#### Lit Consensus. Everyone who understands courts knows stare decisis is fake.

HLR 23 (December 2023, “The Thrust and Parry of Stare Decisis in the Roberts Court,” Harvard Law Review, Vol. 137, Issue 2, <https://harvardlawreview.org/print/vol-137/the-thrust-and-parry-of-stare-decisis-in-the-roberts-court/#footnote-159>, Ulven)

Conclusion

No one was ever under the illusion that the Supreme Court hews as closely as possible to stare decisis.159 The Court itself has emphasized that stare decisis is “a principle of policy, and not . . . an inexorable command.”160 For that policy to have bite, however, it must operate in a way that consistently and reliably pushes the outcome of a case in a precedent-saving direction. Multiple examples from the Roberts Court illustrate that in practice, the reasoning surrounding stare decisis is hardly determinative — not merely because erratic misapplications of the principle result in occasional mishaps, but also because the indeterminacy is built into the logic of the game. Sometimes, the same trait of a precedent can cut both ways. Other times, a mode of reasoning is so standardless as to render it manipulable to serve either outcome. Far from being “a bedrock principle of the rule of law,”161 stare decisis seems to amount to little more than rhetorical flourish.

#### This court does not care about precedent and repeatedly violates precedent in blatant manner.

**Murray et. al. 23**, \*Professor of Law, NYU, \*\*Professor of Law, Michigan, \*\*\*Professor of Law, Pennsylvania, \*\*\*\*Comedian, \*\*\*\*\*Political Commentator (Melissa Murray\*, Leah Litman\*\*, Kate Shaw\*\*\*, Jon Lovett\*\*\*\*, Elie Mystal\*\*\*\*\*, “The Dobbs Decision Hasn’t Aged Well,” Strict Scrutiny, August 7th, 2023, <https://crooked.com/podcast/the-dobbs-decision-hasnt-aged-well/>) rose

Melissa Murray Oh, really? Do you think the public perceives that this was a political decision? Like, I’m going to be fully straight up about this. Like, it seems really weird to me that Roe and Casey withstood a million different challenges over the course of the last 50 years. Not a million, but a lot. And it survived each and every time. And then suddenly Ruth Bader Ginsburg dies in September 2020. Amy Coney Barrett gets installed on the court in October 2020. Now we have a 63 conservative supermajority, and all of a sudden Mississippi has changed its request before the court. Like before, they were just like, we have a very modest ask. Tell us about viability. Now they’re like, you know what? Just overrule Roe and Casey and the court does it. Like, how can it not be political? How can it not be about the changing personnel of this court? Like, how is it about principle when in the past we never had anything like this, even though these questions had repeatedly come before the court?

Leah Litman Well, also, they said it was about personnel and politics, like in the debates leading up to the 2016 election, Donald Trump was literally asked about Roe versus Wade. And what did he say?

Clip Well, if that would happen, because I am pro-life and I will be appointing pro-life judges, I would think that that will go back to the individual states. But I’m asking you specifically, would you like to overturn that? It’ll go back to the states. What I’m asking you, sir, is do you want to see the court overturned? You just said you want to see the court protect the Second Amendment. Do you want to see the court overturn Roe? If we put another two or perhaps three justices on, that’s really what’s going to be has that will happen? And that’ll happen automatically, in my opinion, because I am putting pro-life justices on the court.

Kate Shaw He said it’ll happen automatically. And I was like, well, no, exactly. But then I was like, Oh, no, he was right. Actually, it did kind of happen.

Melissa Murray He’s he’s really truthful about a lot of things. Roe, the fact that he’s getting indicted, like, I mean, he’s good on some of these things.

Jon Lovett There is is that kind of an Alito way that he’s sort of flipping the logic on its head because there is the kind of Alito grievance politics that’s seeping in here, which is saying, if you’re telling me that there would be incredible negative political ramifications because of the monumental unpopularity of this decision, while you’ve only emboldened me and forced my hand, because if I were to allow the fact that this nation would revile this choice, well, then don’t I have no choice but on principle to do it anyway, thus, to prove that this Supreme Court is beyond politics.

Melissa Murray Spoken like a guy that was rejected for the prom. That’s like. That’s like, rejected from the prom.

Kate Shaw You all made me do. Yeah.

Jon Lovett Yeah. And the more political pressure I feel, the only the more sure I am that I have that that this is the right call. Because that shows you just how righteous a court we have, because this group of people were put in place to defy the public. Well, but in this anti majoritarian way and so good for us the more you hate the better I feel.

Melissa Murray Think about it hard. Like.

Kate Shaw And also honestly they did I think in like the Casey court which we’ve been talking about they did genuinely care about the institution of the court and its perceived legitimacy and that’s why I like this. That’s the the language that, again, Alito is disparaging from Casey. Was the justices surprising a lot of people, defying a lot of expectations and upholding, in this opinion, written by some Republican appointees, the kind of core of Roe by saying, like if guys, if we reverse course now just after this personnel shift, it’s going to be pretty obvious that we’re a political body. You know what? We’re not we don’t want to be. And Sam Alito was just like fully kind of ran right into that thread. And like you said, it sort of actually inverted its logic and that that’s precisely the reason we have to move forward.

Jon Lovett I’m curious what you all think about the way Amy Coney Barrett talked about this during her confirmation. Because what was striking to me is just sort of an observer and political pundit who didn’t go to law school is she took these great pains to basically avoid saying that she didn’t respect precedent because what she or the way she said it was. Well, if a precedent truly is important, it won’t come to me. Whereas Alito is saying I don’t care about I don’t care about precedent, all that doesn’t factor in.

Melissa Murray She actually had one of the more interesting approaches to answering questions about Roe and Casey. And again, everyone should understand, whenever they talked about precedent in the context of confirmations, they were shadowboxing with Roe and Casey. They weren’t talking about anything else. That’s what they were talking about. And she was just sort of like, you know, when I think it was Dianne Feinstein who asked her, you know, do you think that these decisions are precedent, are super precedents and precedents on precedents or whatever? And she was like, you know, if it’s a super precedent, then it’s been settled and it won’t come before me. And and that’s why it’s a super precedent. If it does come before me, then it’s not a super precedent that I’m a. To offer a real difference.

Kate Shaw You didn’t even go further and basically say, I remember being really nasty and basically saying, and I’m getting a lot of questions.

Leah Litman Exactly.

Kate Shaw From you about this case, which makes me think it’s not a super precedent. It was like in some ways some of those like really sharp exchanges I think made her at least marginally less dishonest than like Kavanaugh and Gorsuch were, because she kind of let her contempt show for Roe. And, you know, that’s that’s how she felt. She didn’t really work very hard.

Melissa Murray She didn’t have to I mean, all she needed was a simple majority, Like it was pretty much in the bag for her. I mean, the Democrats were in no position to beat her down. She was just basically on cruise control at that point.

Jon Lovett And then Senator Feinstein obviously asked that hard follow up question about whether she supported France in their fight against the Kaiser, which she obviously avoided answering.

Leah Litman Jon, thank you so much for coming to represent the elite Strike Force legal team that was the Dobbs majority, the Mojo Dojo Casa House court and everything we have come to expect from Samuel Alito. So thank you.

Jon Lovett Thank you for having me.

[AD]

Melissa Murray We’ll now shift to that Thomas concurrence and joining us for this segment to play Clarence Thomas but also to join our discussion about the Thomas concurrence is Strict Scrutiny super guest and author of the bestselling book Allow Me to retort A Black Man’s Guide to the Constitution and also the justice correspondent at the Nation and Lee as preferred pick for the next vacancy on the U.S. Court of Appeals for the Fifth Circuit. None other than Elie Mystal. Welcome Elie.

Elie Mystal Thank you so much for having me. Let’s talk about Jerk Face.

Kate Shaw So let’s indeed get right to it. This is going to be a look back on the concurrence heard around the world. So want to kick us off, Elie with that first line we’re going to reexamine.

Elie Mystal For that reason. In future cases, we should reconsider all of this court’s substantive due process precedents, including Griswald, Lawrence and Obergefell, because any substantive due process decision is demonstrably erroneous.

Kate Shaw Okay, pause. Before we get to the substance. I didn’t know you had that Thomas baritone like that. You really just channeled the voice.

Melissa Murray Can you laugh like, your jocular laugh. From your belly.

Elie Mystal Ha ha ha.

Melissa Murray Exactly.

Elie Mystal It’s the evil laugh.

Kate Shaw So good.

Leah Litman See now our listeners get to experience it.

Melissa Murray Stroke a hairless cat.

Leah Litman And now to the substance.

Elie Mystal Speaking of demonstrably erroneous right like that. The thing that always stands out to me about that lying and I think it stood out to others is that he lists three cases that he considers to be demonstrably erroneous applications of substantive due process. Griswald, which deals with contraception laws, which deals with gay rights, and Obergefell, which deals with same sex marriage. But what’s the fourth one? What’s the one he leaves out? .

Melissa Murray I know, I know, I know teacher I know.

Elie Mystal And the one the substantive due process decision that he leaves out is loving the Virginia, the one that allows for interracial marriages. Did he forget about it? Did his clerks not remember that case? No.

Melissa Murray Mark Meadows wishes he could forget about it.

Elie Mystal Because loving the Virginia is the interracial marriage case and he happens to be interracially married. Not that there’s anything wrong with that, obviously, but like the whole reason why this line, like stings so sour to me is that it shows that he is not simply kind of applying his own radical ideology fairly across all cases. If Thomas could push a baby out of his urethra, would he have mentioned to Griswald? Right. Like you don’t.

Kate Shaw Okay, that’s now burned into my brain. Yeah.

Melissa Murray So, Elie, let me let me just intervene here to perhaps offer a devil’s advocate and maybe a defense of Clarence Thomas.

Elie Mystal Good luck.

Melissa Murray Though, I’m not trying to defend him. So some would argue there perhaps are statutory limitations that would prohibit states from ending interracial marriage or not recognizing interracial marriages. And, you know, and perhaps that’s the reason why he didn’t include loving.

Elie Mystal The point here is that there were also statutory positions that applied in Lawrence. There were also equal protection provisions that applied in Lawrence, and yet he still included Lawrence. He reduces those three cases to simply a substantive due process analysis. Right. Which is not the only analysis that was used in those three cases in the same way, is that it wasn’t the only analysis that we used that was used in Roe v Wade, which is what he’s attacking fundamentally in this concurrence. Right.

Leah Litman So if I could just add one additional point here, which is even if there are statutory protections for interracial marriage, that would still mean loving versus Virginia should be overruled to the extent that it holds that the Constitution guarantees a right to interracial marriage or doesn’t permit states to write statutes prohibiting interracial marriages, and then just like quickly flesh out two things is like to the extent an alternative explanation is, while the equal protection clause could explain loving, it’s not clear why that would explain loving, but not Obergefell, since that distinction might also violate the equal protection clause. And then just to flesh out the idea that there might be other statutory protections that could explain the results in Obergefell or Lawrence, like there are federal civil rights laws that also prohibit discrimination on the basis of sex in a variety of arenas. And given the Supreme Court’s holding in Bostock that discrimination on the basis of sex includes discrimination on the basis of sexual orientation, it’s also not clear that that rationale distinguishes between those cases either.

Elie Mystal 100%.

Kate Shaw And in terms of the outcomes that we’re already starting to see follow from his clarion call. So we’ve. Talked about the conspicuous omissions from his concurrence, but of course he highlights Griswald and Lawrence and Obergefell, and he’s talking to, I think, a few different audiences when he says, you know, we should reconsider these cases. He’s talking, of course, to his colleagues, but he’s also talking to lower court judges, he’s talking to litigants. And it kind of feels like he’s also talking just more broadly to individuals who are part of, you know, the implementation of the Constitution and like help shape its meaning. And I think he is basically saying these precedents are up for grabs and you can comport yourselves accordingly. And so I were a year out, and I think we are seeing seeds of I think as a result of a combination of his sowing real doubt about the future durability of these precedents, but also three or three creative, which we talked about at the end of last term, a great deal. People starting to basically say, well, public accommodations laws may not be able to be enforced. We’re talking about same sex marriage or same sex couples. The constitutional imperative of marriage equality may actually be in some doubt. So like, well, I’m just going to act on what I think the Constitution may be understood to mean five or ten years out and refuse, you know, hair salons, services refuse, maybe marriage licenses. I mean, I don’t do as involving as the Kim Davis is like, oh, yeah. For trial in September for her 2015 refusal to issue marriage licenses to same sex couples even post Obergefell. And I am sure swirling around that jury trial is going to be this set of open questions that Thomas has.

Melissa Murray She’s already talked about it.

Kate Shaw Has thrown. But I mean, even like in front of the jury, like I just think that all of this is really changing the constitutional landscape, even though it is obviously an opinion for one person. It is already reverberating and I think it’s going to continue to reverberate all the more.

Elie Mystal He’s talking to the Fifth Circuit, thats what he’s doing.

Kate Shaw Your future judicial home, Elie.

Elie Mystal Right? He’s talking to the Fifth Circuit, and he’s doing that because he knows that people on his side of the aisle will get out in front of the Supreme Court, are willing to get out in front of the Supreme Court like people forget they overturned abortion in Texas before. DOBBS Right. They just straight up with their with their Jonathan Mitchell bounty hunter plan. They straight up overturned Roe v Wade in Texas before the Supreme Court got around to it in Dobbs ever. I was like, cool. All right. Well, we’ll just roll with that then.

Melissa Murray I, for one, when I read this line, was actually really happy that because I want to see any of these precedents threatened or in jeopardy. But because we had been saying this all along, like in the run up to Dobbs, everyone had been talking about what else could happen, what else could fall. And I think we were saying that all of the substantive due process precedents were imperiled if Roe fell because they all rested on the same foundation. And there were so many people who were like, You witches need to get back to your cauldrons and stop talking crazy. And this actually, I think, made it clear that we were not nuts like that. This was definitely happening. So for that reason and only that reason, I said for the first time ever, thank God for Clarence Thomas.

Leah Litman So maybe we can go on to the next line. Because interestingly, while Justice Thomas seemed to want to reconsider other substantive due process decisions because they were inextricably related to Roe versus Wade and Planned Parenthood versus Casey, he also had some other thoughts about what the majority opinion did or didn’t mean as to those other precedents. So, Justice Thomas, take it away.

Elie Mystal Thus, I agree that nothing in this Court’s opinion should be understood to cast doubt on the precedents that do not concern abortion. So here’s the fun thing about that. It’s not his line. He’s quoting the majority opinion. It’s like somebody comes into your house, shoots your dog. Leaves the cat alive. What Thomas is saying thus, I agree. The cat is still alive. He ain’t saying not going to shoot the cat next, right? He’s not saying that the cat is safe. He’s saying that he agrees with the factual situation on the ground, that the cat happens to be still alive after he’s just killed your dog.

Leah Litman The cat is not formally overruled yet.

Elie Mystal Right. So, like that entire lying should have exactly as you just say, a “yet” on it.

Melissa Murray I agree that nothing in this court’s opinion should be understood to cast doubt on those precedents that do not concern abortion. And that’s the problem, because I think we should be casting doubt on these other precedents, too.

Kate Shaw Right. But I think in terms of what it does to folks in the position of translating the court’s work to the public, I think that what you said a couple of minutes ago, Ali, is really profound and accurate. And this line is one that I was asked about. I’m sure you all were as well. Again and again the next day, which is. But Thomas says that everything else is safe and in full context. That’s not remotely true, but it’s an easy line to pluck out and sort of hold out to the public as providing comfort about what this opinion actually encompasses. And so I actually think it was very strategically included by Justice Thomas.

Leah Litman Yes.

Elie Mystal And he also pisses on the line on the next line, because the line you had me read first is the one that like so. So let me just.

Melissa Murray Read all the lines.

Elie Mystal All right. Thus, I agree that nothing in the court’s opinion should be understood to cast doubt on the President’s that do not concern abortion. For that reason, in future cases, we should reconsider all of this court’s substantive due process precedents, including.

Melissa Murray That what I said. It was wrong. They didn’t go far enough. That’s what he’s saying.

Elie Mystal He should have done wrong with the majority. He is. He is agreeing that what the majority did, he’s not saying that majority is right. He’s saying that if if it’s up to him, these precedents would be disturbed and he is actively shopping for cases. And this is the thing that like like this is where I wish I could go back to my law school professors and be like, you lied to me because they told me in law school that judges don’t shop for cases in their opinions. Right. And that’s just.

Leah Litman Who says that?

Elie Mystal Yes, Harvard. Harvard said that and Harvard said that. And that’s just not true.

Leah Litman And, you know, just some evidence as to why, maybe including a yet in that sentence would have been more accurate or the cat isn’t overruled yet, is the better characterization of the sentence. I mean, think about what’s happened in the last year. We had three or three creative, which Kate already mentioned, which basically distinguished slash, effectively narrowed and limited all prior cases saying there wasn’t a license to discriminate exemption from public accommodations, laws and invited differentiation, you know, for same sex couples and, you know, treating them differently. You also had students for Fair Admissions, which effectively overruled, you know, all of the court’s prior cases allowing affirmative action in higher education. You had Sackett versus environmental protection. So you which, you know, basically whittled away all of the court’s prior cases that said the EPA could regulate certain kinds of wetlands under the Clean Water Act. And we’re looking ahead to next term in which they’ve got a bunch of other cases on top in which they are being explicitly invited to overrule prior cases or again, effectively narrow or limit that.

Elie Mystal **This court doesn’t care about precedent**. And look, I don’t I don’t know how else to explain that to people like they just.

Leah Litman Elie’s laughing because Kate’s holding up your shirt **“Stare Decisis is for suckers.”**

Kate Shaw I pulled out some of the original emerged because that felt fitting today.

Melissa Murray We’d said that in 2019 and people thought we were being hyperbolic.

Kate Shaw This shirt is like falling apart from the wash because I’ve been wearing it for years and its catching up.

Melissa Murray Like the Constitution is falling apart.

Elie Mystal Nobody should be surprised by what’s happening because they were picked and appointed for this express purpose to overturn precedent. And that and that goes to how good, quite frankly, and how accurate, quite frankly, the Federalist Society has been at picking judges. And to me, this all goes back this all goes back to Anthony Kennedy and David Souter stabbing those people in the back.

#### Recent decisions prove.

**Tribe 24**, Professor of Constitutional Law Emeritus, Harvard Law (Laurence, “Evaluating the Supreme Court: Harvard Law faculty weigh in on 2023-2024 SCOTUS term” Harvard Law Today, July 2nd, 2024, <https://hls.harvard.edu/today/evaluating-the-supreme-court-harvard-law-faculty-weigh-in-on-2023-scotus-term/>) rose

This term was the most significant in memory because, in Trump v. United States, [the Court] hard-wired the imperial presidency by granting what in practice is close to absolute immunity from criminal prosecution to presidents who wield their power corruptly and self-servingly; and, in Loper Bright v. Raimondo, essentially deconstructed the administrative state by overruling the agency deference doctrine known as Chevron, thereby shifting government power wholesale from the agencies in the executive branch to the federal judiciary; and then, in Corner Post v. Federal Reserve Board, rendered even long-since promulgated regulations vulnerable to attack without any meaningful time limitation, delivering a one-two punch to expert agencies.

“The net effect was to seize power for federal judges, officials who serve for life and account to nobody, and to take power from Congress, both in trying to cabin the presidency with criminal laws applicable to everyone and in trying to regulate corporate power vis-à-vis consumers and the environment by passing laws that invariably cannot anticipate with precision the many circumstances in which those laws will need to be applied. At the same time, although it covered up with procedural manipulations its extension of the infamous Dobbs [v. Jackson Women’s Health] decision of 2022 to weaken protections for pregnant persons, **the Court left no doubt** that it intends to continue restricting personal freedom as well as voting rights **without paying serious attention to its own precedent.”**

#### INSERTED FOR CONTEXT>

**1nc Wetzel 22**, Professor of Philosophy at the University of Wisconsin-Milwaukee, experienced labor organizer (Tom, “Overcoming Capitalism: Strategy for the Working Class in the 21st Century” AK Press, 2022, p. 299-311) rose

Moreover, workers taking over all the various nodes where they work in the system of social production is strategically central to the working class gaining power in society. The syndicalist proposal is for the working class to socialize the economy “from below” through a process of workers taking over the various industries and creating their own democratic organizations to self-manage the work in that industry. Here is a basic truth: If workers do not control their own work activity and the workplaces, then some other class will, and thus the regime of class oppression will continue. So an essential task for worker’s liberation is the worker takeover of the various workplaces and industries and the creation of organizations of worker self- management. For workers to control the labor process, the organization of the work, and the control of the workplace, there must be face-to-face democracy of periodic assemblies of the workers in that facility. This is where the staff can deliberate and make decisions on the basic policies and the over-all governance of their facility and for their industry. For ongoing coordination of the labor, the workers can elect colleagues to a coordinating or administrative council. In a typical facility that is fairly sizable, there are often departments that have issues that pertain first and foremost to them, which suggests a kind of distributed decision-making structure where departments have their own periodic assemblies to make collective decisions for themselves.

#### Private ownership makes aff solvency “not possible.”

**Rahnema 23**, “The (In)conceivability of Real “Workers’ Control” Under Capitalism” *International Labor and Working-Class History* (2023), 103, 328–344, <https://www.cambridge.org/core/services/aop-cambridge-core/content/view/4FE0AB81C4EA9208333A4D81AE593887/S0147547922000308a.pdf/the-inconceivability-of-real-workers-control-under-capitalism.pdf>) rose

Surely the emancipation of the “producing class” is not possible as far as the “appropriating class” controls the production processes, and thus the precondition for the liberation of the producers of wealth is the takeover of control of the production processes. The key question, however, is under which specific socio-economic and political conditions can this revolutionary ideal be materialized. This paper argues that under capitalism and neoliberal globalization, with major organizational and technological transformations taking place in industries and corporations, along with the weakening of the working class, it is inconceivable to have real managerial workers’ councils in industries, with the exception of some minor small production cooperatives. Sustained workers’ control in the true sense of self-management is only achievable at the height of democratic and revolutionary transition from capital- ism and in a postcapitalist society, with the backing of a progressive democratic polit- ical system. It also argues that corporatist models based on class collaboration, despite some gains for the workers, have never been able or even intended to challenge and weaken capitalism. The paper, focusing on councils and councilism, advocates for radical though practicable and progressive class-struggle forms of workers and employee participation in decision-making processes during the long process of tran- sition from capitalism. It also stresses the need for the integral and simultaneous struggle of the working class for both control of production and for a truly democratic political system.

#### It guarantees extinction from a confluence of factors.

Kemp 23, Research Associate at Darwin College, Ph.D., International Relations, Australian National University (Luke Kemp, 2023, “7. Ecological Breakdown and Human Extinction,” in *The Era of Global Risk: An Introduction to Existential Risk Studies*, Cambridge University Open Book Publishers, University of Kansas Libraries, ILL)

The current scientific consensus is that any hellish mechanism— which could lead to a furnace Earth, complete with evaporated oceans— is highly unlikely. In 2009, the IPCC reported, in its 31st meeting, that a “runaway greenhouse effect” analogous to Venus appears to have virtually no chance of being induced by anthropogenic activities.69 Whether this view continues to hold, given the new modelling outcomes, is unclear. For now, while extinguishing the entire web of life seems far less likely than causing human extinction, it is an outcome that cannot be entirely ruled out.

If humans were to go extinct, it is likely that global ecological collapse would be one of a series of drivers. Imagine a world where, in 2075, we have reached 4°C of warming. The climate system was more sensitive than expected, and new energy-hungry machine learning algorithms led to higher-than-expected energy demand. After a category 6 hurricane hits New York City, NATO (led by the US) deploys a global stratospheric aerosol injection (SAI) system. This enflames international tensions and stokes domestic unrest in societies already awash with disinformation driven by deep-fakes and other high-level machine learning applications. A nuclear war breaks out and the ensuing nuclear winter knocks out the SAI system. The few billion survivors emerge from nuclear winter to be faced by soaring temperatures as the Earth warms by 4.5°C in the space of decades. Sources of sustenance beyond agriculture, such as marine fish stocks, have been significantly affected by transgressing other planetary boundaries such as ocean acidification, biosphere integrity, and biogeochemical flows. The rapid changes in temperature cause significant changes in wildlife distribution, triggering new zoonotic pandemics. Simultaneously, the unplanned emergency evacuation of one biosafety level 4 (BS4) facility just prior to the nuclear conflict led to the release of a modified version of the previously defeated smallpox virus. The survivors are ingenious and resilient but fail to recapture the right industrial technologies required to put an SAI system back online. Many have intentionally turned away from industrial technologies after the fall. Those that try are faced with the problem of energy return on investment: easily accessed fossil-fuel reserves have already been depleted and the leftovers are too costly to use at scale. After a long fight, the final sapien takes her last breath. She is a Māori woman, living on the outskirts of modern-day Dunedin (New Zealand). Her body, riddled with the scars of an altered smallpox strain and signs of malnourishment, finally gives out. Humanity is extinguished.

#### The alt reorients how workers think of themselves and others.

**Azzellini and Vieta 26**,\*Assistant Professor of Sociology at the Johannes Kepler University, \*\*Assistant Professor of Workplace and Organizational Learning and the Social Economy at the University of Toronto. (Dario\* and Marcelo\*\*,“Introduction” in *Commoning Labour and Democracy at Work*, Taylor and Francis, 2026, pp. 7-8) rose

\*WRE=Worker-recuperated enterprise

In these work organizations – taken over and transformed into self-mana ged ones by the very workers and people that had been creating surplus value from their own surplus labour for others – almost everything changes. WREs illustrate what is at stake when creative and productive spaces are recuperated and democratized. With WREs, workers’ subjectivities transform from mana ged employees to self-managed workers, learning new cooperative skills along the way (Vieta 2012, 2014a). Social relations between workers become less competitive and more collective (Sobering 2022). The labour process, organi zational structures, and internal dynamics horizontalize (Sitrin and Azzellini 2012). And, interactions with suppliers, customers, and communities radically alter into solidarity-based relations (Azzellini 2018; Vieta 2020b). These changes turn the capital–labour relation and the capitalist workplace – the core space of valorization and worker exploitation in capitalist economies – inside out, while symbolically tearing down the site of production as a capi talist value-making organization and rebuilding it as a worker- and commu nity-led site of creating a “commonwealth metabolism” (de Peuter and Dyer- Witheford 2010, 45).

This is production under autogestión. As a real alternative mode of orga nizing work, production as autogestión directly responds to and attempts to move beyond capitalist exploitation and capitalism’s attack on community wellbeing, while reaffirming workers’ identities as workers – creative and productive human beings collaborating in transforming resources into useful or meaningful things – rather than as ‘employees’ selling or, more accurately, renting (Ellerman 2021) their creative and productive capacities for others to profit from and seize. This is because autogestión is, as we will define in due course, animated by living labour engaging in labour as commons without an employer overseeing the work and appropriating the surpluses that workers’ own creative and cooperative capacities have concretely made real.

Contrasting sharply with the previous capitalist firm, in short, WREs operating under the auspices of autogestión ultimately and explicitly demonstrate that a different way to work and organize the economy from the point- of-production is possible. A very similar argument can be made with many forms of new, solidarity-based and anti-systemic cooperatives emerging from movements or communities throughout the world today, such as those prac ticing what has been termed as “the new cooperativism” (Vieta 2010a, 2016, 2018; Vieta and Lionais 2022). It is no coincidence that we have witnessed in recent years spikes in new worker cooperatives in countries hard hit by the global economic crisis, particularly where there are also established coopera tive and labour movements (Birchall and Hammond Ketilson 2009; Zevi et al. 2011). Indeed, the literature on labour-managed firms (LMFs), which parallels research into WREs (see, for instance Azzellini 2021b; Ozarow and Croucher 2014; Vieta 2020b), suggests that worker cooperatives are more robust than conventional investor-owned firms during economic downturns (Bentivogli and Viviano 2012; Mirabel 2021b; Rothbaum and Smith 2014; Zanotti 2011) as they protect jobs (Estrin 1989; Pérotin 2006, 2014) and encourage workers’ and communities’ wellbeing (CECOP-CICOPA Europe 2012, 2013; Erdal 2012; Estrin 1989; Oakeshott 2000; Theorell 2003).

#### The alt disconnections innovation from the profit incentive which better matches collective need.

**Phillips 23**, science writer and EU affairs journalist at Jacobin. (Leigh, “Degrowth Is Not the Answer to Climate Change,” Jacobin, January 8th, 2023, <https://jacobin.com/2023/01/against-degrowth-eco-modernism-socialist-planning-green-economy>) rose

Capitalist growth is amoral and anarchic, largely outside of democratic control, and produces inequality and servitude to bosses. Socialist growth is democratically coordinated and by being so, delivers equality and liberation from servitude. Socialist growth allows humanity to “design history,” to consciously decide where we want to go next, to decide which new medicines and technologies will liberate us ever further from drudgery, danger, and disease, instead of being led by the nose by whatever happens to be profitable.

Let us remember that our degrees of freedom can be limited by other humans through oppression, exploitation, and inequality, but also by the rest of nature. Parkinson’s Disease, cripplingly delimiting of freedom, is not imposed upon its victims by other people, but by genetics. New medicines and technologies liberate us from such infringement of freedom. But if any of those medicines or technologies of liberation are not profitable, then they will not be produced, or at best be restricted to those consumers who allow it to be profitable. The problem with capitalism therefore is not that it produces too much, but that it irrationally limits production to what is profitable.

#### Capitalism keeps workers out of the process and isn’t competitive.

Bee 18, J.D, Harvard. (Vanessa, "Innovation Under Socialism", Current Affairs, October 23rd, 2018, <https://www.currentaffairs.org/2018/10/innovation-under-socialism>) rose

But prioritizing profit is a double-edged sword that can hamper innovation. Owning the proprietary rights allows private firms to block workers—through anti-competitive tools like non-compete agreements, patents, and licenses—who put labor into the innovation process from applying the extensive technical expertise and intimate understanding of the product to improve the innovation substantially. This becomes especially relevant once the workers leave the firm division in which they worked, or leave the firm altogether. Understandably, this lack of control and ownership will cause some workers, however passionate they may be about a project, to be less willing to maximize their contribution to the innovation.

Of course, the so-called nimbleness that allows firms to make drastic changes like mass layoffs is extremely harmful to the workers. This is no fluke. The capitalist economy thrives on a reserve army of labor. Inching closer to full employment makes workers scarcer, which empowers the labor force as a whole to bargain for higher wages and better work conditions. These threaten the firm’s bottom line. So, the capitalist economy is structured to maintain the balance of power towards the owners of capital. Positions that pay well (and less than well) come with the precariousness of at-will employment and disappearing union power. A constant pool of unemployed labor is maintained through layoffs and other tactics like higher interest rates, which the government will compel to help slow growth and thereby hiring. This system harms the potential for innovation, too.

The fear of losing work can dissuade workers from taking risks, experimenting, or speaking up as they identify items that could improve a taken approach—all actions that foster innovation. Meanwhile, thousands of individuals who could be contributing to the innovative process are instead involuntarily un-employed. This model also encourages monopolization, as concentrating market power gives private firms the most control over how much profit they can extract. But squashing competition that could contribute fresh ideas hurts every phase of the innovation process, while giving workers in fewer workplaces space to innovate.

#### Not all profitable innovations are good!

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Another issue is that technologies do not only solve environmental problems but also tend to create new ones. Assuming that resource productivity becomes a priority over labour and capital productivity, there is still nothing preventing technological innovations from creating more damage. For example, research into processes of extractions can lead to better ways to locate resources (imaging technologies and data analytics), to extract them (horizontal drilling, hydraulic fracturing, and automated drilling operations), and to transport them (Arctic shipping routes). These innovations may target resource use but with a result opposite to the objective of decoupling, that is more extraction. And this is not even considering unintended side-effects, which often accompany the development of new technologies (Grunwald, 2018).

#### The most consequential innovation is the least profitable.

Bee 18, J.D, Harvard. (Vanessa, "Innovation Under Socialism", Current Affairs, October 23rd, 2018, <https://www.currentaffairs.org/2018/10/innovation-under-socialism>) rose

Deferring to profit causes many areas of R&D to go unexplored. Private firms have less reason to invest in innovations likely to be made universally available for free if managers or investors do not see much upside for the firm’s bottom line. In theory, the slack in private research can be picked up by the public sector. In reality, however, decades of austerity measures threaten the public’s ability to underwrite risky and inefficient research. Both the Democratic and Republican parties increasingly adhere to a neoliberal ideology that vilifies “big government,” promotes running government like a business, pretends that government budgets should mirror household budgets or the private firm’s balance sheet, and rams privatization under the guises of so-called public-private partnerships and private subcontractors.

In the United States, public investment in R&D has been trending downward. As documented in a 2014 report from the Information Technology & Innovation Foundation, “[f]rom 2010 to 2013, federal R&D spending fell from $158.8 to $133.2 billion … Between 2003 and 2008, state funding for university research, as a share of GDP, dropped on average by 2 percent. States such as Arizona and Utah saw decreases of 49 percent and 24 percent respectively.” Even if public investment in the least profitable aspect of research suddenly surged, in our current model, the private sector continues to be the primary driver of development, production, and distribution. Where there remains little potential for profit, private firms will be reluctant to advance to the next phases of the innovation process. Public-private projects raise similar concerns. Coordinated efforts can increase private investment by spreading some costs and risk to the public. But to attract private partners in the first place, the public sector has a greater incentive to prioritize R&D projects with more financial upsides.

This is how the quest for profits and tight grip over proprietary rights, both important features of the capitalist model, discourage risk. Innovations are bound for plateauing after a few years, as firms increasingly favor minor aesthetic tweaks and updates over bold ideas while preventing other avenues of innovation from blossoming. At the same time, massive amounts of capital continue to float into the hands of a few. The price of innovating under capitalism is then both decreased innovation and decreased equality. The idea that this approach to innovation must be our best and only option is a delusion.

As I see it, four ingredients are key to kindling innovation. First, there must be problems requiring solutions (an easy one to meet). Second, there must be capital and resources available to invent, develop, produce, and distribute the innovative product. There must also be actual human beings available to participate in every phase of the innovation process. And fourth, at least some of these human beings must have the creativity and motivation to participate in the innovation process. The question isn’t really whether a socialist economy can provide these four ingredients at all (it can) but rather, whether it can innovate better than a capitalist economy (it can).

#### Public investment proves.

**Bee 20**, consumer protection lawyer and essayist, with a JD from Harvard (Vanessa, 2020, “Would We Have Already Had a COVID-19 Vaccine Under Socialism?” In These Times, https://inthesetimes.com/features/covid-19-coronavirus-vaccine-capitalism-socialism-innovation.html) rose

A significant amount of “basic research” for new drugs comes from government labs, university departments and nonprofit organizations—basic research being a technical term for the research done without a practical end in mind (beyond a greater understanding of the unknown). Basic research is timeconsuming, but it is essential for innovation. A 2011 study found that, in the 40 years prior, at least 153 Food and Drug Administration (FDA)-approved drugs were discovered with support from public research, while a 2018 study found that “[National Institutes of Health (NIH)] funding was associated directly or indirectly with every drug approved from 2010–2016,” including through basic research. Noting the robust budget for basic research at the NIH, the researchers concluded, “Any reduction in this funding that slows the pace of this research could significantly delay the emergence of new drugs in the future.”

Unfortunately, America’s rush toward privatization has come at the cost of public investment. The Information Technology & Innovation Foundation reports that America’s state and federal spending on university research has slipped dramatically since 2011. Between 2011 and 2018, U.S. spending on R&D fell 11%, from $165.6 billion to $147.3 billion. In fact, every proposed Trump administration budget has requested deep cuts to public research institutions. President Donald Trump’s budget proposal for fiscal year 2018, for instance, asked Congress for a $1.2 billion cut to the Centers for Disease Control and Prevention (CDC), including a $136 million blow to funding for public health preparedness and response. That same year, the CDC curtailed its work against global disease outbreak by 80%

The public health crisis now hammering America reveals how vital it is to invest in research before it is desperately needed. But that’s not how market logic works. Instead of directing attention to what will protect the largest number of people from the greatest harm, capitalism steers innovation toward the largest profit in the shortest amount of time.

#### Trade isn’t pacifying---reverse causality and empirics.

Grygiel 24, PhD, professor of politics at the Catholic University of America. (Jakub, 3-19-2024, "Three Illusions of US Foreign Policy," Orbis, Volume 68, Issue 2, https://doi.org/10.1016/j.orbis.2024.02.011)

Hence, China was encouraged to join the WTO and not to change its domestic regime. Membership in the WTO would do that work effortlessly—a growing commercial interdependence would de facto convert a Communist dictatorship into a geopolitical actor committed to maintaining the international order. China would automatically understand it was in its own best interest to become a “responsible stakeholder.”23 Western policy, in other words, was based on a bet that participation in global trade would overcome ideological differences and political rivalries. That bet proved wrong.

The trouble with the belief in the primacy of economics is that it is based on the wrong causation. Wealth and trade are not the causes, but the products of peace.24 They are also correlated to peace: it is easier to become wealthy when not under an artillery barrage, and to prosper from commerce when trade routes are open and secure. But the danger of basing policy on this mistaken causation—wealth/trade ergo peace—is that we expect highly unrealistic outcomes, ultimately undermining the security of the state. This is a costly intellectual mistake.

This fallacy raises three risks. First, people like wealth but often not as an end in itself. In fact, ~~men~~ and states work hard to become wealthy not to be at peace but to prevail over others. A wealthy China deeply enmeshed in global commerce, for instance, is not automatically a peaceful China with no aspirations to extend its authoritarian reach abroad or to expand its territorial and maritime possessions.

Similarly, historically, commercial republics such as Venice did not always seek peaceful relations with its rivals—such as Genoa or the Ottoman empire. On the contrary, it was willing to incur commercial losses in order to inflict defeat on the enemy. As Jacob Viner has put it, “plague, war, famine, harvest failure, in a neighboring country was of economic advantage to your own country.”25 Mercantilists thought that wealth was necessary for power and that power was necessary to acquire and keep wealth. It is political calculations—whether seeking domination over others to achieve imperial glory or for a sense of security—that trump economic ones. Russia with Europe since Peter the Great, the Soviet Union with the West during the Cold War, and China with the United States in the twenty-first century are all examples of states pursuing trade to accrue advantages over their commercial partner.26 They thus acquired new technologies to compete more effectively or made the trading counterpart dependent on a product or resource and hence vulnerable to pressure. Neither the goal pursued, nor the unintended consequence of trade, was peace.

The liberal faith in the transformative power of economics, and of trade in particular, is an unrealistic faith that can only end in disappointment. Trade might not alter the political nature of states, but it may actually increase incentives to build military power, resulting in ever more assertive foreign policies and even greater rivalries. Numerous great powers in history that engaged in trade—and that grew economically because of it—developed large power projection capabilities, most often navies. Venice in the eleventh century, Britain in the seventeenth century, Germany and the United States at the end of the nineteenth century, and China in the twenty first century are all examples of states that have sought to strengthen their commerce with powerful navies. Their goal was to protect not trade per se but their own ability to control trade, and to enjoy continued access to markets and goods. Interdependence is not independence, and states prefer the latter.

Second, believing that economic factors drive politics risks an overreliance on economic levers in foreign policy. Specifically, economic and financial sanctions have become the first tools many Western states adopt in response to a threatening rival. This choice is driven partly by the Western democratic reluctance to use, or even to threaten to use, military force. Sanctions provide the appearance of serious action at very low cost and risk.27 But behind sanctions is the recurrent hope that economic pressures suffice to alter the behavior of the enemy, redirecting their behavior toward a more propitious purpose.

And yet, sanctions rarely change the political calculus of the targeted states. The United States has imposed sanctions on Cuba since 1961, on Iran since 1979, and on North Korea since 1950, all with no tangible strategic effect. While poor and decrepit, these countries continue to be threats. Some have even acquired (North Korea) or are on the path to acquire (Iran) nuclear weapons. Similarly, current sanctions on Russia, imposed after its 2014 attack on Ukraine and expanded and invigorated after the 2022 renewed invasion, have not diminished Moscow’s will or ability to continue a brutal war of aggression on its neighbor. Moscow has clearly not ceased its offensive war and will not withdraw from occupied lands unless forced to do so by Ukrainian forces.

Third, this faith in the power of economics risks mistaking the veneer of commercial harmony for the political reality of peace. This temptation was present at the birth of the American republic, most notably in the ideas of Thomas Paine. He went so far as to advocate for the “renunciation of all political alliances” because an independent America would be a “free port to serve the commercial interests of all nations.”28 Geography and commerce, not a strong military force, were, in his view, the best guarantees of security. If economic wellbeing through trade is seen as an alternative to the use of military force, the risk is that the state turns out to be wealthy but quite vulnerable. It may survive, but its independence becomes a function of the decisions of those others who possess military power.29