# 1nc – DRR r7

## 1

### Psychoanalysis K

#### Subjectivity is shaped by Lack – the gap between Symbolic and Real leaves desire incomplete. That Lack structure the political and social around a search for enjoyment because desires takes an object but doesn’t have one.

**Pohl and Swyngedouw 23**, \*PhD, researcher, Geography, Humboldt University Berlin, \*\*PhD, professor, Geography, University of Manchester, (Lucas\* and Erik\*\*, “Enjoying climate change: Jouissance as a political factor” Political Geography 101 (2023), <https://www.sciencedirect.com/science/article/pii/S0962629822002347>) rose

Jouissance is predicated upon a lack, a gap, or absence to be covered, an insatiable search for completeness and wholeness, and Lacanian psychoanalysis locates the origin of this lack in a constitutive loss of jouissance. After entering the symbolic (and mainly linguistically constituted social) order, which equals for Lacan the moment of becoming a subject proper, the subject is marked by “symbolic castra- tion”, deprived of its substance (which it never actively possessed) (Hook, 2006). The longing (or rather drive) to retrieve this primordial bliss is precisely what sets enjoyment in motion. While enjoyment functions on the one hand as the mythic and impossible pre-condition of the subject, which Lacan also calls “the Thing” (Lacan, 1992), it simul- taneously emerges as the forever failing attempt to fill out the gap, to become whole again, and will drive the subject forward. This (death) drive pushes the subject continuously “beyond the pleasure principle” (Freud, 1990 [1920]), the latter understood as a state of pure blissful existence without pain or suffering. Enjoyment – in contrast to pleasure – is this insatiable, anxiety-ridden and often painful, but incessantly failing attempt to suture the void opened up by symbolic castration.

Since the subject is incapable of facing the loss qua Thing-in-itself, because the Thing solely functions as a purely negative reference point, the only possibility for the subject to engage with its loss is by raising another object “to the dignity of the Thing” (Lacan, 1992, page 112). The void that structures the subject’s psychic apparatus becomes stained with a spectral presence, which Lacan denotes as “the object-cause of desire” or “object a”. This type of object is essential for Lacan, because it allows the subject to ‘give body’ to the lack (of enjoyment) that perpetuates its existence. While the Thing is purely absent, the object a is a sort of ‘present-absence’, it is “a-thing” (Lacan, 2007, page 159), which functions as a rem(a)inder of the lost enjoyment the subject strives for. Object a is the phantasmagorical ‘little thing’ that sets desire into motion and promises fulfilment and completion, but ultimately never really satisfies fully. Desire is thus the “other pole” of enjoyment (Lacan, 2017, page 236). While the latter emerges out of a gap, a void, a nothingness, the former circulates around a real or imaginary ‘small a’ that animates the subject in the pursuit of a ‘little’ or partial satisfaction, one that is never fully really ‘it’. Indeed, to preserve their possibility for enjoyment, the subject clings to loss and to the suffering it entails. As Jodi Dean (Dean, 2006, page 4) explains:

[E]njoyment (jouissance) refers to an excessive pleasure and pain, to that something extra that twists pleasure into a fascinating, even unbearable intensity. … it is a special kind of agony, an agony that makes us feel more alive, more fully present, more in tune with what makes life worth living, and dying for, than anything else. Enjoy- ment, then, is this extra, this excess beyond the given, measurable, rational, and useful.

Enjoyment is centrally about “I can’t get no, or rather not enough, satisfaction!” Hence, subjects become caught in the circular and repet- itive process of attaining each time again the ‘thing’ that fails to do what fantasy promised, because the presumed qualities of the object (object a) to finally ‘complete’ the subject does not originate from the object itself (although its particular characteristics are invoked as carriers of possible satisfaction), but from the fantasy structure it is placed in. Take, for example, the commodity as the entity (according to Marx) that is pre- sumably full of phantasmagorical possibilities and promises, yet, when acquired, loses its appeal, and becomes again the mundane thing that sustains capitalist social relations. As soon as the subject comes too close to it, the supposed rem(a)inder of the Thing loses its function as an object-cause of desire. While enjoyment is fantasmagorically circulating around an object-cause of desire (object a), this ‘thing’ never really satisfies fully, which is why Lacan (2007) considers the notion of ‘sur- plus enjoyment’ as fitting perfectly to the discourse of capitalism, which provides an endless (but never fulfilled) promise for ever new in- carnations of the object a (Lacan, 2007; see also McGowan, 2016). Enjoyment therefore requires and is embedded in a fantasy configura- tion closely associated with the position of the subject in the social bond (see Swyngedouw, 2022a). It is crucial, not only for the individual, but also for the organization of society. As Dylan Evans (1999, page 20) puts it:

jouissance is not merely a private affair but is structured in accor- dance with a social logic, and … this logic changes over time, pre- sumably by virtue of some economic or other determinant … Lacan seems to be saying something like this: jouissance is as much a problem for society as it is for the individual.

From a Lacanian standpoint, the field of the social, or society, is organized through the Symbolic (and the Imaginary). In Althusserian terms, the Symbolic hails the subject into taking particular subject po- sitions and associated identities through what he defined as ‘ideological state apparatuses’ (Althusser, 1971). Slavoj ˇZiˇzek transformed this perspective further by insisting that everyday life itself is structured as fantasy. Ideology therefore does not function as a smokescreen or false representation that covers a hidden, but recoverable, reality (and its truth), but is the actual lived experience through which social order is produced (ˇZiˇzek, 1989, page 45).

Society can only be properly taken into account if one not only en- gages with the forces that stabilize and sustain its social order, but also with what sticks out, resists, and prevents the subject from fully assuming the symbolically prescribed subjective position. This is where Lacan’s enigmatic notion of the Real comes into play. For Lacan, the world of the symbolic order is always lacking. It is an unstable, shifting, and necessarily incomplete register. There is always excess, a remainder or reminder, a hard kernel that sticks to the world like a fishbone in the throat and exerts an unalienable scratch, pull, or lure (Pohl & Swynge- douw, 2021a). This is the Real, a complex, shifting spectral presence that “resists symbolisation absolutely” (Lacan, 1991, page 66). There is always a gap between the Real and any attempt at its symbolic assimila- tion. Within this slippery and inconsistent configuration, the Imaginary covers this split or inconsistency, and provides an illusionary sense of unity, coherence, or completeness of the world.

#### The desire structure of the demand creates imaginary agency and paradoxically depoliticizes the demander. Fiat is bad.

**Lundberg 12**, PhD, professor of communication, UNC Chapel Hill, (Christian, “Lacan in Public: Psychoanalysis and the Science of Rhetoric,” University of Alabama Press, 2012, pp. 174-176) rose

Thus, “as hysterics you demand a new master: you will get it!” At the register of manifest content, demands are claims for action and seemingly powerful, but at the level of the rhetorical form of the demand or in the reg- ister of enjoyment, demand is a kind of surrender. As a relation of address the hysterical demand is more a demand for recognition and love from an os- tensibly repressive order than a claim for change. The limitation of the stu- dents’ call on Lacan does not lie in the end they sought but in the fact that the hysterical address never quite breaks free from its framing of the master. The fundamental problem of democracy is not articulating resistance over and against hegemony but rather the practices of enjoyment that sustain an addiction to mastery and a deferral of desire.

Hysteria is a politically effective subject position in some ways, but it is politically constraining from the perspective of organized political dissent. if not a unidirectional practice of resistance, hysteria is at best a politics of interruption. imagine a world where the state was the perfect and complete embodiment of a hegemonic order, without interruption or remainder, and the discursive system was hermetically closed. Politics would be an impos- sibility: with no site for contest or reappropriation, politics would simply be the automatic extension of structure. Hysteria is a site of interruption, in that hysteria represents a challenge to our hypothetical system, refusing straight- forward incorporation by its symbolic logic. But, stepping outside this hy- pothetical non-polity, on balance, hysteria is politically constraining because the form of the demand, as a way of organizing the field of political enjoy- ment, requires that the system continue to act in certain ways to sustain its logic. Though on the surface it is an act of symbolic dissent, hysteria rep- resents an affirmation of a hegemonic order and is therefore a particularly fraught form of political subjectivization.

The case of the hysteric produces an additional problem in defining jou- issance as equivalent with hegemony. one way of defining hysteria is to say that it is a form of enjoyment that is defined by its very disorga niza tion. As Gérard Wajcman frames it, the fundamental analytical problem in defining hysteria is precisely that it is a paradoxical refusal of organized enjoyment by a constant act of deferral. This deferral functions by asserting a form of agency over the other while simultaneously demanding that the other pro- vide an organizing principle for hysterical enjoyment, something the other cannot provide. Hysteria never moves beyond the question or the riddle, as Wajcman argues: the “hysteric . . . cannot be mastered by knowledge and therefore remains outside of history, even outside its own. . . . [i]f hysteria is a set of statements about the hysteric, then the hysteric is what eludes those statements, escapes this knowledge. . . . [T]he history of hysteria bears wit- ness to something fundamental in the human condition—being put under pressure to answer a question.”44 Thus, a difficulty for a relatively formal/ structural account of hegemony as a substitute for jouissance without reduc- tion: where is the place for a practice of enjoyment that by its nature eludes naming in the order of knowledge? This account of hysteria provides a sig- nificant test case for the equation between jouissance and hegemony, for the political promise and peril of demands and ultimately for the efficacy of a hysterical politics. But the results of such a test can only be born out in the realm of everyday politics.

On Resistance: The Dangers of Enjoying One’s Demands

The demands of student revolutionaries and antiglobalization protestors pro- vide a set of opportunities for interrogating hysteria as a political practice. for the antiglobalization protestors cited earlier, demands to be added to a list of dangerous globophobes uncannily condense a dynamic inherent to all demands for recognition. But the demands of the Mexico Solidarity net- work and the Seattle independent Media project demand more than recogni- tion: they also demand danger as a specific mode of representation. “Danger” functions as a sign of something more than inclusion, a way of reaffirming the protestors’ imaginary agency over processes of globalization. if danger represents an assertion of agency, and the assertion of agency is proportional to the deferral of desire to the master upon whom the demand is placed, then demands to be recognized as dangerous are doubly hysterical. Such demands are also demands for a certain kind of love, namely, the state might extend its love by recognizing the dangerousness of the one who makes the demand. At the level the demand’s rhetorical function, dangerousness is metonymically connected with the idea that average citizens can effect change in the pre- vailing order, or that they might be recognized as agents who, in the instance of the list of globalophobic leaders, can command the Mexican state to re- affirm their agency by recognizing their dangerousness. The rhetorical struc- ture of danger implies the continuing existence of the state or governing apparatus’s interests, and these interests become a nodal point at which the hysterical demand is discharged. This structure generates enjoyment of the existence of oppressive state policies as a point for the articulation of identity. The addiction to the state and the demands for the state’s love is also bound up with a fundamental dependency on the oppression of the state: otherwise the identity would collapse. Such demands constitute a reaffirmation of a hysterical subject position: they reaffirm not only the subject’s marginality in the global system but the danger that protestors present to the global system. There are three practical implications for this formation:

First, for the hysteric the simple discharge of the demand is both the beginning and satisfaction of the political project. Although there is always a nascent political potential in performance, in this case the performance of demand comes to fully eclipse the desires that animate content of the de- mand. Second, demand allows institutions that stand in for the global order to dictate the direction of politics. This is not to say that engaging such in- stitutions is a bad thing; rather, it is to say that when antagonistic engagement with certain institutions is read as the end point of politics, the field of political options is relatively constrained. Demands to be recognized as dan- gerous by the Mexican government or as a powerful antiglobalization force by the WTo of ten function at the cost of addressing how practices of globalization are reaffirmed at the level of consumption, of identity, and so on or in thinking through alternative political strategies for engaging globalization that do not hinge on the state and the state’s actions.

#### Vote negative for the process of analysis as an incomplete project of refusal.

**Dean 6**, professor in the Political Science department at Hobart and William Smith Colleges (Jodi, “Žižek’s Politics” Routledge, 2006, xviii-xix) rose (bracketed for gendered language)

Žižek emphasizes that Lacan conceptualized this excessive place, this place without guarantees, in his formula for “the dis- course of the analyst” (which I set out in Chapter Two). In psycho- analysis, the analyst just sits there, asking questions from time to time. She is some kind of object or cipher onto which the analysand transfers love, desire, aggression, and knowledge. The analysand, in other words, proceeds through analysis by positing the analyst as someone who knows exactly what is wrong with him and exactly what he should do to get rid of [their] his symptom and get better. But, really, the analyst does not know. Moreover, the analyst steadfastly refuses to provide the analysand with any answers whatsoever. **No ideals, no moral certainty, no goals**, no choices. **Nothing**. This is what makes the analyst so traumatic, Žižek explains, the fact that she refuses to establish a law or set a limit, that she does not function as some kind of new master.7 Analysis is over when the analysand accepts that the analyst does not know, that there is not any secret meaning or explanation, and then takes responsibility for getting on with his life. The challenge for the analysand, then, is freedom, autonomously determining his own limits, directly assuming his own enjoyment. So, again, the position of the analyst is in this excessive place as an object through which the analysand works through the analytical process.

Why is the analyst necessary in the first place? If she is not going to tell the analysand what to do, how he should be living, then why does he not save his money, skip the whole process, and figure out things for himself? There are two basic answers. First, the analysand is not self-transparent. He is a stranger to himself, a decentered agent “struggling with a foreign kernel.” 8 What is more likely than self-understanding, is self-misunderstanding, that is, one’s fundamental misperception of one’s own condition. Becom- ing aware of this misperception, grappling with it, is the work of analysis. Accordingly, second, the analyst is that external agent or position that gives a new form to our activity. Saying things out loud, presenting them to another, and confronting them in front of this external position concretizes and arranges our thoughts and activities in a different way, a way that is more difficult to escape or avoid. The analyst then provides a form through which we acquire a perspective on and a relation to our selves.

Paul’s Christian collectives and Lenin’s revolutionary Party are, for Žižek, similarly formal arrangements, forms “for a new type of knowledge linked to a collective political subject.” 9 Each provides an external perspective on our activities, a way to con- cretize and organize our spontaneous experiences. More strongly put, a political Party is necessary precisely because politics is not given; it does not arise naturally or organically out of the multiplic- ity of immanent flows and affects but has to be produced, arranged, and constructed out of these flows in light of something larger.

In my view, when Žižek draws on popular culture and inserts himself into this culture, he is taking the position of an object of enjoyment, an excessive object that cannot easily be recuperated or assimilated. This excessive position is that of the analyst as well as that of the Party. Reading Žižek as occupying the position of the analyst tells us that it is wrong to expect Žižek to tell us what to do, to provide an ultimate solution or direction through which to solve all the world’s problems. The analyst does not provide the analysand with ideals and goals; instead, he occupies the place of an object in relation to which we work these out for ourselves. In adopting the position of the analyst, Žižek is also practicing what he refers to as “Bartleby politics,” a politics rooted in a kind of refusal wherein the subject turns itself into a disruptive (of our peace of mind!) violently passive object who says, “I would prefer not to.”10 Thus, to my mind, becoming preoccupied with Žižek’s style is like becoming preoccupied with what one’s analyst is wearing. Why such a preoccupation? How is this preoccupation enabling us to avoid confronting the truth of our desire, our own investments in enjoyment? How is complaining that Žižek (or the analyst) will not tell us what to do a way that we avoid trying to figure this out for ourselves?11

## 2

### Moral Skepticism

#### The aff has the burden of proving a moral obligation to do the plan.

#### Should requires moral obligation.

**Collins Dictionary**, “When do you use 'should' in English?”, No Date, <https://grammar.collinsdictionary.com/us/easy-learning/when-do-you-use-should-in-english>) rose

The modal verb should is used in the following ways:

to talk about moral obligation.

They should do what you suggest. People should report this sort of thing to the police. She suggested we should visit Aunty Irene more often. Rob insisted that we should think of others before ourselves.

#### Prefer it for education and fairness. Debates about moral philosophy assume the validity of consequentialism, and philosophical education drives how we interact with the world and politics. A risk we’re starting from the wrong foundation justifies debates about that foundation. Any other interpretation will fail to provide a coherent burden structure and arbitrarily exclude neg ground.

#### Skepticism is true:

#### **1. Argument from best explanation.**

#### **Moral facts are explanatorily redundant.**

**Machuca 18**, PhD, Associate Researcher in Philosophy at CONICET, (Diego, “Moral Skepticism: An Introduction and Overview” in *Moral Skepticism: New Essays*, Routledge, 2018, pp. 9-10) rose

The argument from the best explanation, discussed particularly by Harman (1977: 7–10, 13, 130–132), claims that there are no moral facts or prop- erties because they do not figure in the best explanation of why we have moral beliefs or make moral judgments. Here is a possible formulation of the argument:

1. Our having moral beliefs is best explained by certain psychological and socio-cultural facts about us, not by there being moral facts.

2. If moral facts are explanatorily redundant, then they do not exist.

Therefore:

3. There are no moral facts.

The second premise can be interpreted as expressing a principle of parsimony according to which one should not unnecessarily multiply entities: if a kind of entity is not necessary for explaining a given phenomenon, one should not affirm or accept its existence; moreover, one should deny that it exists. That explanatory redundancy or dispensability suffices by itself to assert that something does not exist is no doubt questionable. It could be argued that the second premise should instead be couched in epistemological terms: if certain facts are explanatorily redundant or dispensable, then one has no reason for believing in their existence. In this case, the conclusion of the argument would of course be epistemological as well. Interpreted in this way, the argument still raises a serious challenge to moral realists: they would have the burden of providing reasons for believing that there are moral facts or properties. Note that if the ontological version of argument from the best explanation were sound, it would provide a rebutting defeater for our moral beliefs: it would show that our moral beliefs are false because there are no moral facts or properties. If the epistemological version were sound, it would provide an undercutting defeater: it would show that the realist explanation of our having moral beliefs is not as good as we thought it was. Note also that, even if moral facts understood in a deflationary manner were not explanatorily redundant, the argument could still be formulated so as to tar- get specifically non-minimal moral realism. For example, it could be argued that, although relative moral facts figure in the best explanation of our having moral beliefs, objective or mind-independent moral facts do not. Let me finally observe that, as we will see in the next subsections, some of the other arguments for moral skepticism can be viewed as versions of the argument from the best explanation insofar as they include a premise that refers to the alleged best explanation of a given phenomenon.

#### Specifically, evolution explains moral attitudes.

**Street 6**, chair of the Philosophy department at New York University, which is currently the #1 ranked Philosophy department worldwide. (Sharon, “A Darwinian Dilemma for Realist Theories of Value” Philosophical Studies (2006) 127:109-166, <https://link.springer.com/article/10.1007/s11098-005-1726-6>) rose

\*realist theories of value are theories that hold moral claims are objectively true

Contemporary realist theories of value claim to be compatible with natural science. In this paper, I call this claim into question by arguing that Darwinian considerations pose a dilemma for these theories. The main thrust of my argument is this. Evolutionary forces have played a tremendous role in shaping the content of human evaluative attitudes. The challenge for realist theories of value is to explain the relation between these evolutionary influences on our evaluative attitudes, on the one hand, and the independent evaluative truths that realism posits, on the other. Realism, I argue, can give no satisfactory account of this relation. On the one hand, the realist may claim that there is no relation between evolutionary influences on our evaluative attitudes and independent evaluative truths. But this claim leads to the implausible skeptical result that most of our evaluative judgements are off track due to the distorting pressure of Darwinian forces. The realist’s other option is to claim that there is a relation between evolutionary influences and independent evaluative truths, namely that natural selection favored ancestors who were able to grasp those truths. But this account, I argue, is unacceptable on scientific grounds. Either way, then, realist theories of value prove unable to accommodate the fact that Darwinian forces have deeply influenced the content of human values. After responding to three objections, the third of which leads me to argue against a realist understand- ing of the disvalue of pain, I conclude by sketching how antirealism is able to sidestep the dilemma I have presented. Antirealist theories of value are able to offer an alternative account of the relation between evolutionary forces and evaluative facts an account that allows us to reconcile our understanding of evaluative truth with our understanding of the many non-rational causes that have played a role in shaping our evaluative judgements.

#### As does cultural difference.

**Joyce 15**, Professor of Philosophy at Victoria University of Wellington. (Richard, “Mackie’s Arguments for the Moral Error Theory,” Stanford Encyclopedia of Philosophy, 2015, <https://plato.stanford.edu/archIves/sum2020/entries/moral-anti-realism/moral-error-theory.html>) rose

The Argument from Relativity (often more perspicaciously referred to as “the Argument from Disagreement”) begins with an empirical observation: that there is an enormous amount of variation in moral views, and that moral disagreements are often characterized by an unusual degree of intractability. Mackie argues that the best explanation of these phenomena is that moral judgments “reflect adherence to and participation in different ways of life” (1977: 36). This, at least, is a better explanation than the hypothesis that there is a realm of objective moral facts to which some cultures have inferior epistemic access than others. The example Mackie uses is of two cultures' divergent moral views regarding monogamy. Is it really plausible, he asks, that one culture enjoys access to the moral facts regarding marital arrangements whereas the other lacks that access? Isn't it much more likely that monogamy happened to develop in one culture but not in the other (for whatever cultural or anthropological reasons), and that the respective moral views emerged *as a result*?

#### 2. Is-ought gap. Ethics must inevitable move from descriptive premises about the world to prescriptive judgments about how it ought be. That renders ethics non-propositional and logically impossible.

**Cohon 18**, professor of philosophy at Albany University, (Rachel, “Hume’s Moral Philosophy,” Stanford Encyclopedia of Philosophy, 2018, <https://plato.stanford.edu/entries/hume-moral/#ear>) rose

Hume famously closes the section of the *Treatise* that argues against moral rationalism by observing that other systems of moral philosophy, proceeding in the ordinary way of reasoning, at some point make an unremarked transition from premises whose parts are linked only by “is” to conclusions whose parts are linked by “ought” (expressing a new relation) — a deduction that seems to Hume “altogether inconceivable” (T3.1.1.27). Attention to this transition would “subvert all the vulgar systems of morality, and let us see, that the distinction of vice and virtue is not founded merely on the relations of objects, nor is perceiv’d by reason” (ibid.).

Few passages in Hume’s work have generated more interpretive controversy.

According to the dominant twentieth-century interpretation, Hume says here that no ought-judgment may be correctly inferred from a set of premises expressed only in terms of ‘is,’ and the vulgar systems of morality commit this logical fallacy. This is usually thought to mean something much more general: that no ethical or indeed evaluative conclusion whatsoever may be validly inferred from any set of purely factual premises. A number of present-day philosophers, including R. M. Hare, endorse this putative thesis of logic, calling it “Hume’s Law.” (As Francis Snare observes, on this reading Hume must simply assume that no purely factual propositions are themselves evaluative, as he does not argue for this.) Some interpreters think Hume commits himself here to a non-propositional or noncognitivist view of moral judgment — the view that moral judgments do not state facts and are not truth-evaluable. (If Hume has already used the famous argument about the motivational influence of morals to establish noncognitivism, then the is/ought paragraph may merely draw out a trivial consequence of it. If moral evaluations are merely expressions of feeling without propositional content, then of course they cannot be inferred from any propositional premises.) Some see the paragraph as denying ethical realism, excluding values from the domain of facts.

#### 3. Determinism.

#### Determinism proves skepticism – if moral responsibility doesn’t exist, neither does morality.

**Morris 24**, Associate Professor of Philosophy at The College of Staten Island/CUNY, (Stephen, *Moral Damages: The Case for Abolishing Morality*, Palgrave McMillan, 2024) rose

While many consider Mackie’s Argument from Queerness to pose the strongest challenge to moral objectivism—Peter Singer was persuaded enough by it to deny the existence of objective moral facts in the first printing of The Expanding Circle in 1981—I believe a stronger theoretical case against moral realism comes by way of arguments denying the possibility of free will for human agents. In Chap. 2, I discussed how a backward-looking, and more specifically retributivist, form of moral responsibility appears central to both folk attitudes about free will and the main philosophical discussions surrounding it.3 Since this conception of free will seems to be the one most invoked in our moral judgments, establishing that people are incapable of exhibiting free will of this sort would indicate that we should deny that human agents can be held morally responsible. Furthermore, one might naturally think that were humans incapable of exercising free will, we should deny the truth of all moral claims. After all, if a person cannot be held morally responsible for his actions, it seems reasonable to think either that they cannot be said to have acted in a way that was morally wrong (or right) or that they are morally obligated to act/not act in a particular fashion. This is the view of C. A. Campbell, who claimed that if we cannot possess the kind of moral responsibility that requires free will we are thereby forced to give up “the reality of the moral life.”4 Though I assume the truth of this view, I consider challenges to it in Chap. 4.

#### Causal determinism –

#### Explainability makes every action causally traceable – that leaves no space for free will.

**Hoefer 23**, professor of philosophy at the University of Barcelona, (Carl, “Causal Determinism,” Stanford Encyclopedia of Philosophy, 2023, <https://plato.stanford.edu/entries/determinism-causal/#Int>) rose

The notion of determinism may be seen as one way of cashing out a historically important nearby idea: the idea that everything can, in principle, be explained, or that everything that is, has a sufficient reason for being and being as it is, and not otherwise, i.e., Leibniz’s Principle of Sufficient Reason. Leibniz’s PSR, however, is not linked to physical laws; arguably, one way for it to be satisfied is for God to will that things should be just so and not otherwise. This does not require that physical or causal determinism hold. On the other hand, on a strict reading Leibniz’s PSR may be more demanding than determinism. Under determinism, particular facts and events are the way they are due to the laws and the particular facts of how things stood at an earlier time, for example at the beginning of time. But there need be no answer to the question “Why were things just so at the beginning of time?”, and hence no complete sufficient reason for all facts and events.[[1](https://plato.stanford.edu/entries/determinism-causal/notes.html#note-1)]

#### B. Empirical determinism – actions aren’t consciously selected but unconsciously automated.

**Morris 24**, Associate Professor of Philosophy at The College of Staten Island/CUNY, (Stephen, *Moral Damages: The Case for Abolishing Morality*, Palgrave McMillan, 2024) rose

While it is reasonable to assume that being morally responsible—and, thus, being open to legitimate moral assessment—requires that one be capable of consciously willing one’s actions, one might still wonder why this should threaten the moral realist’s claim that at least some of our actions are worthy of moral appraisal. After all, during our conscious moments it would appear that our actions are very different in nature from the killing perpetrated by the allegedly sleepwalking Jules Lowe. As it turns out, however, recent discoveries in neuroscience call into question whether conscious will ever instigates our behavior in the way we ordinarily assume. And if it should turn out that our conscious will is never causally relevant to our behavior (i.e., that consciousness is epiphenomenal), we would have good reason to believe that all moral judgments pertaining to human beings are false.

When philosophers during the past two decades have addressed the subject of whether science lends credence to epiphenomenalism, discussions have tended to focus on a series of experiments conducted by neuroscientist Benjamin Libet beginning in the 1980s. In sum, Libet asked subjects to perform a basic action (flexing one’s right wrist) and identify the time at which they became aware of making a conscious decision to flex. The brain activity of these subjects was also measured, and Libet found that brain activity seemingly associated with the wrist flexings preceded subjects’ experiences of having consciously willed the action by about 350 ms. Based on these results, Libet suggested that conscious will may not be the initiating cause of the wrist flexings and, furthermore, that unconscious brain processes may serve as the initiating causes of all human behavior.9 On the basis of this and other experiments studying the relationship between actions and both conscious and unconscious brain processes, some academics have concluded that conscious will is illusory.10

Though one could provide a much more thorough discussion involving the details and implications of the Libet experiments, I will refrain from doing so for two reasons. The first is that there have been so many analyses of Libet’s work by philosophers in recent years that I suspect that anyone with a passing interest in either philosophy of mind or action theory is already familiar with it.11 The second is that I believe recent discussions about how the physiology and functioning of the brain impacts the issue of free will have probably put too much emphasis on what the Libet experiments, and the similar experiments that followed, prove or don’t prove. The catalyst for Libet’s emergence in philosophical circles was psychologist Daniel Wegner’s 2002 book, The Illusion of Conscious Will. In it, he draws from a wide variety of experimental work to conclude that there are distinct modules within the brain that serve different functions. On the one hand we have what one may call the performance module, which consists of the unconscious processes that are responsible for producing all our actions. On the other hand, there is what one might call the interpreter module, which gives rise to the experience of conscious will by interpreting our behavior in terms of intentional states. According to Wegner, the interpreter module is constantly providing us with false narratives about how our actions were produced. He claims that despite the experience of conscious will provided by the interpreter module, conscious will never causes our behavior.

In trying to defend free will against the threat posed by the specter of epiphenomenalism, philosophers have tended to focus on Libet’s experiments and to object to the kinds of conclusions drawn from them by individuals like Wegner and Libet himself. To their credit, these arguments—which often appeal to more recent studies—have made a compelling case that Libet’s experiments, by themselves, are insufficient to establish the causal inefficacy of conscious will.12 The problem with these arguments, however, is that they generally fail to address how the kind of position taken by Libet and Wegner is supported by a slew of other research in psychology and neuroscience.13

In Wegner’s 2002 book, he explains how his account of conscious will is supported by empirical work involving brain damage cases, automatisms, hypnosis, and direct brain stimulation cases. Perhaps more importantly, Wegner’s dual-module model of the brain that I sketched above, which lends itself to skepticism regarding the causal efficacy of conscious will, fits very well with what contemporary neuroscience tells us. For instance, Wegner’s notion of specific modules operating inside the brain is essentially the view taken by psychologist Michael Gazzaniga based on his groundbreaking research involving “split-brain” patients who have had the corpus callosum connecting the right and left hemispheres of the brain severed as a treatment for epilepsy. Note how Gazzaniga’s description of how “the brain and the mind are built from discreet units—or modules—that carry out specific functions” (1998, p. 53) sounds almost identical to the account given by Wegner. He goes on further to say, also in line with Wegner, how research on split-brain patients suggests that the human brain contains an “interpreter mechanism” in the left hemisphere that is constantly involved in forming a conscious narrative for people’s behavior that is often incorrect. As he puts it:

The interpretive mechanism of the left hemisphere is always hard at work, seeking the meaning of events. It is constantly looking for order and reason, even where there is none—which leads it continually to make mistakes. It tends to overgeneralize, frequently constructing a potential past as opposed to a true one. (Ibid., p. 54)

Additional support for the dual-module account of the brain offered by Wegner comes by way of a 2022 paper by Andrew E. Budson and his colleagues, in which they defend an account of consciousness according to which “the brain processes that decide and act are unconscious” (p. 271). Echoing the stance taken by Wegner some twenty years earlier, they hold that “the actual decisions and actions themselves are made and carried out by the unconscious self, and…we experience the conscious decision being made or action taking place only after the fact” (Ibid.). Like Wegner, Budson et al. bolster their account by appealing to a wide variety studies (including those of Gazzaniga), and they draw support from how their account of consciousness helps explain some psychological phenomena and puzzles better than more traditional accounts of behavior that assume the causal power of conscious will.

## 3

### Cap K

#### Collective bargaining rights channel worker power into institutional channels that reinforce capitalism which dampens alternatives to private control over the economy.

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This article discusses a newly emerging historiography of post New Deal United States collective bargaining law.1 Critical labor law will be depicted primarily by highlighting its main lines of attack on traditional learning. Most contributions to the literature of collective bargaining law are overwhelmingly doctrinal and rule-focused in emphasis. They are written, explicitly or implicitly, from the perspective of beliefs and values about the social function of collective bargaining drawn or inferred from the stated purposes, the legislative history of and judicial glosses upon the major federal labor statutes.2 This litera ture takes as given and unquestioned the desirability of maintaining the basic institutional contours of the liberal capitalist social order.

By contrast, although the critical labor jurisprudence exhibits widely divergent political views,3 it tends to challenge or at least to question the adequacy of established social institutions to protect the needs and interests of working people, particularly with respect to the openness of those institutions toward worker participation in the deci sions affecting their industrial lives.4 Likewise, critical labor law is skeptical that the stated purposes and received wisdom of federal labor law adequately explain either the developmental path of collective bar gaining law itself or its broader social functions.

Critical labor law has therefore attempted to reconstruct the ideo logical content and political and institutional implications of collective bargaining law by "decoding" its doctrinal literature. By this I mean that critical labor law focuses on analysis of important texts within their social and historical settings. The effort is to uncover the constellation of assumptions, values and sensibilities about law, politics and justice these texts evince, to reveal their latent patterns and structures of thought about legal and industrial issues and about the possibilities of human expression in the workplace.5 An underlying assumption of this methodology is that the intellectual history of labor law is a significant and neglected component of the social and political history of the American working class since the New Deal. Another is that because it is such a powerfully integrated structure of thought, deeply resonant with other aspects of the hegemonic political culture and closely articu lated with important collateral developments in intellectual history (e.g., in political and managerial theory), liberal collective bargaining law is itself a form of political domination.6

Despite sharp differences on other matters, two common themes run throughout critical labor jurisprudence. First, we argue that collective bargaining law articulates an ideology that aims to legitimate and justify unnecessary and destructive hierarchy and domination in the workplace. The second theme is that collective bargaining law has evolved an institutional architecture, a set of managerial and legal ar rangements, that reinforces this hierarchy and domination. Viewed as a component of public policy, the two central goals of the collective bargaining laws are to integrate the labor movement into the mainstream contours of pressure-group politics and to institutionalize, regu late and thereby dampen industrial conflict. Viewed as a component of managerial practice, the collective bargaining laws seek to formalize industrial dispute-resolution and thereby to reinforce management control over enterprise goals and the direction of the work process. In fulfilling its public policy and managerial functions, collective bargain ing law frequently aims to restrain labor unions from serving as vigor ous, uninhibited representatives of employee interests. Rather it seeks to place unions in the uncomfortable position of serving as fiduciaries of an imagined societal interest in industrial peace7 and of serving spe cific managerial8 and disciplinary9 functions. I believe that a primary initial achievement of the critical labor jurisprudence is its demonstra tion that the doctrine of collective bargaining law has been systemati cally fashioned, particularly at the Supreme Court level, to serve these goals.10

However, the intellectual history of the field is complicated by the fact that from its outset modern collective bargaining law has endorsed and to some extent has actually engendered the democratic participa tion of employees in workplace governance. Quite apart from their manifest achievements in improving the working and living conditions and economic security of organized workers, labor unions protect em ployees from unilateral and arbitrary dictates of management. Unions provide an institutional context within which workers can formulate and express their aspirations, aggregate their voices and experience the dignity that comes with having some power to affect the decisions gov erning one's life. Since the battles of the New Deal period, labor law has grown up in a national political climate that mandates legal ac knowledgment, authorization and legitimation of economic conflict and that requires recognition by our institutions of the fact that workers do and should have power."

The internally contradictory roles and setting of collective bar gaining law have precipitated two great challenges to theorists guiding and fostering its development from the traditional liberal perspective.12 The first is to explain how and why collective bargaining law simultaneously encourages and represses workers' self-expression through the medium of industrial conflict. While the collective bargaining laws on the one hand invite and authorize workers to voice and advance their needs through self-organization and collective action,13 they at the same time limit worker self-expression through industrial conflict by establishing a coopting, atomizing, struggle-dissipating framework that narrowly circumscribes the lawful boundaries of col lective action. That is, the ultimate impact of collective bargaining law in many settings may well be to impede solidarity and mutual aid and to narrowly channel collective action into limited, institutionalized forms.14

Traditional liberal theorists of collective bargaining law have had to explain, secondly, how this body of law simultaneously authorizes and limits employee participation in workplace governance. For, although the collective bargaining laws acknowledge the justice of worker participation in the industrial decisions affecting their lives,15 they also carefully control and restrict this participation. Collective bargaining law limits worker participation in workplace governance by deflecting the intervention of workers' power away from such concerns as the organization of the work process, enterprise management and goals, and the internal direction of labor unions. Rather, the legitimate exercise of workers' power is generally confined to occasional conflict outside the workplace, in the market for the sale of labor power, i.e., to the economic strike.16

In sum, traditional liberal labor law thinking has confronted the enormously complex challenge of inducing organized workers to consent to and participate in their own domination in the workplace.17 In this sense, the development of collective bargaining law is paradigmatic of all public policy in liberal capitalism. I believe liberal capitalism is a social order founded upon enormous inequality and historically unnecessary constraints upon human freedom, coexisting with political insti tutions and a political culture premised on democratic ideals.18 Public regulation of class struggle through collective bargaining law replicates the role assigned to the state in the classics of liberal political theory, namely to manage and contain conflicts said to inhere in the sphere of social and economic activity ("civil society"). The philosophy of collective bargaining law, elaborated since the 1930's in doctrine, law review commentary and management literature, is an important effort to conceptualize, justify and legitimate the modern, regulatory state in the period of advanced industrial capitalism. As such it is a premier mode of elite ideological practice and an enduring contribution not just to law but to liberal political theory generally.19 It is this fact which opens the greatest promise to critical labor jurisprudence, affording us the opportunity to make a contribution to political theory as well as to histori ography and doctrinal analysis.

#### Capitalism fuels extinction through pandemics, biodiversity loss, warming, and war. Only a new political economy solves.

**Derber 23**, \*Professor of Sociology at Boston College, \*\*experienced organizer (Charles\*, Suren Moodliar\*\*, “Introduction” in *Dying for Capitalism: How Big Money Fuels Extinction and What We Can Do About It*, Taylor and Francis, pp. 21-27) rose

The idea of a global extinction triangle linking capitalism, environmental destruction (including climate change, pandemics, and biodiversity collapse), and militarism (especially nuclear war) will be viewed in many nations, and especially the United States, as itself madness. It is so taboo that most analysts of climate crisis, pandemics such as COVID-19, and nuclear war – and indeed much of the climate and peace movements – avoid the subject of the capitalist system and the need for systemic transformation like the plague.

To take just climate, the notion that the capitalist system drives climate change is highlighted by only a few leading analysts, mainly on the Left. One is Naomi Klein, who argues that extinction arises from “the collision between capitalism and the planet” and that:

We have not done the things that are necessary to lower emissions be- cause those things fundamentally conflict with deregulated capitalism, the reigning ideology for the entire period we have been struggling to find a way out of this crisis. We are stuck because the actions that would give us the best chance of averting catastrophe – and would benefit the vast majority – are extremely threatening to an elite minority that has a stranglehold over our economy, our political process, and most of our major media outlets.2

Klein acknowledges that “autocratic industrial socialism” can also cause cli- mate change, but argues that the ruling capitalist model is the major risk and we need to pursue a democratic “eco-socialism” to save the planet. Joining Klein in the laser-like but lonely focus on the capitalist DNA driv- ing extinction is the journalist, George Monbiot. He writes that: Ecologically, economically and politically, capitalism is failing as cata- strophically as communism failed. Like state communism, it is beset by unacknowledged but fatal contradictions. It is inherently corrupt and corrupting. But its mesmerising power, and the vast infrastructure of thought that seeks to justify it, makes any challenge to the model al- most impossible to contemplate. Even to acknowledge the emergencies it causes, let alone to act on them, feels like electoral suicide. As the famous saying goes: “It is easier to imagine the end of the world than to imagine the end of capitalism.” Our urgent task is to turn this the other way round.3

Monbiot is not joking when he says our most important task is to “turn this the other way round.” While this sounds daunting, imagining systemic change in the global capitalist economy has become essential to human survival. In a period when there is a new awakening about “systemic racism,” we need now to expand our consciousness about our economy, recognizing that we are now living in a new stage of “extinction capitalism.” Only systemic change in our political economy can save us.

Klein is Canadian and Monbiot is British. These are both societies where it has long been possible to offer critiques of capitalism without sounding like a crackpot. Both Britain and Canada have labor or socialist parties, and main- streamed the idea that large parts of the society should be separated from profit- making and organized for the provision of public goods. These societies are less complicit than the United States in climate and military policies fueling extinction.

In the United States, mainstream socialist political parties do not exist, and “big government” and universal welfare programs are seen as enemies of lib- erty, with the exception of an enormous military. Klein and Monbiot have an audience in the United States, but their views that to survive means moving beyond capitalism and especially neoliberalism capitalism runs into huge hur- dles, especially in American political discourse, even among liberals. However, we shall see that it is not an impossible dream, and that even a President as moderate as Joe Biden, pushed by people of color, young people, and social movements, has begun to break with neoliberalism and shift toward a public goods economy that could help save the planet.

Crossing the Threshold: Humanity Confronts Its Final Stage

Beginning in the mid-1940s, when the United States attacked Japan with nu- clear weapons, we saw the emergence of the first period in human history – now known as the Anthropocene – in which capitalism began to threaten both nuclear and climate extinction. As Noam Chomsky writes: Review of the record reveals clearly that escape from catastrophe for seventy years has been a near miracle and such miracles cannot be trusted to perpetuate.

On that grim day in August 1945, humanity entered into a new era, the nuclear age. It’s one that’s unlikely to last long, either we will bring it to an end or it’s likely to bring us to an end. It was evident at once that any hope of containing the demon would require international corpora- tion ….

It was not understood at the time but a second and no less critical new era was beginning at the same time. A new geological epoch, by now, called the Anthropocene–an epoch defined by extreme human impact on the environment.

The Anthropocene and the nuclear age coincide, a dual threat to the perpetuation of organized human life. Both threats are severe and immi- nent. It’s widely recognized that we have entered the period of the sixth mass extinction.4

Extinction denialism has limited public awareness of the new stage that arose in the late 1940s but is rooted in the foundations of our economic system. Indeed, capitalism, even as it historically helped build new economic growth and innovation and pulled millions out of poverty, has always created war and environmental destruction. Its historical progress fueled “development” that catapulted the European and American world toward prosperity and material well-being for two centuries. But that huge leap forward also froze into so- ciety an unsustainable quest for unfettered growth threatening military and environmental catastrophe and externalized multiple costs onto the peoples of the Global South. The history of capitalist successes disguised latent crises now surfacing in the extinction stage. The historical benefits of capitalism have not disappeared, but their relative value has declined compared to the costs and risks – ultimately of extinction.

The Triangle of Extinction: Mad Money

To save humanity and all life on the planet, we need to understand the new extinction stage as rooted in a causal triangle of three intertwined threats. The only way that humanity will survive is if the world – including all states, peoples, and social movements – come together to dismantle the triangle and create a new circle of sustainable life systems.

Capitalism drives the triangle of extinction. Its very nature, as a system, foments militarism and drives environmental destruction. In Chapter 2, we argue that capitalism’s constant need to expand both its resource base and its markets fosters a militarism to pry open markets and “protect” investments. Territorial expansion across national borders has a corollary in the capitalist dynamic to test and break ecological thresholds, producing the third corner of the triangle, environmental destruction.

However, these two corners – militarism and environmental destruction also feed back into, affect, and reinforce the logic of capitalism. Both create the disasters that leave communities and states turning to capitalists for solutions. The soil fertility depletion, for example, that capitalist agriculture produces, leaves us all more dependent on the petrochemical and agro-industrial corpora- tions selling fertilizers and pesticides. Similarly, capitalism’s inherent instability, particularly in the American case, produces a “military Keynesianism,” using state spending to increase production and profits of military companies. This, in turn, compromises democracy, giving weapons contractors privileged access to the state, rendering the latter dependent on the “market” fortunes of these corporations (Figure 1.1).

A diagram of a diagram of a different way

AI-generated content may be incorrect.

Figure 1.2 omitted

As we contemplate this triangle, we must recognize that its dynamics play out in social and historical structures that are profoundly intersectional, ones characterized at the global, regional, and national levels by evolving hierarchies including those of race, gender, class, and states. A more complete picture of the triangle therefore looks like this (Figure 1.2).

This second diagram spells out the variety of forms of environmental de- struction and militarism that create existential and extinction threats, whether they be, in Bostrom’s terms, forms of bang, crunch, shriek, or whimper risks. In both pictures, we are adhering to the idea that existential threats – and extinction itself – should not be defined exclusively as total annihilation. The second picture shows that there are several major existential risks; among the risks in the environmental destruction corner are three well-known ones, climate change, pandemics, and biodiversity loss. But these interact with the others listed, as well as with the many other risks that are less well known. Similarly, militarism produces nuclear, biological/chemical, and cyberwar risks. All of these six varieties of existential risk are extremely important, and all are “systemic” in that they are partly caused and fueled by the United States and global capitalist system. All deserve urgent study leading to emergency transformative change because each of them could create devastating mass death from which humanity might not be able to recover. In addition to these six existential risks, the clusters around each corner of the second diagram also name other risks that may escalate into either existential risks or radically re- duce the quality of life and pose civilizational risks.

In this book, mainly to keep the book shorter, we do not analyze biodiver- sity collapse, cyber war, or biological war, focusing instead on nuclear war, cli- mate change, and pandemics. If we were to write a second volume, we would analyze with the same sense of urgency the other three incredibly dangerous threats; they are growing and increasingly intertwined with the threats we focus on here.

The arrows in the diagrams reflect causation. Capitalism itself creates a threat of extinction, independent of environmental death and war. But it also causes and fuels the environmental threats of climate change, pandemics, and loss of biodiversity, which multiply the extinction threat. And capitalism, es- pecially the militarized hegemonic form modeled by US neoliberal capitalism, causes war, which further multiplies the extinction threat embedded in the possibility of nuclear war. Climate change, pandemics, and extreme war could arise from other systems than capitalism, but capitalism is a leading cause and accelerator of all these threats, which in turn intensify the extinction dangers of each other. Climate change is a major driver of war and war has become a leading cause of climate change. Scholarship on climate change and broader environmental matters typically recognize several major tipping points and en- vironmental thresholds beyond which abrupt and catastrophic outcomes are to be expected. While we do explore these in depth, we consider these important aspects of the three corners of the triangle of extinction.5

The causal chains of capitalism here are not the only causes; religion, na- tionalism, racism, sexism, population growth, and technological change, among other factors, contribute to extinction as well. Race and racism play an especially important role – since the initial violence and death of the extinction system target people of color most powerfully. Much of the entire system is legitimated as a defense against non-white races who are portrayed to be threats to the nation in the West especially by right-wing authoritarian and neo-fascist movements. The triangle of extinction is new but it grows out a long history of capi- talism, which laid the foundations over several centuries of unfettered global growth and profit-seeking. It is easy to say that it is simply technological inven- tions – such as the creation of the nuclear bomb – that defines the new stage of extinction. But such technological determinism, while attractive in United States and other capitalist nations, is far from a complete story. It neglects the historical choices and structural forces that led most recently to the neoliberal capitalist model in the United States that has made extinction a truly central systemic feature of both the United States and the global capitalist system it presides over.

The extinction stage – and the triangle of extinction that shows its inter- twined perils – is wrapped up not only with all kinds of technological innova- tions, but also with a huge complex of economic, social, and cultural historical choices foreshadowing and entrenching the path toward unsustainable growth, climate change, global pandemics, and genocidal war. Technological deter- minism is a way of diverting attention from the dominant economic and politi- cal structures creating and ruling the extinction stage. Elites are eager to focus on technology as both the cause and the solution to our current predicaments, and many environmental theorists embracing the “environmental moderniza- tion theory,” argue that new technologies will themselves liberate the world from dangers of extinction.6 Similarly, many focus exclusively on eliminating nuclear weapons without looking at the same time as the need to eliminate the militarized state which can always rebuild nuclear weapons, the techno- logical delusion we called earlier “weaponitis.”7 But those looking to sustain survival of humans and all life on the planet have to take a systemic perspec- tive, focusing on the power structures and elites that benefit the most from the current extinction stage, even though it will ultimately kill them along with everyone else.

Caveats on Capitalism and Extinction

First, the emergence of capitalism as a global extinction system is, ironically, a measure of some of its historic successes. Capitalism is not the only eco- nomic system causing climate change or war, as we have already highlighted, but it has emerged as the most powerful driver of these threats. This reflects in part its rise as the dominant global economic system of the 20th and 21st centuries, a reflection in turn of its superior capacity to create productivity, growth, and technological innovation. These “virtues” not only had real positive effects on economic growth but also had shadow sides that evolved into existential threats themselves, even beyond their contributions to cli- mate change and extreme war.

Second, market forces within capitalism, including its neoliberal system, can help begin to move energy production toward renewable energies. The price of oil was falling, even before COVID-19 reduced demand for carbon- driven transportation and products, and the costs of coal are rising sharply in relation to falling prices of wind and solar. Capitalist proponents argue that the market itself is driving Big Oil and Gas toward producing more green energy, the ultimate solution to climate change. But while these market factors are real and should be recognized as highly important, they do not create the scope and speed of change needed to prevent climate catastrophe. The oil and gas companies have too much profit “sunk” into the carbon infrastructure and the oil reserves they enjoy to jettison their short-term but vast returns; they will advertise themselves as “going green,” even as they commit themselves to getting as much profit out of dirty carbon energy as possible before shifting to a sustainable energy system. In the short to medium term, while the corpora- tions begin to shift toward major new green technologies such as electric cars, they will block the systemic change we need, pushing us in the name of green capitalism toward climate extinction.

#### The United States Federal Government should mandate transition to a democratically planned, worker-owned economy. Abolition of private ownership and social management of production frees the economy from markets and corporate control. Only this creates genuine worker power and reorients the economy away from profit and towards collective need.

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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.

However, this direct self-management of production does not mean that workers would be split up into competing cooperatives or “collectives.” Rather, as Diego Abad de Santillan put it during the Spanish revolution in 1936, the worker production groups are not “proprietors” of the industries but are “only administrators at the service of the entire society.” The goal of a syndicalist program is socialization, not converting workplaces into the collective private property of the workers there.

De Santillan justified the CNT movement’s goal of socialization in this way: “We are an anti-capitalist, anti-proprietor movement. We have seen in the private ownership of the instruments of labor, of factories, of the means of transport, in the capitalist apparatus of distribution, the primary cause of misery and injustice. We wanted the socialization of all the wealth in order that not a single individual should be left on the margin of the banquet of life.”

There is an assumption that worker self-management of the industries must be accountable to the whole society. When the CNT unions seized the various industries in the revolution in the 1930s, they expropriated the assets on behalf of all the people, implying a commitment to a form of planned economy where there is popular participation in working out the agenda for production.

Neighborhood Assemblies

Various decisions about an industry or workplace will impact people other than the workers in that workplace. Whether someone is working in the social economy or not, the people who live in a city neighborhood or rural area will have concerns that are common to those in their area—such as elimination of pollutants, or the character of the public goods and services available in their area. Thus residents of a city, neighborhood, or region need to be able to self-manage the planning about provision of services or protection from environmental degradation. These are decisions that affect everyone who lives in a region, and is where neighborhood assemblies come into play. Just as worker assemblies provide the base for workers self-management of workplaces, assemblies that bring people together can provide a social base for self-management of public affairs and public services by an area’s population.

A district of some thousands of residents might have its own periodic neighborhood meetings, its elected neighborhood committee, but also elect delegates to a city-wide or regional congress of delegates from all the neighborhoods. We might call this a Congress of Communities. The area of decision making that the neighborhood assemblies and the regional congresses of communities would work on would be the development of the plans for provision of public goods and services, protection of the interests of people as consumers, protection of the ecological commons, controlling the land use, and issues like emissions that affect air and water.

Different kinds of public goods and services affect people at different geographic levels. The neighborhood assembly might be concerned about the creation of new parks, a gym, or other recreational facilities, or better bus service. On the other hand, the overall operation of the transit system or major new services like a subway line would be a part of the planning of a congress for the whole metropolitan region.

The neighborhood assemblies and wider-scope congresses of communities would be developing requests to the worker-managed system of social production. When the regional congress of community delegates for the metropolitan region works up proposals for new bus lines or other transit system improvements, they do not hire managers to form an autocratic bureaucracy to control transit workers. Rather, the workers would self-manage the transit system.

A relevant example in recent times has been some cities’ attempts at “participatory budgeting”—based on participation by residents in neighborhood assemblies. An example was the participatory budgeting experiment enacted by the Brazilian Workers Party when they controlled the city government of Porto Alegre, Brazil. The city allotted control of planning to neighborhood assemblies for a limited part of the city’s discretionary budget, to determine what services the neighborhoods wanted. When I was in Brazil in 2003, I interviewed a member of the secretariat of the Federação Anarquista Gaúcha (FAG)—a sixty-member anarchist activist and organizing group in Porto Alegre. They told me that the neighborhood assemblies did develop plans but very often the mayor’s office would overrule them. This is a limitation due to the fact the assemblies were embedded in the existing bureaucratic state, but this does show that neighborhood planning is possible through a participatory process.

No to Market Socialism

If we reject the state-organized central planning model, what is the alternative? One option proposed by some socialists is a “market socialist” economy of competing worker-controlled enterprises or cooperatives (as in the proposals of David Schweickart and Bhaskar Sunkara). Syndicalists have historically been opposed to market socialism. When the revolutionary syndicalist unions came together to form the International Workers Association in 1922, they defined their programmatic goal as “libertarian communism,” referring to a non-market form of socialized economy. The word “libertarian” refers to positive liberty, and thus to the rebuilding of all social institutions on the basis of self-management. They did not conceive of the goal as private ownership of the means of production by workers via competing “collectives” or cooperatives. To build the fighting capacity to replace capitalism with worker power over production, a working-class movement that could drive this change would be likely to have developed a high level of solidarity and a major united front within the groups subject to exploitation and subordination in capitalist society. Why would they want to then pit groups of workers into competition with each other in separate enterprises? Moreover, if the market-governed character of the capitalist set-up is the basis of the ecologically destructive cost-shifting dynamic, market socialism is no solution.

Economic Planning through Popular Participation

The alternative to market socialism and central planning is a distributed model of democratic planning. A socialized economy requires that the worker-managed industries produce the goods and services that the masses of people want. How do we ensure effective accountability? This leads to what I call the dual governance model for a socialized economy. This means that we take seriously the idea of popular self-management for decision making about the concerns that people have as consumers, users of public services, or as residents affected by environmental issues. With the dual governance model, we keep worker self-management of the industries but we add self-management rooted in assemblies of the residents in neighborhoods, and election of delegates from these geographic areas to congresses of delegates over wider regions. This provides a basis for self- management of communal, consumer, and environmental protection issues. A distributed planning system needs to have a way to effectively coordinate between the many centers of self-managed planning in the society— workplaces, coordinated industrial self-management organizations, and planning for social benefit that can occur through delegate bodies over wide geographic scope as well as by local communities.

We’re familiar with the way that prices enable different companies and households to coordinate or adjust their plans to each other within the present society. As we will see, a non-market price system can be used in a planned economy also as a means for coordination between the plans of communities for public goods and services, households in their consumption decisions, and worker production organizations. Because it is a socially controlled price system, the destructive cost-shifting of capitalism can be eliminated. As a non-profit, coordinated economy, the competitive drive for profits is replaced by an economy geared to cooperation, worker mastery of production, and human well-being.

Protecting the Ecological Commons

The potentially catastrophic effects for humanity from global warming illustrate the danger from treating the atmosphere as a free “sink” for emissions. In this case, carbon dioxide from burning fossil fuels, or methane from leaky gas fields, are putting humanity on track to very dangerous levels of heating of the atmosphere and oceans—leading to deadly heatwaves, rising seas, and intensified storms. A lot of the technical changes needed to move away from this path are known or being developed. We can see how this catastrophic direction comes from the cost-shifting dynamic of capitalism. A power firm in Texas burning coal contributes greatly to global warming, and is also damaging the respiratory systems of people downwind from the plant. But the power firm doesn’t have to pay anything for these costs. If they had to pay an appropriate fee, methods of power generation that don’t rely on burning fuels would look a lot better for the financial balance sheets of the power firm.

Protecting the ecological commons means that the society has to take collective responsibility for protecting the air and water, the forests, and so on. My proposal here is to “socialize” the access to the ecological commons by giving control over this access to all the people who are locally affected by a particular commons or by possible emissions into the air or water, or drawing down of a regional aquifer. The population who live in particular areas or regions would have the power to protect themselves against being polluted.

As we will see below, this approach will allow us to calculate prices for ecological damage. These prices can then figure in costs assigned to the balance sheet of production groups, giving them a positive motivation to reduce ecological costs. This allows us to define a concept of ecological efficiency. Following Robin Hahnel, I define throughput as consisting of all the natural resources that we extract (wood from forests, limestone from a quarry, hydrocarbons from the subsoil) and all the negative effects of pollutants that are emitted. To the extent we reduce throughput required per unit of social benefit from social production, we have improved ecological efficiency. The ability to assign accurate prices to throughput enables us to have an economy that generates a tendency toward greater ecological efficiency. Thus, if the ecological efficiency of production is improved, some element of growth can occur without increasing ecological damage.

Some radical environmentalists say that the source of the ecological devastation of the capitalist regime is “growth.” But growth in regard to what? It is true that the non-profit-driven planned economy proposed in this chapter would be lacking the capitalist regime’s obsessive drive for profit. Nonetheless, growth is going to be needed along various dimensions —growth in equipment needed in the shift to a non-fossil fuel based electricity system, growth in free-to-user health provision, growth in rehab of buildings to make them more ecologically sound, and many other areas. And this also means we need a way to ensure a shift in the production system so that it works at reducing its damaging ecological impacts.

Replacing the State

An important lesson from the revolutions in the twentieth century is that the initial steps in the process of social transformation need to avoid creating new institutions that will simply continue some system of class oppression over the working class. Thus a key part of the syndicalist program is the initial moves to take over the workplaces and re-organize production under worker self-management, which gives the working class the power to shift the priorities of the production process on issues such as ecological impact, quality of the products, improved health and safety for the workers, etc. This differs from a Marxist conception of social transformation, which sees the key aim as the capture of state power by a “worker’s party.” Through this “worker’s state” the party would implement a socialist program. In fact, “proletarian state” is a contradiction in terms. States are based on top-down managerialist bureaucracies where public sector workers are subordinate, so class oppression is built into the structure of the state. When the Bolsheviks got control of the central state in Russia in 1917, they proceeded over several years to build a system of top-down central planning with managerialist bureaucracies installed from above over the workers in the various industries. Thus they set in play a process that created a new class-divided economic arrangement, based on the power of the bureaucratic control class.

A key task the working class must accomplish in a period of social transformation is the breaking down or dismantling of the State. Taking over the various industries and establishing worker self-management of production is a central task, but changing the system of political power in society is equally important. A society must have a method to decide basic rules and enforce them. This is the core of the governance system of that society. Breaking down the State means changing the governance system so that the formerly oppressed majority gain control over governance.

We are used to thinking of a geographic basis for “democratic government” in which people elect politicians to represent the people in a district, based on universal right to vote. Thus it might be thought that the neighborhood assemblies and congresses of delegates from neighborhoods might be sufficient for a new government system. I think this is likely to be a mistake. A revolutionary process that works to liberate the working class from subordination to the capitalist and bureaucratic control classes needs to expropriate the means of production from the old owning class but also needs to break the power that the bureaucratic control class has wielded over workers and over the state. This process is likely to lead to major opposition from the people in these classes who lose power. The college- educated managers and top professionals whose power is threatened or removed are likely to oppose their loss of power. Moreover, they have the speaking and writing and organizing skills to build organizations and organize in neighborhood assemblies and congresses of neighborhood delegates to advance their class interests and try to maintain a powerful role for their class. They can build “political parties” that push a program that would shift power to the high-end professionals and managers. To prevent this, I believe that the working-class mass organizations must build political power based on workers and their assemblies and organizations in production.

This is where the syndicalist proposal for worker congresses comes into play. These would be congresses of elected and revocable worker delegates, elected from the various worker assemblies throughout a metropolitan area, a larger region—or throughout the region transformed by the revolution. Bringing together all the neighborhood and workplace organizations from the region being transformed creates what we might call the Social Federation. I would see the regional and Social Federation-level worker congresses as akin to a legislature, having the power to craft a new charter for society and set out the division of powers of the various organizations. The worker congresses are a key aspect of working-class political power.

A part of the governance system is the way that social self-defense is organized. There is the potential of foreign invasion—such as a force trying to restore capitalism. People are also going to want protection from individuals or gangs who act in predatory, anti-social, or violent ways—who commit assaults, try to bully their neighbors, engage in theft or sexual violence. At the same time, there needs to be a fair process of finding out if a person accused of such crimes is actually guilty—based on evidence and activities of workers such as those in forensic labs. People want to be free of the insecurity from the threat of violence. Of course, in a society where a movement of the oppressed majority has gained power, the self-defense roles—such as policing or segregating people for violence offenses—would need to be done differently than under the kind of massively violent police and prison regime that exists in the United States at present. The police in the US currently operate with virtual impunity when they engage in violent or repressive behaviors. Since their origin in the early-nineteenth century, American police have been a central part of a racialized regime of class oppression. They know that their role is to defend propertied interests and keep the masses in check. Thus enforcement of the basic rules of the society needs to be rebuilt on a different basis.

For syndicalists, a crucial issue is going to be “Who controls the dominant armed power in society?” The idea that the worker mass democratic organizations need to gain control of the dominant armed power in society in a revolution is a long-standing syndicalist principle. As such, the 1922 principles of the syndicalist International Workers’ Association said: “Syndicalists do not forget that the decisive struggle between the Capitalism of today and the Free Communism of tomorrow, will not take place without serious collisions. They recognize violence, therefore, as a means of defense against the methods of violence of the ruling classes, in the struggle of the revolutionary people for the expropriation of the means of production and of the land. Just as this expropriation cannot be commenced and carried to a successful issue except by the revolutionary economic organization of the workers, so also the defense of the revolution should be in the hands of these economic organizations.”

This would mean the development of a worker’s militia or “people’s militia,” drawn from the communities of the oppressed and exploited majority. Although some aspects of social self-defense require full-time trained people, such as the forensics staff, much of the activity can be performed by people who are trained, but do the work part time and have other work activity they do at other times. People who do policing as a full- time job have a tendency to develop a view of themselves as a group set against the population. But in a war situation, on the other hand, the military role of the militia would require full-time work.

The governance institutions here are a form of government. Although states have been the way government has been carried out for centuries, a form of government need not be a State. Under a libertarian socialist proposal, governance is rebuilt on the basis of self-management—rooted in the face-to-face democracy of the neighborhood assemblies and worker assemblies. All the public services are self-managed by democratic staff organizations. There is no paid bureaucracy of professional politicians and state managers set over the population and engaging in top-down control through the state managerial hierarchies. Governance still exists but is conducted through organizations that are grounded in democratic participation.

In what follows I am going to flesh out more of the program for building self-managed socialism.

Industry-wide and Society-wide Worker Coordination

If workers don’t control their own work activity and the workplaces, then some other class will, and so class oppression will continue. Thus an essential task for worker’s liberation is the takeover of the various workplaces and industries “from below” and their re-organization under worker self-management. Workers will need to bring the different facilities together into an industrial federation to do planning and coordination for an entire industry—such as healthcare, railways, or agriculture. Without a means to coordinated control and policy for an industry, worker groups controlling particular facilities might be pitted against each other in competition. Workers would be atomized and their social power diminished.

The kind of movement that gives the working class the power to challenge—and to ultimately defeat—the capitalist regime would be based on an increasingly intense class-wide solidarity, as the oppressed majority coalesces its forces in a united front around the basic changes needed in society. With this growing level of solidarity, why would workers who take over the workplaces in their industry want to suddenly put themselves into competition with each other as competing cooperative “businesses”? In the situation where the capitalist facilities are taken over, different companies may have stronger or weaker competitive positions, and some workers may receive lower pay or experience worse conditions. A basic principle of industrial unionism is to fight to “take wages and conditions out of competition.” An advantage of coordination of the whole industry through an industrial federation is that it enables workers to achieve better conditions for the worse off. Moreover, splitting workers up into competing firms would atomize the working class, putting them in a weaker position in society. In the period that ensues from the major struggle over liberation from the oppressor class regime, people who have been in the habit of giving orders to workers or holding elite professional or managerial positions will be pushing to retain or regain the power the bureaucratic control class has over workers. Workers will need strong organizations to prevent the continuation of the bosses’ class power.

The goal of a syndicalist program is socialization, not converting workplaces into the collective private property of the workers there. The process that played out in the “expropriating general strike” (generalized worker takeover of industry) in northeast Spain in 1936 provides a useful experience we can learn from. The CNT’s aim was to group together all the industry workplaces into an industrial federation that would be responsible for managing that industry. Social accountability would be reflected in the development of social plans to which the various industrial federations would be expected to adhere in their work. The industrial federations are not “proprietors” of the industries but are “only administrators at the service of the entire society,” as de Santillan put it. We can think of an industrial federation as rooted in the workplace assemblies in the various facilities throughout an industry. Periodically these assemblies would send delegates to an industry-wide convention to decide basic policy, coordination, and goals. The assemblies can also elect an ongoing coordinating committee with delegates in the various facilities.

For the Spanish syndicalists, there were two aspects or phases to syndicalist socialization. The first phase was expropriation of assets of the capitalists and creation of an industrial federation—suppressing market competition between firms in the industry. The second phase would be the creation of overall social planning. For this they envisioned regional and national Worker Congresses with delegates elected from the workplace assemblies. Apart from local exceptions, the Spanish revolution never got to this second phase of overall social coordination.

The CNT’s national industrial federation of telephone workers seized the assets of the Spanish National Telephone Company (the largest subsidiary of ITT). In some cases an industrial federation was created as a joint project with the UGT (aligned with the Socialist and Communist parties). This happened in industries where the UGT was a major part of the workforce—as in the railway industry and on the big hydro-powered electric monopoly in northeast Spain. After railway worker militants seized the Madrid-Zaragoza-Alicante railway—the largest privately owned railway in Spain—they moved to create a single Revolutionary Railway Federation to manage it, and soon merged other railways into this federation, such as the Barcelona commuter railways. The railway federation was coordinated by a twelve-person “Revolutionary Committee” and a full-time Executive Director. The Revolutionary Committee was made up of working delegates. The two unions present on the railways—the UGT and CNT—each had six delegates. Assemblies of the rank and file were held every two weeks in the railway terminals. The delegates gave reports, and could be removed by the assemblies.4 During the course of the revolution the forty-thousand- member CNT health-worker federation built Spain’s first socialized health care system, taking over hospitals and drug factories and setting up health clinics.

In a number of industries, the CNT industrial unions merged the assets of that industry’s businesses (as in the furniture and entertainment industries). The CNT woodworkers union took over the sawmills in the Pyrenees mountains and seized all the furniture factories and mom-and-pop cabinet-making shops in both Barcelona and Valencia. The union used the assets from the shuttered workplaces to build a new factory with the latest American equipment, which had better safety features. The new factory also had a gym and swimming pool where the workers could relax. “The concept that prevailed,” a wood union member recalled, “was that the working class should have good furniture at cheap prices.”5 An internal caucus in the union—an FAI group—disagreed with this focus on mechanized production and wanted to reorganize the industry into self- managed work groups. That might be a better way for the workers to learn and practice furniture design and craft skill, but their critics in the union described this as a throwback to the pre-capitalist era of self-employed artisans. This debate shows that there’s not just one cookie-cutter solution to industrial self-management.

The goal needs to be the creation of a horizontally federated system of production that can implement planning and coordination throughout industries and over a wide region. This would enable workers to: • Gain control over technological development. • Re-organize jobs and education to eliminate the bureaucratic concentration of power in the hands of managers and high-end professionals, develop worker skills, and work to integrate decision making and conceptualization with the doing of the physical work. • Reduce the workweek and share work responsibilities among all who can work. • Create a new logic of development for technology that is friendly to workers and the environment.

#### Coops fail when they compete against capitalist firms, don’t solve sustainability, and worker ownership is better than market socialism because it removes competition.

**Marcuse 15**, J.D., professor of Planning at UCLA, son of Herbert which is cool, (Peter, “Cooperatives On the Path to Socialism?” <https://monthlyreview.org/articles/cooperatives-on-the-path-to-socialism/>) rose

Are Worker Co-ops Beachheads of Socialism and Politically Practical Steps Towards It?

Again, Yes. However there is a strong “silo” effect, as co-ops age they easily tend to become insulated and small defensive towers in a landscape not changed by their presence. The contribution that the struggle for, and development of, worker co-ops could make is not so much as it affects non-participants, but rather in the effect on the participants themselves, in consciousness raising. The self-empowerment and motivation to participate in more wide-ranging changes that co-ops foster are likely to increase as their experience shows them that the limitations referenced above in development of their enterprises are unavoidable without much broader political and economic systemic changes, ultimately to a system closer to socialism than to capitalism.

At the same time, the pressures of day-to-day competition from the outside, pressure to cut costs, trim quality, and hold wages and the number of jobs down, is likely to be relentless. The temptation to focus on the defense of the silo is inherently great as long as they operate within a competitive market system and the relations of political power accompanying it.

#### Collective bargaining rights require the existence of an employer.

NLRA 35, the National Labor Relations Act. (National Labor Relations Act, 1935, “National Labor Relations Act,” NLRB, https://www.nlrb.gov/guidance/key-reference-materials/national-labor-relations-act)

(d) [Obligation to bargain collectively] For the purposes of this section, to bargain collectively is the performance of the mutual obligation of the employer and the representative of the employees to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment, or the negotiation of an agreement or any question arising thereunder, and the execution of a written contract incorporating any agreement reached if requested by either party, but such obligation does not compel either party to agree to a proposal or require the making of a concession: Provided, That where there is in effect a collective- bargaining contract covering employees in an industry affecting commerce, the duty to bargain collectively shall also mean that no party to such contract shall terminate or modify such contract, unless the party desiring such termination or modification—

## 4

### Contempt CP

#### The United States federal judiciary ought to issue a court order finding federal failure to [remove the Agricultural Fair Practices Act's disclaimer clause, requiring good faith bargaining between distributors and farmworker collectives not covered by antitrust] an ultra vires exercise of authority punishable by exponentially-accruing contempt sanctions.

#### The CP unlocks court contempt power against sitting officials, giving judicial orders “teeth” and reviving checks on executive power.

Levitt 25, Professor of Law at Loyola School of Law, JD, magna cum laude, from Harvard School of Law (Justin Levitt, May 19, 2025, “Against a defiant White House, the courts should use this powerful tool,” The Washington Post, https://www.washingtonpost.com/opinions/2025/05/19/courts-civil-contempt-trump-administration/)

The American experiment is driven by three branches of government. In this unprecedented moment, one of those engines has flamed out (looking at you, Congress), and another is barely sputtering (hello, executive). But there’s more power in the third than we realize. Though Alexander Hamilton called the judiciary the “least dangerous” branch, the courts’ centuries-old civil contempt authority makes it plenty mighty when it wants to be.

It’s a measure of how far things have gone that contempt has entered the conversation at all. The second Trump administration took office bent on radically reordering the federal government — sometimes with legal authority, more often without. Judges appointed by at least eight different presidents, including Donald Trump, have been drawn into the litigation that has followed. Those courts have acted like courts, restrained and institutionally conservative.

The executive branch has not returned the favor. Some court orders are legitimately tricky to effectuate, and judges are accustomed to good-faith give-and-take with executive officials. But what’s happening now is different. This administration has increasingly openly defied straightforward judicial commands. A leading example: the order that the executive make its best sincere efforts at securing Kilmar Abrego García’s return to the United States for the basic hearing he was due. Efforts to date have been neither best nor sincere.

Contempt sanctions give judicial orders teeth. Sometimes they’re levied as punishment, including prison for truly defiant officials. But such orders are executed by U.S. marshals, who sit formally within the Justice Department. And some have fretted that the marshals might in these times be less than eager to do their job.

The sort of authority used for punishment, to sanction past wrongdoing, is the criminal contempt power. But the version more likely to command executive attention is instead part of the civil law, and more forward-looking. It is immune from any power to pardon. It doesn’t rely on another branch to execute. And it’s less likely to be repurposed as a martyr’s badge of honor. All this makes civil contempt a more effective tool for extracting future performance.

Consider the matter of Abrego García, the legal U.S. resident who was wrongly deported to El Salvador. Administration officials first offered the mere pretense of compliance, with the departments of Homeland Security and State filing smug daily “progress reports” that reported no progress. Then Secretary of State Marco Rubio declared no progress report would be forthcoming — especially not to “some judge.”

What’s probably next is a specific, unmistakably clear court order aimed at a specific, named official — backed by the power of civil contempt. Imagine a $1,000 fine, to be paid personally and without indemnification by the official in question, doubling each day until the United States issues an official request for Abrego García’s return. The executive actor would have the “off” switch in their own pocket.

One thousand dollars doubling every day adds up to a total of $1 million in 10 days, $1 billion in 20 days and $1 trillion in 30 days. The structure should be the minimum necessary to produce compliance. But if more vigor is needed, nothing requires the fee to start that low or multiply that slowly.

No other branch of government is required for a levy like this to do its work. A court judgment is a legal debt from the moment it is issued, in which exponential compounding credibly threatens to destroy creditworthiness and supports the seizure or retitling of property to be sold in satisfaction of the judgment. If the marshals won’t do it, courts can appoint an executor who will.

#### An executive free from judicial checks causes extinction.

Koh 25, Sterling Professor of International Law and former Dean of Yale Law School, former Legal Advisor and Assistant Secretary of State at the US State Department (Harold Hongju Koh, May 2, 2025, “One Hundred Days of Lawlessness,” Project Syndicate, https://www.project-syndicate.org/onpoint/trump-100-days-of-lawlessness-what-to-do-about-it-by-harold-hongju-koh-2025-05)

Unilateralism Breeds Lawlessness

As executive power has become more concentrated, it has inevitably pressed the limits of law. Pressured executive branch officials do not think of themselves as dangerous, but rather as underappreciated public servants whose worthy motives have been misunderstood. Inside their bubble of “groupthink,” executives grow isolated, breeding a temptation to act alone, often in secret.

When executives’ power combine a capacity to act with a continual duty to react, it is only a matter of time before they see the advantages of going it alone. They find it better to ask for forgiveness than for permission. Or as Reagan reportedly said during the Iran-Contra Affair, “The American people will never forgive me if I fail to get these hostages out over this legal question.”

In time, feeling put-upon allows executives to convince themselves that their actions are justified by some external source of authority, such as competence or a “mandate,” derived from popular or legal legitimacy. They come to believe that because they can exercise executive power, they ought to. From there, it is just a short step to Nixon’s infamous claim that, “When the President does it, that means that it is not illegal.” Or as Trump recently put it, “He who saves his Country does not violate any Law.” The repeated exercise of executive power comes to validate itself.

This link between unilateralism and lawlessness has tightened with the two Trump presidencies. During his first administration, Trump’s activist impulses disrupted the global landscape with unprovoked trade wars, threat-based diplomacy, anti-immigration campaigns, and a wholesale denigration of alliances. He repeatedly relied on far-fetched claims of “national emergencies” to justify unilateral executive action in areas where the Constitution affords Congress primary authority – from immigration and war to international trade and the regulation of cross-border investments.

Trump, moreover, claimed legal power to terminate longstanding treaties at will, without even paying lip service to consultation with legislators. And he usurped Congress’s power of the purse by proceeding to build a border wall with funds that it had expressly withheld.

Along the way, Trump 1.0 amalgamated his predecessors’ worst national-security abuses. Like Nixon, he illegally used force abroad to kill Iranian General Qassem Suleimani in Iraq, and pressured his attorney general to weaponize the Justice Department against his critics. Like George W. Bush, he claimed a right to launch preemptive military strikes. And like Reagan, he condoned the privatization of foreign policy by allowing unaccountable cronies to intervene in official matters. His first impeachment – for turning an arms shipment to Ukraine into a de facto quid pro quo for his own political gain – recalled Marine Colonel Oliver North’s illegal diversion of proceeds from Iranian arms shipments to finance Nicaraguan guerrillas after Congress cut off funds.

Such a sustained presidential effort to dodge the rule of law could not have succeeded had constitutional checks and balances functioned as intended. Trump’s unilateralist project fed on the other branches’ willingness to normalize his aberrant behavior. Congressional Republicans repeatedly refused to assert their constitutional prerogatives, and the conservative majority on the Supreme Court deferred to fabricated presidential motives, particularly when it upheld the Muslim ban by accepting what Justice Sonia Sotomayor, dissenting, called a national security “masquerade.”

Then, in Trump v. United States (2024), the Court’s six-justice conservative majority weakened the former president’s accountability for any act that could be deemed “official.” In its obsession to avoid “enfeebling the presidency,” the Court never acknowledged the actual lawless acts undertaken by the once and future incumbent.

What made Trump’s first-term unilateralism constitutionally distinctive was his claim that “I have an Article II,” which “gives me the right to do whatever I want” as president. Trump and his supporters insisted that all of his actions were authorized, justified, and immunized from interbranch interference by his plenary constitutional powers. Under this sweeping theory of a “unitary executive,” any restraints coming from within the executive branch can be ignored, and any restraints coming from outside the executive branch can be treated as unconstitutional intrusions.

Ironically, this claim was bolstered by generations of executive branch lawyers who had sought to protect America by issuing opinions empowering the president to act as its prime defender against national-security threats. Until Trump arrived on the scene, those drafting such opinions could always assume that a president would have some internalized limit – a sense of public duty or shame that would dictate self-restraint. But Trump exhibits no such probity and has consistently shown contempt for legal constraints of any kind. Perversely, executive lawyers’ good-faith labors to empower the executive in the name of national security have helped transform the executive himself into a national-security threat.

Trump 2.0

During the first frenetic 100 days of his second term, Trump swiftly took executive unilateralism to new heights as he sought to nullify the rule of law for his own administration. While out of office, Trump was indicted in four separate cases and convicted on 34 felony counts. But after his re-election, these cases were all frozen or dismissed.

Moreover, after courts had issued hundreds of criminal convictions for those who had violated national-security laws and participated in the January 6, 2021, insurrection at the US Capitol, Trump used a “pardon whitewash” to grant amnesty to even the most violent offenders. He eviscerated checks and balances within the executive branch, firing 17 independent inspectors general, the director of the Office of Government Ethics, the chair of the Joint Chiefs of Staff and other military leaders, and key judge advocates general, who advise military officials on whether presidential orders are lawful.

Similarly, in the name of “government efficiency,” Trump has gutted the career civil service and concentrated power in the hands of his most loyal cronies. He has sought to dismantle congressionally established departments and independent agencies, mandating that only the president and his attorney general’s interpretations of law are controlling on the executive branch. He has deployed his billionaire backer Elon Musk to oust or place on administrative leave tens of thousands of federal employees, including agency heads, and question countless prospective employees about their loyalty to Trump.

As in his first term, Trump has favored impulse over strategy, transactions over relationships, hard power over diplomacy, and “resigning without leaving” over meaningful engagement with international institutions. He has continued to denigrate the truth and attack the press, international institutions, and government agencies in a rush to reverse Biden’s policies and confound longstanding bipartisan foreign-policy commitments. As always, he has sought to “flood the zone” with distracting daily initiatives designed to shift the “Overton Window,” so that the previously unimaginable quickly becomes the new normal.

But there are also important differences from the first term. Trump’s second administration, now comprised only of staunch loyalists, is even more vindictive, bellicose, and openly contemptuous of legal constraints. Trump has fully instituted government by decree, issuing 142 executive orders during his first hundred days – many advancing policies without any congressional authorization. He has also “paused” already appropriated expenditures for foreign aid to Ukraine and elsewhere, openly commandeering Congress’s constitutional power of the purse.

Even more ominous, Trump has threatened to invoke long-moribund statutes (like the Insurrection and Alien Enemies Acts) to deploy the National Guard and military domestically against claimed immigrant “invasions.” He has retaliated against perceived critics and enemies with bills of attainder, which the Constitution expressly forbids. To discourage collective resistance, he has targeted a long list of law firms, universities, and the media, cowing them into legally dubious “negotiated surrender” agreements. And he has deployed “shock and awe” tactics to encourage isolation, anticipatory capitulation, and self-silencing or exit by those who might otherwise defend the rule of law, undocumented immigrants, and career civil servants.

Trump 2.0’s early “foreign-policy” initiatives have amounted to an ad hoc sanctions policy, with the president invoking overstated claims of “national security” to demonize immigrants and promote mass deportations. Continuing the pattern, he has justified his disastrous tariffs against America’s closest trading partners on “national-emergency” grounds.

In his first term, Trump hesitated to use force; but in his second, he has already launched strikes on the Houthis in Yemen and advanced absurd territorial claims against Canada, Gaza, Greenland, and the Panama Canal. The same Trump who previously opposed nation-building now proposes that Gaza be transformed into an Atlantic City-style beach resort – though he cannot explain where the people of Gaza would go, or what role US armed forces might play in their displacement.

Meanwhile, Trump’s diplomacy has tipped even more heavily toward Russia. The administration is leveraging foreign aid and military intelligence to bully Ukraine’s government into surrendering territory without receiving any security guarantees. Trump has also vacillated between confrontational and conciliatory approaches toward China, as well as launching a systematic attack on America’s preparedness against natural disasters, global warming, future pandemics, cyberattacks, and crises that would demand the expertise and support of career bureaucrats and foreign alliances.

Throughout these chaotic 100 days, Congress has remained startlingly compliant, dutifully confirming Trump’s extreme – and often extremely unqualified – cabinet nominees. But the lower courts have pushed back, with more than 50 of them blocking early Trump initiatives across seven federal circuits. These decisions have come from judges appointed by five presidents, from both political parties.

As the current cases work their way through the appellate process, the burning question has become whether and when a majority of the Supreme Court will emerge to rebuff Trump’s unilateralist constitutional theory. Despite clear constitutional barriers, Trump has repeatedly raised the prospect of running for a third term, which the White House social-media team indulges with declarations of “LONG LIVE THE KING!”

What Is to Be Done?

For those who would defend the rule of law, the most pressing political challenge is deciding how collectively to stem the flood of lawlessness, while at the same time rebuilding the constitutional dam. A meaningful response would comprise a concerted sequence of revival, resistance, resilience, and reform.

Most immediately, we must revive traditional constitutional restraints on executive overreach, such as the Bill of Attainder Clause and Congress’s authority over the purse, foreign commerce, and immigration. At the same time, global human-rights and humanitarian institutions that Trump does not control can investigate his shipment of US detainees to extraterritorial prisons, his compliance with the laws of war in the Red Sea, and Russian or Israeli violations of international law in Ukraine and Gaza, respectively.

Medium-term strategies of resistance and resilience would use domestic and international law to push back on illegal initiatives. As Justice Louis Brandeis famously observed, the purpose of separation of powers is “by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy.”

Such frictions are already beginning to be felt, not just from Democrats in Congress and statehouses, but also from factional clashes within Trump’s political base. Overconfidence has caused Trump to overplay his hand on issues such as immigration, government downsizing, tariffs, and tax cuts. Those policies are widely expected to hurt middle-class Americans and alienate those who voted for him unenthusiastically.

In time, what Albert O. Hirschman called “countervailing passions” will likely kick in, as the most extreme “movement supporters” clash with those who have merely sought to gain personally from Trump’s re-ascendancy. Trump’s undisciplined impulses will make it impossible for his administration to maintain a durable, coherent approach on any complex issue. If faced with sustained opposition, Trump’s focus will shift to easier symbolic targets.

Even more frictions will arise as institutional counterweights activate and coalesce. These include states and localities (especially on climate change and immigration); uncowed independent media; international institutions; and powerful interest groups (including some technology companies, former military leaders, and nongovernmental organizations promoting democracy and civil liberties). Bureaucratic resistance, leaking, and whistleblowers will help make executive branch actions more transparent.

On the international stage, Trump’s policies will face frequent and forceful pushback from democratic allies. As I described in The Trump Administration and International Law, the rule of law is sticky and bends more easily than it breaks. Because autarky is not the global norm, domestic and international law have become intertwined in a “transnational legal process” and patterns of law-observant behavior that even a willfully lawless president cannot easily discard.

This transnational legal process is bigger than Trump, and so are challenges such as climate change and pandemic prevention. International bureaucracies and alliances assume legality and therefore resist repeated insults to the rule of law. Violations tend to provoke global blowback, hamstringing the lawbreaker elsewhere. Trump’s perceived lawlessness will dilute American power and – as happened during his first term – turn his “America First” strategy into “America Alone.”

But rule-of-law advocates cannot be content with plugging leaks. Over the longer term, Americans will need to pursue thoroughgoing institutional reform. To that end, the final chapters of my latest book detail a long list of proposals. The US needs better congressional tools to restrain unilateral warmaking and clarify international lawmaking and unmaking. It also needs stronger intelligence oversight, information control, and protections for the electoral process.

After the twin debacles of Vietnam and Watergate, Congress enacted a series of framework statutes that reasserted its constitutional role in such areas as warmaking, emergency economic powers, budgetary matters, intelligence oversight, and international agreements. Today’s Congress could similarly start adopting legislative proposals to restrain government by secret law; maintain America’s adherence to international law; clarify constitutional restraints on unilateral abrogation of treaties and agreements; and encourage judicial readings of presidential power more in line with Youngstown than Curtiss-Wright.

The second Trump administration’s tumultuous opening has finally awoken the world to the existential dangers posed by America’s imperial presidency. US allies have now been thoroughly schooled about the risks of relying too much on responsible bipartisan foreign-policy leadership – something that the US political system may no longer be able to provide.

## 5

### T – Substantially

#### Substantially

#### Interpretation: The aff must strengthen rights for 50 percent of workers.

#### “Workers” is the full set

ILO 81, International Labor Organization (“Report VI (1): Safety and Health and the Working Environment,” International Labor Conference, 67th Session, https://webapps.ilo.org/public/libdoc/ilo/1980/80B09\_513\_engl.pdf)

5. For the purpose of the proposed instrument-

(a) the term " branches of economic activity " includes work in the public service ;

(b) the term " workers " means all employed persons, including public employees ;

(c) the term "workplace" should cover all places where workers need to be or to go by reason of their work and which are under the direct or indirect control of the employer ;

(d) the term "regulations" should cover all provisions given force of law by the competent authority or authorities.

#### That’s 163 million

O’Neill 25, Team lead for the Society, Economy, & Politics: Europe & Global team, which provides in-depth coverage of the relevant topics for some of Europe’s largest economies, as well as broad coverage of these topics on a European (incl. EU) and global level (Aaron, “Total employment and the unemployment rate in the United States from 1980 to 2030, with projections until 2029,” https://www.statista.com/statistics/269959/employment-in-the-united-states/)

In 2025, it was estimated that over 163 million Americans were in some form of employment, while 4.16 percent of the total workforce was unemployed. This was the lowest unemployment rate since the 1950s, although these figures are expected to rise in 2023 and beyond.

#### That means the aff must cover 82 million workers

\*\*\*Substantially is “more than 50 percent,” 163 million/2 = 81.5 million

Comptroller General of the United States, 79 (Matter of Westinghouse Electric Corporation, https://www.gao.gov/assets/b-194530.pdf)

As can be seen from the above, the definition of labor surplus area concern for this purpose would be the new standard now contained in 41 CFR § 1-1.801. The new standard, at 41 CFR § 1-1.801(c) and (d), defines a labor surplus area concern as a concern that together with its first-tier subcontractors will perform substantially in a labor surplus area and the term "perform substantially" is defined as more than 50 percent of the contract price.

#### Violation: there are 3.4 million producers in the U.S.

**Census of Agriculture 22**, USDA census conducted once every five years (“Farm Producers,” https://www.nass.usda.gov/Publications/Highlights/2024/Census22\_HL\_FarmProducers\_FINAL.pdf, published 2022 by the USDA) //Rock Chalk

In 2022, 3.4 million producers operated 1.9 million farms covering 880.1 million acres that generated food, fuel and fiber for Americans and people around the world. The number of producers did not significantly change, while the number of farms decreased 6.9% since 2017 when the last ag census was conducted. The share of farms reporting more than one decision maker changed from 54% in 2017 to 60% in 2022.

While the number of producers between the ages of 35-64 declined 9%, the number of producers 65 and over increased 12%, continuing the trend of an aging producer population. The number of young producers, those under 35, also increased slightly.

#### Vote neg:

#### 1. Ground – it requires large changes from the status quo. Link uniqueness is dead if affs can only influence the size of the workforce well-below existing union density, and affs can pick sectors where generics don’t apply.

#### 2. Limits – anything less leads to subsets of subsets over hundreds of industries, regions, and shop-specific affs. Makes non-generic engagement impossible.

## Case

### Advantage 1

#### Cap root cause of ag failure.

**Allinson 21**, \*Senior Lecturer in Politics and International Relations at Edinburgh University. \*\* literary critic. \*\*\* PhD in sociology from the London School of Economics. \*\*\*\*Editor-in-Chief of Salvage, Assistant Editor at Verso Books. (\*Jamie, \*\*China Miéville, \*\*\* Richard Seymour, \*\*\*\*Rose Warren, *The Tragedy of the Worker: Towards the Proletarocene* Verso Books, 2021, pp. 23-24) rose

Cheap is not, of course, the same thing as efficient. Food production is, alongside fuel, a fulcrum of the capitalist organisation of work-energetics. It is one that, as with fossil fuels, wastes an incredible amount of the energy it extracts. According to the FAO (Food and Agriculture Organization of the United Nations), 30 per cent of cereals grown for human and animal consumption are wasted, along with almost half of all root crops, fruits and vegetables. To conclude from this grotesque squander that a ‘more efficient’ capitalism would ‘solve the problem’ of ‘the environment’ would be to fail to understand waste, capitalism and ecology: that the first is intrinsic to the second; that the second, whatever the degree to which it is inflected by the first, is inimical to the third.

Capitalism also directly undermines its own productivity, precisely through its industrially-produced biospheric destruction. According to the UN, for example, there are at most sixty harvests remaining before the world’s soils are too exhausted to feed the planet. This edaphic impoverishment is a product, not a byproduct. It is the predictable, and long-predicted, consequence of intensive agriculture, over-grazing and the destruction of natural features (such as trees) that prevent erosion. Likewise, the death-drop of insect biomass, the decline of pollinating bees, are hastened by the extensive use of pesticides and fertilisers. Capitalist food production can only evade the problem – a problem, in its terms, of accumulation – either by establishing new ‘cheap natures’ through such means as deforestation, or by extracting rent from competitor producers through such means as intellectual property rights. For instance, since 1994’s notorious TRIPS agreement (Trade-Related Aspects of Intellectual Property Rights), through the rules of UPOV (Union for the Protection of New Plant Varieties), particularly the notorious UPOV 1991, and in the face of local fightbacks from Guatemala to Ghana, the World Trade Organisation has enforced property agreements outlawing the saving of seeds from one season to the next, thus sharply raising costs for farmers producing 70 per cent of the global food supply.

#### Ag doesn’t solve all X-risks. Their card says it might cause nuclear war, not that it would solve one as the result of exterior expansion or an unconstrained executive.

### Advantage 2

#### Alt causes to Indian farm coop failure.

Banerjee and Banerjee 21, Manipal University Jaipur, School of Law (Adhip Narayan and Riddhi, “Farming Cooperatives in India: Problems and Prospects,” *Supremo Amicus*, HeinOnline)

Problems of Cooperative Farming

a. Mismanagement and beguile of the opportunity: The essence and singularity of the movement were built around the concept of non-discriminating involvement of farmers based on the size of their landholdings, but as time flew past, the idea became polluted with the evil of corruption and greed, which rendered big landholding farmers to become more powerful. This razed the shiny and rapidly growing building of cooperative to the grounds. The elections of the cooperatives in various mills were manipulated by the influx of large amounts of money, disregarding the pious and sacred democratic process to elect a germane chairman or vice-chairman, thus, gradually turning the structure of cooperative into a political fastener.

b. Government interventions: Since the genesis of the movement, the Government had adopted the attitude of patronizing the same and held the management of the cooperative tightly within its fists, that it came within the ambit of the Government. This hampered the growth of enthusiasm about cooperative farming, among the people, and they felt that their freedom was being carried away with the government's frequent interference.

c. Lack of awareness: The masses before being involved in a scheme, favours to know the details of the scheme before investing themselves, as they do not want to risk any of their assets. Thus, it is of urgent need that the farmers are made aware and understood every single detail of the process of the movement and the objectives of the same. The reasons behind this shortcoming are multiple and swindled together such as lack of education, panchayat politics, caste system, superstitions, and bad attitude of government officials at low rank.

d. Small organizational size: The cooperative farming societies have been formed on a very narrow foundation of members with a single objective. They are confined to few members and their impact was for only one or two villages, hence there was a shortage of required manpower and other resources. The cooperative is thus, unable to have a complete perspective to analyze and solve the issues. Thus, the help that the cooperative society is supposed to provide, is not satisfactory and as a result, there are grievances from farmers.

#### Indian ag will be fine. Adaptation solves.

Kurtkoti 24, (Vinaya, 9-6-24, “India adapts to climate change with new resilient crops,” *Nature India,* <https://www.nature.com/articles/d44151-024-00143-2>, Accessed: 1/18/26)—js

The launch of more than 100 new high-yield, hardy and nutritionally dense plants marks a shift in Indian agriculture from traditional staple crops, as the increasing impact of climate change takes hold. The Indian Council of Agricultural Research (ICAR) has introduced 109 new crops to counter erratic rainfall, extreme temperatures, and soil degradation. This includes 69 field crops, such as cereals and pulses, and 40 horticultural crops like fruits and medicinal plants. “We’re reorienting our programmes to meet future demand,” said Devendra Kumar Yadava, assistant director general at ICAR. The council can not remain focussed on increasing production in the face of climate change and soil degradation from intensive cropping, he said. The new field crops also include oilseeds, forage, sugar and fibre crops while the horticultural ones have vegetables, tubers, spices, plantation crops and flowers. This diverse basket was based on crop selection. It takes nearly 10 years to develop a new variety, which is then released and officially notified under Section 5 of the Seeds Act, 1966.

#### India doesn’t model. US isn’t a trustworthy leader because of Trump, if they’re distrustful of unions now that overwhelms, and their ev is normative not descriptive.

#### Megacities impact relies on food system collapse. Imports solve, if US becomes sustainable.

**Food insecurity doesn’t cause war.**

**Vestby** et al **18**, \*Jonas, Doctoral Researcher at the Peace Research Institute Oslo, \*\*Ida Rudolfsen, doctoral researcher at the Department of Peace and Conflict Research at Uppsala University and PRIO, and \*\*\*Halvard Buhaug, Research Professor at the Peace Research Institute Oslo (PRIO); Professor of Political Science at the Norwegian University of Science and Technology (NTNU); and Associate Editor of the Journal of Peace Research and Political Geography. (5/18/18, “Does hunger cause conflict?”, *Climate & Conflict Blog*, <https://blogs.prio.org/ClimateAndConflict/2018/05/does-hunger-cause-conflict/>)

It is perhaps surprising, then, that there is **little scholarly merit** in the notion that a short-term reduction in access to food **increases** the probability that **conflict will break out**. This is because to start or participate in violent conflict requires people to have both the **means** and the **will**. Most people on the **brink of starvation** are **not in the position to resort to violence**, whether against the government or other social groups. In fact, the urban middle classes tend to be the most likely to protest against rises in food prices, since they often have the best opportunities, the most energy, and the best skills to coordinate and participate in protests.

Accordingly, there is a widespread misapprehension that **social unrest** in periods of high food prices relates primarily to **food shortages**. **In reality**, the sources of discontent are **considerably more complex** – linked to **political structures**, **land ownership**, **corruption**, the desire for **democratic reforms** and general **economic problems** – where the price of food is seen in the context of general increases in the cost of living. Research has shown that while the international media have a tendency to seek **simple resource-related explanations** – such as drought or famine – for conflicts in the Global South, debates in the local media are permeated by **more complex political relationships**.

**India-Pakistan won’t go nuclear---empirics.**

**Ganguly 19**, Distinguished Professor of Political Science and Rabindranath Tagore Chair in Indian Cultures and Civilizations at Indiana University, Bloomington. (Sumit, 3-5-2019, "Why the India-Pakistan Crisis **Isn’t Likely to Turn Nuclear**", *Foreign Affairs*, https://www.foreignaffairs.com/articles/india/2019-03-05/why-india-pakistan-crisis-isnt-likely-turn-nuclear)

THE LESSONS OF HISTORY

No one can say for sure, but **history suggests** that there is **cause for optimism**. During the **Kargil** War, India worked to **contain the fighting** to the regions around Pakistan’s original incursions and the war **concluded** with **no real threat** of **nuclear escalation**.

Less than two years later, the two countries plunged into crisis once again. In December 2001, five terrorists from the Pakistan-based groups Lashkar-e-Tabia and Jaish-e-Mohammed attacked the parliament building in New Delhi with AK-47s, grenades, and homemade bombs, killing eight security guards and a gardener. In response, India launched a mass military mobilization designed to induce Pakistan to crack down on terrorist groups. As Indian troops deployed to the border, terrorists from Pakistan struck again. In May 2002, three men killed 34 people in the residential area of an Indian army camp in Kaluchak, in Jammu and Kashmir. Tensions spiked. India seemed poised to unleash a military assault on Pakistan. Several embassies in New Delhi and Islamabad withdrew their nonessential personnel and issued travel advisories. The standoff lasted for several months, but dissipated when it became apparent that India lacked viable military options and that the long mobilization was taking a toll on the Indian military’s men and materiel. The United States also helped ease tensions by urging both sides to start talking. India claimed victory, but it was a Pyrrhic one, as Pakistan failed to sever its ties with a range of terrorist organizations.

Other nuclear states have also clashed **without resorting to nuclear weapons**. In 1969, China, then an incipient nuclear weapons state, and the Soviet Union, a full-fledged nuclear power, came to blows over islands in the Ussuri River, which runs along the border between the two countries. **Several hundred** Chinese and Soviet **soldiers** died in the confrontation. Making matters worse, Chinese leader Mao Zedong had a tendency to run risks and dismissed the significance of nuclear weapons, reportedly telling Indian Prime Minister Jawaharlal Nehru that even if half of mankind died in a nuclear war, the other half would survive and imperialism would have been razed to the ground. Yet despite Mao’s views, the crisis **ended without going nuclear**, thanks in part to the efforts of Soviet Prime Minister Alexei Kosygin, who took the first step by travelling to Beijing for talks.

There’s reason to believe that the current situation is **similar**. Pakistan’s overweening military establishment undoubtedly harbors an extreme view of India and determines Pakistan’s policy toward its neighbor. The **military**, **however**, is not ir**rational**. In **India**, although Prime Minister Narendra **Modi** has a jingoistic disposition, he, too, **understands the risks of escalation**, and he has a **firm grip** on the Indian military.

Another source of optimism comes from what political scientists call the “**nuclear revolution**,” the idea that the invention of nuclear weapons **fundamentally changed** the nature of war. Many strategists argue that nuclear weapons’ **destructive power** is **so great** that states **understand** the awful consequences that would result from using them—and avoid **doing so** at all costs. Indian and Pakistani strategists are **no different** from their counterparts elsewhere. Even Pakistani Prime Minister Imran **Khan**, a political neophyte, underscored the **dangers of nuclear weapons** in his speech addressing the crisis last week. And Modi, for all his chauvinism, has scrupulously **avoided** referring to India’s nuclear capabilities.

The decision by India and Pakistan to allow their jets to cross the border represents a major break with the past. Yet so far both countries have taken only **limited** **action**. Their principal aim, it appears, is what the political scientist Murray Edelman once referred to as “dramaturgy”—**theatrical gestures** designed to **please domestic audiences**. Now that both sides have **gone through the motions**, **neither is likely to escalate** any further. **Peering into the nuclear abyss** concentrates the mind **remarkably**.