray zone tactic”—a tactic that continues “to be well-funded, relentless, and prolific,”[18] as expressed by Moscow’s military doctrine, which scholars have found “frequently equates the strategic impact of information weapons with that of weapons of mass destruction.”[19] Though Russia was responsible for a higher percentage of known information operations using disinformation between 2013 and 2019 than any other country (72 percent), China has also begun to use disinformation operations more. In 2020, Beijing conducted a misinformation campaign on Facebook to promote pro-China messaging in the Philippines.[20] Using cyber operations to not only conduct “espionage and intelligence gathering but also to target other states’ critical infrastructure and disrupt political processes abroad,”[21] Russia and China have demonstrated the power and potential of this method of warfare.[22]

### AT: No AI impact

#### Yes AI impact---ev explicitly says we’re already trying to use it like Project Maven

## ADV: Exports

### Exports---Nuke Terror ! OV

#### Nuclear terror causes extinction---exacerbates existing crises and targets NC3 which causes retaliation and miscalculated use.

#### Prefer our ev---Hayes says it’s systemically underestimated

### Exports---Diplomacy ! OV

#### Nuclear diplomacy is key to maintain partnerships and prevent adversary expansion---otherwise unsustainable world order guarantees war from great power cling and regional rise, that’s Ashford

### Exports---FNPP ! OV

#### FNPPs cause extinction---nuclear material and waste sit in the ocean which means there are no safeguards against accidents, collisions, or pirates. Even small releases spread globally through radioactive steam and marine ecosystems to catastrophic levels, that’s Sullivan

## Japan Turn

### Turn---2AC

No link. The 1AC said the OPPOSITE of their link and it never said our MILITARY commitments were reliable---our advantage is unchecked pursuit of primacy now causes regional wars over influence, plan only creates energy commitments.

No reason Japan stops conventional rearamament---they don't have a reverse causal card.

Japan would never re-arm---political opposition and history

Other countries armament solve Taiwan invasion like SoKo and Taiwan's military stuff

## T Substantial

### T: Substantially---2AC

#### Counter-interp: “Substantially” references actions that directly prevent or permit bargaining

McMahon 21 [Colleen McMahon, United States District Judge, **United States District Court for the Southern District of New York**; **internally citing** the **United States Court of Appeals for the Second Circuit**, *Floyd v. City of New York*, 770 F.3d 1051, 10-31-2014; *In re New York City Policing During Summer 2020 Demonstrations*, 537 F. Supp. 3d 507, 4-28-2021, NexisUni]

1. Interest in collective-bargaining rights

The unions principally assert that this litigation could affect their collective-bargaining rights, as any injunctive remedy might result in changes to NYPD policies that could affect the hours, wages, and/or working conditions of NYPD officers. They claim that the City defendants cannot adequately protect the collective-bargaining interests of union members, because employers are inherently conflicted when negotiating changes that could affect employee working conditions.

But whatever interest the unions have in their collective-bargaining rights are too remote from the merits of this litigation to be considered "direct" or "substantial." Peoples Benefit Life Ins. Co., 271 F.3d at 415. Whether police officers engaged in unconstitutional policing during the BLM protests, and if so whether they were following City policy, has nothing [\*\*15] to do with the collective-bargaining agreements between the unions and the City. The City has not yet proposed any specific changes to NYPD policy as a result of this litigation, and any changes to NYPD policy that may materialize as a result of this lawsuit might not impact any collective-bargaining rights at all. As the Second Circuit recognizes, not all consent decrees that alter NYPD policy implicate a police union's collective-bargaining rights. The key determination is whether the agreement actually "prevents the unions from collectively bargaining" or affects changes that have a " 'practical impact' on 'questions of workload, staffing and employee safety' that are within the scope of the unions' collective bargaining rights." Floyd, 770 F.3d at 1061-62 (quoting N.Y.C. Admin. Code § 12-307(b)). Such a determination cannot be made in the absence of a proposed injunction or agreement. None exists.

Floyd is directly on point. In Floyd, these same unions sought to intervene to prevent a settlement between plaintiffs and New York City in which the City agreed to change aspects of the NYPD's "stop-and-frisk" policy. The unions argued that the settlement implicated two substantial interests: "restoring the reputations of [\*\*16] their members and preventing the erosion of their collective bargaining [\*514] rights." Id. at 1060. The Second Circuit held that neither interest was cognizable. The asserted "reputational" interest of union members was "too indirect and insubstantial to be 'legally protectable,' " ibid.; and the unions failed to show how the reforms in the settlement "would have any 'practical impact' on . . . the unions' collective bargaining rights" as "no provision in the agreement prevents the unions from collectively bargaining," id. at 1061-62.

The unions' asserted collective-bargaining interests in this litigation are even more remote than those in Floyd. In Floyd, a proposed settlement had been agreed to and so could be referenced when determining which, if any, of the unions' collective-bargaining rights were affected. But here, the City has not yet agreed to any settlement. On the contrary, the City has moved to dismiss all of the cases filed against it, claiming that plaintiffs lack standing and that none of the complaints state a claim upon which relief can be granted. (Dkt. No. 106).

The unions have not demonstrated why - absent any specific details of a settlement - this litigation has at present any "practical impact" [\*\*17] that "directly" or "substantially" affects their collective-bargaining rights. They do not point to specific NYPD policies they wish to preserve, nor do they outline any specific changes to which they would object. Instead, they make general references to how this litigation might threaten officers' health and safety. This hardly qualifies as a "direct" or "substantial" threat on any specific collective-bargaining right. And while the DEA cites to several provisions of their collective-bargaining agreement in an attempt to show which provisions might potentially be impacted by a settlement, its suggestions are speculative at best, since there is no settlement. One of the unions actually acknowledges that "it may be uncertain, at this stage, whether the outcome of the case will impair the PBA's interests." (Dkt. No. 49 at 9). My only quarrel with that statement is the use of the word "may;" it is uncertain at this stage whether the PBA's interests will be affected by this lawsuit.

#### Prefer it:

#### 1---Legal Precision---McMahon is court precedent---that’s key to access predictability and avoid mixing burdens---turns their offense AND avoids a race to the bottom

#### 2---Aff ground---artificially making affs bigger makes PICs unbeatable because their limits explosion become PICs---AND core controversies aren’t necessarily the biggest ones

#### 3---No offense---combos of small affs still explode limits and zero ground---PLUS, functional limits like states, Trump, and the Cap K check

#### [ ] 4---Grammar---“substantially” modifies “strengthen CBRs” NOT “workers in the US”---otherwise, the order would be different

#### Reasonability’s best – competing interps cause a race to the bottom and substance crowd-out

### AT: Zissimopolous

#### No intent to define---just include self-employed workers

Dr. Julie M. Zissimopoulos 8, Ph.D. in Economics from the University of California, Los Angeles, Economist at the RAND Corporation, also with Lynn A. Karoly, “Labor-Force Dynamics at Older Ages”, Res Aging. 2008 Oct 3;31(1):89–111. doi: 10.1177/0164027508324642

Self-employment is an important phenomenon among workers nearing retirement. Among workers aged 51 years and older, just over 20% were self-employed during the interval from 1992 to 2002. Some of these individuals had been self-employed much or all of their working lives, whereas many older workers transition to self-employment after age 50 and, for some, as part of a transition to retirement. Indeed, using longitudinal data from the HRS, we document substantial changes in labor-force status and class of employment for older workers over a two-year time period. Approximately 2% of wage and salary workers became self-employed between the HRS waves. Among retired workers who returned to the labor force, about one third unretired into self-employment. Most unemployed or disabled workers who returned to the labor force did so to wage and salary work, although about one in five was self-employed. The multivariate analysis provides insight into the factors that affect these transitions and contributes to our understanding of the three issues highlighted above.

## T No Feds

### T: CBRs Not Feds (Hayes+Vacca) [KU]---2AC

#### We meet:

#### The federal government is an employer.

Department of Labor ND – you know who it is

US Department of Labor, “Federal Employers”, DOL, No Date, https://www.dol.gov/agencies/odep/program-areas/employers/federal-employment

As the nation's largest employer, the Federal Government has pledged to model effective employment policies and practices that advance America's ideal of equal opportunity for all.

#### Federal workers are employees.

CFR 25 – U.S. Code of Federal Regulations

Title 5, Chapter XVI, Subchapter B, Part 2641, Subpart A, § 2641.104, https://www.ecfr.gov/current/title-5/chapter-XVI/subchapter-B/part-2641/subpart-A/section-2641.104

Employee means, for purposes of determining the individuals subject to 18 U.S.C. 207, any officer or employee of the executive branch or any independent agency that is not a part of the legislative or judicial branches. The term does not include the President or the Vice President, an enlisted member of the Armed Forces, or an officer or employee of the District of Columbia. The term includes an individual appointed as an employee or detailed to the Federal Government under the Intergovernmental Personnel Act (5 U.S.C. 3371-3376) or specifically subject to section 207 under the terms of another statute. It encompasses senior employees, very senior employees, special Government employees, and employees serving without compensation. (This term is redefined elsewhere in this part, as necessary, when the term is used for other purposes.)

#### And, plan text’s the only objective standard

#### Counter-interp---the correct law defines BOTH “CBRs” and “employees” to include the plan

Jackson 18 [Ketanji Brown Jackson, then United States District Judge, **United States District Court, District of Columbia** (now the best Justice of the Supreme Court of the United States), *American Federation of Government Employees, AFL-CIO, v. Trump*, 318 F.Supp.3d 370, 8-25-2018, https://www.judiciary.senate.gov/imo/media/doc/american\_federation\_of\_government\_employees\_afl-cio\_v\_trump.pdf]

1. Section 7103(a) And D.C. Circuit Caselaw Define The Contours Of The Statutory Right To Bargain Collectively

The FSLMRS not only created the statutory right of federal employees to “collective bargaining,” but also (quite helpfully) expressly defined that term. In relevant part, the definitions section (5 U.S.C. § 7103) states:

“collective bargaining” means the performance of the mutual obligation of the representative of an agency and the exclusive representative of employees in an appropriate unit in the agency to meet at reasonable times and to consult and bargain in a good-faith effort to reach agreement with respect to the conditions of employment affecting such employees and to execute, if requested by either party, a written document incorporating any collective bargaining agreement reached, but the obligation referred to in this paragraph does not compel either party to agree to a proposal or to make a concession[.]

5 U.S.C. § 7103(a)(12) (emphasis added). Much of the remainder of the statute is devoted to specifying the circumstances under which the prescribed good-faith negotiations over “the personnel policies, practices, and matters ... affecting working conditions[,]” id. at § 7103(a) (14) (defining “conditions of employment”), must, might, or won't occur, see id. §§ 7103(a)(12), 7106, 7117. The FSLMRS also creates an independent agency to resolve certain foreseeable future disputes regarding particular negotiations and to develop the specific policies that necessarily will be required to shore up collective bargaining rights, id. §§ 7104, 7105.

But the primary mandate is clear: in contrast to workplace scenarios in which rules and requirements can be unilaterally imposed upon workers by the management, under the FSLMRS, labor representatives and agency managers are obliged “to consult and bargain” regarding the conditions of employment, and to proceed in “good faith” during any such collective bargaining negotiations. Id. § 7103(a)(12). In other words, boiled to bare essence, the right of collective bargaining that the FSLMRS protects is the right of federal workers to have a say with respect to the terms and conditions under which they will be working. See Overseas Educ. Ass'n, Inc. v. Fed. Labor Relations Auth., 876 F.2d 960, 971 (D.C. Cir. 1989) (stating that a “collective bargaining measure ... allows [ ] employees to combine their views and their voices in a concerted responsive effort”); cf. Nat'l Labor Relations Bd. v. Am. Ins. Co., 343 U.S. 395, 401–02, 72 S.Ct. 824, 96 L.Ed. 1027 (1952) (“The National Labor Relations Act is designed to promote industrial peace by encouraging the making of voluntary agreements governing relations between unions and employers.”).

\*420 Notably, the D.C. Circuit has determined that there are certain “core element[s]” of the protected right to bargain collectively under the FSLMRS—i.e., certain aspects of that right that are so fundamental to its exercise that efforts to interfere with them qualify as violations of the FSLMRS. See Chertoff, 452 F.3d at 861. Two of these core elements are relevant to this Court's analysis of the Orders the Unions have challenged in the instant case: (1) the duty to “bargain[,]” and (2) the duty to negotiate “in good faith[.]” 5 U.S.C. § 7103(a)(12). An understanding of the scope and nature of these obligations is essential for comprehending this Court's ultimate conclusions.

#### “Workers in the U.S.” too---they didn’t even define it

McGhee 15 [R.L. McGhee III, District 11 vice president of the International Association of Firefighters, includes 265 local unions and more than 25,000 professional firefighters, paramedics and EMTs in Oklahoma, Texas and the Panama Canal Zone, “Counterpoint: Collective bargaining rights for all workers,” NonDoc, 9-9-2015, https://nondoc.com/2015/09/09/counterpoint-afford-all-workers-collective-bargaining-rights/]

At the top of that list is the hodgepodge of laws that apply to workers in the United States. In 1935, Congress passed the National Labor Relations Act (NLRA), presumably to protect all workers, except it hasn’t worked out that way.

The NLRA does not apply to federal, state or local government workers, domestic employees, agricultural employees, supervisors or independent contractors. At the same time, federal workers are subject to the provisions of the Civil Service Reform Act of 1978, which created the Federal Labor Relations Authority.

Further, there is no federal labor law in America that governs or protects workers employed by state, county or local governments. Those workers must rely on state statutes or local ordinances for any rights or protections.

Other examples of miscellaneous labor laws include: the Railway Labor Act of 1926, which covers workers employed by railroads and airlines; the Postal Reorganization Act of 1970, which governs postal workers; and the Taft-Hartley Act, which prohibited the “closed shop” and also introduced Right To Work laws in 25 states.

#### That’s best:

#### Predictability---prefer future Justice Jackson to their arbitrary application of the wrong law---Hayes is about NLRA, which is only private-sector, CSRA (Title VII of which is the FSLMRS) is federal---and Vacca is about OSHA, which is employment law not CBRs/labor law

#### Ground---there’s plenty, including from private spillover links, half the community reads it because NLRA is virtually unwinnable against states and solvency presses

#### Reasonability’s best – competing interps cause a race to the bottom and substance crowd-out

### T: CBRs Not Feds---AT: Johanson

#### It’s about franchising and only for the purposose of that law

Jill M. Johanson 15, JD, Judge, Washington Court of Appeals, Department of Labor & Industries of the State of Washington, Respondent, v. Lyons Enterprises, Inc. dba Jan-Pro Cleaning Systems, Appellant, Court of Appeals of Washington, Division 2, No. 45033-0-II, 03/31/2015, Westlaw. [italics in original; language edited]

II. RCW 51.08.180—DEFINING WORKERS

6 7 20 Lyons argues that its relationship with its franchisees is not one of employer and worker but rather a bilateral contract between two independent businesses. Essentially, Lyons claims that it is a separate entity from each of its franchisees and that the franchise agreement establishes the • terms of their business relationship. Lyons argues that its franchisees are not workers because they can and do hire their own employees to do the work, meaning that their contracts with the franchisees are not for personal labor. L & I argues that Lyons' franchisees are covered workers because the franchisees serve a function that is indistinguishable from the function that an employee in a traditional cleaning service would perform. Lyons is partially correct—we hold that those franchisees who *actually* take on their own subordinates are not covered workers, but those franchisees who work alone are covered under the IIA. We affirm the superior court in part, reverse the superior court in part, and reinstate the Board's decision.

8 9 10 21 The IIA is meant to provide broad workers compensation coverage. See RCW 51.12.010 (“it is the purpose of this title to embrace all employments”) (emphasis added). In keeping with that goal, RCW 51.08.180 defines a worker as

*every* person in this state who is engaged in the employment of ... or who is working under an independent contract, *the* essence *of which is [their] ~~his or her~~* personal labor *for an employer*.

### T: CBRs Not Feds---AT: Vacca

#### Vacca is ONLY about OSHA, does NOT speak to whether feds are employed under CBR definitions---doesn’t evidence a violation. BUT it’s ALSO just criticizing the definition for being unpredictable---AND says that ALSO applies to the NLRA’s definition (their interp!)

Vacca 19, Professor of Law at the University of New Hampshire School of Law (Ryan Vacca, 2019, “Uncertainty in Employee Status Across Federal Law,” Temple Law Review, University of Kansas Libraries, Lexis)

As such, only an “employer” may be cited for a violation of the act.172 Like with the NLRA and ERISA, the definitions in OSHA are circular. “Employer” is defined as “a person engaged in a business affecting commerce who has employees,” but not federal, state, or local governments.173 Unhelpfully, “employee” is defined as “an employee of an employer who is employed in a business of his employer which affects commerce.”174

## CBR PIC

### CBR PIC---2AC

#### Perm: do counterplan

#### Perm: plan and every combo

#### Links to the net benefit---[explain]

#### CBRs are key:

#### 1---Expertise---only CBRs generate willingness to share expert opinions & stay in positions long-term to build knowledge, that’s Bednar

Bednar 25 [Nick Bednar, Associate Professor of Law at the University of Minnesota Law School, PhD political science, Vanderbilt University, JD University of Minnesota Law School, “The Return of Schedule F,” Lawfare, 5-19-2025, https://www.lawfaremedia.org/article/the-return-of-schedule-f]

Another civil servant expressed concern that Schedule Policy/Career would chill federal employees from offering their expert opinions and discourage other experts from entering the federal workforce. A group of federal attorneys expressed concerns that any attorney reclassified as Schedule Policy/Career would violate their duty of candor because, “[i]t is foreseeable, if not inevitable, that offering candidate advice under legal duties will sometimes be seen as intentionally subverting Presidential directives.” Another put it simply: “This whole notice is pretty cringe to be honest.”

To understand the effect of perceived politicization on the federal workforce, we must first understand the motivations of public employees. Individuals pursue careers in the federal government for several reasons. First, civil servants tend to have high levels of public service motivation, meaning they value the opportunity to formulate good public policy and serve societal interests. Second, civil servants value the job security and benefits that come with civil service protections. Third and finally, civil servants value autonomy within their positions. Individuals who are motivated by a desire to influence public policy will forgo higher salaries in the private sector for opportunities to use their expertise within the federal government.

Perceived politicization erodes the values that attract individuals to the civil service. In highly politicized agencies, employees feel pressured to serve the president rather than the public or the laws. Federal employees take an oath to “support and defend the Constitution of the United States” and “faithfully discharge the duties of the office.” Civil servants are tasked with faithfully implementing the laws enacted by Congress—not the president’s agenda. Politicization diminishes the feeling of public service that federal employees receive from their work. Moreover, employees in highly politicized agencies are more likely to express fear of political reprisal when offering expert or scientific advice that conflicts with the president’s priorities.

Heightened politicization threatens retention and chills recruitment. Civil servants who perceive politicization within their agency are more likely to exit public service. These same employees engage in fewer activities designed to build expertise, such as attending trainings or discussing policy with outside experts. My own research has shown that agencies subject to less presidential control have more expert and experienced workforces. Independent agencies like the Securities and Exchange Commission and the Nuclear Regulatory Commission have stronger workforces than cabinet agencies, such as the Department of Agriculture and the Department of Homeland Security. Schedule Policy/Career’s threat of increased politicization will erode capacity within federal agencies by encouraging employees to leave their positions and making it difficult for federal agencies to hire for these positions.

Beyond politicization, Schedule Policy/Career deprives employees of certain benefits enjoyed by other federal employees. The civil service laws have sought to entice people to enter the civil service by offering them rewards for good performance, loan repayment, and other benefits. As discussed above, agencies are prohibited from offering these benefits to individuals in policy-influencing positions. Schedule Policy/Career effectively precludes agencies from offering recruitment benefits to entice experts capable of advancing the president’s policy proposals to federal service. The absence of these benefits makes the federal government less competitive in the labor market.

The irony is that OPM justifies Schedule Policy/Career as necessary to ensure the completion of the president’s agenda. Yet, in a recent law review article, I show that the greatest predictor of the president’s ability to implement their policy agenda is the strength of the agency’s workforce—not the president’s control over the agency. Presidents have already institutionalized the presidency, establishing institutions such as the Office of Information and Regulatory Affairs to ensure that agencies remain responsive to their policy agendas. A survey of federal executives shows that the president and his proxies have a greater influence over rulemaking agendas than civil servants. Consequently, presidents rarely have difficulty advancing their policy agendas through administrative processes—even in independent agencies.

Today, the expertise and experience of an agency’s workforce plays a greater role in determining whether a president succeeds at policymaking. Using an empirical study of rulemaking across three administrations, I find that the greatest predictor of successful implementation of the president’s rulemaking agenda is capacity within the federal workforce. Structural mechanisms of control (e.g., the ability to remove political appointees) and ideological congruence between the president and civil servants play a much smaller—almost insignificant role—in ensuring the president completes the agenda. Schedule Policy/Career’s efforts to increase presidential control will likely have the unintended effect of weakening the president’s ability to pursue his preferred policies by eroding the administrative capacity needed to engage in policymaking. The marginal benefits of increasing presidential control result in diminishing returns.

OPM has used political science and public administration research to justify Schedule Policy/Career, alleging that federal employees regularly resist the president’s policy agenda. Undoubtedly, tensions between the president and the civil service can delay policymaking. Civil servants use a variety of tactics to resist policies that they disagree with and protect their preferred policies from political upheaval.

The prevalence of resistance, however, remains an open question. Interviews during the Reagan administration suggest that career employees generally “accept the authority of politically appointed officials to have the final say” in policymaking. More recent interviews found that political appointees relied on career staff for technical information and “real-time advice.” In turn, careerists recognized that their “job was not to make policy” but to identify feasible policy alternatives for appointees. There is also the risk that the president and their appointees misinterpret disagreements over economic, statistical, or scientific analysis as “resistance” rather than a meaningful effort to ensure that the agency adopts the best policy.

Despite all the discussion of resistance, presidents often succeed at implementing their policy agendas. OPM discusses alleged acts of resistance in the Environmental Protection Agency during the first Trump administration. Yet the Trump administration still managed to repeal the Clean Power Plan implemented by President Obama. The failure to adhere to the Administrative Procedure Act and efforts to sideline experienced civil servants resulted in the first Trump administration losing over 78 percent of court cases challenging its regulations. The administration will need a strong workforce if it intends to implement its deregulatory agenda and survive the inevitable challenges.

Of course, the Trump administration has not simply misunderstood the administrative consequences of implementing Schedule Policy/Career. (I am not naïve.) The Trump administration actively wants to dismantle the civil service, which it perceives as hostile to conservative policies and a waste of taxpayer dollars. Director of Office of Management and Budget Russell Vought—the architect of Trump’s management agenda—has said of federal employees, “When they wake up in the morning, we want them to not want to go to work, because they are increasingly viewed as the villains. We want their funding to be shut down …. We want to put them in trauma.” The administration has already removed thousands of federal employees using unlawful resignation programs and poorly orchestrated reductions in force. Schedule Policy/Career furthers the administration’s objective of deconstructing the administrative state. From the perspective of the Trump administration, many of my concerns are features rather than bugs. Yet it is worth challenging the pretextual reasoning offered by OPM and raising awareness among the public about these concerns.

These changes to the civil service will have a drastic impact on the services that make daily life livable. Staffing shortages at the National Weather Service have made it difficult for the agency to cover forecasting for severe weather. Reports suggest that these staffing shortages delayed tornado warnings last week, leaving 27 dead in Missouri and Kentucky. A lack of air traffic controllers has left Newark Liberty International Airport in disarray for weeks. One may think that reclassifying policy-influencing positions will have no impact on basic government services, like weather prediction and air traffic control. Yet my conversations with civil servants reveal that the administration is wielding Schedule Policy/Career as a stick to induce compliance from federal employees in all positions—not just those we might commonly think of as policy-influencing. Schedule Policy/Career—along with the Trump administration’s other personnel actions—poses a significant threat to the government services that provide safety and protection to the American people.

There are undoubtedly reforms that would improve the civil service. Long hiring times impede the ability of federal agencies to compete with the private sector. The median wage of federal employees in real dollars has remained stagnant for years. The changes offered by Schedule Policy/Career, however, will not address these problems. Presidents are authorized to except positions from the competitive service for purposes of furthering “good administration.” Schedule Policy/Career, however, threatens the administration of public policy.

#### 2---Independence---only CBRs protect the autonomy that lowers errors and increases info---otherwise political control and turnover muddle the math, that’s Gensler

< FOR REFERENCE, 1AC Gensler >

The new administration’s reduction in agency autonomy and change of civil service protections, in particular, may lead to an increase in policy and adjudicative errors. First, it interposes less expert White House and inter-agency staff into agency decision making. Second, centralising decision-making authority in the White House bureaucracy may lead to lower quality decisions as information is diffuse (Hayek 1945). In many cases, OIRA lacks the local knowledge of agency decision makers and also may lack the same degree of technical expertise (Bressman and Vandenbergh 2006). Third, it may reduce the quality of personnel at agencies, as top talent will be serving in positions with reduced authority (Richardson 2019). Fourth, it may increase turnover in agency leadership, since term tenures will no longer be binding on new presidents. Fifth, it may reduce the number of expert senior career executives, as more positions will be subject to political control rather than merit based. The loss of state capacity through the downsizing of many agencies is likely to add to the risk of errors and delays (see Chapter 4 by Josh Bivens).

Recent empirical work demonstrates that independent agencies that do not go through OIRA review have significantly greater policymaking capacity (measured in terms of expertise and experience) (Bednar 2024: 662). Of the ten federal agencies with the highest capacity, seven have been exempt from the OIRA process (SEC, FTC, Nuclear Regulatory Commission, Federal Communications Commission, NLRB, Consumer Financial Protection Bureau, and FDIC). (The other three are NASA, EPA, and DOE – which includes the National Labs) (Bednar 2025: 658). Based on surveys of federal employees in 2014, Devins and Lewis argue that independent agencies today “are no more expert than executive agencies” (2023: 1311). Their survey results, however, suggest that independent agencies with significant policy making authority are indeed considered more expert than similarly situated executive agencies.29

#### Perception alone is sufficient, otherwise workers cower or quit, that’s Bednar

Bednar 25 [Nick Bednar, Associate Professor of Law at the University of Minnesota Law School, PhD political science, Vanderbilt University, JD University of Minnesota Law School, “The Return of Schedule F,” Lawfare, 5-19-2025, https://www.lawfaremedia.org/article/the-return-of-schedule-f]

What effects will Schedule Policy/Career have on the federal workforce? At its core, Schedule Policy/Career will politicize the federal workforce by making it easier to remove federal employees perceived as resisting the president or his agenda. The American Federation of Government Employees has described Schedule Policy/Career as a “shameless attempt to politicize the federal workforce.” Shortly after the original inception of Schedule F, Ron Sanders—the chair of the Federal Salary Council in the first Trump administration—submitted a resignation letter, explaining, “[I]t is clear that its stated purpose notwithstanding, the Executive Order is nothing more than a smokescreen for what is clearly an attempt to require the political loyalty of those who advise the President, or failing that, to enable their removal with little if any due process.”

Even if the administration does not exercise its discretion in a political manner, civil servants already perceive Schedule Policy/Career as politicizing the workforce. Comments received by OPM from self-identified civil servants illustrate this perception. One employee of the Social Security Administration described the agency’s intent to reclassify a broad swath of its employees:

As an employee of the Social Security Administration, Acting Commissioner Dudek intends to apply this Schedule Policy/Career classification to a wide swath of SSA employees whose duties are operational or technical — NOT political .... By reclassifying adjudicators, analysts, medical consultants, and support staff under Schedule Policy/Career, the agency undermines civil service protections and allows political influence over decisions that should be impartial and based solely on medical and legal criteria. This politicization risks inconsistent and legally questionable outcomes, damages morale, drives out experienced professionals, and delays critical benefits for disabled Americans.

#### Specificity matters---NRC is uniquely decentralized which makes expert capacity more reliable and solvent, that’s Lyman, Lofthouse, and Gibson

### CBR PIC---Repeal CBRs

#### Only CBRs enable standing to challenge a policy as a worker---and no-one outside can sue for them

Raymond 25 [Nate Raymond, reports on the federal judiciary and litigation for Reuters, “Court allows Trump to end union bargaining for federal workers,” Reuters, 8-1-2025, https://www.reuters.com/legal/government/court-allows-trump-end-union-bargaining-federal-workers-2025-08-01/]

Trump's order exempted more than a dozen federal agencies from obligations to bargain with unions. They include the Departments of Justice, State, Defense, Treasury, and Health and Human Services.

Eliminating collective bargaining would allow agencies to alter working conditions and fire or discipline workers more easily, and it could prevent unions from challenging Trump administration initiatives in court.

Trump's executive order exempted agencies that he said "have as a primary function intelligence, counterintelligence, investigative, or national security work," from collective bargaining obligations, significantly expanding an existing exception for workers with duties implicating national security.

#### Repealing CBRs also deletes unions---prefer court decisions. Solves the link to the net benefit

Doherty 13 [Michael Doherty, Professor of Law, Department of Law, National University of Ireland Maynooth, “Collective Bargaining, the ILO and Irish Law,” European Labour Law Journal, Vol. 4, No. 3, 2013, https://journals.sagepub.com/doi/pdf/10.1177/201395251300400303?casa\_token=4TYtKw7fgBgAAAAA:0Is7jzV3QLArg\_tjrXj8Hf-ozdLj\_QsIpEbZarzvpyiAVdTgJS\_l0P6GALk0xgyXAxGQdOMNXww]

Ryanair contended that it did engage in ‘collective bargaining’ as employees, including pilots, elected employee representatives to Employee Representative Committees (ERCs), which negotiated directly with the company on an on-going basis in relation to all terms and conditions of employment. The Labour Court’s view was that if a group of employees unilaterally withdraws from the internal negotiating procedures (as had occurred in the instant case) it could not thereafter be said that the employer had a ‘practice’ of engaging in collective bargaining with them.52 The Supreme Court, however, interpreted the provision as requiring a decision on whether or not there was in place any permanent machinery, which would have obliged the management of Ryanair to sit around the table with representatives of the Dublin pilots and discuss matters of pay and conditions. Such machinery would need to have been established, in place and not ad hoc: however, the ‘practice’ did not cease to exist simply because the employees unilaterally abandoned it.53 The Supreme Court also held that an ‘ordinary dictionary’ meaning (not any distinctive meaning as understood in trade union negotiations) of collective bargaining was to be read into the legislation.54

**[FOOTNOTE 54]**

Both Kerr (Kerr, A., ‘Industrial Relations’, in Regan, M., (ed) Employment Law (Dublin, Tottel, 2009), p 668 and, Doherty, cit., (n. 48), point out the Oxford English Dictionary definition of ‘collective bargaining’ refers to ‘a mode of fixing the terms of employment by means of bargaining power between an organised body of employees and an employer, or association of employers’. The common understanding of the expression is, therefore, bound up in its usage with a particular model of industrial relations that generally includes trade unions. It is not clear to which ‘non union’ dictionary definition of collective bargaining the Court was referring.

**[END FOOTNOTE 54]**

### CBR PIC---Increase Hiring + Funding

#### Funding solves nothing---Trump didn’t cut it, only staffing, so it’s useless

#### AND fails without CBRs

Bednar 25 [Nicholas R. Bednar, Associate Professor of Law at the University of Minnesota Law School, PhD political science, Vanderbilt University, JD University of Minnesota Law School, “Presidential Control and Administrative Capacity,” Stanford Law Review, 77, April 2025, 77 STAN. L.REV. 823, https://review.law.stanford.edu/wp-content/uploads/sites/3/2025/04/Bednar-77-Stan.-L.-Rev.-823.pdf]

Improving administrative capacity likely requires more than bigger budgets. Presidents must create an environment amenable to recruiting and retaining the best people for government work. In some instances, that means loosening the reins and granting civil servants some degree of autonomy over the policymaking process. Theories of presidential power that advocate for strengthening the presidency by improving presidential control may prove ineffective. Wrestling with this question requires both empiricists and constitutional law scholars to engage more with administrative capacity and less with presidential control.

#### AND, hiring is the squo---but fails absent CBRs to retain expertise and independence, not just people

< FOR REFERENCE, 1AC Patteson >

While the executive order is meant to reduce redundancy on internal teams and provide clearer operational capabilities, Cohen said, the administration’s goal is not to “make this the tiniest Nuclear Regulatory Commission it can be.”

“The president fully anticipates that the NRC will likely need to grow to accommodate an increase in applications that can support 300 additional gigawatts of nuclear power by 2050,” Cohen said.

…

During the ANS conference on Tuesday, David Curtis, special assistant for the ADVANCE Act and Executive Orders at the NRC, said that the agency has been constantly hiring and will continue to do so.

### CBR PIC---Just-Cause Protections

SKIP IF ALSO ANSWERING MERIT – THEYRE OVERLAPPING

#### Merit only worsens politicization---prefer empirical studies

Pérez-Chiqués & Rubin 21 [Elizabeth Pérez-Chiqués, Centro de Investigación y Docencia Económicas; and Ellen V. **Rubin**, University at Albany, State University of New York; “Debasement of Merit: The Method and Experience of Political Discrimination by Public Employees in the Commonwealth of Puerto Rico,” Review of Public Personnel Administration, 42(5), May 2021, pp.1-17, DOI 10.1177/0734371X211014948]

In the Commonwealth of Puerto Rico, the merit system is off balance. Although modeled after U.S. federal law and in place for more than 100 years, Puerto Rico’s civil service system does not uphold merit as officially intended. The tenured workforce is highly politicized due to informal, long-standing personnel practices in which public employees are politically-managed according to the perceived or actual political affiliation of employees (Colón-González, 2012; Puerto Rico Civil Rights Commission [PRCRC], 1992). In this context, illegal personnel practices thrive notwithstanding the numerous laws and constitutional protections that exist to uphold merit and prevent political discrimination.

The scholarship on patronage spans many disciplines. At the individual level, patronage is typically described in terms of the relationships for insiders, or those directly involved in the exchange of political support for public jobs or benefits (e.g., Grindle, 1977, 2012; Oliveros, 2013; Panizza et al., 2019). Micro-level explanations of how patronage is sustained, such as loyalty and reciprocity, monitoring, and interest alignment (Oliveros, 2013) also derive from insider-based dynamics. These explanations do not consider the simultaneous experience of the outsiders or of the individuals who do not get the jobs, who lose their jobs, or whose work conditions are negatively affected because of their perceived or actual political affiliation. These studies also lack consideration of the cumulative experience of being politically-managed that tenured employees in politicized bureaucracies might experience as political parties cycle in and out of power. We argue that by not addressing the outsider experience, nor the shifts in insider-outsider status that employees might experience, the literature is missing an important account of how patronage systems work, which could contribute to a greater understanding of the micro-level mechanisms involved in sustaining patronage practices and making them so intractable.

This study is based on the inductive analysis of 29 in-depth interviews with public employees and 50 political discrimination court cases in Puerto Rico. We analyze the relationship between formal and informal personnel practices, the experience of public employees, and patterns in the way in which public employees, including career employees, are managed, and with what consequences. We find a formal merit system that is subverted to such a degree as to constitute what we refer to as an informal patronage system, in which political affiliation is informally and systemically factored into personnel processes. The pervasiveness of this patronage system, combined with frequent changes in political party control, results in employees being categorized by personnel and managerial practices, as either insiders or outsiders. These shifts in status sustain patronage practices by crystalizing political identity as a basis for group formation and identification, which increases partisan polarization, and provides a rationale and justification for future politically discriminatory actions. We argue that analyzing these dynamics is key for understanding the persistence of illegal patronage practices in highly regulated, but politicized, merit-based civil service systems such as Puerto Rico’s.

#### \*\*FYI---Puerto Rico’s merit system includes for-cause protections AND Puerto Rican law makes the merit system and CBRs mutually exclusive, so it is a perfect analogue to the counterplan (a highly regulated merit system without CBRs)

Plass & Rivera 24 [Stephen A. Plass, professor of law at St. Thomas University School of Law; and Naomy M. **Rivera**, JD St. Thomas University School of Law; “Executive Power and P ower and Patronage: Lessons fr onage: Lessons from Puer om Puerto Rico,” UC Law Constitutional Quarterly, 52(1), Fall 2024, https://repository.uclawsf.edu/hastings\_constitutional\_law\_quaterly/vol52/iss1/6/]

It was not until 1975 that universal merit rules were enacted in Puerto Rico. Law No. 5 established merit principles for the entire public sector in the selection, training, promotion, and retention of employees.120 Two categories of employment were created: Trust and Career, and Irregular employees were exempted.121 “Trust employees are those who intervene or substantially collaborate in the formulation of public policy, who directly advise or provide direct services to the head of the agency….”122 Career employees hold permanent jobs, are selected based on merit, and can be removed only for cause, after being given due process because of their property interest.123 Law No. 5 covered the essential aspects of the employment process to ensure merit-based decision-making in: “(a) job classification, (b) recruitment and selection, (c) promotion, transfers and demotions, (d) training, and (e) retention.”124 But the NPP demonstrated that Law No. 5 was a weak antidote for patronage when it classified 25,000 employees as trust workers subject to dismissal on political grounds.125 The NPP then dismissed most of these workers and replaced them with supporters.126

**[FOOTNOTE 120]**

120. Ley Núm. 5 de octubre 14, 1975, 3 L.P.R.A. § 1301. See Id. 3 L.P.R.A. § 1311(2) (noting that “in order to ensure the extension and strengthening of the principle of merit to all sectors of the Puerto Rican public service, all public employees, whether they are state or municipal employees, except for those excluded in Article 10 Section 10.6 of this law, will be covered by a single personnel system, established to enforce the principle of merit, which will be known as the Public Service Personnel System.”). Section 10.6 states that “the provisions of this law shall not apply to the following branches, agencies and instrumentalities of the Government: (1) Legislative Branch, (2) Judicial Branch, (3) Employees of government agencies or instrumentalities that function as private companies or businesses,(4) Employees of government agencies or instrumentalities that have the right to bargain collectively through special laws, (5) The University of Puerto Rico, (6) The Governor’s own office, and (7) The Puerto Rico State Elections Commission; (8) The Occupational Development and Human Resources Council, attached to the Department of Labor and Human Resources.” See 3 L.P.R.A. § 1338.

### CBR PIC---Merit Protections

#### Merit supercharges the enforcement deficit---its review board lacks a quorum and nobody trusts Trump’s appointees

Moynihan 25 [Don Moynihan, Professor of Public Policy in the Ford School of Public Policy at the University of Michigan, former President of the Association of Public Policy and Management and the Public Management Research Association, PhD/MPA public administration, Maxwell School of Citizenship and Public Affairs at Syracuse University, “Why the Supreme Court decision on firing independent agency heads is a big deal,” Can We Still Govern? Substack, 5-22-2025, https://donmoynihan.substack.com/p/why-the-supreme-court-decision-on]

For public employees, the removal of MSPB head is especially troubling, since this allows any President to neutralize the body that is supposed to monitor personnel abuses such as politicization. Federal workers unfairly treated by Trump’s appointees have little reason to believe they will get a fair appeal from other Trump appointees.

#### AND it doesn’t have a path to judicial review if they get a bad decision

Bednar 25 [Nicholas R. Bednar, Associate Professor of Law at the University of Minnesota Law School, PhD political science, Vanderbilt University, JD University of Minnesota Law School, “Presidential Control and Administrative Capacity,” Stanford Law Review, 77, April 2025, 77 STAN. L.REV. 823, https://review.law.stanford.edu/wp-content/uploads/sites/3/2025/04/Bednar-77-Stan.-L.-Rev.-823.pdf]

In some ways, the events of the first month of the Trump administration provide support for the final arguments of this Article.574 President Trump has demonstrated that the President has the greatest ability to make meaningful changes—good or bad—to agency management. At the same time, his actions demonstrate the need for significant guardrails to prevent executive actions from threatening the long-term health of the administrative state. Many courts have refused to intervene in cases involving the termination of federal employees, citing the need for employees to exhaust their administrative remedies before the Merit Systems Protection Board.575 **[FOOTNOTE 575]** 575. See Am. Fed’n of Gov’t Emps. v. Ezell, No. 12-10276, 2025 WL 470459, at \*2 (D. Mass. Feb. 12, 2025) (“Congress intended for the FSL-MRS and the Civil Service Reform Act of 1978 . . . to provide the exclusive procedures for disputes involving employees and their federal employers and disputes between unions representing federal employees and the federal government.”); Nat’l Treasury Emps. Union v. Trump, 25-CV-420, 2025 WL 561080, at \*8 (D.D.C. Feb. 20, 2025) (requiring a union to present its claims to the Federal Labor Relations Authority). **[\FOOTNOTE 575]** Members of Congress have done little to hold the President accountable,576 despite concerns about the economic impact of the President’s actions in their districts.577 Consequently, morale among federal workers has declined, and the agencies have begun to lose their credibility as employers.578 The loss of agency autonomy, morale, and reputation will make it more difficult for future Presidents to rebuild the administrative capacity they need to implement their own policy agendas.

#### Merit only worsens politicization---prefer empirical studies

Pérez-Chiqués & Rubin 21 [Elizabeth Pérez-Chiqués, Centro de Investigación y Docencia Económicas; and Ellen V. **Rubin**, University at Albany, State University of New York; “Debasement of Merit: The Method and Experience of Political Discrimination by Public Employees in the Commonwealth of Puerto Rico,” Review of Public Personnel Administration, 42(5), May 2021, pp.1-17, DOI 10.1177/0734371X211014948]

In the Commonwealth of Puerto Rico, the merit system is off balance. Although modeled after U.S. federal law and in place for more than 100 years, Puerto Rico’s civil service system does not uphold merit as officially intended. The tenured workforce is highly politicized due to informal, long-standing personnel practices in which public employees are politically-managed according to the perceived or actual political affiliation of employees (Colón-González, 2012; Puerto Rico Civil Rights Commission [PRCRC], 1992). In this context, illegal personnel practices thrive notwithstanding the numerous laws and constitutional protections that exist to uphold merit and prevent political discrimination.

The scholarship on patronage spans many disciplines. At the individual level, patronage is typically described in terms of the relationships for insiders, or those directly involved in the exchange of political support for public jobs or benefits (e.g., Grindle, 1977, 2012; Oliveros, 2013; Panizza et al., 2019). Micro-level explanations of how patronage is sustained, such as loyalty and reciprocity, monitoring, and interest alignment (Oliveros, 2013) also derive from insider-based dynamics. These explanations do not consider the simultaneous experience of the outsiders or of the individuals who do not get the jobs, who lose their jobs, or whose work conditions are negatively affected because of their perceived or actual political affiliation. These studies also lack consideration of the cumulative experience of being politically-managed that tenured employees in politicized bureaucracies might experience as political parties cycle in and out of power. We argue that by not addressing the outsider experience, nor the shifts in insider-outsider status that employees might experience, the literature is missing an important account of how patronage systems work, which could contribute to a greater understanding of the micro-level mechanisms involved in sustaining patronage practices and making them so intractable.

This study is based on the inductive analysis of 29 in-depth interviews with public employees and 50 political discrimination court cases in Puerto Rico. We analyze the relationship between formal and informal personnel practices, the experience of public employees, and patterns in the way in which public employees, including career employees, are managed, and with what consequences. We find a formal merit system that is subverted to such a degree as to constitute what we refer to as an informal patronage system, in which political affiliation is informally and systemically factored into personnel processes. The pervasiveness of this patronage system, combined with frequent changes in political party control, results in employees being categorized by personnel and managerial practices, as either insiders or outsiders. These shifts in status sustain patronage practices by crystalizing political identity as a basis for group formation and identification, which increases partisan polarization, and provides a rationale and justification for future politically discriminatory actions. We argue that analyzing these dynamics is key for understanding the persistence of illegal patronage practices in highly regulated, but politicized, merit-based civil service systems such as Puerto Rico’s.

#### \*\*FYI---Puerto Rican law makes the merit system and CBRs mutually exclusive, so it is a perfect analogue to the counterplan (a highly regulated merit system without CBRs)

Plass & Rivera 24 [Stephen A. Plass, professor of law at St. Thomas University School of Law; and Naomy M. **Rivera**, JD St. Thomas University School of Law; “Executive Power and P ower and Patronage: Lessons fr onage: Lessons from Puer om Puerto Rico,” UC Law Constitutional Quarterly, 52(1), Fall 2024, https://repository.uclawsf.edu/hastings\_constitutional\_law\_quaterly/vol52/iss1/6/]

It was not until 1975 that universal merit rules were enacted in Puerto Rico. Law No. 5 established merit principles for the entire public sector in the selection, training, promotion, and retention of employees.120 Two categories of employment were created: Trust and Career, and Irregular employees were exempted.121 “Trust employees are those who intervene or substantially collaborate in the formulation of public policy, who directly advise or provide direct services to the head of the agency….”122 Career employees hold permanent jobs, are selected based on merit, and can be removed only for cause, after being given due process because of their property interest.123 Law No. 5 covered the essential aspects of the employment process to ensure merit-based decision-making in: “(a) job classification, (b) recruitment and selection, (c) promotion, transfers and demotions, (d) training, and (e) retention.”124 But the NPP demonstrated that Law No. 5 was a weak antidote for patronage when it classified 25,000 employees as trust workers subject to dismissal on political grounds.125 The NPP then dismissed most of these workers and replaced them with supporters.126

**[FOOTNOTE 120]**

120. Ley Núm. 5 de octubre 14, 1975, 3 L.P.R.A. § 1301. See Id. 3 L.P.R.A. § 1311(2) (noting that “in order to ensure the extension and strengthening of the principle of merit to all sectors of the Puerto Rican public service, all public employees, whether they are state or municipal employees, except for those excluded in Article 10 Section 10.6 of this law, will be covered by a single personnel system, established to enforce the principle of merit, which will be known as the Public Service Personnel System.”). Section 10.6 states that “the provisions of this law shall not apply to the following branches, agencies and instrumentalities of the Government: (1) Legislative Branch, (2) Judicial Branch, (3) Employees of government agencies or instrumentalities that function as private companies or businesses,(4) Employees of government agencies or instrumentalities that have the right to bargain collectively through special laws, (5) The University of Puerto Rico, (6) The Governor’s own office, and (7) The Puerto Rico State Elections Commission; (8) The Occupational Development and Human Resources Council, attached to the Department of Labor and Human Resources.” See 3 L.P.R.A. § 1338.

#### Workers don’t trust for-cause merit

Neal 22 [Jeff Neal, senior vice president for ICF International, formerly served in the Obama administration as chief human capital officer for the Department of Homeland Security and chief human resources officer for the Defense Logistics Agency, “The Public Service Reform Act would wreck the civil service,” Federal News Network, 8-9-2022, https://federalnewsnetwork.com/commentary/2022/08/the-public-service-reform-act-would-wreck-the-civil-service/]

Proponents of this bill argue that the Merit System Principles and Prohibited Personnel Practices are all the protection employees really need. I simply do not believe that is true. After working in and around the federal government for more than 40 years, I have seen examples of managers who took actions against employees they simply did not like. I have seen officials who were supposed to make unbiased decisions on disciplinary and adverse actions proposed by their subordinates have improper conversations with those subordinates before they rendered a decision. I have seen political appointees from both parties deciding in their first week on the job that career employees cannot be trusted, only to see them change their minds once they work with them for a while. If this bill became law, those appointees would likely fire the employees before they had a chance to prove themselves.

If you think the courts would sort this mess out, think again. First of all, the bill says there is no recourse to third parties outside of procedures in the agency and defined by the president. Courts may find they have no ability to review anything, On top of that, the plain language of the bill says federal workers are at-will employees who can be fired for good cause, bad cause, or no cause at all, and that the bill’s provisions are effective notwithstanding any other law, rule or regulation. If some provisions of this law do end up in court, the courts are likely to look at that plain and unambiguous language to determine that federal workers are exactly what the bill says — at-will employees.

### CBR PIC---Whistleblower + Anti-Discrim

#### Fails absent the plan

Roberts 25 [Robert Roberts, Professor of Political Science at James Madison University, MPA, JD, PhD Public Administration, Syracuse University, “Policy/Career Schedule Employment and Federal Service: Dismantling Neutral Competence,” Public Personnel Management, 54(3), June 2025, DOI 10.1177/00910260251340103]

Whistleblower protection laws, in theory, provide federal employees some protection from being fired for refusing to carry out orders or disclosing official misconduct (Muto, 2025). Section & 2302 (b)(9)(D) of the Whistleblower Protection Act, for instance, prohibits the punishment of federal employees for “refusing to obey an order that would require the individual to violate a law” (Tully, 2015). In Rainey v. MSPB (2016), the U.S. Court of Appeals for the Federal Circuit, held that this Whistleblower Protection Act provision did not extend to a refusal of a federal employee to violate a rule (Katz, 2016). The U.S. Supreme Court refused to hear an appeal from the decision. In Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics (1971), the U.S. Supreme Court stripped federal employees of absolute immunity from money damage lawsuits brought against federal employee for alleged violations of constitutional rights (Bivens v. Six Unknown Fed. Narcotics Agents, 403 U.S. 388, 1971). Current so-called constitutional tort jurisprudence permits money damage lawsuits against federal employees for alleged violations of “clearly established” constitutional or statutory rights (Novack, 2023, p. 2). However, in Egbert v. Boule (2022), the U.S. Supreme Court sharply limited Bivens’s actions against federal employees for alleged unconstitutional conduct. In the case, “[a] federal Border Patrol agent drove onto the property of a person who runs an inn near the Canadian border in Whatcom County, without a warrant or consent to enter. The agent then tried to question a guest at the inn and the innkeeper tried to stop the agent from harassing the guest. The agent shoved the innkeeper to the ground and injured him, plus when the innkeeper complained about the agent’s conduct, the agent tried to get various agencies to investigate the innkeeper” (ACLU of Washington, 2022). The U.S. Supreme Court held that the innkeeper could not use a Bivens action to seek damages against the federal agent for violating his Fourth and First Amendment rights (Pfander & Alley, 2025, p. 986). Congress, not federal courts, had the responsibility to pass legislation to make federal law enforcement officials liable for such conduct (Rose, 2022, p. 230). Garcetti v. Ceballos (2006), stripped all public employees of First Amendment freedom of speech protection for all types of communications made during a public employee’s official duties (Hudson, 2021, p. 376). Because of Garcetti, all federal executive branch employees face the possibility of retaliation for criticizing the actions of their agencies’ actions while performing their official duties. Research supports the argument that a growing number of federal executive branch employees find themselves in profoundly demanding situations. The establishment of Schedule Policy/Career will make it much worse. One survey of federal employees conducted during President Trump’s first term found that “under conditions of increasingly autocratic authoritarian leadership, the line marking what was deferential and appropriate career civil servant behavior and what constituted disloyalty to the presidency, shifted over time, narrowing the space within which career civil servants could reconcile the professional and institutional imperatives to express loyalty to mission, office, and government” (Kucinskas & Zylan, 2023, p. 1801).

#### AND absent resources only unions provide

Gertz 7 [Sally C. Gertz, Florida State University College of Law, “At-Will Employment: Origins, Applications, Exceptions, and Expansions in Public Service,” Chapter 3 in American Public Service, Taylor & Francis Group, p. 47-70]

EXPANDING EMPLOYMENT AT WILL TO CLASSIFIED CIVIL SERVANTS: REDUCING THE TRANSPARENCY OF GOVERNMENT BY ELIMINATING DUE PROCESS

Courts are unlikely to stop government employers from removing classified employees’ job security. This battle will be fought in the policy arena. One issue that should be part of the conversation is the impact that removing job security will have on the transparency and, as a result, the accountability of government. At-will employment will significantly reduce the amount of information available to members of society about the operation of their government. Based on experience in the private sector, it should be expected that at-will public employees will be less likely to question workplace decisions, to disclose workplace conduct that appears to violate the public trust, or even to talk to outsiders. Although at-will public employees enjoy some protections for their speech that at-will private employees do not, for example the First Amendment and public employee whistle-blower statutes, these protections suffer from the same infirmities as the antiretaliation provisions that purport to safeguard at will employees’ speech in the private sector. The doctrines are quite narrow (the First Amendment protects speech of “public concern” that is not “disruptive”; Florida’s public employee whistle-blower statue protects signed, written reports of misfeasance or malfeasance sent to the inspector general). And they require employees to access attorneys, file court actions, endure long delays, and meet difficult proof requirements while they are out of work. The doctrines of sovereign immunity, qualified immunity, and exhaustion of administrative remedies may further limit government employees’ remedies. In sum, these inaccessible and unreliable remedies will not make at-will government employees confident they can speak out about questionable agency conduct and keep their jobs.

Removing job security will diminish the information available about the performance of governmental agencies in another way—by eliminating due process hearings. Hearings provide occasional opportunities for law makers, agency heads, and citizens (usually via newspapers) to peek inside agency workplaces and see how the government’s work is being accomplished. For example, in Declet v. Department of Children and Family Services (2000), a child abuse investigator appealed his discharge for lying (he was dismissed, along with others, after an abused child receiving protective services died). His discharge was upheld, but evidence adduced at the hearing revealed these “facts”: Declet’s caseload was unmanageably high, he never received essential training, he did not have a computer that functioned, and he frequently had to babysit abused children in his office while he worked because there were no facilities for them.(82) Declet did not alert the Miami Herald or the inspector general to these serious problems, but he did disclose them to the administrative law judge at his due process hearing. And judicial facts enjoy high credibility, so when they reveal operational problems like these, they are often relied upon—by agency heads seeking to hold managers and super visors accountable, and by citizens seeking to hold government leaders accountable.

Already in Florida there are fewer Career Service “due process” hear ings. From 1999 to 2004, the number of Career Service appeals adjudicated (not including withdrawals, dismissals, and settlements) declined as fol lows: 226, 142, 145, 98, 107, 106.(83) This downward slope likely reflects, at least in part, the diminished population of Career Service employees due to the governor’s initiatives to downsize, privatize, outsource, and reclassify. In December 1999 there were 110,952 Career Service employees; in December 2004 there were 85,809.(84, 85)

Finally, removing just cause protection from public employees reduces access to information about government’s managerial behavior in ways Kafka readers would admire. On January 6, 2005, the Tallahassee Democrat reported that the governor fired the secretary of the Department of Elder Affairs, an at-will employee, after a “quick, secretive investigation into allegations of sexual harassment.” Without warning, the secretary was ordered not to return to his office, to turn in his keys, and not to talk to anyone. He was informed that others would pack up his personal belong ings. He was not told what the allegations were or who made them. No investigative report or witness statements were furnished to him (or to the reporter who requested them) because “nothing in the investigation was written down.”(87) Career service employees receive notice of the allegations against them and an opportunity to refute them, but at-will employees receive only a one- or two-sentence letter stating, “Your services are no longer needed.” Undoubtedly, many employees are guilty and know exactly what they did, but some are innocent (experience proves that mistakes happen) and some are not as guilty as it seems (e.g., supervisors allowed other employees to do the same thing without pun ishing them). These unfortunate employees have nothing but smoke and fog to challenge. And in the public eye, as stories like these become more common, state government is gaining a reputation for being a secretive, unfair, and unkind employer.

## ILO Recommend CP

### ILO Recommend CP---2AC

#### Perm: do both. Shields the link to the net benefit:

#### [ ] Development: It’s perceived as the U.S. and the ILO working in tandem, shoring up the perception that the U.S. is committed to the ILO.

#### [ ] War: It’s perceived as the U.S. shoring up ILO commitments, which strengthens IEL and caps global conflict.

#### Perm: do the counterplan.

#### “Collective bargaining” does NOT delimit process

Davey et al. 82 [Harold W. Davey, Professor of Economics at Iowa State University, PhD/MA Harvard University; Mario F. **Bognanno**, Professor Emeritus in the Department of Work and Organizations at the Carlson School of Management, University of Minnesota, PhD/MA Economics, University of Iowa; and David L. **Estenson**, University of California-Berkeley; “Collective Bargaining Today,” Chapter 1, Contemporary Collective Bargaining, 4th Ed., Prentice Hall, 1982, ISBN 0-13-169771-4, p.2-3]

WHAT IS COLLECTIVE BARGAINING?

For our discussion in the rest of the book, collective bargaining is defined as a continuing institutional relationship between an employer entity (government or private) and a labor organization (union or association) representing exclusively a defined group of employees (appropriate bargaining unit) concerned with the negotiation, administration, interpretation, and enforcement of written agreements covering joint understandings as to wages or salaries, rates of pay, hours of work, and other conditions of employment. Of major importance is the fact that the collective bargaining relationship between employer and union is a continuous one, involving contract administration as well as contract negotiation.

Descriptions of collective bargaining that stress strategy and bluffing unfortunately convey the idea that negotiation of contracts is all there is to the process. Laymen envisage shirt-sleeved men in a smoke-filled room at midnight with a strike deadline staring them in the face. Such a melodramatic picture is, of course, a true one in particular cases at particular points in time. Yet it is never accurate as a portrayal of the totality of the bargaining relationship. Contract negotiation is vitally important but it is never the whole story.

When employer and union negotiate a contract, they are reaching a joint understanding on a written statement of policies and procedures under which they must live together for one to three years (perhaps longer in some cases). It is the process of living together under the agreement that gives meaning and significance to the written instrument. Experience in contract administration is the crucial factor in determining whether the collective bargaining relationship will be a constructive one. As Neil Chamberlain and the late Harry Shulman stressed in 1949, the negotiation of a contract is to labor relations what the wedding ceremony is to domestic relations. In their view, “the heart of the collective agreement—indeed, of collective bargaining—is the process for continuous joint consideration and adjustment of plant problems.”1

The term “collective bargaining” was reputedly coined by Sidney and Beatrice Webb, the famed historians of the British labor movement.2 It was first given wide currency in the United States by Samuel Gompers and has long been an accepted phrase in our labor relations vocabulary. It has proved to be a useful shorthand term for describing a continuous, dynamic, institutional process for solving problems arising directly out of the employer-employee relationship.

Our definition of collective bargaining is deliberately elastic to cover the complete range of organized or institutional relationships between unions and employers. Collective bargaining is a system made up of a set of continuous processes; it is customary and helpful to distinguish negotiation of contracts (the “legislative” phase of the union-employer relationship), administration of contracts (the “executive” phase), and interpretation or application of contracts (the “judicial” phase).

#### Perm do the plan as an outcome of the counterplan

#### Perm consult over other issues/blank check

<INSERT TEXT>

#### CPs that result in the aff are cheating---steal all aff ground and voids education.

#### Solves nothing:

#### 1---ILO says no---excludes civil servants

Canessa-Montejo 19 [Miguel F. Canessa-Montejo, International Labour Office, Geneva, “The Scope of Collective Bargaining in Public Administration,” SECTOR working paper No. 329, International Labour Office, Sectoral Policies Department, 2019]

1. The scope of application of international labour standards on collective bargaining in public administration

We will divide this discussion in two sections. First, we will describe the scope of collective bargaining rights in public administration in accordance with the international labour standards. Second, we identify the bargaining rights of public workers based on the comments made by the ILO supervisory bodies.

1.1. The scope of the right to collective bargaining in public administration

The effective recognition of the right to collective bargaining in public administration by the ILO is based on its own Constitution and the Declaration of Philadelphia, as highlighted by the 1998 ILO Declaration on Fundamental Principles and Rights at Work (hereinafter, the 1998 Declaration).

In fact, the Preamble of the ILO Constitution – Part XIII of the Treaty of Versailles (1919) – recognizes the principle of freedom of association, and the Declaration of Philadelphia (1944) establishes the solemn obligation of the international organization to further the effective recognition of the right to collective bargaining among member States. Likewise, supervisory bodies have repeatedly expressed that the collective bargaining right is part of the principle of freedom of association.2

This explains why the 1998 Declaration recalls, “that in freely joining the ILO, all Members have endorsed the principles and rights set out in its Constitution and in the Declaration of Philadelphia, and have undertaken to work towards attaining the overall objectives of the Organization to the best of their resources and fully in line with their specific circumstances.” Furthermore, the 1998 Declaration declares: “that all Members, even if they have not ratified the Conventions in question3 , have an obligation arising from the very fact of membership in the Organization to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions.”

ILO member States have, therefore, the obligation to respect, promote and realize the principle of freedom of association – which includes the right to collective bargaining – within national regulations, even if they have not ratified the two fundamental conventions on this matter: Convention No. 87 concerning the freedom of association and protection of the right to organise and Convention No. 98 concerning the right to organise and collective bargaining. 4

The International labour standards regarding the right to collective bargaining define the content and scope of the principle of freedom of association in this matter.

The right to collective bargaining was first explicitly formulated as such in an international labour standard in Article 3 of Convention No. 4 concerning the right of association (nonmetropolitan territories) 5 when pointing out that: “All practicable measures shall be taken to assure to trade unions which are representative of the workers concerned the right to conclude collective agreements with employers or employers' organisations (my emphasis).”

Later, the Convention on the right to organise and collective bargaining, 1949 (No. 98) established in its Article 4: “Measures appropriate to national conditions shall be taken, where necessary, to encourage and promote the full development and utilisation of machinery for voluntary negotiation between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements (my emphasis).”

The same Convention establishes, in its Article 6, a framework for its application within public administration in the following terms: “This Convention does not deal with the position of public servants engaged in the administration of the State, nor shall it be construed as prejudicing their rights or status in any way.”

As a general rule, Convention No. 98 does not apply to public servants engaged in the administration of the State. Therefore, the Convention does not bar national regulations that recognize their right to collective bargaining.

Likewise, the Convention only refers to public servants and, therefore, the exclusion of Convention No. 98 is not taken to refer to all public employees. This interpretation is based on the preparatory work done for drafting the international standard, thus:

The exclusion solely of public servants engaged in the administration of the State from the application of the regulation should imply that, by contrast, all workers, including laborers and employees engaged in the administration of the state that do not enjoy the status of public servants, should benefit from the international regulation.6

#### 2---sovereign immunity means no foreign and private “liability” or “reputational” leverage

#### 3---SCOTUS strikes down on Constitutional supremacy

Anderson 25 [Elizabeth Anderson, Professor of Public Philosophy at the University of Michigan-Ann Arbor, MacArthur Fellow, “He’s the Boss: Unitary Executive Theory and Workplace Authoritarianism,” Crooked Timber, 7-20-2025, https://crookedtimber.org/2025/07/20/hes-the-boss-unitary-executive-theory-and-workplace-authoritarianism/]

As President Trump continues to amass authoritarian power, we should consider the shocking role of the Supreme Court in facilitating his power grab. Trump v. United States declared the President immune from prosecution for breaking any criminal law as long as he uses his Presidential powers to commit his crimes. It allowed Trump to get away with gross violations of the Constitution’s foreign emoluments clause. It foreclosed all feasible paths for enforcing the 14th Amendment’s Insurrection Clause against Trump and other participants in the attempted coup of Jan. 6.

In the emergency docket this year, the Court has been overwhelmingly solicitous to Trump’s assertions of unconstrained Presidential power. For the time being, it’s a-okay with Trump destroying the Department of Education, deporting undocumented immigrants to countries where they may face torture, firing 16,000 civil servants from 6 agencies without cause, even firing heads of independent agencies, deporting U.S. citizens on the pretext that the 14th Amendment doesn’t establish birthright citizenship, canceling millions of dollars of research grants already awarded, etc.

As I have previously argued, the Supreme Court’s lawless and massively destructive actions regarding Presidential power have little to do with Constitutional reasoning (which it often doesn’t bother to present in the emergency docket), but with its authoritarian mindset. Here I’ll trace their mindset to a particular understanding of executive power derived from the authoritarianism of the capitalist workplace.

The emergency the Court sees in the shadow docket is not that Trump is attacking the core Constitutional right of citizenship, illegally impounding Congressionally appropriated funds, or deliberately destroying the capacity of government agencies to execute the laws. The emergency is that anyone is challenging his exercise of executive power. On their view, when Article II of the U.S. Constitution declared that “The executive Power shall be vested in a President of the United States,” “this does not mean some of the executive power, but all of the executive power” [Scalia, dissenting in Morrison v. Olson, 487 U.S. 654 (1988)]. This view is known as “the unitary executive.”

But what, exactly, is the executive power? Here is where what my colleague Leah Litman calls “vibes“–conservative ideology posing as Constitutional reasoning–help out. They are thinking: C’mon, you know what being the chief executive means! It means he’s the boss! And not just any kind of boss. Not the boss of a public corporation who is accountable to an independent Board of Directors. No, he’s more like the boss of a private firm that he owns and is entitled to rule at his own pleasure, according to his private interests, whether these be personal profit, vengeance, mass adulation, self-glorification, or bullying everyone around him. It’s not anyone’s place to question his motives! To be the boss means he’s got the power, and he can use it however he likes. It’s a view of Presidential power not coincidentally aligned with Trump’s view of his power as CEO and owner of his family firm, which he has run like a mob boss. He sees his election as simply adding the U.S. government to his other businesses within the Trump Organization.

Essentially, the Court is importing an authoritarian view of executive power drawn from the common law of master and servant into its interpretation of the President’s executive power, for the purpose of overturning or at least temporarily disregarding Federal statutes and even Constitutional provisions that limit his power. The U.S. inherited the feudal common law of master and servant from England, and tinkered with it in the 19th century by adopting the rule of employment at will: the right of the employer to fire an employee at any moment for any reason or no reason at all (along with the corresponding right of the employee to quit). The Court sees this absolute right of removal of any civil servant as a core executive power of the President. This power entitles him to effectively shut down administrative agencies or irreparably damage their ability to function by firing its essential employees. More generally, the unitary executive theory is a way to completely detach the President’s power from any Congressional limitations. The Court sees these as unconstitutional infringements on the executive, not as constitutional means to ensure that the President exercises his power for the sole purpose of faithfully and impartially executing the laws and not for corrupt purposes such as self-enrichment, rewarding cronies, or punishing his enemies.

#### 4---Trump says no and has more leverage over ILO than vice versa

Le Poidevin 25 [Olivia Le Poidevin, Correspondent for Reuters in Geneva, News, Features and Multimedia Editor, and Correspondent at L'Orient-Le Jour & L’Orient Today newspaper, former senior reporter for BBC News, “Exclusive: International Labour Organization could face job losses if US does not pay dues,” Reuters, 10-14-2025, https://www.reuters.com/world/europe/international-labour-organization-could-face-job-losses-if-us-does-not-pay-dues-2025-10-13/]

The International Labour Organization [ILO] faces "critical" cash flow problems and could abolish up to 295 posts - about 8% of its workforce - if the United States and other countries do not pay their dues, according to an internal document.

The 35-page draft document, sent to staff on Monday by ILO Director-General Gilbert Houngbo and seen by Reuters, outlines proposals to reform the U.N. agency, which promotes international labour rights, and reduce costs.

The proposals, which also include the possibility of moving dozens of staff out of the ILO's Geneva headquarters, will be subject to further consultations before being presented to its governing body in November.

"With arrears from several Member States totalling over 260 million Swiss francs ($323.34 million) - about a third of the biennial assessment - the cash flow situation has become critical," the document states.

'A CHALLENGING FINANCIAL AND LIQUIDITY SITUATION'

The U.S. is the largest donor to the ILO, which won the Nobel Peace Prize in 1969 for its contributions to improving labour conditions globally and protecting human rights. It has helped remove many children from child labour.

It was not immediately clear what impact cuts would have on operations.

The U.S. contributes 22% of the ILO's regular budget but owes over 173 million francs, with China, Germany and others also behind on payments. The U.S. did not immediately respond to a request for comment.

The ILO, which says on its website it employs around 3,500 staff, brings together governments, employers and workers to set labour standards around the world.

In a statement to Reuters, the ILO said it was, like the wider U.N. system, facing "a challenging financial and liquidity situation due to delayed assessed contributions" that had affected its cash flow.

"As the Director-General has underlined, every effort is being made to avoid involuntary staff terminations, but this scenario cannot be entirely ruled out if the financial situation does not stabilise," it said.

"The ILO senior management keeps staff regularly informed about developments and is in dialogue with the Staff Union as part of this process."

TWO MAIN SCENARIOS

The document seen by Reuters sets out two main scenarios. In what it depicts as the worst case, a 20% budget cut in 2026-27 - up to 295 posts could be axed across all locations and grades could be cut to help make savings of $93.2 million.

Some 225 jobs have already been shed at the ILO's Geneva headquarters and field offices this year because of cutbacks in U.S. funding under President Donald Trump. The ILO's $930 million budget for 2026-27 was approved after this - in June.

The document said regular budget contribution collection had slowed in September "to the point where programme needs could no longer be fully funded". Reserves are sufficient to pay staff salaries until the end of 2025 only if costs are controlled through travel and hiring freezes, it said.

POTENTIAL JOB RELOCATIONS FROM GENEVA HEADQUARTERS

Under proposals involving a less severe funding situation, a quarter of professional staff in administration, communication and research in Geneva - 72 positions - could be relocated.

Relocating 50 Geneva staff to a training centre in Turin could save $6 million over two years, the document said.

Some posts covering Europe and Central Asia could move to Budapest and some responsibilities for Arab States could relocate from Beirut to Doha, it said.

Vacating and renting out two floors of the Geneva headquarters could generate $5.4 million in rental income over two years, it added.

An ILO Staff Union resolution has voiced "profound concern" over the financial "crisis" and the draft proposals and said management had not participated in "good faith social dialogue" about the plans.

The proposals are separate to U.N. Secretary-General Antonio Guterres' plans to shrink the United Nations' regular budget by 15%.

#### 5---Civil service cowers or quits without legal certainty that no President can override CBAs---that’s Moynihan, Rozenshtein and Bednar

#### < FOR REFERENCE---1AC Moynihan >

Why does this matter? A maximalist interpretation of the unitary executive theory holds that almost any Congressional (or judicial) constraints on presidential power are unconstitutional. In more specific terms, it would hold that the civil service system itself is unconstitutional. If the court adopts that reasoning, then it becomes very hard to rebuild state capacity.

Because with unitary executive theory, there is no actor that can make credible long-term commitments to public servants.

With unitary executive theory, Congress cannot write robust new legislation that modernizes the civil service and stops politicization. A President could just ignore it. Even if Trump leaves office, and a new President looks to restore nonpartisan competence, their promises are only good for four or eight years before another President can come in and rip up the terms of their employment. And over time, why would even a good government President invest effort in restoring capacity if their successor can undermine it?

With unitary executive theory, the public sector becomes permanently viewed as an unstable and chaotic workplace that we are seeing now. The most capable potential employees decide its not worth the bother, and the workforce becomes a mix of people who cannot get a job elsewhere, and short term political appointees. (The irony here is that advocates of unitary executive theory say it is not just constitutional, but will improve the performance of the public sector, notwithstanding the omnishambles we are witnessing now).

So it matters, a lot, how courts decide on questions of presidential power over personnel issues right now. We do not have many tea leaves to read, but this SCOTUS is certainly more on board with any unitary executive theory than any prior version. Decisions like the one on presidential immunity last year suggests a court willing to imbue the President with unprecedented powers.

#### < FOR REFERENCE---1AC Bednar >

The president undoubtedly has the authority to create some version of Schedule Policy/Career. But whether Schedule Policy/Career poses a new, existential threat to the civil service and the merit principles depends on the meaning of “confidential, policy-determining, policy-making, or policy-advocating.” Congress did not define this phrase in the text of the Civil Service Reform Act. Consequently, the reach of Schedule Policy/Career depends on its implementation by the president and OPM.

#### < FOR REFERENCE---1AC Rozenshtein >

So a lot of this, what we're seeing, is pretty standard sort of fare. Some of what we, things we're seeing, like schedule F, however, are really expanding what happens during the transition and greatly politicizing a lot of positions that haven't been politicized in the past.

And so I think that's the big change here is that the sheer level of change at the start of the administration is raising concerns about how deep into the career civil service are we going to go, and how much political influence is the president going to exercise relative to those past administrations.

#### Any (deficit) turns the net benefit---ZEROS gain to “legitimacy” or “revitalization”

#### And, any commitment to international standards broadly is wrecked by Trump---proven by Venezuela and the entire Noncompliance advantage.

**ILO Recommend CP---AT: INB [NU]---2AC**

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Jorma **Rantanen et al. 20**, PhD, Director General of the Finnish Institute of Occupational Health, Franklin Muchiri, Suvi Lehtinen, May 2020, “Decent Work, ILO’s Response to the Globalization of Working Life: Basic Concepts and Global Implementation with Special Reference to Occupational Health,” Int J Environ Res Public Health. 2020 May 12;17(10):3351, https://doi.org/10.3390/ijerph17103351

10. Discussion and Conclusions

The 2019 ILO Report, Time to Act for SDG 8, urges policy-makers around the world to help speed up progress towards SDG 8 and the implementation of the 2030 Agenda as a whole [70]. According to the Report, radical and transformative change is required across the three policy spheres of economy, society, and the environment. The report has pointed out many areas in which progress has been too slow so far, but it has also highlighted a range of opportunities for concerted and synergistic policy action. The key is to incorporate the goals of sustained growth, inclusive growth with Decent Work, and environmental integrity into a human-centred, sustainable development agenda. This is where the United Nations 2030 Agenda meets the ILO Centenary Declaration for the Future of Work. The principles and policies of Decent Work are needed also for meeting the unexpected and emerging new hazards like the COVID-19 pandemic [71,72]. Together with other UN Organizations, the ILO provides guidance and support for the world of work in the management of the global crisis. The pandemic has elevated the value of and the call for universal occupational health services into the Decent Work Agenda.

On the basis of experiences gained and the independent external evaluations performed so far, the following conclusions can be drawn:

10.1. Globalization

Globalization shows both positive and negative impacts on the occupational health of working people. These are not distributed equally between the countries with different degrees of development.

Workers’ health and work ability and healthy and safe workplaces are factors in productive employment, sustainable economies, and overall socioeconomic development. Globalization challenges all these aspects and calls for proactive occupational health policies and actions.

10.2. Situation Analysis

The global analysis of health, safety, and economic burden of occupational and work-related diseases and injuries has been estimated to be at a level of 2.8 million fatalities. The majority (about 89%) of the total burden is attributed to WRDs, and about eleven percent to occupational injuries. The economic loss from such hazards amounts to 4% of GDPs on average. Recently, ILO has predicted a global loss of 25 million jobs by the COVID-19 pandemic.

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The COVID-19 pandemic has changed dramatically the perspectives for Decent Work and simultaneously demonstrated the critical value of health and safety, as well as of universal occupational health coverage in the management of the global crisis.

10.3. Concept and Content of Decent Work

The Decent Work Agenda of the ILO was established to equalize the impact of globalization on employment, workers’ rights, conditions of work, OSH, social protection, and social dialogue.

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The contents of the DWCPs have been drawn up on the basis of the ILO Decent Work Agenda and the diagnosis of countries’ Decent Work needs and deficits, identified with the help of the Decent Work indicators. Thus, the programmes may differ between countries or the weight of the different Decent Work Pillars may vary between the DWCPs.

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The rapid changes in working life and working conditions and the parallel major demographic trends (e.g., ageing populations, rural-urban and external migration) mean that OHS must be given more emphasis. For this, the promotion, ratification, and implementation of ILO C161 on Occupational Health Services should be enhanced, aiming for universal occupational health coverage of all workers. The Basic Occupational Health Service approach (BOHS) can serve as an instrument for the implementation of UOHC.

In the DWCPs, accidents and safety have been well addressed, but the health dimension and the work-related diseases, WRDs, except for HIV-AIDS at the workplace, are almost non-existent. There is a need to more firmly address the prevention and management of WRDs in DWCPs and ILO policies in general.

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The Decent Work concept has been deemed timely and feasible at the country level and has been widely adopted by the countries. The DWCPs are effectively guided by the ILO and designed to respond to countries’ needs (Decent Work Guidebook, Decent Work indicators, and diagnosis). They are implemented through national authorities and actors, with technical support from the ILO. The external evaluations collected data on the implementation and country experiences and provided guidance for the further development of the DWCPs.

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**BUT, no development impact**

**Porter, ’23** [Eduardo; 2-15; former Bloomberg Opinion columnist; “Economic Development Is a Fairy Tale for Poor Nations,” Bloomberg; https://www.bloomberg.com/opinion/articles/2023-02-15/poor-countries-should-stop-believing-in-economic-development-fairy-tales]

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And last year, Latin America’s domestic product per person amounted to 29% of that of the G7 nations.

But before you blame Latin American incompetence, consider this: The economic output of the average citizen of Africa declined from 17% to 10% of that of the average citizen of the rich world over those 42 years, measured at purchasing power parity; the average GDP per capita in the Middle East plummeted from 114% to 41% of the G7’s.

In fact, outside of South Asia and East Asia, development over the last generation has gone backward in most of the countries that are not yet rich. The economic convergence that economists used to envision as the inevitable fruit of the encounter between the rich world’s capital and the poor world’s cheap labor has failed to materialize in too many places for its absence to be considered a fluke.

Who's Development?

The periods of euphoria — like the decade in which China seemed to buy all the iron, copper, soybeans and steak that South America could produce — largely ended in a thud. The slam-dunk arguments — like let’s hitch the Mexican economy to the richest, biggest consumer market in the world — also failed to build broad prosperity.

Even some of the more positive stories feel a bit, well, meh. India’s GDP per head rose from 5% of the G7’s to 13%, Vietnam’s from 5% to 21%. GDP per person in China, the poster-child for recent export based economic success, rose from 3% to 33% of the G7 average. That’s progress. But it didn’t quite make China rich.

The depressing track record of so many shots at “development” raises questions that economists should try to answer honestly, instead of hemming and hawing: Is there a feasible path to development for the world of the poor? What does it look like? And what do we do if we can’t find it?

And let’s not do the McKinsey thing. The consultancy shtick about “investing in human capital is essential to become more productive and join global value chains” won’t help countries that can’t afford sending all their kids to high school, let alone college. As Donald Rumsfeld might put it, poor countries need development strategies for the workers they have, not for the ones consulting companies might prefer.

The problem for economists pussyfooting around the issue — tossing up exhortations about “free trade” and “better governance” — is that the track record of development and the playbooks deployed over the last couple of decades offer few precedents that might prove helpful in the new world that is unfolding.

You might ask, What about manufacturing? Think of Japan and Korea, of the East Asian tigers and China, of postwar Germany: For the better part of a century, manufacturing for export provided pretty much the only successful strategy to bring broad-based prosperity to the poor countries of the world.

That’s not a coincidence. Manufacturing has a unique ability to lift productivity. To raise the productivity of even the least educated farmworkers, one only needs to erect a factory making t-shirts or plastic toys in the middle of a field. Exports help leapfrog the small domestic consumer market. And the income from these businesses can pay for the investment in human capital and other inputs to move up the value chain.

Yet even the most successful strategies of the past look doomed to failure. The reason is straightforward: automation. The industrial economy no longer has as much need for labor, especially of the cheap unskilled kind.

It’s not just happening in the US, where President Joe Biden is pulling out the stops to bolster manufacturing jobs. Manufacturing’s employment footprint is shrinking globally. In South Africa, for instance, manufacturing jobs fell to 9% of total employment in 2018, before Covid struck, from 14% in 1990; in Nigeria, they declined to 7% from 12%.

For all the promise of Nafta, in 2018 only 17% of Mexican workers toiled in manufacturing, down from 20% in 1990. Even in China, manufacturing's share of employment fell from a peak of 22% in 1995 to 19.5% in 2018.

Unfortunately, what developing countries have to offer is mostly cheap, less skilled labor. And if the rewards of the last 40 years for this resource look mediocre, new generations of labor-saving technology based on artificial intelligence are going to make the next 40 years much more difficult.

Forget, also, about agriculture. For all the faith Brazil has placed in soy and beef, increasing productivity in agriculture pushes people out of the fields to look for jobs in the urban economy. Economies built around raw materials cannot do the trick — a lesson Latin American countries never tire of relearning. They employ few people and offer few linkages to other sectors of the economy. They may spur exports and benefit a few, but most workers, especially the least educated, will be left behind.

Although policymakers from Africa to Latin America may hold high hopes that the battle against climate change will open new development paths, the cry of “why export the lithium if we can export the lithium-ion batteries” will run not only into the old roadblocks of lack of capital and know-how that gave us dependency theory in the 1960s, but also into new ones raised up by automation.

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## Cap K

### Cap K---FW---2AC

#### Framework – the ballot is a referendum on the plan's desirability – links must be causal and unique with a solvent and competitive alternative – anything else unpredictably moots the 1AC, decimating procedural fairness and in-depth clash

#### We DON’T need to win Cap’s sustainable nor desirable---ethics requires assessing causal solvency since all futures, including the alt, risk collapse---only centering flexibility and agency can solve---which only our framework does

---ethics = meliorism, virtue signaling becomes counter-productive when it’s combined with an argument to ignore questions of feasibility and process (which isn’t the same thing as saying all advocacy is virtue signaling nor that all virtue signaling is bad, nor is this the same idea as “capitalist realism”)

---less “must have blueprint” and more “people making don’t need a blueprint args in fact assume an unacknowledged blueprint, and compelling those people to make those assumptions explicit and evaluable is key”

---the bit around “avoid attaching to the hoped-for results of our actions” = not only a conventional “drop in the bucket of subjectivity formation” claim of link defense, but also an impact turn to the portion of their framework that asserts a 1:1 relationship between advocacy in debate and ethical judgment --- the actual argument being made by the author is importantly that even if we lose the “link turn” components of our strategy, the act of advocating it while not actually believing it to be a good idea is what’s actually key to effective praxis for anti-capitalist transition, the ethical flexibility to identify constraints (like political feasibility) on agency (and justice) and take advantage of opportunities as they arise during the process of transition --- inverts you-link-you-lose logic to functionally become you-link-you-win-provided-you-still-win-framework

Albert 24 [Michael J. Albert, Lecturer in Global Environmental Politics in the School of Social and Political Science at the University of Edinburgh, former Lecturer in International Relations at SOAS University of London, PhD Johns Hopkins University, “Conclusion,” Chapter 6, *Navigating the Polycrisis: Mapping the Futures of Capitalism and the Earth*, MIT Press, 2024, ISBN 9780262378260, p.225-241]

Ultimately, we do not know what the future will bring, and there will undoubtedly be numerous surprises. But we cannot proceed headlong into the turbulence of our planetary future without a rough map of where we are headed, the crises we will likely encounter, the forms of problem-shifting that would result from different present and future responses, the opportunities for progressive transformation that will emerge for social justice movements, and the obstacles and dangers these movements would need to overcome. Whether we realize it or not, we all operate with some map of the future, in the sense that we assume particular consequences will flow from our present-day actions.1 Thus, the question is not whether or not we develop a map of possible futures, but whether or not this is done consciously, systematically, and synthetically, taking account of all the most relevant parameters. I do not claim to have accounted for every possible parameter in this book, or exhaustively integrated the ones I do include. My goal has been more modest: to go further than existing approaches toward a synthetic transdisciplinary analysis of the future possibility space. Planetary systems thinking can be considered a meta-theoretical framework that facilitates transdisciplinary synthesis, in this way helping us construct qualitative models of the planetary problematic and its possible futures. In the years to come, as events in the world unfold and our knowledge of the planetary polycrisis advances, many of the specific scenario trajectories I discuss in chapters 4 and 5 will become increasingly dated or obsolete. But the theoretical framework and futures “methodology” presented in this book will remain as relevant as ever. I therefore hope that others will continue to build on, enrich, and refine this book’s map of the future by deepening its theoretical and methodological foundations, updating its scenarios and developing new ones, integrating new parameters, highlighting other feedbacks or more deeply exploring some of the feedbacks I do address (but insufficiently), bringing in other theoretical perspectives, and developing more fine-grained analyses of the possibility space in different states and regions across the world-system.

It is not easy to encapsulate the trajectories we have explored over the past two chapters into a succinct set of scenarios. Collapse, techno-leviathan, and ecosocialism may be the three main attractors that the planetary problematic is pushing the world-system toward, but numerous variations can be imagined for all three—involving many different timelines, parametric tweaks, and geographically uneven combinations. The future possibility space is indeed a messy multiplicity of overwhelming complexity, and to highlight representative scenarios is inherently selective and liable to occlude other potentials. Still, I suggest that we can identify seven main scenarios based on the trajectories explored in the previous chapters. Call them the uneven and combined world-system pathways, since each world-system trajectory will be the outcome of geographically uneven and combined struggles, though I will subsequently refer to them as the WSPs (which is a less-monstrous acronym). Like the SSPs, I call these world-system (rather than world-earth system) pathways to signify that each WSP could in principle be paired with different climate and earth system trajectories (e.g., because of variable assumptions about solar geoengineering, CDR deployment, and earth system feedbacks). But, like the IPCC, I will assume that each one would most likely follow a particular planetary pathway.2 Furthermore, I should emphasize that the WSPs should not be understood as “ends of history” (with the possible exception of breakdown, if it leads to human extinction). Rather, they are more like provisional attractor states for the world-system that would be subject to further evolution over time, and critical transitions between them are possible. For instance, volatile techno-leviathan may eventually shift into neofeudalism, neofeudalism into breakdown, abolitionist ecosocialism into ecomodernist socialism, ecomodernist socialism into one or other variant of techno-leviathan, and so forth. Together these scenarios give us a provisional navigational map of the world-system’s possibility space—one that will need to be updated and modified as we proceed ever-deeper into the future.

A diagram of a diagram

Description automatically generated

THE UNEVEN AND COMBINED WORLD-SYSTEM PATHWAYS

WSP1 (breakdown). Starting with the worst-case collapse scenario, WSP1 tracks closely with what Raskin calls “breakdown.”3 In this scenario, a global collapse trajectory, whether triggered by a near-term fossil stagflation crisis or longer-term convergence of magnifying socioecological crises, inflames ethnonationalist reaction, fuels geopolitical tensions, and intensifies polarization and conflict within and between states. A vicious spiral between socioecological crises, state and nonstate violence, and war, leading to further socioecological breakdown, ensues. This is more likely to occur in a trajectory of slow and incremental technological innovation. But it could also happen in a context of exponential technological breakthroughs—which could be the result of destabilizing innovations in the cyber-nuclear- AI nexus, or the relentless advance and democratization of WMD capabilities (or, perhaps, the emergence of malevolent artificial superintelligence). Existential crises and hardened self/other relations are key to this scenario, since socioecological crises and technological risks would not by themselves lead to breakdown. But by inflaming existential anxieties that get exploited by opportunistic elites to sow division and drum up nationalist passions, and which motivate WMD terrorism by nonstate actors, socioecological crises can indeed trigger vicious spirals that lead to worsening violence, war, and planetary breakdown. If this happens in the course of a neoliberal drift trajectory, then a 3.5°C+ hothouse earth trajectory would likely be in the cards. Eventually, we would witness a world composed of pockets of surviving communities in the upper latitudes, with the human population perhaps numbering in the millions—as James Lovelock imagines in one of his eco-dystopian warnings4—though human extinction is possible over the course of the twenty-second and subsequent centuries. This is not the most likely scenario, but one that cannot be ignored.

WSP2 (neofeudalism). This collapse scenario is similar to Raskin’s “fortress worlds” archetype, though the term neofeudalism gives us a more precise articulation of its geopolitical and economic structure. In this scenario, world-system breakdown—whether resulting from near-term fossil stagflation or longer-term polycrisis amplification—leads to cooperation among global capitalist elites to manage geopolitical tensions and contain the “real and potential rebellion” of surplus humanity.5 But the relentless intensification of cascading polycrises over time, in conjunction with worsening WMD terrorism, leads to a softer breakdown of the capitalist world-system into a multiplicity of regional, national, and local political economies and security assemblages. Some nation-states may retain effective governance capacities, but most would eventually fragment and give way to a complex neofeudal geography composed of political-economic and security assemblages cooperating and competing over territory and resources—including corporate quasi-states, city-states, feudalized rentier capitalists and warlords that offer livelihood protection in exchange for tribute, and numerous communities of surplus populations left to develop their own survival strategies. No doubt there are neofeudal tendencies already operative in the contemporary world, just as there were capitalist tendencies at work in the thirteenth and fourteenth centuries in Europe. 6 But this would be a future in which a collapsing world economy leads to the steady demise of capitalist social relations and their historical “laws of motion,” while neofeudal structures become ecologically dominant across the planet. This future could bifurcate into a deeper collapse trajectory over time if 2.5°C+ warming triggers tipping-point cascades. Alternatively, a combination of successful imperial projects and technological breakthroughs could potentially lead to world-system reintegration and regeneration over the course of the twenty-second century and beyond (e.g., if carbon-cycle feedbacks remain muted and planetary rewilding helps stabilize global temperatures), perhaps giving rise to a twenty-second- century variant of sixteenth-century mercantile capitalism.7 Or, more optimistically, rebellion from below—at least in certain regions—may eventually overwhelm and defeat these neofeudal bunkers, creating more egalitarian ecosocialist worlds.

WSP3 (volatile techno-leviathan). We can imagine numerous variants of techno-leviathan that combine different hegemonic configurations (e.g., a China-led world order, a US-or G7-led order, or a bipolar world of “competitive coexistence”), varying degrees of success in managing the climate and biodiversity crises, varying degrees of success in containing the threats posed by democratized WMDs, different levels of domestic and global inequality, and different degrees of capitalist or statist control of the economy. But I focus here on two ideal types. The first I call volatile techno-leviathan, which is a particularly dark and unstable variant that would be quite vulnerable to neofeudalist regression and breakdown over time. This scenario could be considered an answer to the following “what if” question: What if the world-system undergoes continuous neoliberal drift plus dramatic technological breakthroughs? In this scenario, technological breakthroughs allow states in the world-system core and semi-periphery to “muddle through” worsening polycrises over time while avoiding collapse. But the result is a volatile cocktail of stressors: geopolitical tensions between the United States, China, and Russia remain elevated; 2.5°C+ warming forces governments to rely on SRM and CDR expansion to ward of tipping-point cascades; breakthroughs in AI and robotics lead to 15%–25% technological unemployment in the second half of the century, meaning unprecedented inequality and populist anger; the same innovations lead to destabilizing advances in both democratized WMD technologies and the military AI-nuclear- robotic arsenals of states; and global governance of dangerous new technologies remains weak to nonexistent. As a result, the ranks of racialized surplus populations swell; a new wave of WMD nonstate terrorism ensues, fueling a spiral of insecurity and techno-authoritarian securitization; worsening geopolitical rivalries and destabilizing AI-nuclear- cyber technologies create a near-continuous threat of ruinous hot wars; SRM interventions are ungovernable and unstable; and global economic growth stagnates and plateaus from the combination of weakening consumer demand, climate chaos, and rentier strangulation. The world-system slowly mutates from capitalism into a bipolar or multipolar configuration of competing techno-leviathans that prioritize security, power, and geopolitical competition more than economic growth. This scenario forms a sort of middle way between neofeudalism and stable techno-leviathan— with more rapid technological innovation compared to the former and more intense inequality, geopolitical rivalry, and climate chaos relative to the latter. It may not form a stable attractor for the world-system. On one hand, an out-of- control technological arms race, rampant WMD terrorism, an increasingly unstable nuclear balance of terror, and climate tipping points may push it toward breakdown. On the other, if global elites cooperate over time to reduce geopolitical tensions and successfully deploy SRM and CDR to ward off climate tipping points, then this scenario would become more like stable techno-leviathan— but a particularly brutal and unequal version of it, with only a small elite reaping the fruits of continuous technological advance. The film Elysium—which envisions a world of poverty and techno-authoritarian oppression for most of the global population, combined with techno-luxury, transhumanist experimentation, and outer space expansion for global elites—may be an apt (if slightly extreme) depiction of this future.

WSP4 (stable techno-leviathan). This scenario can be considered a more politically and ecologically stable form of techno-leviathan, one in which green Keynesian transitions combined with FIR-driven innovations power a long wave of exponential growth and stabilize global temperature increases around 2°C. Geopolitical tensions are contained—most likely following a “competitive coexistence” scenario between the US and China-led blocs, though a “renaissance of democracies” leading to a renewed G7-led order is also plausible.8 Efforts to regulate synthetic biology and other dangerous emerging technologies have more success but remain limited due to concerns about hindering innovation. Within-country inequality is initially moderated by redistributive reforms, but over time relentless automation intensifies polarization by increasing technological unemployment, suppressing wages, and heightening precarity for most workers. Extractivist sacrifice zones proliferate across peripheral regions of the world-system, and the mass extinction crisis continues unabated as material-energy throughput continues to rise. But ultra-dense megacities, abundant solar and nuclear (and possibly fusion) energy, vertical farming, alternative proteins made from precision fermentation, and the plundering of mineral reserves from the Arctic and deep sea support lifestyles of unprecedented comfort and convenience— as well as ennui and digital enclosure—for perhaps between 20%–50% of the world’s population (though such percentages are impossible to determine in advance, which will be contingent on political struggles over wages, UBI access, income distribution, and adaptation plus loss and damage finance for the global south). The rest of the population, on the other hand, would form a racialized underclass suspected of WMD terrorism, and would thus be subject to particularly intensive surveillance and mobility constraints. Genetic modification and transhumanist experimentation among privileged classes—to enhance longevity, health, cognitive faculties, and physical capabilities—would over time reinforce these racialized divisions.9 In short, this would be a far more powerful, panoptic, and (over time) transhumanist version of today’s militarized global apartheid. Would “growth” go on forever? In a sense yes, though GDP would become an increasingly irrelevant indicator as automated abundance, technological unemployment, UBI, and rising concerns with security from democratized WMD terrorism alter the priorities of ruling classes. With the opening of the outer space frontier, there may be no fundamental limit to how far this technological civilizational assemblage could expand in terms of its geographic extensity and material-energy throughput, but the earth and its less fortunate inhabitants would undoubtedly be devastated.

WSP5 (ecomodernist socialism). The last three WSPs represent different ecosocialist scenarios. WSP5 can be understood as an ecomodernist and nonabolitionist socialist trajectory. To some extent this scenario overlaps with WSP4—particularly in the Chinese context, where techno-leviathan would most likely take an authoritarian socialist form. But at least within the democratic sphere of the world-system, ecomodernist socialisms would be more egalitarian political economies that harness a mix of democratic and algorithmic planning to redistribute the fruits of capitalist abundance, accelerate technological innovation in “green” industries, and prioritize the expansion of social welfare (rather than security and power). Transitions to ecomodernist socialism could emerge from a greenflation or carbon bubble crisis of green Keynesianism in an incremental innovation trajectory, a longer-term crisis of technological unemployment in an exponential innovation trajectory, or even a mid-to late-century crisis of neoliberal drift. More or less technologically revolutionary versions of this scenario are possible, from “fully automated” to more sober varieties. They can also be more or less globally egalitarian—including scenarios in which rich countries eventually stabilize their material throughputs while emerging economies “catch up,” or varieties in which large inequalities in material and energy consumption are sustained. Either way, all of these scenarios would entail expansive extractive demands that reproduce a core-periphery structure—not necessarily between the global north and south as traditionally understood, but between wealthy urbanized regions and their extractive frontiers or “green sacrifice zones.”10 And the pressures that ecomodernist socialist regimes face as a result of core-periphery exploitation, biosphere degradation even if warming is stabilized around 2°C, worsening violence-interdependence, and technological advance in the forces of military-police repression may eventually push them in more techno-authoritarian directions. In this way, over time, they might become indistinguishable from techno-leviathan, which would especially be the case with “fully automated” variants of ecomodernist socialism.11 Alternatively, we could envision a scenario in which core countries shift to a steady-state material throughput by mid-century, relations of ecologically unequal exchange between the north and south are brought to an end, all or most countries eventually reach European-esque consumption levels, and material-energy demands are to some extent moderated through massive expansions of recycling infrastructure.12 This would probably still be a world of biospheric depletion and modernist monoculture,13 but a much better future than most of the others on offer.

WSP6 (fortress degrowth). This scenario represents a nonabolitionist ecosocialist degrowth trajectory in core regions of the world-system. It would most likely emerge in the context of a world in the throes of collapse from a neoliberal drift trajectory (likely between 2050 and 2080 as the polycrisis storm reaches epic proportions), but could also emerge in the context of a particularly severe stagflation crisis of green Keynesianism. Strengthening ecosocialist movements would catalyze egalitarian degrowth transitions in the core, but compromise formations with conservative blocs—who would be fueled by fears of ecological scarcity and excessive migration—would force them to sustain militarized borders and racialized counterterrorism toward the periphery. Given that ecosocialist degrowth trajectories would almost certainly emerge in a context of deep crisis that intensifies material and existential insecurities, it would indeed be challenging to prevent these regimes from devolving into fortress or lifeboat-style ecosocialisms. Ecofascist variants led by far-right blocs—some of whom, at least in Europe, support certain aspects of degrowth platforms—can be imagined. 14 Most ecosocialist degrowthers would (understandably) refuse to call this a variant of degrowth. But regardless of what we choose to call it, ecosocialists must proactively strategize on how to prevent degrowth transitions—which would almost certainly, if at all, occur in the context of an epic and unparalleled polycrisis storm—from devolving into lifeboats for the privileged.

WSP7 (abolitionist ecosocialism). Finally, as extensively discussed in chapters 4 and 5, WSP7 represents the ideal resolution of the planetary problematic: an ecosocialist world-system that combines degrowth in the global north, abolitionist security assemblages, and a new “New International Economic Order” that purses contraction and convergence between north and south. I assume that abolitionist ecosocialism would most likely emerge from a deep and protracted stagflation crisis of green Keynesianism that emerges in the 2030s. But it is also plausibly compatible with longer-term transition scenarios that lead to 2.5°C+ warming. This climate trajectory would severely constrict adaptation capacities across much of the global south. But if northern ecosocialist states abolish militarized global apartheid, welcome migrants, develop resettlement programs in collaboration with the governments and peoples of the global south, and build new cities in the increasingly habitable far north, then a more just and livable world for the earth’s 9–10 billion human inhabitants may still be possible even as we near 3°C.15 Alternatively, or in conjunction with cooperative resettlement programs, ecosocialist regimes in a 2.5°C+ world may cooperate to bring down temperatures with solar geoengineering—while simultaneously scaling up programs of planetary rewilding, carbon-sequestering agroecology, and DAC in order to ward off hothouse earth and restore atmospheric carbon to safe levels over time.16 No doubt both of these longer-term scenarios would require “an orchestration so elaborate and requiring so much luck that people may find it a fantastic, utopian dream,” as Holly Jean Buck describes the prospect of ecosocialist geoengineering futures. 17 Yet neither should they be completely discounted, which would close our imagination to possible (if less desirable) ecosocialist futures.

IMPLICATIONS FOR COUNTER-HEGEMONIC NAVIGATIONAL PRAXIS

We should now consider how this provisional map of the planetary future might inform counter-hegemonic navigational praxis. Starting with the concrete utopian aspiration for ecosocialism, I have suggested that the best hope for such transformation would emerge in the context of a greenflation or green-stagflation crisis of green Keynesianism that undermines the ideological hegemony of green growth and enables a tipping point tsunami of support for radical post-growth policy interventions. This suggests two things. First, it is necessary to struggle for green Keynesianism (or a global Green New Deal) as soon as possible, enacting at least the minimum objectives of phasing out fossil fuel subsidies; raising and coordinating carbon pricing across the major economies; ramping up spending on green technology R&D, electricity grid modernization, and electrified public transportation; providing as close to $1.3 trillion as possible in climate finance for the global south by 2030; and ensuring domestic redistributive mechanisms are in place and fighting to include as many other social justice objectives as possible. 18 Second, climate justice movements should then anticipate and prepare for a crisis of green Keynesianism emerging from the convergence of greenflation, stagnation, job losses, transition risks, and populist backlash. In this context, how could ecosocialists and climate justice movements successfully prevent fossil fueled backlash while pushing governments in more egalitarian post-capitalist directions? Our best hope is to proactively forge a broad alliance of movements for post-growth social democracy, as described in chapter 4, in order to create the conditions for a very different kind of response to a greenflation or green-stagflation crisis—one based on price controls, reducing energy demand, replacing GDP with alternative indicators of wellbeing, ensuring economic security for all in the absence of GDP growth, and shrinking military budgets. In conjunction with anti-imperialist struggles in the global south, the conditions might then be in place for metamorphosis in the direction of abolitionist ecosocialism and contraction and convergence over time. But this would be a long-term struggle, involving numerous “temporary stations on a continuous, yet rocky journey” toward the hoped-for utopian destination.19

On the other hand, if green Keynesian regimes succeed in catalyzing a long wave of accumulation with the aid of FIR-driven breakthroughs, then social justice movements will need to strategize on how to preempt the emergence of increasingly techno-authoritarian regimes over time. Some of the key struggles that could help prevent or at least moderate an incipient techno-leviathan include proactively fighting for a livable and unconditional UBI; ensuring adequate climate finance for the global south; pushing governments to revamp the Biological Weapons Convention or develop new global initiatives to regulate the dangers of synthetic biology, even if this means slower innovation; and fighting to institutionalize restraints on the deployment of facial and emotion recognition, predictive policing, drone swarms, and neurotechnologies by security agencies and police forces. The goal must be to moderate the inequalities and forms of imperialist violence that would fuel terrorism from nonstate actors, force governments to cooperatively restrain the dangers of unchecked FIR innovation, and institutionalize constraints on the efforts of security agencies and police forces to exercise untrammeled techno-authoritarian power.20

However, if insecurity-securitization spirals end up pushing liberal democratic states down the techno-authoritarian road, then this is not the end of the story. Rather than simply bowing down to techno-leviathan, counter-hegemonic movements must then struggle to ensure as much democratic oversight, accountability, inclusion, and justice as possible— ideally by pushing governments in more ecomodernist socialist directions (but, as noted previously, this would be quite challenging to pull off in this context). Alternatively, if a decisive green Keynesianism transition never materializes or undergoes backlash and bifurcation back to neoliberal drift—setting us up for a 2.5°C+ world—then this is also not the end of the story. There is a tendency in some sectors of the climate movement to say “we have ten years” to solve the problem— otherwise collapse is imminent and there is nothing more we can do.21 There is a logic to this way of thinking, but it is also misguided. Warming of 2.5°C could plausibly trigger tipping-point cascades, but this is not inevitable; earth system feedbacks would likely remain moderate and reversible before we reach 3°C, but no doubt this would be a highly uncertain and alarming situation. Ecosocialist transitions later this century are possible, which would be much less ideal given that they would emerge in a context of intensifying socioecological scarcities and existential crises—making it more challenging to avoid the path of fortress degrowth. But ecosocialist geoengineering futures that advance the ends of climate justice, or ecosocialist migration futures that redraw the political map (or a combination of both), can be imagined in a 2.5°C or 3°C world.

Finally, we should not shy away from the navigational dilemmas that would arise in a collapse future. Many analysts across the political spectrum resist talking about the prospect of collapse. Ben Hayes, for instance, calls collapse anticipation “the very worst of foundations for thinking about just and proportionate responses to current insecurities, let alone trying to organize radical politics.”22 Others like Jem Bendell, on the other hand, have come to the conclusion that some form of global collapse is now inevitable.23 As I have shown in this book, while I do not view global collapse as inevitable, it is nonetheless a very real potential, and a time may come when a path-dependent collapse process is set in motion that would be very challenging to escape. Thus, rather than solely adopting a “revolution or bust” strategy, more careful thinking about the threats, constraints, and opportunities that diverse communities and regions would confront during a world-system collapse is needed. Far-right movements are currently doing the same,24 and it would be unwise to allow them to monopolize the space of collapse anticipation. We must recognize that, for all the suffering that would emerge during a collapse trajectory, it would continue to pose geographically uneven socioecological, violence, and existential problematics that can be “solved” in better and worse ways. It is even plausible that a world-system collapse could lead to the emergence of more egalitarian ecosocialisms—for example, from transformations of consciousness in the wake of nuclear war,25 or through ecosocialist insurgencies against neofeudal fortresses. In this sense, the “breakdown of the prevailing system,” as Nafeez Ahmed writes, “heralds the potential for long-term post-breakdown systemic transformation.”26

Even if we fail to avoid the dystopian regions of the possibility space—whether collapse or techno-leviathan— it is still necessary to imagine how social justice movements and communities might sustain spaces of care, compassion, and solidarity in a grim future. Speculation on dystopian futures can aid us in this regard. As Kathryn Yusoff and Jennifer Gabrys describe, dystopian futures force us to imagine “the full range of emotional challenges and difficult choices that have to be made once all the usual landscape markers and reference points have shifted or disappeared . . . to think about what it might be like to endure and survive.”27 Social justice movements in the global north can also learn from what Audra Mitchell and Aadita Chaudhury call “BIPOC futurisms”—written by Black, African, Caribbean, Indigenous, and other authors who have already experienced the end of their ancestral worlds under the yoke of white supremacy—which dramatize the “always-already active labor of world-building and flourishing” in the wake of apocalypse.28 Following these authors, the point of dystopian futurism is not simply to galvanize preventative action (though this is the ideal outcome), but also to help us prepare cognitively and emotionally to not just survive but also discover new sources of meaning, community, resilience, and perhaps even flourishing within such futures. This is the strength of the Deep Adaptation movement, for instance, which pushes us to explore challenging questions about how we might navigate collapse futures in a way that centers compassion and solidarity.29 Likewise, we must do the same for techno-leviathan futures— which could be even worse than collapse, at least depending on one’s geographic and intersectional positionality. This does not mean we accept such futures as inevitable, simply that we do not remain stubbornly attached to a “revolution or bust” framework. Instead, we need both the intellectual work of analyzing how these futures might unfold and the geographically uneven challenges and opportunities they would present, as well as the more existential work of cognitive-emotional preparation.

BETWEEN PESSIMISM AND HOPE

Antonio Gramsci once remarked that we should maintain an optimism of the will alongside a pessimism of the intellect. Indeed, this stance is as relevant as ever, though we should reflect on what an “optimism of the will” should mean in the context of our twenty-first-century planetary predicament. For centrist liberals and ecomodernists, this takes the form of a “can-do” spirit of apolitical innovation that reminds us of the technological wonders of the modern world and the promise of breakthroughs yet to come. Ecosocialists and degrowthers rightly critique these faith-based analyses while countering with a faith of their own: that mass social movements can save us. But whether hope is placed in technological innovation or social movements (or both), these optimistic narratives always require a leap of faith.

Others, on the other hand, are rejecting these faiths and forging new intellectual, practical, emotional, and (sometimes) spiritual responses to the planetary predicament. These thinkers aim to go beyond these “green positivity” narratives and their diverse brands of “hopium,” which they critique for constricting our capacities to grieve for the losses we confront and find new meaning in life beyond the search for “solutions.”30 For example, Roy Scranton skewers what he calls “fictions” of ecosocial transformation and technological miracles as “farcical daydreams against the coming chaos, popsicle-stick castles in a hurricane wind.” Instead, he counsels us to confront our fears of death and cultivate a more humble understanding of our cosmic insignificance.31 In the context of IR, Jairus Grove calls for a form of “negative thinking as an alternative to the endless rehearsing of moralizing insights and strategic foresight,” which “celebrates useless thinking, useless scholarship, and useless forms of life at the very moment we are told to throw them all under the bus in the name of survival at all costs.”32 Coming from a more literary angle, the Dark Mountain Project summons a new practice of “uncivilized” literature that breaks from the stories of endless progress that capitalist civilization has spoon-fed many of us from childhood. They ask, “What would happen if we looked down? Would it be as bad as we imagine? . . . We believe it is time to look down.”33

It is in some respects easy, and in others challenging, to go the route of the “new pessimists” (as we might call them). In short, there is a reasonable argument to be made that, as the saying goes, “we’re doomed,” though what that means must be nuanced by appreciating the geographically and intersectionally uneven vulnerabilities that constitute the “we.” At the same time, any proclamation that “we’re doomed” must bear the weight of the incalculable losses in lives, ways of life, species, and ecosystems that would be implicitly accepted as inevitable. I am thus uncomfortable with at least certain forms of the new pessimist perspective, which can become a form of escapism that avoids the grief, pain, terror, and rage that a genuine reckoning with our predicament must provoke.34 Just as importantly, as Scranton himself recognizes, the stance of fatalistic pessimism can often be read as an attempt to remain “above the fray,” or to avoid the “embarrassment” of committing oneself to an erroneous or hopelessly unrealistic future. 35 In other words, rather than risking the fight for a better future, risking the pain and disappointment of failure, the new pessimists can lapse into an apolitical quietism that brings them the cold comfort of likely being proven right in the end. “An enviable position, so high above the fray!”36

In contrast, we can navigate a more fruitful path between hope and pessimism. As Elisabeth Grosz suggests, a Deleuzian ethics—inspired by the stoics, a Spinozist love of nature, and Nietzschean amor fati—can aid us in these times. The “question of ethics,” from this perspective, is “How can I be worthy of the events that await me, how can I enter into events that sweep me up, preexist me, or that I cannot control? . . . What am I capable of doing, what is my degree of power and how can I act to enhance and maintain an active use of it?”37 These are valuable questions that those of us struggling for more just and sustainable futures should ask ourselves. Taking our bearings from Grosz and Deleuze, the aim is to rigorously determine (as far as possible) what is within our power as movements that could become more than the sum of their parts, how we can take that power to the limit to create the best possible or least bad future, and how we can live well and in solidarity no matter what future ultimately unfolds. On one hand, as noted earlier, this means that we should avoid a revolution-or- bust approach, which is not only likely to end in disappointment and burnout but may also disable the flexibility needed to maximize our collective power to act and flourish within the constraints that limit us. Sadly, if the world’s most powerful corporations, capital managers, and governments are hell-bent on protecting their wealth and power at the cost of the earth, and large sections of the global working class remain too constrained by ideologies of capitalism, race, nationalism, and misguided masculinities, then there is only so much that the rest of us can do. Yet, on the other hand, to say that collapse or techno-leviathan is inevitable also limits our praxis and ignores the potentials for transformative agency that will emerge in the coming upheavals. The future is open, and—to paraphrase Deleuze and Guattari—we do not yet know what a planetary polycrisis can do.38 Nonetheless, as Joanna Macy advises, while we remain open to the uncertainty of the future, we should also avoid attaching to the hoped-for results of our actions. “Active hope,” in this sense, means we remain steadfast in the struggle for a more just world, not because we think we will succeed but because serving life and reducing suffering is an end in itself.39 Every iota of harm that our collective efforts are able to reduce, even if only temporarily, is significant. It is not all or nothing.

Perhaps an optimism of the will, understood along these lines, can provide a compass to help us navigate through the unfolding polycrisis. On one hand, democratic ecosocialist transformation during this century of upheaval is possible, and this is a goal worth believing in and fighting for. On the other hand, our optimism should not reside in the belief that we can and will create a more sustainable and just world, but that we can collectively discover new ways of life and new sources of meaning, purpose, community—and even joy—no matter what the future brings.

### Cap K---Perm---2AC

#### Perm: do both --- if that’s severance, do the plan and non-mutually exclusive parts of the ALT

#### The 1AC was always-already critiquing capitalism---plan’s a necessary element of any solvent ALT---and their link framing only inhibits BOTH mobilization AND implementation

Cohen 25 [Jean L. Cohen, Professor of Political Theory and Contemporary Civilization in the Department of Political Science at Columbia University, PhD New School for Social Research, “Eviscerating the State: The New Oligarchic and Authoritarian Project to Undermine American Constitutional Democracy,” Emancipations: A Journal of Critical Social Analysis, 4(2), 2025, DOI 10.55533/2765-8414.1136]

That capitalist class interests and the oligarchic power of the very rich at the founding was secured by the Constitution and prevailed again after the upheavals of the civil war has been a charge asserted not only during the founding but repeatedly ever since Charles Beard’s Economic Interpretation of the Constitution, written at a time (1913) when corporate capital had gained enormous economic power, political influence, and constitutional rights (of legal personhood).23 This enabled them to use private law and Supreme Court rulings to overturn state level regulations of the economy (wages, hours, rules for workers and restrictions on the power and mobility of corporate capital generally). They were able to generate such extremes of concentrated wealth and monopoly power at one end and poverty at the other that the epoch was dubbed the gilded age.24 In short, what is now happening is not entirely new, and I fully agree that democracy and capitalism have always been in tension in the U.S. as elsewhere, and the oligarchic dynamics within capitalism is one of the main culprits. By this I mean the tendency of capital to accumulate in ever fewer hands, (what Marx called the centralization and concentration of capital), generating monopolistic market positions, and inequality of wealth and (economic) power. This tension and the frequent failure to control for the rise of oligarchic power not only in the economic system but also its influence in the political system, is antithetical to the egalitarian principles undergirding democracy and thereby perforce restricts democratic quality. But to jump to the conclusion that the essence of the political form of a representative liberal constitutional republic is essentially oligarchic, or that liberal constitutional democracy despite severing the link between citizenship and property only ends the formal and overt but not the real rule of oligarchic power is triply misleading.25 First, because it underestimates the successes of anti-oligarchic and democratizing struggles not only in the U.S. but elsewhere; second because it diverts us from examining how (through which mechanisms) capitalist oligarchs manage to influence or gain real political power, how this changes, and why capitalist oligarchs periodically turn away from liberal constitutional democracy to endorse authoritarian rule. Third, by depriving democrats and anti-oligarchs of key concepts such as ruling in the public good, or in the common interest, concepts denounced as rhetorical smokescreens deployed by oligarchs to conceal the occupation of Lefort’s famous ‘empty place of power’ by wealth, this approach loses the tools needed to denounce political corruption which I define here as the use of public power for private particular class purposes. 26 Supposedly such ‘depoliticized’ concepts are deployed by oligarchs to distract from the class nature of their de facto rule in liberal constitutional democracies (republics). But concepts like the use of public power for public purposes, tied to accountability mechanisms, are indispensable for countering rule in the interest of a particular class or group.

It is not my task here to retrace the dynamics of oligarchic and antioligarchic struggles in the U.S. or to defend existing liberal constitutional democracies against the charge of oligarchy. Indeed, I argue that the U.S. political institutions are and have always been deeply flawed from the dual perspective of the dynamics and inordinate influence of capitalist forces (and powerful oligarchs emerging within that system), and from the perspective of institutionalized constitutional mechanisms that have never been democratic enough, inclusive enough or sufficiently committed to political equality so as to block autocratic rule, related to but not identical with capitalist or oligarchic power. I thus also disagree with the recent claims by Sinanoglu, Way, and Levitsky that capitalism can “save democracy” insofar as private capital and free markets foster the liberal pluralism and political competition (a variety of veto points and countervailing powers) that democracy needs to thrive. For them, in short, autonomous private power – i.e. a free capitalist economy independent of political interference – is crucial not only to a free plural civil society but also to political democracy. Accordingly, it is state capture of business rather than business capture of the state that represents the most direct threat to democracy.27 To be sure, the alternative they present and rightly reject: corrupt state control of capital, finance and investment exemplified today by Putin’s Russia, Orban’s Hungary, and Erdogan’s Turkey, are decidedly not compatible with democracy or social justice – and lead to a shift from flawed democratic to competitive authoritarian regimes. But that is hardly the only alternative to libertarian models of capitalism or the only threat to democracy. The threat posed by oligarchic economic and political influence to liberal democracy is real and should be analyzed, not ignored.28 Indeed, unless we also grasp the dangers that unaccountable private economic power poses to democracy (state and popular sovereignty and justice) we will be hard put to understand the resentments, rage and risks the most recent neo-liberal version of deregulated and deeply inegalitarian and oligarchic capitalism has generated that fuels the mass movements behind authoritarian populist projects sweeping long established western democracies today. Nor will we be able to see what is distinctive about the ways in which unaccountable private power (of capital/oligarchs) challenges constitutional democracy today and how this intersects with the projects of aspiring autocrats seeking unaccountable public political power. Clearly both dynamics--business or capitalist capture of the state and state capture of business--pose serious threats to democracy and the principles of political equality undergirding it, especially when these projects merge.

Indeed, the issue facing us now is how to ward off the contemporary dual threat of autocracy and a new form of oligarchy emerging within (but not only there) the quintessential liberal democracy—the U.S.— in which a key and powerful oligarchic faction has explicitly abandoned democracy in favor of strong man rule. What prompts capitalist oligarchs to rhetorically and de facto support Trump’s authoritarian project and what is new with respect to the old model of oligarchic capture of policy making in liberal constitutional democracy? (I will address what is distinctive in the autocratic project of the pretend populist president in the next section.)

For there is something new going on today. It is not just that autonomous oligarchs with enormous global private economic power radically undermine equality, push the ever-greater concentration of capital in ever fewer monopolistic hands and subtly capture key governmental regulatory agencies, seeking privatization of public services while attacking labor organizations. Rather, according to Kuttner and Stone we are witnessing a ‘‘re-feudalization’’ of the commons: whereby a new privatization of jurisprudence overlaps with, but is more sinister than, the earlier privatization of public services such as prisons, schools etc.29 At issue is the bypassing of public common law and the evisceration especially of ‘pre-distributive’ labor and consumer rights through a wholesale shift of key areas of rule-making and ‘adjudication’ to private law and decision making involving such mechanisms as compulsory arbitration instead of use of the courts.30 They cite the emergence of entire fiefdoms of private law in, e.g. Silicon Valley. As they put it: Western democracies today do not simply deregulate the economy in reaction to ‘overregulation’ and the liberal consensus that prevailed from the New Deal to 1980. In addition, corporate elites are now pursuing a project in which entire realms of public law, public property, due process, and citizen rights revert to unaccountable control by private business. This is tantamount to a direct attack on the democratic commons i.e. on the democratic state’s ability to serve as a counterweight to the concentrated power that flowed to concentrated wealth in the capitalist economy and to use public power for public purposes. They pinpoint what is distinctive in the current oligarchic project quite succinctly:

The age-old elements of private law, such as contracts and torts, have long coexisted with public law and regulation. Contention between public law and private power is a very old story. What is new and alarming is the displacement of entire areas of public law by private commercial interests and the resurrection of abusive forms of private law. This is a reaction against earlier developments of the commons. Not only did the 20th-century state expand democratic public law. Acting through the courts, the state intervened to police private contracts and protect weaker parties from abuse by the powerful…20th-century judicial interpretation and enforcement of contracts emphasized fairness between the parties…courts in the 20th century refused to enforce contracts between parties with vastly unequal resources, knowledge, or bargaining power when they found agreements to be oppressive, coercive, grossly one-sided, misleading, or blatantly unfair.31

Accordingly, the carving up of public law and property into proprietary domains is the new tragedy of the commons. Thus, the capture of public law and the reversion to one-sided private law reinforce each other, creating vast pools of proprietary power. Indeed, one of the startling trends of recent decades has been the success of the giant tech monopolies at creating their own proprietary systems of law and insulating themselves from public regulation. Companies such as Google, Apple, and Amazon have invented their own jurisprudence, hidden in obscure terms of service, to govern the consent of users to the commercial use of personal data. Amazon requires all its independent sellers to sign the now-familiar arbitration clause, requiring submission of disputes to an arbitrator selected by Amazon.32 Most of this ought to be illegal, but it isn’t. Accordingly, the authors note that American democracy is under assault on multiple fronts. While the autocratic incursions of the Trump administration are only the most urgent and immediate, they maintain that the private capture of public regulatory law is more long-term and more insidious.

Another distinctive feature of today’s new oligarchs (in tech, finance) is that they have come out into the open and accepted appointments as heads of key governmental agencies and departments or created and steered powerful unofficial ones like DOGE, (the ‘department’ of Government Efficiency) gaining public state power, their anarchotechnocratic impulses notwithstanding. 33 We seem to be witnessing a partial shift from indirect to direct oligarchic political power (especially if we count Trump among the oligarchs)—a form that is increasingly incompatible with formal democracy and the rule of law despite the appearance of working within the law and reliance on the democratic legitimacy of the elected populist president. But the project isn’t simply state capture. It is to eviscerate depth in the state (what they, like Trump, call the deep state) – i.e. the autonomy, expertise, and authority of the civil service and of independent agencies--so as to escape regulation, taxation, oversight, and to use public power unhindered, for private purposes. Today’s American tech, finance and some other types of super rich actors and managers fit the concept of oligarch if by that we understand monopoly market power; excessive media influence; fortunes greater than a million times the living wage, and now rather open participation in political life.34 Oligarchs in the U.S. are autonomous of the state unlike in the USSR, or China and many post-communist regimes, and they involve new forms of capital (tech, crypto, finance) but also some old ones (oil, pharmaceuticals).

### Cap K---Sust---Nuclear T/Dem Socialism

#### Nuclear is a prerequisite to democratic socialism

Roberto 10 [Michael Joseph Roberto, associate professor of history at North Carolina Agricultural and Technical State University in Greensboro, Gregory Meyerson, Ph.D. in Critical Theory and MA. English from Northwestern University, B.A. in English from Miami University of Ohio, Jamey Essex, Ph.D. and M.A. in Geography from Syracuse University, and Jeff Noonan, Ph.D. and M.A. in Philosophy from McMaster University, “Moment of Transition: Structural Crisis and the Case for a Democratic Socialist Party,” Cultural Logic: A Journal of Marxist Theory & Practice, ISSN 1097-308] DU = depleted uranium

What a new, democratic-socialist mass party must do is lead a revolutionary transition that is at once an energy transition. This means we have to propose a clean energy package as part of this transition. A key aspect of this package, we believe, must include a critical account of the limits of renewable energy, and a frank consideration of nuclear power. This section of the paper, therefore, outlines both a critique of any non-nuclear renewable energy scenario along with a call for serious consideration of an energy transition based in new nuclear power, with possibly significant niche roles for renewables.

As will become clear to readers, beyond our comments in the footnotes on the limits (and paradoxes) of efficiency under capitalism, this essay does not deal directly with the need for demand-side reduction in energy usage, whether through conservation efforts, or through more radical measures involving restructuring the productive and reproductive base of society. No single paper can speak to every important issue. We certainly believe that conservation efforts are very important, that they have an important role to play, and that they should be supported. Moreover, we would add that the kind of radical restructuring of industry, of housing, of transportation, of agriculture, and even of leisure that will be necessary to bring about significant per capita and absolute energy consumption reductions can only be seriously attempted, let alone accomplished, if we transcend capitalism, with an ecosocialist state guiding the way through social planning.

However, the fact remains that, short of giving up on industrial civilization altogether – including electricity, urbanization, etc – a prospect that some consider desirable but which the present authors find a horror-scenario to be avoided at all costs, our future ecosocialist society is still going to need very significant energy production. Thus, for the sake of this essay, we bracket conservation as necessary but inadequate to the tasks facing humanity. We will still need a lot of energy (at present well over a billion people on earth don’t even have access to electricity at all!), and so the question remains: where can we and ought we to get this energy from? It is with this question that the present section of the paper is concerned.

Renewable Myths

A widely influential recent Scientific American article by Jacobson and Delucci suggests that with enough political will, the world could replace its current energy grid with one based solely on renewables. 54 The mix includes 4 million 5 megawatt (MW) wind turbines and 89,000 large photovoltaic and concentrated solar power plants, each rated at 300 MWs, and 900 hydro stations. The authors believe that this goal is possible to accomplish by 2030. For reasons we touch on above and will explain below, such a renewables scenario is preposterous under global capitalism. Moreover, we would not want it under socialism either since it carries an unacceptably large ecological footprint. Furthermore, the timeline, is sheer magical thinking. It is worth noting here that this “political will” metaphor, which shapes virtually all discourse on the anti-nuclear green non-Marxist left, is based in silly analogies between rapid advances in computer chip power and wholesale infrastructure change and a one-sided celebration of entrepreneurial innovation under capitalism. It completely ignores the powerful inertial tendencies in the system, magnified many fold at the infrastructure level, the hardest level to change.

The problem with renewables is that they are intermittent, diffuse, and fluctuating forms of power. Consequently, they require hundreds of times more space to gather this diffuse energy than coal or nuclear, which offer far more concentrated forms of energy. Coal, of course, is the main obstacle to a cleaner planet, so the problems with renewables would be unavoidable if coal were the only alternative. But nuclear power is between one million and 3 million times more energy dense than coal (depending on the purity of the uranium) which means that it produces one millionth or less of the waste and far less than that with Gen IV technologies (to be discussed below).

The combination of wind/solar intermittency and diffuse power means that any future system must compensate for what in essence is renewables’ lack of base power (in the broadest sense, power on demand, round the clock) through some combination of storage, fossil fuel backup and overbuild (the meaning of the term will become clear). Overbuild is hidden in Jacobson and Delucci’s plan but it doesn’t take much analysis to uncover it. A central part of the plan is to build worldwide 4 million 5 MW turbines. That would give us 20 Terawatts (I TW= 1 trillion) of installed capacity, perhaps not enough by itself to power a capitalist world in 2050, but more than what the world currently consumes – around 15 TW of total power, with less than a third of that coming from the electrical grid. Putting cost issues aside, including the rebuilding of the world’s transmission grids, the problem here is that wind at present has a capacity factor on average of around 23 percent. That means that 20 terawatts of nameplate capacity convert to slightly under 5 terawatts of actual electricity on average. Thus, to capture 20 terawatts of wind power, it would be necessary to build not just 4 million, but 16 million 5 MW turbines. This is the problem of overbuild. And when we look more closely, the problems magnify. 55

The standard renewables answer to the problem of intermittency is to combine geographical distribution of wind farms with high efficiency, long distance transmission lines so that if the wind isn’t blowing in one area, it would be blowing in another and could be shared out with the right transmission grid (smart grids, etc). It sounds good until you look a bit closer. Considering hypothetically dispersed wind farms in the Midwest, Jacobson and Delucci calculate that wind farms had a baseload equivalent to coal plants of 33%. What this means is that 87 % (coal baseload) of the time, the wind system was producing 33% of its average output or capacity factor. This in turn means that given an optimistic 35% capacity factor (the average for wind is about 23%), the wind system is producing 33% of this 35% as baseload equivalent (the 87%) power. In other words, if our system has a nameplate capacity of 10 gigawatts (GW), it’s actually getting only 12 percent or 1.2 GW as baseload. The approximate term for this is “capacity credit.” 56 The system will require much more baseload power than a mere 12%, and so will have to turn to storage, in which case it will have to provide the power for this storage during its periods of excess power production. And it will have to provide a back-up system (usually natural gas) that can load follow, i.e. turning on and off or up and down immediately, with all the inefficiencies this entails. 57

Another way of putting the problem is that we have to produce the appropriate amount of power when the wind isn’t blowing, the sun isn’t shining (nights and cloudy days), and during times of low insolation (measure of incoming solar radiation on a given surface at a given time). Winter days get less insolation than summer days and regions differ greatly with respect to insolation rates. For wind/solar to supply all electrical energy, the capture of this energy has to be scaled up to supply baseload/midload and peakload even during periods of minimum to zero supply. Germany has heavily subsidized solar energy, and they have built a lot of it: 15.51 GW of nameplate capacity to be exact. It was typical in December and January (2010-11) for the entire array to have a capacity factor (for the day) in the area of .0066, which is to say average power of one tenth of one gigawatt compared to a maximum of 15.5 GW. There were days when the array never at any point got to 1 GW – or 6 percent capacity factor. On Jan. 10, there were between 1-2 GW for three hours and the rest was zero (in Germany, in January, there are about 9-10 hours of daylight). If we say that Germany averaged 1.5 GW for those three hours, the total is 4.5 GWh out of 372 possible GWh, that is, assuming that the solar system was operating at nameplate or maximum capacity (15.5 \* 24 = 372). This gives us a capacity factor of .012 or 1.2 percent. For Germans to have gotten 15 GW of actual power during this period, they would have needed between 100 and 150 times their installed capacity – between ~ 1500 and 2325 GW – a dramatic example of the problem of “overbuild.”

James Lovelock’s way of putting the problem sums up much of what we say above. It would require two hundred wind farms made up each of 20 1 MW wind turbines:

. . . covering an area of one thousand square miles to equal the constant power output of a single coal-fired or nuclear power station. Even more absurd, a full sized nuclear or coal-fired power station would have to be built for each of these monster windfarms [the two hundred together] to back up the turbines for the 75% of the time when the wind was either too high or too low. 58

An important implication of this analysis is that lifecycle cost numbers for renewables (known in the jargon as LCOE or levelized cost of electricity) that sound promising are fundamentally misleading because wind and solar do not, realistically, scale. 59 With subsidies, the cost of wind and solar can come down as long as they rely on fossil fuel backup. In other words, the price structure for wind and solar at low penetration cannot be extrapolated to high penetration (this follows from the paradoxes of capacity credit for renewables as discussed in note 53). Overbuild of capacity, transmission, storage and backup will multiply the price many-fold. According to Barry Brook, a system relying on wind/solar, storage and “a dispersed electricity transmission network to channel power where it is needed, would be 25 to 40 times more expensive than an equivalent nuclear powered system and still less reliable.” 60

These are just some of the technological and logistical barriers to a global energy system powered by renewables. If this argument is correct, building such an energy system doesn’t make sense even under an egalitarian, non-capitalist system whose goal is the production of a sustainable steady-state industrial society, due to expense, inefficiency (lack of reliable power), and space requirements. Under capitalism, with exponential growth built in, it’s a non-starter, but any democratic-socialist mass party with a chance to succeed must hash this out. In brief, as Gwyneth Cravens has put it, we need (or so one might argue) nuclear power for two reasons: basepower and footprint. 61

The nuclear alternative, combining Gen III and four nuclear power (with a niche role for wind and solar – perhaps providing peak power), would be much better for the environment and might even have a chance at getting us to James Hansen’s goal of 350 parts-per-million (ppm) or lower. 62 Our view is hard for renewables proponents to accept, in part, because they are trapped in the rhetoric around “small is beautiful” and visions of decentralized power, this despite the clear reality of renewables gigantic footprint, neither small, beautiful nor decentralized. This rhetoric in turn contributes to the demonizing of nuclear. 63

### Cap K---Sust---T/L

#### Studies of 208 countries over the last 30 years prove decoupling is possible---and EKC is true

-EKC being true means alt causes their impacts

-Condensed portion are explaining methodology and intent of the study

Tariq et al. 24 [Muhammad Tariq, PhD researcher at Southeast University, PhD Applied Economics, Southeast University; Yingzhi **Xu**, Professor in the School of Economics and Management at Southeast University; Kifayat **Ullah**, Professor in the Department of Economics at Karakoram International University; and Biying **Dong**, Professor in the School of Economics and Management at Southeast University; “Toward low‐carbon emissions and green growth for sustainable development in emerging economies: Do green trade openness, eco‐innovation, and carbon price matter?” Sustainable Development, 32(1), February 2024, pp.959-978, DOI 10.1002/sd.2711]

[Tables Omitted]

Due to substantial development in emerging economies over the last three decades, climate complexities are increasing which have posed serious threats to environmental quality and sustainability. To this end, eco-innovation, green trade openness (GTO), and carbon price have been recognized as effective tools for environmental mitigation and promotion of green growth (GG) in the core of COP 26, Sustainable Development Goals 2030, and Carbon Neutrality by 2060. Considering this, the aim of this study is to investigate the influence of eco-innovation, GTO, and carbon price on GG [Green Growth] and low-carbon emissions in emerging economies over the period 1996–2021. The current study provides a standard green Solow growth model by introducing a new GG index using the entropy weight method. This index incorporates 30 indicators across five dimensions which emphasizes the essential roles of the investigated factor. Additionally, the current study provides a new index for GTO utilizing an extensive green trading basket of 255 commodities. Due to the cross-sectional dependency, and slope heterogeneity in the models, this study used dynamic heterogeneous panel data estimation techniques that is, cross-sectional based augmented nonlinear autoregressive distributed lag, and nonlinear augmented mean group to probe the asymmetric effects. The outcomes from the empirical analysis reveal that positive shocks in environmental innovation, GTO, carbon price, and green energy mitigate carbon emissions and promote green economic growth while the negative shocks in these variables cause environmental degradation and reduce GG in emerging economies. Finally, from policy insight, this study suggests that policy makers in emerging economies should invigorate GTO, stimulate environmental innovation and green energy, implement carbon price mechanisms, and establish a balance between environmental protection and economic growth.

[CONDENSED FOR READABILITY]

1 INTRODUCTION Considering the Paris COP26 Conference, environmental sustainability in major economies has remained a contentious topic in policy discussions. Undoubtedly, economic growth is a necessary condition for every nation's social and economic development since it increases income levels, improves health and educational outcomes, and raises its population's living standards. Similarly, brown economic growth poses serious threats to ecological sustainability as economies compromise their natural resource deposits during the growing phase. Brown growth produces significant solid and manufacturing waste and other soil, water, and air issues, ultimately leading to environmental deterioration which has recently witnessed in emerging economies (Danish Ulucak & Khan, [2020](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0022)). Emerging market economies (EMEs) have enjoyed remarkable growth in recent decades however, this over growth in population and output in most of these economies have raised strains within environment and natural resources (Balsalobre-Lorente, Driha, et al., [2022](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0010)). Due to the decreasing quality and quantity of natural ecosystems, the world has started to recognize the need to switch from the conventional economic growth perspective to a sustainable development glimpse (Fatai Adedoyin et al., [2021](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0029)). Green growth (GG) is a concept which is intimately associated to sustainable development in which economies delve and encourage economic progress without vitiate the environment, yet rather by preserving it OCED. Considering the consequences of climate change and the deterioration of the environment, there has been a significant emphasis on environment friendly growth. Several organizations and institutions, namely, the Organization for Economic Cooperation and Development (OECD), the World Bank (WB), the United Nations Department of Economics and Social Affairs for Sustainable Development, and the United Nations Economic and Social Commission for Asia and the Pacific, are concerned about the green economic growth. Current study appraises influences by eco-innovations, green trade openness (GTO), carbon price, and green energy on GG and low-carbon emissions in emerging countries. One of the decisive factors affecting greenhouse gas emissions is international trade, which is a substantial economic action, because it increases economic growth and the exchange of goods and services. In contrast, increase in trade leads to significant increase in energy consumption and other resources utilization, which put tremendous strain on the ecosystem resilience. Considering the injurious impacts of trade, it might be claimed that creating a green economy could support reducing environmental deterioration and achieving carbon neutrality (Can et al., [2021](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0016)). Though, green trade is an essential factor for rapid green economic growth by boosting the country's economic progress, reducing greenhouse gas emissions, expanding industrial production processes, improving the effectiveness of energy sources, and increasing trade volume via trade liberalization and global integration (Ahmed et al., [2021](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0001); Alam & Sumon, [2020](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0006)). Nonetheless, the global proliferation of a green economy is difficult to achieve without the world trade of eco-friendly goods. It is expected that the usage of these goods would significantly improve environmental trait. On the other hand, green technological innovations may also play a supportive role in green development. Without green technological improvements, the faster GG is impervious (Umar et al., [2021](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0072)). These advancements not only instigate cheaper and eco-friendly technology besides lower the cost of ecological sustainability. It also increases production efficiency and encourages the preservation of natural resources by reducing CO2 emissions. The main forces behind green economic growth, the green energy sources also maintain ecological sustainability and macroeconomic efficiency (Li et al., [2021](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0049)). Along with advancements in green energy, and wastewater treatment, eco-innovation processes also include clean and sustainable food production and other areas that are thought to be major drivers of economic growth and environmental sustainability (Chen et al., [2022](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0017)). In similar lines, technological investment and acceleration of research and development of energy saving technologies promote sustainable development (Li, Dong, & Dong, [2022](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0047)). Moreover, green innovations reduce the strain on the country's balance of payments and minimize dependency on imported fossil resources (Sohag et al., [2019](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0064); Usman & Hammar, [2021](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0074)). Besides, this research also evaluates the importance of carbon price/tax for green economic growth and low-carbon emissions in EMEs. There is widespread agreement among major nations, environmentalists, and policymakers on the need to establish new policy guidelines to address the ecological challenges posed by environmental degradation. A rising amount of the present literature has centered empirical study on carbon pricing in order to create the most recent environmental policy recommendations (Doğan et al., [2022](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0024)). Based on the percentage of emissions in a polluting fuel, governments across the globe levy carbon taxes (one of the most effective prices to decrease carbon dioxide emissions) on those fuels (Ojha et al., [2020](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0055)). Researchers advocated recycling carbon price income (i.e., transferring the cash earned from carbon price/tax on fossil fuel-based energy to renewable projects as subsidized) to encourage green economic growth and environmental sustainability (Hao et al., [2021](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0033); Ojha et al., [2020](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0055)). Thus, we can conclude from the above debates that the concerns about the environment and sustainable development are receiving a lot of attention worldwide (Jiang et al., [2022](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0043)). Global efforts are being made to change economic and industrial structures to promote green economic growth that is ecologically adjusted and green in nature. For a while, studies on the major forces behind GG have captivated the attention of academics and policymakers. GG strategies can achieve economic development and environmental sustainability rather than mutually exclusive therefore, it is need of the day to adopt certain approaches that ensure and safeguard environmental sustainability during the long-term growth process in emerging economies. The current research concentrates on EMEs because, during the past few decades, these economies have witnessed exceptional growth. However, present economic and population growth trends in most of these economies have raised strains on the environment and natural resources. The present study has focused on the need to move towards a development path that avoids enslaving ecologically destructive infrastructure and leaving a legacy of costly environmental damage and resource depletion. The current study has fundamental objectives in terms of practical relevance to the literature, theory, and policy implications for EMEs e.g., (1) To examine the nonlinear impacts of GTO, eco-innovation, and carbon price on GG in EMEs. (2) To examine the nonlinear impacts of these factors on CEs in EMEs. (3) To test the validation of the EKC hypothesis in EMEs. The main contributions of the current study in the literature are as follows: i. This study attempts to discover the dynamic 4G (GG, trade, energy, and innovation) nexus for emerging countries since the 4G nexus is essential for emerging economies to attain socioeconomic and environmental sustainability. ii. This study provides a systematic framework of a classical Green Solow growth model that highlights the essential role of green innovation, green energy, and green trade in driving GG. Even though the concept of GG has been widely discussed for some time, the development of a GG index is still in its initial stages. The current study contributes to the construction of a new GG index with the combination of 30 indicators from five dimensions (i.e., environmental and resources based, natural asset base, environmental quality of life, economic opportunities and policy responses, and the socioeconomic context and characteristics of growth) proposed by OCED and (GGGI, [2020](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0031)). These are the best possible and most reliable indicators that are capable of monitoring key features of GG while also being representative of a wider set of GG challenges. iii. To the greatest of the authors' knowledge, this research will be the first to use an indicator to measure the influence of GTO on GG and low-carbon emissions in a holistic approach across a group of emerging economies. Most of the previous studies used conventional environmental goods for the green trade index. While some studies used individual green traded products to capture green trade indicator, but the GTO index generated in this study is based on both traditional environmental goods and eco-friendly products. This research expands the on study of Can et al. ([2021](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0016)) to construct a new green openness index using 255 green goods of EMEs. As a result, policymakers in emerging economies may take advantage of developing policies to boost local GG and rationally adjust the international trade structure. iv. The current study fills the gap in the current body of knowledge by incorporating asymmetric short and long run links of the selected explanatory variables to capture their positive and negative effects on the achievements of GG and low-carbon emissions for the sample countries. To this end, we employed newly developed cross-sectional augmented nonlinear ARDL (CS-NARDL) and nonlinear augmented mean group (NAMG) techniques to supplement the literature on GG and low-carbon emissions. The remaining sections of the paper are carried out as follows. Part 2 provides some useful insights from the existing research. In part 3, we address the analytical and theoretical framework, data, and methods. In Section [4](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-sec-0013), we analyze and explain the empirical findings of the study. Finally, the study's conclusion and policy consequences are presented in Section [5](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-sec-0014). 2 LITERATURE REVIEW To provide an in-depth assessment of the current study, we divided this review into subsections that examine GG, environmental quality, GTO, eco-innovation, and carbon price. 2.1 Research on GTO, GG, and CEs In the recent past, nations and economies have become increasingly interested in expanding their international interactions. consequently, human activities linked to the consumption of energy and extraction of natural assets have become more prevalent and detrimental to environmental quality (Rafei et al., [2022](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0060)). Several studies have examined the association among trade, economic growth, and ecological sustainability. In light of this, Ahmed et al. ([2021](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0001)) investigated the connotation between green energy generation, technical advancements, trade, and economic growth for South Asian economies (SAE). Based on the research results, the researchers concluded that green trade had made significant contributions to SAE's green economic growth. Likewise, Li et al., ([2022](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0048)) found a positive long-run association between green trade and green economic growth for China and proposed long-term global integration of the nations to strengthen the production of green goods. Similarly, Liu et al. ([2022](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0051)) utilizes a Chinese city-level panel dataset to investigate how green good exports affect the green total factor productivity (GTFP). The results suggest that green products export hamper China's sustainable growth. Conventional green goods for resolving environmental problems considerably reduce GTFP. Furthermore, Alam and Sumon ([2020](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0006)), and Keho ([2017](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0044)) discovered that international trade had a favorable impact on economic growth. Similarly, Li et al., ([2022](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0050)) concluded that substitution of renewable energy sources in the production process and trade openness contribute to the reduction of global CEs and promote economic growth. The authors also investigated how GTO influences CEs. To this backdrop, Ali et al. ([2020](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0007)) studied how different types of trade impact greenhouse gas emissions for OIC countries. The study discovered that green trade substantially cuts greenhouse gas emissions. For the top 10 green future economies Wei et al. ([2023](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0084)) considered the impact of green trade on environmental quality and findings showed that green trade boost quality of the environment. Research related to the impact of international trade on CEs yielded contradictory findings. Some scholars, for example, Rehman et al. ([2021](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0062)) and Ullah et al. ([2022](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0071)) using ARDL findings in the Pakistan economy context, found positive and fruitful relationships exist between globalization, energy consumption, and international trade, and ecological footprint. Concerning South African economies, Udeagha and Ngepah ([2019](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0070)) explored the link between trade openness and discovered a positive short-run relationship but a negative correlation in the long run. Mensah et al. ([2018](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0052)) showed that international trade, urbanization, and energy use are the primary contributors to environmental deterioration in China. Duan and Jiang ([2017](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0026)) discovered similar sorts of findings in their analysis for the Chinese economy. Another study analyzed the impact of international trade on CEs. It was concluded that international trade boosts economic activity by accelerating the movement of goods and services. But, as a consequence of globalization, nations now require greater resources. Also, trade openness encourages nations to relocate industries with high-pollution levels, which has a significant negative impact on the environment (Wang et al., [2023](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0080)). 2.2 Eco-innovation, GG, and CEs Several empirical research Ahmed et al. ([2021](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0001)); Hao et al. ([2021](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0033)) and Sohag et al. ([2019](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0064)), demonstrated a positive and substantial relationship among eco-innovations and green economic growth. Sohag et al. ([2019](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0064)) highlighted financial sector reforms to support green technologies and sustainable development. Eco-innovations are the most appropriate mechanism for boosting living standards and ensuring social sustainability. They achieve this by effectively and efficiently using limited resources (Klewitz & Hansen, [2014](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0046)). Ahmed et al. ([2021](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0001)) examined the connection between advancements in technology and green economic growth from the perspective of South Asian countries and found that green technological advances contribute to green economic growth by acknowledging several environmental issues like the reduction of carbon dioxide emissions. Similar findings were made by Padilla-Pérez and Gaudin ([2014](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0056)), who found a significant and positive correlation among technology, science inventions and the rate of green economic growth in Central American nations. Green technological advancements improve the energy sector and reduce CEs, which promote long-term growth (Chen et al., [2016](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0018); Guo et al., [2020](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0032)). Contradictory findings were found in the literature on how technological innovation affects CEs. In the case of the Middle East and West Asian economies, Kihombo et al. ([2021](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0045)) investigated that how technological advancements decrease environmental impact and accelerate economic growth? The authors concluded that green innovations reduce CEs. Similarly, Ahmed et al. ([2021](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0001)) proposed that although the expansion of energy resources and economic growth increase the ecological footprint, technological advancement is crucial in the long run to maintain environmental sustainability. Their research findings in emerging economies supported this assertion. Usman and Hammar ([2021](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0074)), on the other hand, for Asia Pacific Economic Cooperation (APEC) countries discovered that technological innovations enhance the ecological footprints. Furthermore, Destek and Manga ([2021](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0023)) found that technological advancements have greatly reduced CEs but were ineffectual in falling ecological footprint for the large emerging market economies. Bekun ([2022](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0012)) suggested for Indian policymakers that they must provide incentives for reducing CEs, tax breaks, and other forms of financial support to companies that produce appropriate green energy technologies. 2.3 Research on the carbon price, GG, and CEs In recent decades, most of the world's economies have adopted a low carbon inclusive growth policy, with carbon taxes serving as the most direct mean of reducing CEs. Although a carbon price is an efficient instrument for reducing CEs, it also slows economic growth. Hence, a trade-off exists between the carbon price and GDP growth (Ojha et al., [2020](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0055)). Bi et al. ([2019](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0013)) discovered that, in the short term, carbon taxes significantly impacted China's economic growth while reducing carbon mitigation; however, both impacts were mitigated in the long run. A plethora of empirical studies Pal et al. ([2015](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0057)) and Ojha ([2009](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0054)) suggested that while carbon pricing is an effective mechanism for reducing CEs, it also decreases the country's economic progress. Researchers proposed carbon price revenue recycling (transferring income generated by carbon price/tax on fossil energy fuels such as coal, gas, and crude oil to green energy projects such as hydro, solar, wind, geothermal, and biomass, among others, as a subsidy) to enhance inclusive green economic growth (Gerlagh & Van der Zwaan, [2006](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0030)). The main purpose of levying a carbon tax/price on fossil fuels based on their carbon level is to assure ecological safety and sustainability. Tariq and Xu ([2022](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0068)), and Hao et al. ([2021](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0033)) examined the crucial role of carbon pricing on CO2 emissions in G-7 countries and discovered that carbon price is significantly reduced CO2 emissions; thus, these economies must concentrate on ecological pricing policies through taxation as well as green economic growth at the same time. Although most of the research reviewed in the literature showed the negative impact of carbon prices on pollutant emissions and the positive impact on environmental quality. Few studies, such as Wier et al. ([2005](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0086)) discovered evidence suggesting carbon prices slightly stimulate CO2 emissions. 2.4 Literature gaps Summarizing the current research literature, the results related to the GG and environmental impacts of green openness, eco-innovation, carbon price, and green energy were found to be sensitive to different research approaches, and there are still several shortcomings in the previous research studies. As we know from the literature, few studies focused on the relationship between green energy and GG. Although, few scholars have investigated the relationship between sustainable economic development and green innovations for the sample countries under investigation. To the best of our knowledge, no research has looked at the 4G (GG, trade, energy, and innovation) nexus for emerging countries since the 4G nexus is essential for emerging economies to attain socioeconomic and environmental sustainability. Although “GG” has been debated for some decades, an actual “GG index” has yet to be developed for emerging economies. In the academic literature, there is no generally agreed-upon single aggregate index of GG. However, in the present study, we have tried to develop a GG index that included the best and most reliable indicators from the five dimensions of GG. Furthermore, the majority of earlier studies relied on proxies to measure the worth of eco-friendly goods in a certain region, including applications for patents, and technical advancements, while some studies used individual green traded products to capture green trade indicators. However, the current study is relied on both traditional environmental goods and eco-friendly products, using 255 products in total from OECD combined list of environmental goods (CLEG) list, which is the largest basket of green products. Additionally, the results of the available studies are inconsistent and contradictory for a number of reasons, one of which could be the analytical methods. The studies mostly ignore the asymmetrical dynamic long and short-term links among the selected variables and assume symmetric relationships between green openness, eco-innovations, carbon price, GG, and CEs. Whereas, asymmetric empirical findings solve the shortcomings of responsiveness and interpretations of linear estimated approaches and can offset spurious impacts of independently targeted determinants on outcome indicators. 3 THEORETICAL FRAMEWORK, DATA, AND METHODOLOGY 3.1 Theoretical framework In literature, few studies have tried to appraise the connections between low-carbon emissions, GG, carbon price, and GTO. This section describes how “eco-innovations, green openness, carbon price, and green energy contribute to green economic growth”. From the limited literature we conclude that, in order to promote economic growth while addressing environmental issues, green economic growth is recognized as an effective strategy. To study the basic analytical pathway of the influence of green openness, green technological innovations, carbon price, and green energy consumption on green economic growth and low-carbon emissions, the present study designed neoclassical Green Solow growth model in accordance with (Brock & Taylor, [2010](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0015)). Though our emissions function has differed from the formulation of Brock and Taylor, we believe that our approach is conceptually much more straightforward and esthetically better. The cobb–Douglas production function is supposed to provide the functional form followed by (Huang & Quibria, [2013](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0037)): 𝑄=AK𝛼⁢𝐿1−𝛼,(1) where in the above equation, Q is output, K is capital, L is labor, and A represents the total factor productivity that represents the percentage change in output due to changes other than labor and capital. Equation ([1](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-disp-0001)) can also be written in an intense form as: 𝑞=Ak𝛼,(2) here q = Q/L represents gross productivity per worker and 𝑘 = K/L represents capital per worker. Since it is commonly recognized, (0<𝛼<1), suggests that the production per worker has diminishing returns. Given by, the (net) output is: γ𝑦=𝑞⁢(1−γ),(3) where y = Y/L is denoted by per worker net output; and γαγ=α symbolized a set fraction of the domestic (gross) product that is committed to emission control. We may write down the equation for capital accumulation as: γ𝜕𝑘𝜕𝑡=sAk𝛼⁢(1−γ)−(𝜎+𝑛).(4) Capital per worker productivity change is 𝜕𝑘𝜕𝑡. An amount of the net product is expected to be set aside for future investment. On the independent side, γsAk𝛼⁢(1−γ) stands for gross investment, whereas (𝜎+𝑛) is the combination of the depreciation rate of capital and the population size of the labor force. Assuming the following emission function regarding pollution, we have followed (Eriksson, [2013](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0028); Huang & Quibria, [2013](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0037)); ℇ𝓅ℇℇ𝑖,𝑡=pℇ𝑖,𝑡⁢𝑞𝑖,𝑡𝐴⁢𝐹,(5) on the left-hand side of the above equations, it is presumed that cumulative pollution from all economic sectors indicated by, ℇℇ𝑖,𝑡, with the share of emissions attributed to economic activity denoted by, 𝓅ℇpℇ𝑖,𝑡, whereas, 𝑞𝑖,𝑡, represents the output of that economy. In addition, we presume that emission reduction correlates negatively with technological progress. As suggested by (Huang & Quibria, [2013](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0037)), the greater amount of technology, 𝐴, denotes green technologies. Moreover, we presume that technology advances at a rate of 𝜗 due to exogenous factors, alternatively expressed by 𝐴̂=𝜗. Lastly, it is expected that emissions will be reduced when resources are dedicated to mitigation. We have presumed that a constant fraction of economic output, 𝐹, is allocated to abatement. Following is the abatement mechanism: γ𝐹=(γ⁢𝑞)𝜇,𝜇>0<1.(6) Equation ([6](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-disp-0006)) indicates that spending on environmental protection measures has a positive but declining influence on abatement. The previous studies are compatible with this reasonable assumption. The capital accumulation Equation ([4](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-disp-0004)) suggests equaling zero.[1](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-note-0001_note_0) As a result, the steady-state equation 𝑘\* is as follows: γ𝑘\*=sA⁢(1−γ)(𝜎+𝑛)1/(1−𝑎),(7) the above Equation [7](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-disp-0007) shows that the steady-state 𝑘\* decreases as the fraction of output allocated to mitigation increases. The steady-state per capita income (y) declines as 𝑘\* declines. This does not affect the growth rate of the steady-state. Afterward, we will establish a relationship between the Solow steady-state and the EKC. But to perform so, take into consideration Equation ([5](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-disp-0005)). The following is derived by substituting γ𝐹=(γ⁢𝑞)𝜇 from Equation ([6](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-disp-0006)) into Equation ([5](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-disp-0005)) and simplifying: ℇ𝓅ℇγℇ𝑖,𝑡=pℇ𝑖,𝑡⁢𝑘(1−𝜇)/𝑎𝐴𝑖,𝑡𝜇⁢γ𝜇,(8) by differentiating and simplifying Equation ([8](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-disp-0008)) with respect to time, we obtain the equation given below. ℇ𝓅ℇγℇ~𝑖,𝑡=pℇ~𝑖,𝑡+(1−𝜇)⁢𝛼⁢𝑘~𝑖,𝑡−𝜇⁢𝐴~𝑖,𝑡−𝜇⁢γ~𝑖,𝑡.(9) This could also be modified as follows: ℇ𝓅ℇγℇ~𝑖,𝑡=pℇ~𝑖,𝑡+(1−𝜇)⁢𝛼⁢𝑘~𝑖,𝑡−𝜇⁢𝜗𝑖,𝑡−𝜇⁢γ~𝑖,𝑡.(10) Equation [10](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-disp-0010) shows that the emission growth (ℇℇ~𝑖,𝑡) is inversely connected to technical advancement (𝜇⁢𝜗𝑖,𝑡) in addition to a rise in the abatement expenditures rate. Meaning that if improve in environmentally friendly technological progress and increase expenditures on abetment (γ𝜇⁢γ~𝑖,𝑡) will lead to decrease in the growth rate of total emissions (Hao et al., [2021](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0033)). Ceteris paribus, the emission curve precisely replicates the basic equation of the Solow growth model and provides the Environmental Kuznets Curve. According to the Equation [10](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-disp-0010), the economy can only experience to long run GG in the situation that the following conditions occurred: First: ℇ𝓅ℇγℇ~𝑖,𝑡=−𝜇⁢𝜗𝑖,𝑡<0,if and only if𝑘~𝑖,𝑡=pℇ~𝑖,𝑡=γ~𝑖,𝑡=0.(11) This proposes that if eco-innovation occurs, the EKC will attain its negatively sloped section even before the model obtains the Solow steady-state equilibrium, Ceteris paribus. Therefore, when there is an increase in the expenditure on abatement, γγ~𝑖,𝑡, or if Eco-innovation improves, 𝜇⁢𝜗𝑖,𝑡, the turning point of the EKC will come quicker; Second: ℇℇ~𝑖,𝑡=(1−𝜇)⁢𝛼⁢𝑘~𝑖,𝑡−𝜇⁢𝜗𝑖,𝑡=0,if and only if𝑘~𝑖,𝑡=𝜇⁢𝜗𝑖,𝑡(1−𝜇)⁢𝛼>0.(12) This suggests that if the capital per worker growth rate or level of income falls below the appropriate Solow steady-state growth thresholds, the emissions growth rate becomes zero. It is evident from the theoretical background that green economic growth is possible if more resources are allocated to research and development initiatives to improve eco-innovation and in order to meet carbon neutrality goals, authorities should announce a long-term comprehensive approach for boosting the trading of environmentally friendly goods and also increase the environmental taxes it will encourage to that work to guarantee a healthy environment while also increasing economic growth. Based on the theoretical concept, this study provides the following appropriate functional forms, which will be empirically examined. CEit=𝑓⁡(EIit,GTOit,CPit,GEit,GDPit,GDPit2),(13) GGit=𝑓⁡(EIit,GTOit,CPit,GEit,GDPit,GDPit2),(14) where from Equations ([13](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-disp-0013)) and ([14](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-disp-0014)), (CE) denotes “carbon emissions,” “GG,” “GTO,” “carbon price (CP),” “eco-innovation (EI),” “green energy consumption (GE),” “per capita gross domestic product (GDP),” “per capita GDP square (GDP2).” We extend Equations [13](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-disp-0013) and [14](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-disp-0014) to the subsequent empirical equations. CEit=𝜆𝑖+𝜆1⁢EI𝑖⁢t+𝜆2⁢GTOit+𝜆3⁢CPit+𝜆4⁢GEit+𝜆5⁢GDPit+𝜆6⁢GDPit2+𝜀it,(15) GGit=𝜆𝑖+𝜆1⁢EIit+𝜆2⁢GTOit+𝜆3⁢CPit+𝜆4⁢GEit+𝜆5⁢GDPit+𝜆6⁢GDPit2+𝜀it,(16) where “⁢𝑖” represent a cross-section (e.g., emerging economies) and 𝜆 represents constant, “⁢𝜆1, 𝜆2, 𝜆3, 𝜆4,and𝜆5” denotes the slope coefficients of all independent variables, while “⁢𝑡” represents the timeframe of the study. 3.2 Variables and data The present study examines the role of green openness, eco-innovations, carbon price, and green energy for the low-carbon emissions and GG in top 12 EMEs, where BRIICS economies are also included.[2](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-note-0002_note_1) Based on the availability of data for all indicators, this study covers the period from 1996 to 2021. Following are the operational definitions of key variables. 3.2.1 GG index GG is the primary explained variable in our study. It is hard to measure GG using a single composite index. Given the availability of data at the country level, we decided to create a new GG index using 5 dimensions and 30 indicators. For this purpose, the authors combined the list of GG dimensions and indicators proposed by OCED and (GGGI, [2020](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0031)) to offer the best feasible and most reliable indicators capable of monitoring important aspects of GG as well as reflective of a larger set of GG subjects. These suggested dimensions are divided into the following five categories: (i) natural asset basis, (ii) environmental and resource productivity, (iii) economic opportunities, (iv) socio-economic context and features of growth, and (v) the environmental quality of life. Detailed explanations of each indicator and dimensions for GG index are presented in Table [B1](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-tbl-0007) in the Appendix [B](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-app-0002). To construct an index, we must figure out the weights of the variables using a certain approach. Consistent techniques are required to measure the comprehensive performance of GG, and the weighting for indicators is a challenge that every approach must solve. Thus, the current study opted for the entropy weight technique to allocate emphasis across several indicators. The entropy weight technique is a useful tool for describing both certainties and unknowns. In addition, entropy weight can increase the neutrality of the decision-making process and reduce the chance of errors (Du et al., [2021](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0025); Wang et al., [2020](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0081)). The composite index we developed may represent GG levels from the perspective of all 30 indicators. Detailed methodology of the entropy weight method is presented in Appendix [A](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-app-0001). 3.2.2 GTO index Literature has no consensus on a typical green goods basket. Various organizations categorize several products as environment-friendly goods. Since some product lists include certain items, other product baskets may not contain the same items. However, all other green product baskets are covered under the OECD's CLEG. The “Friends List” issued by the World Trade Organization (WTO, [2009](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0088)) as well as the “plurilateral agreement on environmental goods and services” list made public by the OECD and APEC are both included in the CLEG basket (APEC, [2012](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0009)). The current study used 255 trading goods on the OECD CLEG list, the largest basket of green products. To construct a new GTO index for the top 12 emerging market economies the study used following formula, followed by (Can et al., [2021](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0016)). GTO𝑖,𝑡=(GIMP𝑖,𝑡+GEXP𝑖,𝑡GDP𝑖,𝑡)×100,(17) where GTO𝑖,𝑡, GIMP𝑖,𝑡, GEXP𝑖,𝑡, and GDP𝑖,𝑡 denote GTO, total environmentally friendly products imported, total environmentally friendly goods exported, and gross domestic product in the country respectively. The index is calculated from 1996 to 2021 based on the data availability from OECD database and the UN comtrade database. Appendix [C](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-app-0003), Table [C1](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-tbl-0008) provided the detailed list of Hs number of each environment friendly good. Table [1](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-tbl-0001) shows the data sources, acronyms, and measurement units. Except for indices of GG and GTO, all variables are converted into log form prior to performing the empirical analysis. TABLE 1. Variables, measurement, and sources [TABLE OMITTED] Figure [1](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-fig-0001) illustrates the average rates of GG and CEs for the countries under consideration from 1996 to 2021. China has the highest GG and CEs followed by other EMEs. India, on the other hand, ranks second in terms of CEs but has the lowest green economic growth, while Hungary, Greece, and the Czech Republic are the lowest polluters. This suggests that these two nations have made progress in decreasing the adverse impacts on the environment, as their CEs are lower than the other economies. It also indicates that environmental sustainability still remains an issue in most of EMEs. With the exception of Hungary, Greece, and the Czech Republic, these nations are experiencing deeply alarming situations that pose high consequences to the lives and health of their inhabitants. [GRAPH OMITTED] FIGURE 1 In-country Average green growth and, carbon emissions, 1996–2021. The right panel of the Figure [2](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-fig-0002) shows average GTO and eco-innovation, while the left panel shows carbon price and green energy for EMEs. Hungary is leading in terms of GTO followed by other economies. In contrast, economies including India, Brazil, Greece, South Africa, and Turkey have relatively lower GTO. Interestingly, the illustration shows that all the economies have higher eco-innovation capacity compared to GTO, indicating that they have progressed further in adopting innovative techniques and innovations for environmental sustainability. Besides, the majority of EMEs in the left panel have offered strong support for the transition to green energy, which can be attributed to both eco-innovation and the declining cost of green sources. The carbon price is relatively low (Figure [2](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-fig-0002)), which is important for sustainable development. Increase in carbon price may motivate industries to invest in developing low-carbon technology, which would boost productivity and promote environmental quality. [GRAPH OMITTED] FIGURE 2 In-country Average green trade openness, eco-innovation, carbon price, and green energy, 1996–2021. Summary of the box plot for the variables under consideration from 1996 to 2021 is illustrated in Figure [3](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-fig-0003). [GRAPH OMITTED] FIGURE 3 Summarize of the box plot for the variables under consideration: GG𝑖,𝑡,CE𝑖,𝑡,GTO𝑖,𝑡,EI𝑖,𝑡,CP𝑖,𝑡,andGEC𝑖,𝑡. 3.3 Empirical methodology While doing empirical estimations using panel data, it is crucial to determine cross-sectional dependency. Traditional panel data estimation methods are inconsistent due to cross-section dependency, caused by the growing interconnectivity of social and economic structures and by unexpected common shocks (Hao et al., [2021](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0033)). Thus, depending on methods that presume cross-sectional independence might lead to misguided results. The study under investigation employed LM test to check cross-sectional dependence (CD) with biased adjustment developed by (Breitung & Pesaran, [2008](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0014)) and the (Pesaran, [2015](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0059)) CSD test to confirm whether to apply first generation unit root or second-generation unit root tests for stationarity of the variables. In this context, we utilized the CADF, CIPS, and IPS unit root tests proposed by (Pesaran, [2007](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0058)). Prior to move further with empirical estimations, the present study also employed cross-country slope homogeneity test developed by (Swamy, [1970](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0066)) and (Hashem Pesaran & Yamagata, [2008](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0034)) to prevent the errors associated with erroneously assuming slope homogeneity. The long-run relationship between variables in both GG and CE models are investigated in this study using the (Westerlund, [2007](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0085)) co-integration test. Since it is effective with models exhibiting slope heterogeneity, this test is most relevant. In addition, this test also accounts for cross-sectional dependencies. 3.3.1 CS-NARDL model In this study, we developed an ingenious econometric technique called the CS-NARDL model based on CS-ARDL developed by (Chudik & Pesaran, [2015](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0020)) which is an improved variant of the pooled mean group-NARDL model. There are several advantages of using the CS-NARDL method instead of alternative approaches. To begin, this technique allows us to obtain both short-run and long-run estimates simultaneously. Second, we may include the variables that are integrated at different orders, in the analysis without having to do a preunit root test initially. Third, the cross-sectional dependency and slope heterogeneous issues are solved by using this technique. Furthermore, asymmetric empirical methodology resolves the shortcomings of responsiveness and interpretations of linear estimated approaches and can offset spurious impacts of independently targeted determinants on outcome indicators. Additionally, since the dynamic relationships between the specified series are impacted by a variety of factors, including political, social, and economic contexts, depending just on the symmetric correlation may result in poor policy decisions. Therefore, it is still crucial to separate the effects of negative and positive shocks in the dynamic series to identify their various effects on the performance of GG and CEs in EMEs. Finally, this estimation technique provides both long and short-run positive and negative shock coefficients. The assumption behind the CS-ARDL model is that the independent variables have symmetric influences on dependent variable. However, our prime objective is to modify the equation of CS-ARDL, so that we may examine the asymmetric impacts of independent variables on dependent variables. Accordingly, we need to generate new variables, as given below: GTO𝑖,𝑡+=∑𝑛=1𝑡∆GTO𝑖,𝑡+=∑𝑛=1𝑡max⁡(∆GTO𝑖,𝑡+,0)GTO𝑖,𝑡−=∑𝑛=1𝑡∆GTO𝑖,𝑡−=∑𝑛=1𝑡min⁡(∆GTO𝑖,𝑡−,0),(18) CP𝑖,𝑡+=∑𝑛=1𝑡∆CP𝑖,𝑡+=∑𝑛=1𝑡max⁡(∆CP𝑖,𝑡+,0)CP𝑖,𝑡−=∑𝑛=1𝑡∆CP𝑖,𝑡−=∑𝑛=1𝑡min⁡(∆CP𝑖,𝑡−,0),(19) EI𝑖,𝑡+=∑𝑛=1𝑡∆EI𝑖,𝑡+=∑𝑛=1𝑡max⁡(∆EI𝑖,𝑡+,0)EI𝑖,𝑡−=∑𝑛=1𝑡∆EI𝑖,𝑡−=∑𝑛=1𝑡min⁡(∆EI𝑖,𝑡−,0),(20) where GTO𝑖,𝑡+, GTO𝑖,𝑡−, CP𝑖,𝑡+, CP𝑖,𝑡−, EI𝑖,𝑡+, and EI𝑖,𝑡− are represents the positive and negative shocks of the variables. Following Sohail et al. ([2022](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0065)); Tariq et al. ([2019](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0069)) and Wang, Huang, et al. ([2022](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0078)), we Substitute the positive as well as negative variables in the Equations [21](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-disp-0021) and [22](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-disp-0022) CS-ARDL model yields the following revised equation. ∆CE𝑖,𝑡=𝛼it+𝜆𝑖⁢(CEit−1−𝜇𝑖⁢𝑋+it−1−𝜇𝑖⁢𝑋−it−1−𝜗𝑖⁢ln⁡CE¯𝑡−1−𝜗2⁢𝑖⁢𝑋¯𝑡−1)+∑𝑗=1𝜌−1𝜆ij∆CE𝑖,𝑡−𝑗+∑𝑗=0𝑞−1𝜃ij⁢𝑋+it−𝑗+∑𝑗=0𝑞−1𝜃ij⁢𝑋−it−𝑗+𝜂1⁢𝑖∆CE¯𝑡+𝜂2⁢𝑖∆𝑋¯+¯𝑡+∆𝑋¯−¯𝑡+𝜀it,(21) θ∆GG𝑖,𝑡=𝛼it+𝜆𝑖⁢(GGit−1−𝜇𝑖⁢𝑋+it−1−𝜇𝑖⁢𝑋−it−1−𝜗𝑖⁢ln⁡GG¯𝑡−1−𝜗2⁢𝑖⁢𝑋¯𝑡−1)+∑𝑗=1𝜌−1𝜆ij∆GG𝑖,𝑡−𝑗+∑𝑗=0𝑞−1𝜃ij⁢𝑋+it−𝑗+∑𝑗=0𝑞−1θij⁢𝑋−it−𝑗+𝜂1⁢𝑖∆CE¯𝑡+𝜂2⁢𝑖∆𝑋¯+¯𝑡+∆𝑋¯−¯𝑡+𝜀it,(22) After conducting a direct estimation of both models, the long-run coefficients can be calculated as follows: 𝜃̂CS−NARDL,𝑖=∑𝑗=0𝑞−1𝜃ij1−∑𝑗=1𝜌−1𝛾ij.(23) While CS-NARDL serves as the foundation for our investigation, we have also employed the AMG and NAMG regression models to verify the stability of our findings. The AMG estimator was first proposed by (Eberhardt & Bond, [2009](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0027)) to estimate the symmetric long-run parameters in heterogeneous panel data. Similar to the CS-ARDL estimator, the AMG estimator is resistant to both parameter heterogeneity and cross-sectional dependency. While NAMG estimator developed by authors with substituting the positive and negative variables based on Equations [18](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-disp-0018), [19](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-disp-0019), and [20](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-disp-0020) for nonlinear robustness estimation. 4 RESULTS AND DISCUSSION Results from testing the dependency in cross-sections are presented in Table [2](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-tbl-0002). The outcomes of the CDpesaran and LMBiased adjusted tests indicate that all the variables under consideration are reliant on the outcome variables CE and GG. Not only this, CD also exists among these variables. Furthermore, the results of CD test in residuals also confirm the presence of CD problem. These results suggest that, during the study time period, EMEs are interdependent on each other in terms of GG, CEs, green trade, eco-innovations, and green energy. TABLE 2. Cross-sectional dependency and slope homogeneity test results [TABLE OMITTED] Source: Author's estimations. Additionally, Table [2](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-tbl-0002) also provides the results of the slope homogeneity test. The findings supported alternative hypothesis and rejected null hypothesis of homogeneous slope coefficients for both the models at 1% level of significance. Thus we conclude that, the dataset has the problem of slope heterogeneity for emerging nations, where socioeconomic and demographic variables may predominantly cause this problem. The CD and slope homogeneity tests results confirmed that the null hypotheses are invalid; hence further empirical investigation can be carried out by employing second-generation panel data econometric methods. Given the presence of CD and slope heterogeneity, this study has been constrained to apply second-generation CIPS and CADF unit root tests, considering the possible challenges with panel data. The results of the CIPS and CADF unit root tests are shown in Table [3](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-tbl-0003). On the basis of these results, it can be inferred that certain variables, such as GG, CE, GTO, CP, GDP, and GE, exhibit nonstationary at the level while EI is stationary at the level. However, CADF and CIPS indicate stationary at the first difference for most of the variables. Therefore, we conclude from the unit root tests results that our model has mixed order of integration. As there is a combination of the I(0) and I(1) stationary series, we may use the Westerlund co-integration technique to analyze the long-run associations among the study variables. TABLE 3. First and second-generation unit root test results [TABLE OMITTED] Note: \*\*\*, \*\*, \* denotes significant at 1%, 5%, and 10% respectively. Table [4](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-tbl-0004) summarizes the results of Westerlund cointegration test and supports the presence of long-term co-integration connections among the variables. It implies that all variables move in tandem throughout time, leading to a long-term equilibrium. After confirming the co-integration among the study variables, we applied CS-NARDL technique to measure nonlinear coefficients for the variables under consideration. TABLE 4. Cointegration test results [TABLE OMITTED] Source: Author's estimations.

[CONDENSED FOR READABILITY]

Table [5](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-tbl-0005) provided the long-run and short-run results for both GG and CE models. Results indicate that any positive shock in GTO leads to an increase in GG and decrease in CEs. According to the coefficient, it is evident that 1% increase in positive shock of GTO leads to 0.153% improvement in GG, for example, 𝜕GG𝑖,𝑡𝜕GTO𝑖,𝑡+>0 and it is associated with a 0.0453 percentage decrease in CE, as shown by the coefficient, for example, 𝜕CE𝑖,𝑡𝜕GTO𝑖,𝑡+<0. The estimated coefficient for the negative shock in GTO has negative effect on GG and statistically insignificant, while it has a positive and significant effect on CE for example, 𝜕GG𝑖,𝑡𝜕GTO𝑖,𝑡−=0, and 𝜕CE𝑖,𝑡𝜕GTO𝑖,𝑡−>0. This particular result of any negative shock in GTO suggests that any reduction in GTO has no significant long-term impact on GG in EMEs. This result is consistent with various international trade theories including comparative advantage, the Porter hypothesis, and ecological modernization. GTO in emerging nations can reduce CEs, improve energy efficiency, enlarge eco-friendly industries, and contribute to sustainable development. This evidence also supports earlier researches conducted by (Can et al., [2021](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0016); Huang & Zhao, [2022](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0036)), which showed that Green trade encourages sustainable development and lowers greenhouse gas emissions, especially in developing nations. Similarly, these results are also consistent with Ahmed et al. ([2021](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0001)), and Can et al. ([2021](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0016)), who demonstrated that green trade could promote the adoption of environment friendly industrial techniques and benefits countries in achieving their climate targets. Likewise, Li, Wang, and Wang ([2022](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0050)), and Wei et al. ([2023](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0084)) also found similar results for positive long-run association between green trade and green economic growth for China and proposed long-term global integration of the nations to strengthen the production of green goods. International trade has made it possible for EMEs to produce and export green goods around the globe and import a wide range of green goods from other countries. Furthermore, positive shocks in carbon price (CP) have a considerable and favorable impact on GG and significant negative effect on CEs [Carbon Emissions], for example, 𝜕GG𝑖,𝑡𝜕CP𝑖,𝑡+>0, and 𝜕CE𝑖,𝑡𝜕CP𝑖,𝑡+<0. Specifically, it suggests that a 1% change in positive shocks of CP [Carbon Pricing] ultimately results in a 0.130% increase in GG and 0.163% decrease in CEs [Carbon Emissions]. However, any negative shock in carbon price has no significant effect on both GG and CE in EMEs. This finding is consistent with the economic theory that higher prices incentivize individuals and firms to adopt cleaner technologies and reduce emissions. These results are also consistent with the results of Chien et al. ([2021](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0019)), and Hao et al. ([2021](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0033)) who argued that environmental taxes could play a vital role in sustainable development via reduction in CEs. Similar types of results that is, increase in carbon prices or environmental taxes can reduce the amount of CO2 emissions in the environment and improve environmental sustainability were found by (Chien et al., [2021](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0019); Tao et al., [2021](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0067)). Carbon price as a policy instrument has been designed to discourage greenhouse gas emissions. Moreover, the carbon price mechanisms can encourage firms to invest in advancing low-carbon technologies, resulting in an increased productivity and environment friendly economic growth in EMEs.

TABLE 5. Long and short run results of cross-sectional augmented nonlinear autoregressive distributed lag

| Variables | Long run coefficients | | | | Short run coefficients | | | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Green growth model dependent variable (GG) | | Carbon emissions model dependent variable (CE) | | Green growth model dependent variable (GG) | | Carbon emissions model dependent variable (CE) | |
| Coefficients | 𝓏𝑧stats | Coefficients | 𝓏𝑧stats | Coefficients | 𝓏𝑧stats | Coefficients | 𝓏𝑧stats |
| GTO𝑖,𝑡+ | 0.1537\*\*\* | 4.7600 | −0.0453\*\*\* | −3.117 | 0.0193 | 1.260 | −0.0354\* | −1.8348 |
| GTO𝑖,𝑡− | −0.0827 | −1.0972 | 1.0272\*\* | 5.818 | .02210\*\* | −2.130 | 0.7694\*\* | 1.9769 |
| CP𝑖,𝑡+ | 0.1302\*\* | 1.9994 | −0.1635\*\* | −1.952 | 0.1502\*\*\* | 3.635 | −0.6839 | −1.3700 |
| CP𝑖,𝑡− | −0.0846 | −1.2991 | 0.0942 | 1.277 | −0.12931 | −1.06 | 0.0473 | 1.3806 |
| EI𝑖,𝑡+ | 0.0318\*\*\* | 2.885 | −0.0348\*\*\* | −2.636 | 0.0344\*\* | 2.157 | −0.3865\*\* | −1.9893 |
| EI𝑖,𝑡− | −0.0926\*\*\* | −8.4029 | 0.1528\* | 1.8498 | −0.0625\*\*\* | −2.932 | 0.0847 | 1.6198 |
| GE𝑖,𝑡 | 0.7561\*\*\* | 4.9868 | −1.6361\*\*\* | −4.269 | 1.0453\*\* | 2.100 | −0.7862\*\*\* | 5.1625 |
| Gdp𝑖,𝑡 | 0.352\*\* | 1.9498 | 0.758\*\*\* | 3.1167 | 0.327\* | 1.942 | 1.2851\*\* | 8.4385 |
| Gdp2𝑖,𝑡 | −0.361\*\*\* | −2.890 | −0.4952\*\*\* | −2.727 | −0.643\*\* | −2.107 | −0.8512\*\*\* | −3.9660 |
| GG−1 |  |  |  |  | −0.6985\*\*\* | −6.774 | −0.7125\*\*\* | −6.864 |

Abbreviations: CE, carbon emissions; GG, green growth.

Note: \*\*\*, \*\*, \* denotes significant at 1%, 5%, and 10% respectively.

Source: Author's estimations.

Further, the study results also demonstrate that positive shocks in eco-innovations have a growing impact on GG and reduce CEs in EMEs. According to the result, a 1% increase in positive shock in EI leads to a 0.031% increase in GG while the same increase in positive shock of EI reduces CEs by 0.026% in the long-run, for example, 𝜕GG𝑖,𝑡𝜕EI𝑖,𝑡+>0, and 𝜕CE𝑖,𝑡𝜕EI𝑖,𝑡+<0. Besides, the negative shock of EI has negative and significant impact on GG and positive effect on CEs [Carbon Emissions] with the coefficients respectively −0.092 and 0.1528 in the long-run for EMEs, for example, 𝜕GG𝑖,𝑡𝜕EI𝑖,𝑡−<0, and 𝜕CE𝑖,𝑡𝜕EI𝑖,𝑡−>0. Our findings about the favorable correlation between eco-innovations and GG are supported by earlier studies, such as Hussain et al. ([2022](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0038)), Wang, Umar, et al. ([2021](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0077)), and Urbaniec et al. ([2021](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0073)) who claimed that eco-innovations assist in maintaining a sustainable environment by limiting the use of scarce resources and strengthening circular economy policies. Prior studies have shown that in order to transform the country from brown to green, ambitious green energy regulations and eco-innovation improvements are required (Akhtar et al., [2021](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0005); Wang, Umar, et al., [2021](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0077)). This result suggests that the usage of environment friendly technologies in the growth process may cause a direct reduction in the pollution. These outcomes also show that eco-innovations may have a remarkable influence while maintaining environmental sustainability and achieving the global objective of GG that is, they can reduce negative environmental consequences, increase agro-industrial production, protect natural resources, and promote capital accumulation in EMEs. Moreover, Green energy consumption has significant positive impact on GG while negative effect on CEs for example, 𝜕GG𝑖,𝑡𝜕GE𝑖,𝑡>0, and for example, 𝜕CE𝑖,𝑡𝜕GE𝑖,𝑡<0, 𝜕GG𝑖,𝑡𝜕GDP𝑖,𝑡>0. These results are in line with the findings of (Chien et al., [2021](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0019)), who concluded that green energy contributes to the environmental sustainability by reducing CEs. Li, Wang, and Wang ([2022](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0050)) also claimed that the green energy consumption improves environmental quality while promoting economic growth for 120 sample economies. Similarly, these results were also supported by a recent study conducted by Balsalobre-Lorente, Ibáñez-Luzón, et al. ([2022](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0011)), who claimed that environmental deterioration can be slowed down since renewable energy has a negative influence on CO2 emissions. Thus, we conclude that consumption of renewable energy sources like solar, hydro, wind, and geothermal etc. in the production process can reduce CEs and promote GG leading towards the accomplishment of global objective of sustainable development. GDP per capita have positive effects both on CEs for example, 𝜕CE𝑖,𝑡𝜕GDP𝑖,𝑡>0, and GG that is, 𝜕GE𝑖,𝑡𝜕GDP𝑖,𝑡>0. This result in line with the findings of Wang, Wang, and Li ([2022](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0079)) who concluded that economic development and environmental quality are nonlinear. As urbanization grows, the impact of economic growth on CEs is amplified.

Finally, any change from positive to negative in the coefficients of GDP to GDP-square denotes an inverted U-shaped link between economic growth and CEs in EMEs which is consistent with the EKC hypothesis. The coefficient of Gdp2𝑖,𝑡 for GG is also negative for example, 𝜕GG𝑖,𝑡𝜕Gdp2𝑖,𝑡<0, which shows the inverted U-shaped relationship between GG [Green Growth] and GDP for these economies. This outcome is consistent with the result of (Hussain et al., [2022](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0038); Jahanger et al., [2022](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0042)) that the square of GDP negatively influences GG. In addition to this, this result was also supported by the outcome of (Wang et al., [2023](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0080)) for 208 world economies. In contrast, these results are inconsistent with the findings of Ahmed and Le ([2021](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0003)) and (Zafar et al., [2020](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-bib-0090)), who found U-shaped relationship between GDP per capita and CEs. These results suggest that emerging economies urgently need huge amounts of natural capital to flourish economically. If it happens, natural resources abundance is likely to contribute GG positively. But, when a certain threshold was reached, GG began to drop alongside rising GDP due to the increase in aggregate demand, which in return would reduce the availability of nature-based resources.

The robustness of the CS-NARDL results of both GG and CEs models for this study were re-examined by employing the AMG and NAMG methods in Table [6](https://onlinelibrary-wiley-com.proxy2.cl.msu.edu/doi/full/10.1002/sd.2711#sd2711-tbl-0006). It is noticeable that the results of long-run estimations produced by AMG, as well as NAMG and CS-NARDL estimators are quite similar. Although the magnitudes of the coefficients differ slightly in different estimators. If we compare the magnitudes of the coefficients of CS-NARDL with that of NAMG estimator, CS-NARDL estimator produces higher magnitudes of the coefficients than NAMG estimator. The results of both robustness estimators indicate that GDP, GTO, CP, EI, and GE have significant influences on GG and CEs in EMEs.

### Cap K---Sust---AT: Scheffran

#### Tech innovation undergirded by expertise is good and solves sustainability

< FOR REFERENCE, MSU is GREEN and only relevant portions included >

Dr. Jürgen Scheffran 25, PhD, Professor, Integrative Geography, University of Hamburg. Chair, Research Group Climate Change & Security (CLISEC), Institute of Geography, "Planetary Boundaries, Polycrisis & Politics in the Anthropocene: Climate Pathways, Tipping Cascades & Transition to Sustainable Peace in Integrative Geography," in Towards Rethinking Politics, Policy & Polity in the Anthropocene, Chapter 8, pg. 339-444, 02/25/2025, Springer. [italics in original]

*8.4.6 Ambivalence of Science and Technology Between Force Multiplier and Growth Limits*

The degree to which humans can control and manipulate nature is strongly affected by science and technology which multiply abilities to act upon and control natural processes. Technical innovations can increase adverse human impacts on nature, even lead to technical disasters such as reactor accidents, dam bursts, aircraft crashes or chemical disasters, but also diminish risks through safety mechanisms or resource needs through sustainable and low-carbon energy systems. Landscapes are shaped and transformed by technology, such as built environments in urban areas, transportation networks and energy landscapes. As large distances can be overcome in short time by transportation and communication systems, geographical spaces are shrinking, accelerating the exchange across boundaries and transforming the humannature interspace. Technology transfer enables the flow of technological capacity across borders and accelerates technology development in regions without access, overcoming large regional differences.

Science and technology play an ambivalent role, creating opportunities for problem solving as well as problem exacerbation (Scheffran 2018a). They have a share in the growth dynamic, as science strives to explore unknown territories in the world of knowledge, while technical innovations provide the means to ‘conquer’ the real world, changing it constructively or destructively. Thus, they can ease the hardships of human existence and allow more people to have a decent life and avoiding limits to growth and scarcity. At the same time, technical means have increased human impact on the natural world which threatens the living conditions. Thus, the power of scientific knowledge itself has limits and contributes to them (Lüthje et al. 2011).

Since science and technology expand the functions of the human body interacting with the outside world, they provide enhanced senses to perceive and understand things outside the everyday horizon of experience, and create instruments to cross borders and to intervene in more distant worlds. As more and more becomes ‘comprehensible’, science and technology develop into factors of power, for securing domination but also for overcoming it when new actors take advantage of it. Powerful technical instruments can serve as means of production, but also as destructive means, becoming involved in technology conflicts (Scheffran 2015a). In addition to more intensive exploitation of resources, acceleration of economic growth and increase in the means of violence, science and technology can be used to overcome problems.

The more scientific-technical civilization becomes a problem, the greater are the temptations for technical intervention, which in turn brings new problems. This is shown by critical discourses on genetic engineering, geoengineering or artificial intelligence. In the post-factual age of *fake news*, scientific knowledge also comes under pressure by nurturing doubts about its truth and validity. The complexity of the constructed world increases immeasurably, making social control and political governance more difficult. Complex systems tend to surprise, react sensitively to fluctuations, make the future uncertain and open up many options, which sets limits to knowledge and makes decisions more difficult (Scheffran 2008).

Experts are often called to the front when politics is stuck and needs them, mostly in crises, wars and catastrophes, less when it is a matter of avoiding the driving forces and power structures that lead to them. Provided it is in line with the interests of the population, in the long run science and technology can contribute to problem avoidance and improvement in order to secure life on earth and to change society in a sustainable way. Scientific responsibility also includes replacing the destructive exploitation of nature with constructive co-evolution of the biosphere and sociosphere that makes their respective inherent dynamics compatible. This includes the development and implementation of practical proposals for sustainable development in politics and economics, and the search for ‘alternative’ conceptions of nature and forms of traditional knowledge and alternative knowledge production. In addition to the science of inanimate nature, which like classical physics provides regularities for the development of technical innovations and mastery of nature, the sciences of animate nature (biology, ecology, social sciences) focus on complex interrelationships and social innovations that learn from nature and strive for integration with nature. This offers the chance to explore the scientific interspace and overcome the old dualism of subject and object, of body and soul, of nature and society.

Science and technology have been a driving force in the climate debate since its inception. Scientific measurement data and theories have been used to create computer models to simulate future scenarios, depending on plausibility assumptions about economic and societal processes and policy responses. The state of climate research is summarised in reports of the *Intergovernmental Panel on Climate Change* (IPCC), deriving proposals for mitigating climate change and feeding them into negotiations, such as the temperature target in the Paris Agreement. In parallel, technical instruments for emission reduction were developed for the energy, transportation and agricultural transitions, etc., but have so far been insufficiently implemented.

### Cap K---Alt---AT: Democratic Socialism [Barenberg]

#### Barenberg explicitly agrees the ALT’s NOT mutually exclusive---criticism of CBRs is merely that it doesn’t go far enough without adding the ALT---that’s the perm. MSU is green, inserted for reference.

1NC Mark Barenberg 22, JD, MSc, Professor, Law, Columbia University. Director, Labor Law & Political Economy, Columbia University, "A New Labor Law for Deep Democracy: From Social Democracy to Democratic Socialism," in The Cambridge Handbook of Labor & Democracy, Chapter 1, 2022, pg. 13-35. [italics in original]

If our goal is to construct workplace relations that maximally empower workers and best sustain ideal forms of industrial democracy and worker-centered political democracy, how should we remake labor law? This chapter argues that the academic field of labor law, if it is to further that goal, must expand far beyond its conventional scope of studying the law of collective bargaining, the employment contract, and workplace standards.1 And, correlatively, the political work of legal-institutional reconstruction must reach beyond the domain of the legal rules and institutions that directly shape unionization, contracting, and employment standard-setting into other legal-institutional domains not presently constructed with the goal of worker empowerment and democratic deepening in mind. The chapter applies this “new labor law” to two types of regimes: first, the US variant of social democracy – that is, the current incarnation of the New Deal regime that promotes unionization within a capitalist economic system; and second, a democratic socialist regime for a post-capitalist economy centered on fully worker-controlled enterprises.

The argument of this chapter proceeds in four sections. The first sets out the basic problem of sustaining industrial and political democracy in a capitalist economy. In order to flesh out that problem, the second offers a conceptualization of capitalist *political and economic* institutions – and of the disempowerment of workers in both the workplace and politics – that is more multifaceted than New Deal labor law’s sole focus on the institution of wage labor. The second then argues that mapping the essential *legal* infrastructure of this panoply of capitalist institutions has been undervalued by leftist labor lawyers and political economists. The purpose of expanding the scope of labor law as a field of legal *study* is, precisely, to examine how legal rules and institutions presently construct workplaces in ways that both promote and undermine worker power and democracy and how those rules and institutions could be reconstructed to better realize those values.

The third section therefore applies the new labor law to critique the current version of the New Deal labor policy and many other fields of law and to propose their renovation to support a deepened, worker-centered form of social democracy suited to post-mass-production finance capitalism. The fourth argues that, perhaps unexpectedly, many of the reforms that would strengthen worker power and democracy within contemporary capitalism would also be essential for realizing the same goal within post-capitalist democratic market socialism. That section, again applying the new labor law, then discusses some key additional legal questions that would need to be answered to construct and sustain the worker-controlled enterprises at the heart of the latter regime.

Within the scope of this chapter, all four sections of the argument must necessarily be highly compressed and schematic. The chapter maps in a skeletal and merely illustrative fashion some of the specific elements in just a few of the legal domains outside of conventional labor law that structure contemporary capitalism and that could structure an imagined democratic socialism. The chapter is therefore intended only as a prolegomenon to a more comprehensive treatment of the new labor law, as applied to varieties of both existing capitalism and alternative capitalist and post-capitalist possibilities.2 The goal here is to persuade the reader that expanding labor law’s scope will advance the project of conceiving legal reforms to strengthen worker power and democracy across a range of political economies.

Three prefatory notes, the first substantive, the second and third terminological: First, although this chapter points to certain possible reforms in existing law within capitalism and discusses general problems of legal design raised by democratic socialism, in both cases real reconstruction cannot and should not be specified in an analyst’s blueprint but, rather, would be shaped by participants in the political movements and struggles that might bring about the reconstructed institutions.

Second, when this chapter refers to the legal “construction” of political and economic institutions, that word is used in a special and expansive sense. It denotes that a law or legal institution strongly influences the political or economic institutions in question. The means of such influence may be either coercive legal sanctions or the law’s non-coercive ideological effects; may be implemented through legislative, judicial, or administrative rules, principles, and processes; and may be either a prohibition or permission of economic or political action. And, reference to legal construction of political and economic institutions does not mean that law and legal institutions are not reciprocally influenced by those institutions and by political and ideological contestation among social actors. This chapter assumes just the contrary: the legal infrastructure of particular political economies must be mapped and analyzed, in order to conceive both radical legal reform to strengthen worker power and democracy and the political action to achieve it.

Third, the term “strengthening worker power and democracy” should be read as a shorthand, denoting the individual and collective empowerment of workers in the workplace, and the deepening of industrial democracy and worker-centered political democracy.

THE INHERENT TENSION BETWEEN CAPITALISM AND DEMOCRACY

An unassailable proposition advanced by progressive and socialist theorists and actors at least since Karl Marx is that capitalist economies pose a systematic threat to both industrial and political democracy. In 1936, a year after enactment of the National Labor Relations Act (NLRA or Wagner Act), Franklin Roosevelt echoed Marx’s diagnosis: “Here in America we are waging a ... war for the survival of democracy” against the “economic royalists” whose “[n]ew kingdoms were built upon the concentration of control over materials things,” who “reached out for control of Government itself,” and who took “[t]he hours of men and women worked, the wages they received, [and] the conditions of their labor ... beyond the control of the people ...” (Roosevelt 1936).

To understand the tension between capitalism and democracy with enough specificity to criticize and reconstruct labor law, we must ask: what are the core institutions that define capitalism and that determine the degree of worker power and depth of democracy? In many standard Marxist accounts – far more simplified than Marx himself assayed – the defining institution of capitalism is wage labor (just as the defining institution of feudalism is serf labor, and the defining institution of a slavocracy is slave labor): to survive, property-less workers must sell their labor power to the property-owning class of capitalists, and the same necessity disempowers workers within workplace and political hierarchies dominated by the propertied class.

This account of worker disempowerment and domination is also at the center of the decidedly non-Marxist labor policy of the New Deal, which sought to reconstruct, rather than overthrow, capitalist work. Senator Wagner, the architect of that policy, often stated that it was a response to one fundamental injustice – the coercive denial of individual freedom and collective democracy – flowing from the wage-laborer’s need to enter employment to survive (Barenberg 1993: 1422–1427). And Section 1 of the NLRA states that legally protected unionization, in and of itself, creates “equality of bargaining power,” 3 with no regard to reconstructing legal institutions outside the Act’s narrow field of vision.

THE PANOPLY OF ECONOMIC AND POLITICAL INSTITUTIONS NECESSARY TO SUSTAIN WAGE-LABOR MARKETS AND WORKPLACE HIERARCHIES

The New Deal labor policy thus delimited the scope of the law necessary to solve the problem of worker disempowerment – and the coterminous scope of the conventional study of labor law ever since. That limited scope was not a creature of normative thought but rather of the ideology corresponding to a contingent truce line in the political struggles of the 1930s and 1940s. However, Marx’s work, and subsequent writing by Weber, Schumpeter, Keynes, and many other political economists, reveal a complex of additional political and economic institutions that sustain the institution of wage labor. The particular contours of these additional institutions empower or disempower workers, just as does the particular structure of wage labor itself.

What are these additional institutions? In order to realize profit, the capitalist enterprise must sell the goods or services made by the wage-laborer into the product market. This fact alone entails that mass wage labor requires the institution of a monetary system to enable the purchase of both labor power and products (think of the Marxist term “cash nexus” [Marx 1990]). The institutions of property, contract, and corporations4 are also essential to competition among private profit-taking employers, for obvious reasons (Polanyi 1944; Weber 2003 [1927]). And since continuous capital accumulation and investment are entailed by product-market competition among profit-taking owners, financial institutions and capital markets are also inherent features of capitalism (Schumpeter 1994 [1954]: 78). In addition, all contractual transactions require methods of communication; and the intrinsic capitalist drive to secure and expand markets – as individual capitalist enterprises compete for survival and enrichment – spawns the institutions of marketing and advertising, forms of communication more specific yet more culture-shaping than those required for generic contractual transacting. And the institutions of taxation and of state structures are essential to provide the monetary, financial, corporate, and other apparatus just described (Miliband 1973), as well as the legal system itself. Even further, as Max Weber argued, capitalism is fostered by an international order of multiple competing nation-states, as opposed to a single global state or empire: when independent states must compete for crossborder investment, capitalist private enterprises are, to a substantial degree, protected against comprehensive state discipline (Ingham 2008: 176) or state confiscation. Hence, the institutions of international trade, capital flows, and monetary transactions, and of national security are stanchions of domestic as well as global capitalist institutions, and therefore of capitalist wage labor and workplace hierarchies.

Needless to say, comprehensive mapping of the variety of capitalist economic and political institutions, historical and today’s, calls for vastly extended analysis, and the literature on the subject is rich and ranges across many disciplines. Institutions may look quite different but carry out similar functions in each of the “necessary” domains catalogued above (Hyman 2009: 17), and successful reconstruction of one capitalist institution may not require concurrent reconstruction of another (Unger 2009: 14). The new labor law’s proposals for institutional reconstruction must be responsive to the highly specific forms of capitalist production systems, enterprise organizations, markets, communication systems, political structures, and international orders that obtain, or might obtain, in various political economies.

Since all the (highly generalized) *economic* and *political* institutions just discussed are, for the reasons sketched, necessary simply to sustain the two (also highly generalized) institutions of central concern to labor lawyers – that is, wage-labor markets and workplace hierarchies – it follows that the *legal* underpinnings of all those economic and political institutions are as essential to the disempowerment and domination of workers as are the law of labor-management relations and working conditions within the workplace hierarchy, and the law of employment contracts, whether individual or collective. Hence, if we seek to answer the fundamental question that concerns many progressive and socialist labor lawyers – “What are the legal institutions that determine both worker power and labor’s capacity to deepen industrial and political democracy?” – we must look not only to the field of labor law as conventionally defined, as important as that law is to the question of worker power and democracy.5 We must look also to the laws of property, contract, money, corporations, communication, domestic and international capital markets, taxation, state administration, and so on. Whether these other legal fields are more or less important than conventionally defined labor law in answering the question just asked demands extensive empirical research.

Having said this, the new labor law will not bring together the *entirety* of each of the conventionally defined fields that in some way influence worker power and democracy. That would aggregate nearly all law. Rather, the new labor law will include and examine the particular elements or components of each conventionally defined legal field that most significantly reach – like tentacles – into the shaping of the relative power of workers and owners and into the determination of workers’ capacity to achieve industrial and political democracy.

APPLYING THE “NEW LABOR LAW” TO EMPOWER WORKERS AND DEEPEN DEMOCRACY IN THE CONTEMPORARY CAPITALIST ECONOMY

This section offers illustrations of several elements of multiple fields of law that construct worker power and democracy – including conventional labor law and domestic finance law and their interaction with constitutional law; the law of international trade, global capital markets, and national security; the law of the “social wage;” and various fields that comprise the law of consumption. The illustrations are drawn exclusively from contemporary United States law and political economy.

*Conventional Labor Law, and Its Interaction with Constitutional Law*

Although a key theme of this chapter is that conventional labor law studies only one field of law that constructs worker power and democracy, it is, needless to say, an important – and possibly the most important – field. This sub-section gives a synoptic picture of the conventional US labor laws and legal institutions most vital to that construction. The sub-section also gives illustrations of how those laws and institutions interact with constitutional law in ways that significantly construct worker power and democracy.

US law constructs great impediments to union organizing. By requiring majority-rule elections to achieve unionization, granting employers the right to run anti-union campaigns in the extended election campaign, and imposing minimal sanctions against employers that coerce workers during the campaign, the law constructs both the opportunity and incentive for employers to engage in such coercion. The startling rate of firings of union supporters in the run-up to the election – between one out of seven and one out of twenty, depending on the study – is an artifact of those legal components.

Union density is also diminished by the law’s construction of decentralized bargaining units6 and, at best, partial or “non-encompassing” unionization of the many employers across product markets or enterprise networks (Rogers 1990). Multi-employer bargaining is permitted only when a union is able to organize multiple individual employers and then win the voluntary consent of each to multi-employer units (Barenberg 2015). This legal construct is the critical foundation for the weakening of worker power via the conversion of vertically integrated enterprises to contractually interconnected supply chains and networks. What was once a permissible primary strike against all phases of production in the integrated corporation becomes an impermissible secondary strike against the very same multiple phases of production now lodged in multiple enterprises within separate bargaining units (Barenberg 2015). In other words, the most basic components of US labor law conspire with, and indeed accelerate, the disintegration of enterprises that is a hallmark of contemporary capitalism, by discouraging the enlargement of worker organizing in fluid, multi-employer bargaining units that match the equally fluid boundaries – in the political economy of post-mass-production finance capitalism – of production-and-distribution networks, geographic clusters, and sectors (Barenberg 1994: 881–884, 977–983; Barenberg 2015). (Recent proposals to mandate rigid sectoral bargaining in the USA do not take account of this fluidity in contemporary capitalism, although a sectoral scope may be the most desirable multi-employer unit in certain quarters of the economy – desirable, because most worker-empowering in context.)

Those basic legal components also construct the very geography of the US economy and society. The legal construction of decentralized and non-encompassing units greatly incentivizes individual employers not only to fight unionization to avoid competition with non-union employers in the same product market, but also to break or escape a union that has successfully organized the employer (Kochan et al. 1994). Other components of conventional labor law construct smooth escape routes for the employer. First, employers are not punished for closing a union facility and opening a non-union facility elsewhere, so long as the employer is not foolish enough to reveal anti-union emotion. Second, the law of successorship permits de-unionization by means of selling a going business, so long as the purchaser follows its lawyer’s advice not to recruit the majority of the new workforce from the old.7 Third, a 1947 Amendment of the NLRA authorizes state laws against compulsory dues payments, generating less unionized states and regions that attract capital from the more unionized.

These escape routes – and others constructed by bankruptcy law, corporate law, constitutional law, and the law of taxation and subsidies discussed below – may be just as important as the legal construction of coercive anti-union campaigns in diminishing union density in the USA (Kochan et al. 1994). The result: employers hopscotch from unionized to non-unionized regions, from urban areas to suburban or rural “industrial parks” where inter-union solidarity is relatively incapacitated, and from less to more racist regions to capitalize on racial divide-andconquer strategies against worker solidarity (Davis 2018).

These clusters of law – constructing non-union or anti-union regions (the Southern, Mountain, and Plains states) and areas (suburban and rural) – also indirectly weaken worker power and democracy by entrenching right-wing, anti-union blocs in the federal legislative process by reason of peculiarities of US constitutional law, including the electoral college method of electing the President, the constitutional authorization of states to draw congressional district lines, and the Supreme Court’s refusal to review state governments’ partisan “gerrymandering” of those districts.8 In a vicious cycle, constitutional law’s undemocratic empowerment of regions to which non-union capital has already moved enables federal policy-making that turns those non-union regions into even stronger magnets for the mobile capital that conventional labor law, in the ways just explained, permits and encourages (Hertel-Fernandez 2018). Without understanding this – and many other – interlocks of conventional labor law and constitutional law, the legal system’s full force in disempowering workers by encouraging capital mobility cannot be critically analyzed and leftists’ political energies cannot be well-directed.

The same goes for the US law of political spending. Conventional labor law permits political spending by unions, although yet another interaction of constitutional and conventional labor law now bars unions and employers from agreeing to require non-consenting bargaining-unit members to pay an increment of dues to fund that spending; each worker must consent to pay that increment.9 But, compared to revision of those rules, imaginable constitutional and legislative rules of political spending – beyond the scope of conventional labor law – could be just as or more important in building workers’ power to democratize a capitalist polity in the interest of working people, and to win substantive policies that would, reciprocally, strengthen unions and their political power, in a virtuous cycle.

The discussion above has focused on the law that constructs union organizing, capital’s escape from unions, differentiation among pro- and anti-union regions, and political spending – a network of law that interlaces strands of conventional labor law, constitutional law, and election law. Internal to conventional labor law, rules governing strikes, obviously, are also a key component in determining the relative degree of worker empowerment. Startlingly, US law permits employers to fire workers for all forms of slowdowns and work stoppages, other than full primary strikes and only when no contract is in effect. Even in the latter instance, employers may permanently replace strikers, who retain the right only to return to a job if a position reopens.

Finally, the exclusion of large swaths of workers from even the limited federal legal protections discussed above constructs worker disempowerment in two key ways. First, by excluding managers and supervisors from protections against employer retaliation, employers can effectively conscript those workers into participating in the employer’s anti-union-organizing campaign and strike-breaking efforts. That is, the employer starts a union election campaign with a large campaign organization in place, one that – unlike the union’s campaign organization – reaches every voter in the electorate for forty hours per week and that may lawfully require workers, on pain of discharge, to attend anti-union speeches during work time, an infrastructure that candidates running for political office could only dream of. And the employer has a large corps of conscripted strike-breakers – every manager and supervisor – at the ready in the event of a strike.

Second, workers excluded from protections under federal labor law are placed at the tender mercies of state governments, reinforcing and reinforced by the legal construction of regional variation in pro- and anti-union politics in the US federal system discussed above. Here again, conventional labor law intermeshes with constitutional law, in this instance the constitutional jurisprudence on “preemption.” The predictable and well-documented result is yet another vicious cycle, this time at the level of state rather than federal policy-making – a cycle of rightwing state governments enacting laws that weaken or repress unions, and of weakened unions lacking the power to prevent the enactment of further such laws or to gain their repeal (HertelFernandez 2018).

*Laws of International Trade, Global Capital Markets, and National Security*

The relevant components of the law of international trade, global capital markets, and national security must also be folded into the “new labor law,” if capital mobility and product-market competition and their damaging consequences for worker power and democracy are to be fully analyzed and resisted.

The international dimension of conventional labor law does address trade legislation and trade agreements, along with the core “International Labor Code” of the International Labor Organization. But the study of these bodies of law must be redirected, in quite specific ways, if they are to be radically reformed to genuinely empower workers in the USA and globally. Surprisingly perhaps, US trade legislation is the most pro-labor in the world. One provision of the Trade Act of 1974 as amended – Section 301(b)10 – requires the President to impose remedies to ensure that every government that trades with the USA enforces internationally recognized labor rights. Another set of provisions – the Generalized System of Preferences (GSP)11 – authorizes the President to withdraw trade benefits from certain developing countries if they fail to take steps to enforce the same rights. Any “interested party” can file a petition; there is neither a standing nor a case-or-controversy requirement. The potential remedy includes the exercise of any or all Executive powers. And, of greatest note, the petition may demand inquiry into conditions across entire labor markets and into a multiplicity of legal institutions in the foreign country. This process and inquiry are wholly unlike other forms of US litigation, which invoke narrowly bounded judicial or administrative processes to determine whether remedies should be granted to redress violations of rights of particular parties to a factually focused dispute.

If the President systematically enforced these US trade statutes as constitutionally required, we would see the kind of floor placed under global worker rights and standards that multilateral institutions have neither the authority nor political will to impose. Indeed, as erratic and hesitant as it has been, the President’s use of these statutory powers has been the most powerful state tool for enforcing transnational labor rights. (The International Labor Organization promulgates but, unlike the US government, does not deploy sanctions to enforce international labor rights.) Even the mere filing of a GSP petition by a worker organization can cause a trading partner to improve its labor rights record in order to avoid a potential collapse in its exports to the enormous US consumer market (Douglas et al. 2004).

It behooves labor law scholars to formulate detailed proposals for radically strengthened enforcement of these statutes, akin to the insistence on stronger enforcement of domestic worker rights. By way of example, here are two: although any interested party can file a Section 301 or GSP petition demanding a Presidential inquiry, the courts have ruled that that party cannot obtain judicial intervention when the President fails to carry out his or her constitutional duty to enforce internationally recognized labor rights under those statutes.12 Congress could straightforwardly mandate judicial enforcement of the President’s obligation (Barenberg 2009).

A second, more far-reaching proposal: Congress could create an International Labor Rights Commission that would, instead of the President, enforce the trade statutes. The Commission might be composed of worker representatives and jurists, charged with developing specific, revisable indicators of compliance with internationally recognized labor rights, well-adapted to countries’ variegated economic conditions; applying those indicators to trading partners’ workerrights enforcement records; and ordering calibrated sanctions for non-compliance with benchmarks of improvement (Barenberg 2009: 23–28). Most boldly, the Commission members might include worker representatives of all trading partners, not just domestic worker representatives, to mitigate the imperialist nature of unilateral US enforcement of global labor rights and, from an international standpoint, to democratize the Commission’s decisions.

The weak worker rights provisions in US trade agreements could be strengthened by incorporating analogous enforcement mechanisms. The reforms would respond to the question that leftists who are all-out opponents of trade agreements have not fully put their minds to: can we imagine reforms of trade agreements that would actually succeed in enforcing global worker rights and standards? Until that question is deeply explored and answered in the negative, there is no justification for ruling out trade agreements altogether. After all, US leftists did not turn their backs on federal unionization rights in the 1930s on the ground that such rights would inevitably fail if lodged in the competitive multi-state market constructed by US constitutional law; nor did they press for the US common market to be fragmented into separate state markets in order to better enforce worker rights.

The law of global capital markets is, for purposes of the new labor law, a confederate of the law of international trade. It is the combination of liberalized trade flows and liberalized capital flows that has constructed global labor markets, which often intensify the downward pressure on workplace standards and worker power in the current era of globalized capitalism.13 Workers in other countries produce goods that are exported to the USA, taking advantage of liberalized trade rules; thanks to capital-market liberalization, the USA sends capital overseas to build the factories (so-called export platforms) that produce goods for shipment back to the US, European, or other consumer markets; and US owners rely on cross-border allocation of their enterprise investments and profits for tax arbitrage or repatriation, thanks again to capital-market liberalization. One critical function of free trade and free investment agreements is assuring US capitalists that they can continue to reap and relocate overseas profits and continue to export from overseas platforms. These legal constructs are therefore foundations of product-market and labor-market competition on a global scale and, like domestic laws constructing product and labor markets, encourage capital mobility that often flows from unionized to non-unionized production.

The law of global capital flows constructs US workers’ empowerment (or disempowerment) in yet another critical way – demonstrated vividly in the financial crisis of 2008. One source of that crisis was the sequence of explosive growth in (and implosion of ) toxic assets held by US financial institutions and investors and traded in Wall Street’s casino capital markets. That process was fueled, in part, by a bountiful inflow of foreign investment, including from China, with whom the USA had effectively swapped the transfer of US manufacturing facilities in return for such capital exports to the USA.

But the much-criticized China-USA trade imbalance was only part of the story. In fact, the global financial system is not coterminous with trade imbalances; the 2008 financial crisis was in significant part driven by the entanglement of US and European financial institutions and capital markets (Tooze 2018). This is another reason why it is critical for analysts of law’s disempowerment of workers to focus not just on the usual suspect – international trade agreements – but also on the law that constructs global finance.

How do these sorts of capital flows – and the crises that are likely to continue punctuating our age of financial disequilibrium – disempower workers? The 2008 crisis is exemplary. First, the crisis transferred income and savings from working people to bailed-out financial institutions (Hockett 2009). Second, the shock led ultimately to a politics of austerity that diminished the social wage and, hence, worker power. But third, and less visibly, global imbalances were a means of transferring wealth extracted from exploited workers in countries like China – which, like the United States, fails to enforce and actively suppresses worker rights – to sustain debtfueled consumption of US households whose income was abated by the corrosion of worker rights. As discussed below, this mode of consumption in turn weakens worker power and democracy.

Yet another sprawling body of law constructs global capital markets and their potentially worker-disempowering effects: the US and international law of national security. Three illustrations must suffice here. First, many components of national security law construct the global military power of the United States, which provides insurance that US parties’ foreign investments will not be confiscated by host governments. Here, one of countless legal instruments is the International Emergency Economic Powers Act, the progeny of legislation invoked to impose an embargo – cautionary to all governments – against the country (Cuba) that effected the first large-scale confiscation of overseas property of US businesses.14

Second, the same legally constructed global power makes US assets comparatively safe investments, underwriting the inflow of capital to the USA of the sort that fueled Wall Street’s creation of toxic assets. Third, that geopolitical power also enables the USA to negotiate trade and investment agreements on terms favorable to the USA, requiring signatories to meet US metrics on pain of withdrawal of US trade or other benefits.

These are necessarily spare illustrations of the main point: to call the domestic law of collective bargaining and international trade agreements “labor law,” but not so label the law of global finance and national security, is not just artificial; it also diverts left legal scholars’ analysis away from many significant mechanisms through which law constructs worker power and democracy.15

*Laws of Domestic Financial Institutions, Capital Markets, and the Constitution*

The domestic law of financial institutions and capital markets constructs worker power and democracy in ways that parallel the international laws just discussed. Rather than repeating the domestic analogues of those international laws, I will offer additional relevant components of domestic law, again merely illustrative of the chapter’s main thesis.

First, the basic role of financial institutions and capital markets, in theory, is to aggregate the savings of individuals and enterprises and channel those resources to individuals and enterprises that will use them most productively. In practice, our financial institutions and capital markets do not play that role well. They are instead often devoted to creating and trading complex assets at several removes from production in the real economy (Admati & Hellwig 2013: 162; Lothian 2017). This detachment of finance from production – driven in part by the last forty years of legally encouraged consolidation of big banks and hypertrophic growth of the financial sector – weaken community-based finance of local and worker-centered production systems (Krippner 2011; Wilmarth 2013). Proposals for radical legal reform that would reconstruct financial markets to foster worker-empowering enterprises therefore include laws that promote community banks, cooperative banks, union-owned banks, non-profit banks, and localized, governmentsubsidized variants of venture-capital funds that would direct capital to unionized and workercontrolled firms (Block 2014; Unger 2001: 149–150). We see experimental legal institutions of this sort in regional “social economies” or “cooperative economies” around the world (e.g. Bourgue et al. 2013).

Second, when the law constructs private banks’, corporations’, and institutional investors’ control over investment decisions, there is an anti-democratic, systemic bias against law reforms designed to strengthen unions and other worker-empowering, social democratic programs. This bias, theorized by Michał Kalecki, rests on the fact that, when investment decisions are under the control of private profit-seeking actors, the level of investment in an economy depends on the degree of those actors’ confidence that government policy will be business-friendly in the near future (Kalecki 1943). Leftist parties will therefore hesitate to enact laborempowering policies, since their reelection will be put at risk by the expected decrease in investment – “capital strikes,” in effect – that would diminish economic growth, employment, and wages.

Note that, by contrast, most political strikes by unions are both illegal under the NLRA16 and “unprotected” – that is, the employer may fire workers for engaging in them. Yet, capitalists’ power to engage in political strikes – just described – is fully constructed by law; and, unlike labor strikes that require solidaristic co-action among workers, capital strikes require no coordination among enterprises, which reduce investment when they separately but simultaneously lose business confidence.

If legal reform placed limitations on private control over investment decisions, this intrinsic constraint on worker-empowering democracy would be loosened. Indeed, historically, social democratic legal reforms have occurred precisely when that constraint has been relaxed, as during the Great Depression, when business confidence and investment were already so low that the threat of an additional capital strike to block such reforms was weak (Barenberg 1993: 1397).

Third, the existing law of finance constructs “short-termism” among institutional investors and executives whose compensation or continued employment depend on the price of their corporations’ shares. To inflate share prices by “pleasing the markets,” executives implement mass layoffs or finance-driven restructurings that undermine worker power, not just through the direct effect of job loss but also by disrupting hard-won workplace communities of solidarity and laborcentric collaboration with local production managers (e.g. Kristensen & Zeitlin 2005).

In a final illustration, constitutional jurisprudence propels capital movement. The “dormant commerce clause” fashioned by the Supreme Court prohibits state laws that discriminate against out-of-state economic actors on behalf of in-state interests. The Court has, however, carved out a wholly unprincipled exception to that rule.17 A state is permitted to engage in open discrimination if it uses as its means the granting of subsidies paid out of the state’s general revenue to particular in-state businesses or sectors, and states in practice grant tax rebates and credits as well.18 The practical consequence of this exception is predictable. States compete with one another to attract or retain footloose capital by granting subsidies and tax incentives, in a race to the bottom that disempowers workers in at least three ways: the incentives redistribute resources from workers and other ordinary taxpayers; the systematic bite from the state treasury requires cuts in the state’s social wage; and capital’s hop-scotching batters communities of solidarity in and out of workplaces.

Through these three labor-disempowering mechanisms, the particular federalist structure of US constitutionalism again amplifies the incentives created by conventional labor law for regions and states to adopt anti-union policies and cultivate political cultures designed to attract capital from unionized areas. The new labor law’s proposed reform is simple: the Supreme Court, or Congress, should overturn the exception for competitive subsidies and tax breaks.

*The Law of the “Social Wage”*

When workers decide whether to organize a union or to strike, they fear that they face the risk of retaliatory discharge – and that fear is justified, as the data mentioned above show. Workers’ willingness to empower themselves therefore turns in significant part on the personal cost they face should they lose their job. For that reason, workers’ bargaining power is constructed in part by the law of the social wage – that is, the panoply of social insurance and other government-provided “public goods” that soften the blow for workers who lose their jobs: unemployment insurance, welfare benefits, healthcare, childcare, higher education, subsidized housing and food, worker retraining, pensions, low-cost public transportation in working-class neighborhoods, and many more.

Other legal programs can empower workers in a manner similar to the way that public goods reduce the cost of discharge. An increase in the minimum wage pushes up wages of all low-wage jobs and therefore generates more living-wage jobs that a worker, if discharged, could expect to find. A law mandating government provision of jobs when the private sector fails to achieve full employment would greatly empower workers. For decades, winning such a full employment mandate was a high political priority of the AFL-CIO,19 and proposals for a jobs guarantee have been renewed with the recent resurgence in the progressive movement (Sanders 2020). A universal basic wage, also on the progressive-labor agenda, would have analogous empowering effects.

Since lower rates of unemployment empower workers and higher rates disempower, macroeconomic policy (both monetary and fiscal) has a critical effect on workers’ willingness to organize and strike – as both unions and employers well know. As for monetary policy, an effective (rather than just paper) legal mandate that the Federal Reserve give higher priority to lowering the rate of unemployment than to protecting against inflation would inflect the law of macro-economic policy-making in a worker-empowering direction. Episodes of expansionary fiscal policies have done and would continue to do likewise, but labor law researchers should systematically formulate proposals to construct automatic counter-cyclical increases in spending across all legal domains.

The law of the social wage, if reconstructed in the ways just mentioned, may have greater labor-empowering and democracy-fortifying impact than many of the standard proposals for reforming elements of conventional labor law.

*The Law of Consumption: Communication, Household Finance, Education, Zoning, Discrimination, and Taxation*

Consumption and work are not often studied in conjunction, including in legal scholarship. But the relationship between the two is a critical determinant of worker power; therefore, the “law of consumption” is yet another field that constructs the strength of worker power and democracy. The relevant law is often studied in sub-categories such as the law of telecommunications, the internet, advertising, the new media, legacy media, household finance, taxation, and education, among others.

Before turning to the legal infrastructure of consumption, the antecedent socioeconomic question is: how does consumption affect worker empowerment? A key mechanism is illustrated by late nineteenth-century industrialists’ practice of hiring so-called family men rather than single men or women. Employers preferred to hire workers with greater obligations to support household consumption, since they were less likely to risk discharge by supporting unions and strikes and, in individual negotiations, less able to hold out for better terms. The general phenomenon illustrated by that one historical practice is this: the more urgent a worker’s felt need to consume – or, put more starkly, the greater the desperation for wage income – the weaker the worker’s bargaining power. Consider the following: if one had no need to consume, one would have no material need to work and would have maximum bargaining power relative to the employer.

The importance of the law that constructs the urgency of workers’ private consumption is a close cousin of the importance of the social wage. One can view the social wage as the public payment for consumption needs, reducing the urgency of the workers’ felt need to earn through market employment (depending, of course, on the distribution of tax burdens to fund those goods, pointing to yet another legal domain that the new labor law must encompass). In part for this reason, it is misguided for analysts to “blame” low-wage workers for “undisciplined” private consumption, which, in the USA, is rooted not so much in personal indulgence as in the burden workers have increasingly borne for spending on needs previously met by public-goods provision; on basics such as education, healthcare, and housing, the prices of which have increased relative to median wages in recent years (Nutting 2018); and on new socially constructed labor-market necessities such as laptops, smart phones, and associated service-provider contracts.

But worker power and democracy are constructed by the entire body of law, not just the law of the social wage, that calibrates the urgency of household expenditure. The background to that law is the political drive for ever-increasing consumption, which is, nearly universally across the political spectrum, pronounced the core of the “American Dream” (Sanders 2019; Tankersley 2016). Even when commentators and politicians claim to define the “dream” as equality of opportunity rather than raw consumption, they measure opportunity by upward mobility, comparing children’s material consumption to their parents’ (e.g. Kristof 2014).

The felt need for constant growth in purchasing power of course has psychological propulsions. One is the continuous conversion of discretionary consumption into necessary consumption. That is, worker-consumers initially experience desires for certain goods and services as less urgent, but over time experience those goods as more urgent or even as absolute needs. Another is the free-floating nature of desire; that is, once one object of desire is obtained, desire is only temporarily satiated, resurging and attaching to new objects (Zizek 2009).

But, clearly, there are important legal mechanisms at work too, tied to the institutions of contemporary capitalism that so dramatically unleash the desire to consume. I have already discussed many domestic and international legal institutions that construct the product-market competition that is a key driving force behind the ever-increasing production and consumption inherent in a capitalist economy. Here are just a few more examples of laws and legal institutions – outside the bounds of conventional labor law – that drive the cult of consumption and weaken worker power in the contemporary period:

Consider, first, the law that constructs our advertising-driven culture. In the USA, before the recent rise of commercial-free streaming services, the average person watched four hours per day of network and cable television commercials – nearly equivalent to an astounding eight weeks of eight-hour workdays per year. The advent of streaming services has cut that by more than half – but the total time spent viewing advertisements is still remarkable, especially when taking account of large concurrent increases in time viewing online websites populated with advertisements (Nielsen 2018; Staff 2020). The average person sees at least two million advertisements in their lifetime.

Most of us take for granted that the predominant business model of both old and new media is profit earned by advertising. But the law deeply constructs this world of continuous commercial inflaming of desires attached helter-skelter to commodity after commodity. Most deeply, when each major medium was aborning – radio, television, the internet – there were very real political debates about whether advertising would be permitted (Briggs & Burke 2020). Alternative models, including local and national community funding, were proposed and actually put into practice, briefly in the United States (in community radio stations, and in the early noncommercialized years of the internet), longer-term in other countries (think of the BBC in the UK) (Briggs 1986; Wu 2016). If these alternatives or if novel legal constructions of social ownership and funding of media now seem distant or aberrant, consider that there are traces of such “aberrations” in several areas of existing law: the law that provides some, if minimal, community funding of public broadcasters; the law that allocates the broadcast spectrum; the law that delegates to corporate owners of private media the general power to choose and censor the advertising and other messages they display (Zuboff 2019: 191); laws that regulate specific forms of advertising, such as false advertising, certain advertising directed toward children, certain types of obscene or pornographic advertising, and other categories; laws that authorize and regulate subscription-funded rather than advertising-funded broadcasting, such as certain types of cable television networks and streaming services; and many others.

Does all of that law matter for worker empowerment? It certainly does: the authorization of commercial advertising and delegation of power to private profit-making enterprises to choose its content and frequency – a legal construct – has had radical consequences. From the standpoint of inflating material consumption and therefore deflating worker bargaining power, the broad difference between a profit-driven culture and a hypothetical non-profit-based culture is obvious enough. Not only does each advertisement encourage heightened or wholly new desires, but it also anthropomorphizes the corporate producer as a caring friend with only the consumer’s and society’s best interests at heart. There is no “equal time” given to messages about the advertiser’s exploitation of workers, environmental depredations, fraud, and other legal wrongdoings that are pervasive among capitalist corporations. In this respect, advertisements, individually and in the aggregate, present a relentless picture of capitalist enterprise as the best of vehicles, as the natural and inevitable means, for meeting our needs and our wants. Advertising sells capitalism itself.

This legal construct, then, has a triple impact on worker power. First, the ratcheting of desire and ever-greater urgency of private consumption reduces worker bargaining power in the way described above. Second, nearly all media are owned by capitalist corporations. It would be astounding if their shows, texts, and images did not, overall, convey negative images of unions or other organizations that challenge the profitability of capitalist enterprise, and there is ample evidence that their messaging does just that, when it does not exclude text and images about worker organizations or other opponents of corporate capitalism altogether, turning unions into an “absence” or an alien presence in the culture (Martin 2003; Puette 1992). Third, when workers seek to organize a union, they face a steep burden of persuasion, in light of co-workers’ lifetime of viewing commercial advertising – which, as just argued, is a lifetime of messaging about the immutability and virtue of capitalist enterprise, of which their employer is an emblem.

Of course, workers, unlike viewers of their employer’s advertising, have seen behind the employer’s door and know, by hard experience, at least patches of their employer’s darker side – hence, the activation of change agents within the workplace and the reality of union organizing and of powerful labor movements in certain times and places. Still, the cultural and psychological burden of persuasion facing the union activist is heavy, and it is not coincidental that the decline in union density and worker bargaining power followed a cultural shift in the balance between people’s identity as workers and as consumers.

Numerous other legal fields intermesh with communication law to construct people’s felt imperative to consume. Just two examples: first, a high, but progressive, tax on consumption would dampen that imperative, in contrast to our present reliance on taxation of income. Second, changes in zoning, education, and anti-discrimination law would abate the arms race among families in bidding up the prices of housing, which leaves households struggling to meet their monthly mortgage payments. Today, out of love for their children, many parents overstretch their budget on housing, as they compete to live in more affluent neighborhoods with better schools – a competition caused by zoning laws that generate residential segregation based on home valuations; by weak legal remedies for racial segregation in schools, which propelled suburbanization and residential wealth segregation when racist white families fled cities; by public education and property tax laws that create wide disparities in the quality of schools in wealthier and poorer neighborhoods; and by constitutional law that permits such disparities (Warren & Tyagi 2016).

So far, I have mentioned the general law that constructs profit-driven means of mass communication, and particularities of tax, zoning, anti-discrimination, and education law that further enlarge personal spending needs. The new labor law must also attend to the complex legal rules and institutions that regulate each medium of communication (print, radio, television, internet) in labor-disempowering ways that are specific to each and that evolve over time. In our time, the baleful consequences for labor politics of the more particular nature of the various legally constructed media – especially new media – have become stark.

Social media and other forms of online communication have fragmented and polluted the sphere of public discourse in profoundly anti-democratic ways (Sunstein 2017). The more specific effect on labor politics has been equally corrosive. One of the deepest challenges for a renewal of labor-centered democracy is the substantial number of largely non-unionized workers who have been drawn into right-wing, ethno-nationalist, populist movements (Isser 2020). The convergence of *disorganized* capitalism (Offe 1985) and the new media has manifestly propelled this phenomenon. When large segments of the working classes are disorganized (non-unionized), and when they experience the fear and anxiety rooted in a half-century of persistent crises in capitalist labor markets, they are more receptive to the demagoguery that social media greatly enables.

Social media, although relatively new, has the core characteristic of past means of authoritarian leaders’ communication to atomized citizenries: it enables direct communication from the demagogue to the individual without intermediation by independent media organizations, by civic organizations and, especially, by worker organizations. Those organizations encourage workers to deliberate in public settings in which hateful communication is discouraged, to participate together in political education programs, and to engage with electoral and coalitional politics across ethnic and racial differences. Donald Trump decisively lost the votes of members of union households by a margin of 16 percent, showing the continuing importance of unionization for left-leaning political forces (Isser 2020).

The upsurge in right-wing populism has shaken labor politics not only in the wider democracy. It has also impeded organizing, and attendant democratization, at the workplace level; in order to achieve collective solidarity, unions in many sectors and workplaces must now navigate the caustic divide in political allegiances within the relevant workforces.

Elaborating the new labor law and applying it in the service of worker power and democracy therefore calls for mapping, and proposing deep reform of, the existing legal rules and institutions (a) that enable direct, unmediated communication from the demagogue to the individual, non-unionized worker, and (b) that encourage the metastasis of online sites and networks of rage-filled, unreasoned responses to workers’ plights.

Again, let me offer mere illustrations of the rules that call for radical reform. First, consider again the rules that authorize advertising-driven business models. To maximize profits, social media companies entice advertisers by attracting the greatest number of users or “eyeballs” (Wu 2016). One now-familiar technique for keeping users’ attention is feeding them extremist variants of messages to which they have shown a predisposition (Zuboff 2019). These techniques encourage “horizontal” communication among disorganized workers that, subsequent to the demagogic leader’s “vertical” messaging to them, amplifies that message through online personto-person networks – amplification that is, again, unmediated by unions or other intermediary organizations.

These techniques point to a second well-known, pertinent cluster of legal rules – namely, the body of rules that authorize social media and other online sites to collect, bundle, and sell personal data from which the social-media companies and would-be advertisers can determine users’ predispositions, and the rules that shield the companies against liability for the content they publish (Sunstein 2017; Zuboff 2019). If this cluster of laws of privacy, data-collection, datausage, third-party tracking, liability protections, and so on, were overturned or significantly modified, the horizontal amplification of the demagogue’s messages, and the social media companies’ stoking of those messages, would be, at least to some substantial degree, diminished.

Imagine a world in which our culture were shaped by exchange of meaningful, otherregarding words and images in public arenas that discourage hateful appeals, and not by expansion of material desire and ethno-nationalist rage. Such a world – constructed, in part, by a renovated law of consumption – would give significantly greater support to worker bargaining power, worker organizing, and worker-centered democracy. The law of consumption therefore falls within the ken of the new labor law.

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Obviously, the new labor law must include elements of many other fields: corporate law, antitrust law, criminal law, property law, contract law, immigration law, administrative law, family law, and others. In light of space limits here, it must be left to future publications to comprehensively map and apply the new labor law by examining the full body of particular elements of those fields that strengthen or weaken worker power and democracy in the contemporary capitalist political economy.

THE LEGAL INFRASTRUCTURE OF WORKER POWER UNDER DEMOCRATIC SOCIALISM

*From Social Democracy Underpinned by Collective Bargaining to Democratic Socialism Underpinned by Worker Cooperatives*

The previous section suggests radical reforms of several fields of law in the service of a form of social democracy suited to contemporary economic organization, but it assumes the continuation of the defining capitalist institutions of wage labor, capital-controlled enterprises, and relatively competitive product markets, together with the multiple economic and political institutions without which those defining institutions could not function. In such a regime, worker power and democracy are strengthened through legal construction of (a) the institutions of unionization, collective bargaining, and channels of political action by worker organizations, and (b) worker-empowering variants of the many political and economic institutions that sustain wage labor.

In the shift from a capitalist social-democratic to a post-capitalist democratic-socialist political economy, the central institutional transformation is the end of wage labor in enterprises controlled by their capital suppliers. What replaces that central institution of capitalism? Louis Brandeis answered the question simply, though he did not use the term “socialism.” He wrote that the ultimate aim of industrial democracy was workers’ assumption of “full responsibility for business, as in cooperative enterprises” (Strum 1984: 192, quoting Brandeis’ letter to Henry Bruère). In US history, Brandeis’ conception of a non-capitalist, worker-controlled enterprise is traceable to the post-Civil War decades, when the Knights of Labor led the opposition to what appeared then as a strange new social order based on an economy of mass wage labor.

*The Normative Argument for the Replacement of Collective Bargaining with Full Workers’ Control*

For the Knights of Labor and for labor-progressives like Brandeis, wage labor was incompatible with political democracy – at least if the wage-laborers were employed by capital suppliers and not by worker-owned enterprises. Indeed, the Knights of Labor argued that the subordination inherent in wage labor violates the Constitution’s vision of independent citizens unbeholden to others (Forbath 1985).

While that normative argument rests on the commitment to political democracy, a second argument for full workers’ control rests on the commitment to workplace democracy, reflected in Brandeis’ proposition quoted above. The latter argument begins, as does the argument for unionization in a social-democratic capitalist economy, with the understanding that workplaces have the key feature that defines a political system. The enterprise makes workplace rules (analogous to the legal rules of a political regime) and enforces those rules under the coercive penalty of discharge (analogous to the coercive legal sanctions imposed by a political regime).

Proponents of collective bargaining in capitalist enterprises argue that unionization achieves industrial democracy by giving workers a collective voice in negotiations with managers, who are the collective representatives of the enterprise’s second stakeholder: the capital suppliers. Democratic socialists riposte that, while collective bargaining represents a step toward democracy in a capitalist economy, it fails to achieve the deepest democracy in either the workplace or the polity. As for deepening industrial democracy, workers are the *only* “citizens” of the workplace political system, since they alone live day to day under the enterprise’s coercively enforced rules. External capital suppliers – shareholders or other owners – do not. Yet collective bargaining enables workers – the workplace citizenry – to participate in making and enforcing workplace rules only by means of exerting the coercive power of the strike against the putative capitalist stakeholder, not by means of one-citizen-one-vote rule-making. The unionized enterprise is analogous to a political system in which the citizenry influences legal rule-making only through tax strikes or other modes of inflicting economic harm against an authoritarian government. The workplace must instead be governed entirely by workers, to fulfill the principle of industrial democracy, while concurrently deepening political democracy in the manner articulated by the Knights of Labor, Karl Marx, and many others.

*Legal Construction of Worker-Controlled Enterprises*

An enterprise fully controlled by workers can be governed either by directly deliberative meetings of the entire workforce, or by managers elected by the entire workforce (Wolff 2012). At first glance, therefore, it appears that corporate law and the law of finance are the decisive fields in the legal construction of worker power and democracy in a democratic socialist regime. Under existing law, capital-suppliers – that is, shareholders, in the types of corporations that employ most of the workforce, and the institutional investors, private equity firms, and other entities that own or invest in corporations – either themselves act as managers or elect and control managers, whose fiduciary legal obligations run predominantly to the shareholders and other investors alone and not to other stakeholders, including non-shareholding workers.

These legal obligations presume that the overweening goal of natural persons is to maximize their monetary benefit and that the legally created “persons” in which natural persons invest – that is, corporations and institutional investors – should also act immoderately toward that goal. The law therefore constructs millions of artificial actors that are required to act as sociopaths (Bakan 2005), in the sense that no psychologically and morally healthy person would make every plan and take every action to maximize monetary interests with minimal regard to the well-being of others (unless the other’s well-being is a precondition or by-product of fulfilling the monetary interests of the actor) and to humans’ full range of other ethical considerations, such as not exploiting or manipulating others, caring selflessly for those we love, giving due regard to the rights of others (including future generations), fulfilling civic and communitarian values, avoiding harms to the natural environment, and so on. The legal system constructs millions of entities that not only behave that way, but are legally required to, and that exert overwhelming power in politics, notwithstanding that they are not only sociopaths but are not even citizenvoters (that is, not members of the “demos”). This legal and social analysis augments Marx’s and Roosevelt’s normative arguments against capital suppliers’ domination of the political system by virtue of their concentrated economic power.

For democratic socialists, then, the shift from workplace control by suppliers of capital to workplace control by suppliers of labor brings democracy to fruition not only in the workplace but also in the polity, for one and the same reason: the power of concentrated capital, embodied in a political army of artificial behemoths, is neutralized by eliminating capitalist enterprise itself.

If these simple syllogisms are correct, then it might seem, from the point of view of radical legal reform, that the master key to unlocking industrial and political democracy is simply to reconstruct the law of corporations and finance to prohibit control of management by capital and to mandate instead that that control be vested in those who work in the enterprise.

But things are not as simple as this legal silver bullet, as economic and political analysts of market socialism have known and debated for a long time (e.g. Bardhan & Roemer 1993). The success of industrial and political democracy in a democratic socialist regime would depend on many other institutions, even if enterprises were cooperatively controlled by workers. Therefore, applying the new labor law to democratic socialist institutions requires attention not just to the law of corporate ownership and of investment in the enterprise, but to many other legal fields.

#### Democratic socialism fails to transition because of its investment in the existing political economy---can’t solve any of their impacts.

Westford 25 [Laura Westford (Writer covering topics such as politics, culture, and philosophy), 8-24-2025, Why Democratic Socialism is Doomed to Fail, Fourth Wave, https://medium.com/fourth-wave/why-democratic-socialism-is-doomed-to-fail-1acf6b86d06c, Accessed: 11-11-2025] //IF

Over the last several years, there's been a bit of an uptick in the number of people identifying as democratic socialists, and people turning to democratic socialism as an alternative ideology to neoliberal capitalism. Much of this is thanks to Bernie Sanders, and others, frustratingly branding basic social-democratic policies as being democratic socialism.

This led to a lot of scaremongering from the right about the number of people identifying as "socialists" and how this was proof of some communist takeover.

I say that this is a problem because it dilutes the meaning of socialism to just basic social democracy, and this is a problem. There's an entire history of socialist theorists delving into the misconceptions of these things, and people confusing social democracy with socialism is just bringing that up again.

As for people who actually do identify as democratic socialists and do believe in socialism insofar as they want an end to capitalism full stop, then we have a bit of a different beast. My first point would be to say that I do sympathise with them to a large extent, after all, I agree with the idea that capitalism should be abolished and done away with. The disagreement I have with them is that they often advocate a policy of entryism into existing political parties, such as the Labour Party in Britain or the Democratic Party in the US.

Crisis, capitalism, and socialism

Even in the case where they don't advocate an entryist policy and instead choose to opt for a truly socialist party to gain power through electoralism, I think this is a very silly and naive way to think that we're going to approach socialism if this is desired.

This is actually a point that many Marxists have made throughout history, perhaps most notably Rosa Luxemburg in her book Reform or Revolution, where she criticised the reformist or parliamentary approach to establishing socialism from contemporaries of hers, such as Eduard Bernstein and others.

One of the big problems that she and others identified was this idea among reformists or parliamentarians that capitalism will simply collapse at some point, and socialism will be left in its wake as though it were some sort of gift. The reality is that this is not the case at all and is, once again, a very naive way to think that socialism will come about if we are to argue in favour of it.

Certainly, there can be no doubt that capitalism does go through periods of extreme crises. Most people reading this, I'm sure, would have been alive for the Great Recession, the financial crisis of 2008. This was one of the worst periods of crises in the history of capitalism, and many countries, such as Britain, have arguably not even recovered from it, certainly not people on the lower end of incomes. At the same time, we're obviously no closer to socialism than we were in 2007 or even several years before the crisis really hit.

In fact, you could probably argue that we are further from socialism than we were back then. Britain implemented an intense policy of austerity once the conservative government of David Cameron came to power in 2010, and this is something that they still haven't abandoned. Even before this in previous crises, there may have been a resurgence in popularity of socialist ideas at the time of crisis, but it didn't mean we were any closer to actually establishing socialism. Socialism is clearly something that has to be fought for and not something that will fall from the sky.

The entryist failure

I wanted to devote a little section to explaining why I think entryism is a dead-end because it will be important for the next section, as it has much the same problem. The idea that socialists can sneak into established parties such as Labour in the UK, or the Democrats in the US, and use them as vehicles for progress, much less socialism, is pretty dubious to say the least.

Just look at the history of the Labour Party and entryism if you want to see why this is a dead end. People have tried for decades to form entryist factions into the Labour Party, and where has it gotten them? If anything, the Labour Party now is more reactionary than ever, openly touting conservative arguments on the economy and finance, and openly rejecting even the mildest progressive measures.

One of the big problems that she and others identified was this idea among reformists or parliamentarians that capitalism will simply collapse at some point, and socialism will be left in its wake

At the end of the day, parties like Labour are parties that have thoroughly capitulated to neoliberalism, and capitalism. Sure, in some vague theory, it might be possible to change them into more progressive (not even socialist) forces, but think about how much energy that would take, even if we presuppose that that would be possible. Labour resisted even the mild social democratic reforms proposed by Corbyn so much so that they actively worked to lose elections as they would rather do that than concede to the left. This is not a party that is interested in bringing about socialism.

Capitalist parties are not interested in conceding to socialism, assuming they even tolerate socialist voices in the party (which many of them won't) they are going to fight tooth and nail to preserve capitalism first and foremost, even if it means sacrificing their power in elections. Their goal is to support capitalism first, and everything else second. When you try to advocate for socialism in a capitalist party, you're going to have to stand up to the full force of a party that is determined not to listen to you, you need to have a response to this.

The state, and society

Another reason why I find the policies of entryism, and so-called democratic socialism to be quite peculiar is that it doesn't reckon with the fact that the state and, fundamentally, capitalist society at large is organised around capitalism, and the interests of the capitalist class.

If you look at the major political parties that hold power in your government, they all serve capitalism. Indeed, many of them are made up of capitalists such as Donald Trump in the Republican Party. More fundamentally, though, is the fact that the state in a capitalist society functions to defend capital at all costs. It is the representation of the capitalist class in politics and societal rule.

The state doesn't challenge capitalism at all, contrary to what libertarians would have you believe. On the contrary, as without a state there would be no means by which private property rights could be enforced, and many of the structures that serve to uphold capitalism, such as the judiciary, would cease to exist.

Socialism is clearly something that has to be fought for and not something that will fall from the sky.

Beyond this, you are dealing with a capitalist media system that is never going to be kind to socialist voices. Again, I would bring up the example of Jeremy Corbyn and the vicious lies about him that were propagated by the press in Britain. Again, he wasn't advocating socialism; he was advocating mild social democratic reforms, and the press still went after him with everything they had.

One of the great contributions made to radical thought came from Althusser and his concept of the ideological state apparatus that explained how institutions that are not formally under the control of the state nevertheless function to uphold capitalism and state ideology. The media is an example of this; the media are owned by capitalists and they support capitalist politicians. They're never going to allow socialists to hold meaningful power in society.

I already mentioned politicians and parties, but this same problem also applies to institutions such as the police. The police are a creation of the capitalist state that was originally created to put down working-class uprisings in England in the early 19th century. Policing has always been a tool of the ruling class to keep the working class down, and we can see this throughout its history. Look at how Margaret Thatcher used the police to attack striking miners as an example of this.

This is a problem for democratic socialists because they insist on working within the capitalist state and capitalist institutions to bring about socialism, even though they are obviously never going to concede. Marxist sociologist Ralph Miliband and his critiques of the British Labour Party was actually a critique of parliamentary socialism and trying to use these sorts of methods as a vehicle to establish socialist ends. If you're going to advocate reformist or parliamentary methods within a capitalist state to achieve socialism, you need to have a response to these problems. He, as well as many others, were sckeptical of this approach for many of the same reasons I've set out here.

#### AND triggers domestic and foreign conflict---even if transition succeeds

---“more desirable forms” and “The above sketch” are references to “The world-system pathways (WSPs)” diagram in Albert 24 on FW

Albert 24 [Michael J. Albert, Lecturer in Global Environmental Politics in the School of Social and Political Science at the University of Edinburgh, former Lecturer in International Relations at SOAS University of London, PhD Johns Hopkins University, “Futures of Geopolitics, Security, and the Planetary Problematic,” Chapter 5, *Navigating the Polycrisis: Mapping the Futures of Capitalism and the Earth*, MIT Press, 2024, ISBN 9780262378260, p.177-223]

The above sketch provides a sense of how ecosocialist degrowth in the overdeveloped world and abolitionist strategies can mutually complement and reinforce each other. But we must also consider how ecosocialist regimes might respond to lingering and emerging threats from other states and nonstate actors. Even in a best-case scenario in which the US, China, the EU, and others collaboratively embark on ecosocialist trajectories, other powerful states would likely resist. Russia, as we’ve seen, would likely pose a threat to ecosocialisms-in-transition because of its reliance on plummeting oil and gas rents, simmering vengefulness, and powerful nuclear, cyber, and info-war capabilities. Thus nascent ecosocialist regimes in Europe and North America may need to sustain military and nuclear force structures while reducing them to the minimum needed to deter aggression, while also committing to clear no-first- use policies, taking nuclear missiles off hair-trigger alert, ending nuclear modernization and hypersonic missile programs, and working with other states to move toward deeper nuclear disarmament and institutionalized mutual constraints over time.155 Things would of course be far more challenging if the US undergoes Trumpian backlash and remains a resistant outlier to a China-EU- centered ecosocialist bloc. In this case, a global ecosocialist transition may still be possible, but only if US military and geopolitical power declines precipitously. This is possible, since a mass sell-off of US treasuries by China and other states—along with declining demand for US dollars as the global economy transitions beyond oil (thereby undermining the “petro-dollar” nexus, historically foundational to US financial hegemony)—could erode its capacity to sustain its bloated military budget. 156 But the obvious danger is that a US dollar crisis would inflame nationalist passions and bring a Trump-like figure to power promising a return to “greatness” on the back of US military might. Thus it is plausible that great-power war could break out during the course of ecosocialist transitions—particularly if the world splits into competing fossil nationalist and ecosocialist blocs—and it is unlikely that ecosocialisms could survive such a conflagration (at least in their more desirable forms).

Furthermore, even if counter-hegemonic struggles succeed in pushing the US toward democratic ecosocialism, and even if Russia undergoes a social democratic revolution, other threats would remain. In particular, a secure digital communications ecosystem would be critical to the stability of ecosocialisms-in- transition: cybersecurity risks involving disinformation operations and critical infrastructure sabotage could potentially destabilize these regimes by fueling polarization and discord between worker and environmentalist elements of red-green coalitions, particularly in their early phases when their resilience is relatively weak. These risks may come from petro-states like Russia and Saudi Arabia, as well as from far-right groups, fossil capitalists, conservative billionaire networks, and other elements of the capitalist class seeking to restore their power and privilege. Cyberdefense would thus remain critical, which could involve what Ron Deibert describes as collaborative “epistemic communities” of cybersecurity experts across borders—a distributed cybersecurity assemblage that builds up local, national and regional capacities to defend digital infrastructures from state, corporate, and other threats.157 Similarly, ecosocialisms-in-transition would benefit from open-source synthetic biology and 3D printing, which would allow states and local communities to decouple from far-flung global supply chains, create more localized and less energy-intensive medical infrastructures, and boost efforts to create locally adaptive and climate-resilient crop varieties. 158 Biosecurity risks would therefore remain, which would be lower relative to a world with higher reliance on synthetic biology and more intense levels of structural violence, but significant enough that they would warrant novel institutions for ensuring the safety and benefits of open-source synthetic biology. There may be a difficult trade-off between accessibility and biosecurity, since stronger government regulations and intrusive inspection/verification regimes would likely limit access to the benefits of these technologies. But decentralized biosurveillance assemblages, similar to the model for cybersecurity discussed by Deibert, may provide a viable path forward. I do not pretend to have all the answers, which must be developed by bio-and cybersecurity experts and communities of practitioners in the course of ecosocialist transitions. But the questions must first be posed to facilitate the emergence of creative solutions.

This provides merely a brief sketch of the VP challenges that ecosocialisms-in-transition may confront. Again, different states and communities would confront their own relatively autonomous VPs shaped by distinctive problems, histories, and geographies. An ecosocialist regime in the US, for example, would face a particularly difficult challenge from far-right terrorists and insurgents, since there may be hundreds of thousands of participants in armed far-right militias in the US—many of them police and military personnel.159 Tackling this problem would simultaneously require abolitionist and socialist police science strategies: by addressing the root causes of far-right extremism—including underinvestment in rural regions, agribusiness oligopolies that destroy rural economies, and economic insecurities that fuel compensatory investments in white supremacy160—as well as developing more democratically accountable surveillance and public safety practices that can limit and respond to the inevitable far-right violence that does occur. The root drivers of far-right violence would not heal overnight, and ecosocialist security strategies that can limit and respond to this violence would be needed. Otherwise ecosocialisms-in-transition will find themselves beset with reactionary backlash, fear and doubt among populations, and internecine conflicts that risk destabilizing these transitions and forcing them back toward capitalism and its military-police assemblages. These problems remain insufficiently addressed by Marxists and others struggling for egalitarian postcapitalist futures, though a clear-sighted analysis of the possibility space requires that we bring them to the surface, ask difficult questions, and collectively develop creative solutions rather than skirting or downplaying the obstacles these movements would confront.161

#### Sustainability links to the alt

Trainer 20 (Ted, Australian academic, author, and an advocate of economic degrowth, “The answer is not Eco-Socialism … It is Eco-Anarchism,” Solutions, Part 1, Vol. 11.3, Dec. 2020, Part 2, Vol. 12.1, Feb. 26, 2021, <https://thesimplerway.info/Ecosocialism.html)//NRG>

The goal therefore must be Eco-Anarchism.

Few labels are as ambiguous as Anarchism. The variety being endorsed here is a ”generic” one, focused on themes common to most specific accounts. The argument is that a society of the above alternative form, and the strategy for achieving it, must be Anarchist, not Socialist, and the distinction is far from trivial.

The case begins with the claim is that the basic world view of the Socialist is now outdated and mistaken. For more than two hundred years the emancipatory task was rightly seen to be taking control from the capitalist class in order to enable a more just access to the product the industrial system could provide if freed from the contradictions of capitalism. Today it seems that most Socialists still fail to recognise that there are limits to growth, that we have gone through many of them and that this rules out pursuit of the traditional goal of accelerating the industrial system to provide high material living standards to all.

Most if not all of the prominent Eco-socialist advocates including Kovel, (2007), Albert on “Parecon”, (2003), Lowy (2015), Bellamy-Foster (2008), Sarkar (1993), and Smith (2016), do not deal with the significance of scarcity and simplicity, or the crucial, game-changing fact that the good society cannot be an affluent society. Nor does the account of “Inclusive Democracy”, (1997) put forward by Fotopoulos. Few if any refer to any need for very large scale reductions in GDP and per capita “living standards” or to radically simple lifestyles and systems. The assumption in these accounts is that the defining task is to take power from the capitalist class. It is not realized that a thorough going Socialism which maintained commitment to economic growth and high “living standards” would still accelerate towards ecological collapse.

Nor do these theorists go into the implications for the form a society must take if it is to be satisfactory despite very low resource use and material “living standards”. Major concerns of The Simpler Way project are to show that given the limits to growth the core elements in the required society are beyond dispute, not optional, and to put forward a plausible vision of a possible structure and functioning. Above all the task is to show that the quality of life could be much higher than in consumer-capitalist society, and to show how easily this vision could be realized, if that was a widely accepted goal.

Thus the global scene that has emerged in the last half century means that many essential pillars of the old Socialist world view have to be scrapped. The following passages show that in this context sustainable and just communities must operate according to Anarchist principles.

The need for self-governing, thoroughly participatory communities of equals.

These small scale, complex, integrated and self-governing local communities must be largely autonomous; they cannot be run by higher authorities or a central state. They would have to largely govern themselves via thoroughly participatory processes. External authorities such as state governments cannot create or impose such communities. They can only be built and run by the citizens who live in them. To begin with, in the coming era of intense scarcity states will not have the resources to run every town economy. Only the people who live in a locality understand the conditions, history, geography, social dynamics and needs. They will have to do the thinking, planning, decision making, and implementing via committees, town meetings and working bees. These communities will not function satisfactorily unless people realise that their situation and fate are in their own hands, feel empowered and eager to run their town well, want to identify and solve their own problems, and are proud of the communities they have built. Most importantly, these settlements will not function satisfactorily unless there are very high levels of community and morale. These factors rule out centralized or top-down control, even in the form of representative democracy. This exemplifies the core Anarchist principle of avoiding domination, even in relatively benign forms. (This does not rule out the need for nationally agreed guidelines, laws and limits on what towns can do.)

“No local”

No Local is the title of Scharzer’s book (2012) and it represents the Eco-Socialist’s typical lack of concern about the viability of big cities, globalization, industrialism, growth and affluence, and centralization. Small scale communities functioning within local economies are also rejected by Phillips (2012) as non-viable, of no revolutionary significance and condemning Third World people to increasing deprivation. However as has been shown above, when the limits are attended to these common Eco-Socialist positions are contradicted. The resource economics and the need for community self-government and “spontaneous” citizen action determine that localization is imperative.

Ownership of the means of production.

A defining principle of Socialism is abolition of private ownership of the means of production. From the perspective of The Simpler Way this is not necessary and not desirable with respect to most of the economy’s productive units, which could remain in the form of small private farms and firms. As noted above, what matters is that the means of production are geared to socially beneficial outcomes, as distinct from being driven by the quest for profit on the part of their owners, and this can be ensured by guidelines within which the private farms and firms must operate, and oversight by committees and town assemblies.

Thus the new local economies might be made up mostly of small privately owned farms, businesses and co-operatives, some operating within a (carefully regulated) remnant market sector but all functioning according to strict limits and guidelines. The main goal would be to preserve the opportunity for people in small businesses and co-operatives to enjoy the freedom to organize their productive contributions in ways they prefer. The Socialist typically fails to give any attention to the importance of this empowerment in the productive arena, ensuring the freedom to arrange and innovate and to vary work rates etc. Indeed the producer is often cast into the very role the revolution is supposed to liberate him from; that is, as a wage earner, alienated from the product, and taking orders from a boss.

Equality.

Socialists are strongly inclined to target inequality and to see it as a problem of how the product is distributed. However from The Simpler Way perspective the problem more or less disappears, and is not solved via redistribution of wealth.

In a thriving Eco-village the quality of life depends not on one’s personal monetary income, possessions or wealth but almost entirely on the “spiritual” wealth of the community, on the skills in its arts and crafts groups, the diligence of the gardeners, the concerts and the comedians, jugglers, acrobats, musicians etc. they draw on, on the conversation, support, and town morale, on how enjoyable and effective the working bees are, on the richness of provision of structures ,systems and experiences free to all, and on how well the leisure committee organizes outings, speakers, games, adventure tours etc. Thus the individual’s monetary wealth can be totally irrelevant.

Another important equality factor is capacity to produce, as distinct from to consume. This is the old concept of “Distributivism” whereby it is ensured that all have a livelihood, the capacity to earn by making a valued contribution. Thus the community will make sure there is no involuntary unemployment.

Subsidiarity and spontaneity

These Anarchist principles are evident in the alternative way when much of the physical, biological and social functioning and maintenance is carried out informally and spontaneously. Citizens take action when they see the need and without referring problems to officials or bureaucracies. Hence the common “Nanny State” criticism of Socialism is avoided. These ways are greatly facilitated by the smallness of scale, the collectivist ethos, and the simplicity of technologies and systems. Most people know how to fix most problems, and if not local citizens expert on the issues are nearby.

To summarise regarding goals, the argument has been that in an era of severe resource limits the viable social form cannot be the centralized, industrialised, urbanized, bureaucratized, resource-intensive, globalised and authoritarian form Socialists usually do not question. It has to be the largely autonomous small community (although there can also be small cities), and these must operate primarily according to Anarchist principles of avoidance of domination, participation, responsible and conscientious citizenship, spontaneity, subsidiarity, federations, and a value system focused on cooperation, equity, mutuality, caring, and the public good.

#### Fiating through all that by imagining the USFG---or foreign governments---are ideologically aligned is a voter---necessarily plan-plus (imagining Trump simply stops attacking ideologically non-aligned subordinates is an interp of the plan text) AND nullifies all comparative lit, rigging the game and voiding any pedagogical benefit

## ACA Subsidies PTX

### ACA [NU]---2AC

#### No link---plan’s the exec which shields because can’t hurt bipart

#### Won’t pass either chamber

Brooks 26 [Emily Brooks, Congressional reporter for The Hill, BA political science, University of New Mexico, “Epstein, health care and a shutdown fight: Here’s what the House faces in January,” The Hill, 1-4-2026, https://thehill.com/homenews/house/5662836-epstein-health-care-shutdown-house/]

Enhanced ObamaCare subsidies officially expired at the end of 2025, but the battle in Congress to revive the credits and prevent increased premiums for 22 million people on Affordable Care Act marketplace plans will continue in the new year.

The House is set to vote on a bill to extend the subsidies as-is for three years after four Republicans rebelled against GOP leaders and joined a Democratic effort to force the measure to the floor. Moderate Reps. Brian Fitzpatrick (R-Pa.), Rob Bresnahan (R-Pa.), Ryan Mackenzie (R-Pa.), and Mike Lawler (R-N.Y.) signed the discharge petition after negotiations with GOP leadership on allowing an amendment vote to extend the subsidies with reforms broke down.

The rebels and Democratic leaders can force a vote on the matter in mid-January.

It’s unlikely a three-year extension without reforms will be passed. The same three-year proposal was blocked in the Senate after Democrats tried to bring it up in December.

#### And Trump would veto it even if it did---not enough votes to override.

### ACA---Won’t Pass---DRR---2AC

#### Subsidies have passed the House but will inevitably fail in the Senate.

Scripps 26 [Scripps News, 1-8-2026, House passes bill to extend ACA subsidies, but it is not likely to survive the Senate, https://www.scrippsnews.com/politics/congress/house-passes-bill-to-extend-aca-subsidies-but-it-is-not-likely-to-survive-the-senate, Accessed: 1-15-2026]

The U.S. House voted Thursday to pass an extension of ACA subsidies that would keep them valid for the next three years.

The bill received some bipartisan support in the chamber, with 17 Republicans joining a majority of Democrats in passage. The final vote in the chamber was 230-196.

“The affordability crisis is not a ‘hoax,’ it is very real — despite what Donald Trump has had to say,” said House Democratic Leader Hakeem Jeffries.

“Democrats made clear before the government was shut down that we were in this affordability fight until we win this affordability fight,” he said. “Today we have an opportunity to take a meaningful step forward.”

The bill now proceeds to another vote in the Senate, where it is not expected to pass in its current form.

The extension of subsidies is a central part of a long-running battle on the Hill. The logjam over the issue late last year led to the longest government shutdown in the nation's history. The Senate then voted down a similar deal that would have extended the subsidies for the same three years.

Without a deal approved by the full Congress and signed by President Trump, some 22 million Americans are expected to see higher health insurance premiums as 2026 begins.

But some lawmakers are hopeful the bill voted on Thursday could act as a template for making bipartisan progress on health reform. It could potentially inform a new compromise deal that could extend subsidies for two years.

### Thumpers---Generic---2AC

#### Laundry list of thumpers---fights over government funding, health care, and Epstein are ongoing

Boudreaux 26 [Therese Boudreaux, Writer for The Center Square, “Congress faces govt. shutdown date, health care bills, Epstein on return,” 01/03/2026, https://www.aol.com/articles/congress-faces-govt-shutdown-date-130200629.html]

Congress faces a mountain of political challenges when it resumes session next week, including a potential government shutdown, a health care affordability crisis, and the ongoing release of the Epstein files.

U.S. lawmakers left town for the holidays after passing only three of the 12 appropriations bills funding federal agencies in fiscal year 2026.

Most sectors of government are still running off of fiscal year 2024 funding, as Congress resorted to passing four consecutive Continuing Resolutions keeping funding levels static, rather than complete the regular-order appropriations process.

With the current CR expiring Jan. 30, lawmakers have less than a month to finish the remaining nine bills or pass yet another CR, otherwise, the government will partially shut down.

There is little appetite on the Hill for a shutdown, as the most recent lasted a record-long 43 days. The government ran out of funding Oct. 1, 2025, when Democrats refused to vote for the fourth CR due because it failed to include an extension of the enhanced Obamacare subsidies.

After six weeks of holding out, enough Democrats voted to reopen the government by passing the CR, additionally passing three of the appropriations bills in the form of a minibus.

Progress, however, stopped there. Senate Majority Leader John Thune, R-S.D., does intend to hold a vote on a five-bill appropriations minibus as soon as lawmakers return, but he’s already receiving pushback over certain earmarks.

Over in the House, Speaker Mike Johnson, R-La., will have to handle the still raging fight over health care policy, including the now-expired enhancement of Obamacare Premium Tax Credits that many lawmakers want to reinstate.

Even if such legislation passes the lower chamber, it will almost certainly fail in the Senate, which already tanked a proposal to extend the subsidies. And given Democrats’ opposition to House Republicans’ alternative policies, any health care bill that does not include the subsidies will also fail to break the Senate filibuster.

On top of meeting the tight government funding deadline and addressing rising health care prices, the Republican majority must also continue doing damage control with the Epstein files.

The Department of Justice says it still has up to a million more files to release related to the now-deceased sex trafficker Jeffery Epstein after Congress mandated it make all Epstein-related files public. Some of the files seem to implicate President Donald Trump, though the DOJ says the allegations are “unfounded.”

Both parties will likely continue using the files, which also reference high-profile Democrats like former president Bill Clinton, as a political football going into the new year.

### Pandemics ! D