# tdi---september-october

NOTE: the elections disad file is separate! you should take the mechanics of the disad from the military presence packet & combine them with the links contained in this file.

# aff---right to housing

## 1ac

### human rights---1ac

#### Advantage one is human rights:

#### Homelessness is rising, creating disproportionate harm and cyclical violence.

de Sousa et al. ’22 [Tanya; Social and Economic Policy Researcher, Project Director for the Teen Pregnancy Prevention Tier 1 and Tier 2 Evaluation for OPA, the Project Director for the Annual Homelessness Assessment Report, Point-in-Time, and Housing Inventory Count for HUD, and as the Deputy Project Director for the Transitional Living Program Outcomes Study for OPRE. 2022; “The 2022 Annual Homelessness Assessment Report (AHAR) to Congress”; *The US Department of Housing and Urban Development*] TDI

On a single night in 2022, roughly 582,500 people were experiencing homelessness in the United States. Six in ten (60%) were staying in sheltered locations — emergency shelters, safe havens, or transitional housing programs — and four in ten (40%) were in unsheltered locations such as on the street, in abandoned buildings, or in other places not suitable for human habitation.

There continues to be an overrepresentation of people who identify as Black, African American, or African, as well as indigenous people (including Native Americans and Pacific Islanders) among the population experiencing homelessness compared to the U.S. population. People who identify as Black made up just 12 percent of the total U.S. population but comprised 37 percent of all people experiencing homelessness and 50 percent of people experiencing homelessness as members of families with children.

Homelessness slightly increased nationwide. Between 2020 and 2022, the overall number of people experiencing homelessness increased by less than one percent (1,996 people). This increase reflects a three percent increase in people experiencing unsheltered homelessness, which was offset by a two percent decline in people staying in sheltered locations. However, between 2021 and 2022, sheltered homelessness increased by seven percent, or 22,504 people. A possible cause for the increase in sheltered homelessness is the easing of pandemic-related restrictions some emergency shelter providers had in place during the 2021 PIT count. These restrictions included reducing shelter capacity to allow for more space between people sleeping in congregate settings to reduce their risk of exposure. Additionally, the national inventory of shelter beds increased between 2021 and 2022, likely reflecting an infusion of pandemic-related funding that supported additional non-congregate shelter beds.

The number of veterans experiencing homelessness declined by 11 percent (4,123 fewer people) between 2020 and 2022. In 2022, 40,238 fewer veterans were experiencing homelessness than in 2009, when these data were first reported, a drop of nearly 55 percent.

Six of every 10 people experiencing unsheltered homelessness did so in an urban area (60%), with more than half of all unsheltered people counted in the Continuums of Care (CoCs) that encompass the nation’s 50 largest cities (54%). The remaining four of every ten people who experienced unsheltered homelessness were almost evenly split between largely suburban areas (21%) and largely rural areas (19%).

More than two thirds of all people experiencing homelessness (72%) did so in households without children present. The number of individuals experiencing sheltered homelessness between 2021 and 2022 increased by 5 percent (10,148 people). This was the second largest year-to-year increase in sheltered homelessness among individuals since reporting began in 2007.

About three in every ten people experiencing homelessness (28%) did so as part of a family with children. The overall number of people in families with children who were experiencing homelessness on a single night in 2022 decreased by about 10,500 people since 2020, following a general trend of year-to-year declines over most of the previous several years.

On a single night in 2022, more than 30,000 people under the age of 25 experienced homelessness on their own as “unaccompanied youth.” Slightly more than half of these youth (57%) were in sheltered locations. Most (91%) were between the ages of 18 and 24. Four percent of the unaccompanied youth population reports identifying as transgender, not singularly female or male, or gender questioning, compared with one percent of all individuals experiencing homeless.

Nearly one-third (30%) of all individuals experiencing homelessness in 2022 had chronic patterns of homelessness. While there has been a steady rise in the number of individuals experiencing chronic homelessness in both sheltered and unsheltered locations since 2016, sheltered homelessness among individuals with chronic patterns of homelessness doubled between 2016 and 2022.

#### Government intervention is failing. Absent housing, homeless people are forced to suffer until they die.

Maxmen ’19 [Amy; award-winning science writer, Edward R. Murrow press fellow at the Council on Foreign Relations, Victor Cohn Prize for Excellence in Medical Science Reporting, AAS Kavli Science Journalism Award, Ph.D. in evolutionary biology from Harvard. May 21, 2019; “The devastating biological consequences of homelessness”; *Nature*; https://www.nature.com/articles/d41586-019-01573-0] TDI

“This crisis is upon us,” says Dennis Culhane, a social scientist at the University of Pennsylvania in Philadelphia. “A lot of money will be spent on this population. We can draw upon Margot’s data and learn how to spend that money wisely — or else we’ll just spend and still have lots of human misery.”

He and his colleagues estimate that Los Angeles, California, will spend $621 million annually on emergency medical care, nursing home beds and shelters for homeless people over the age of 55 between 2019 and 2030. Their analysis suggests that the city could reduce its spending by $33 million per year if it provided homes to elderly people who lack them.﻿

A closer look

Researchers have known for decades that physical and mental health problems are prevalent among the homeless (see 'Declining health'). But there was little systematic research on the progression and causes of their ailments in 2013, when Kushel launched a study on the life trajectories of older homeless adults in the Bay Area. Since then, 42 of the initial 350 participants have died — mainly from cancer, heart attacks and diabetes. (Earlier this year, the study enrolled another 100 people to compensate for the loss of original participants.)

Kushel and her colleagues got a boost on 1 May, when philanthropists Marc and Lynne Benioff announced that they had donated US$30 million to create a research initiative at UCSF on homelessness. Marc Benioff, who founded the San Francisco-based computing company Salesforce, says the money will support research to explore the causes of homelessness and identify ways to prevent it.

Lanata’s study, which is set to begin next month, will look for signs of debilitating brain conditions — such as dementia of the frontal and temporal lobes, which can cause behavioural changes — in at least 20 homeless adults. He and his colleagues will conduct neurological exams, which might include brain scans, on participants to learn how homelessness influences these brain disorders. People living on the streets might face several factors that can contribute to neurological disease, Lanata says, such as lack of sleep, exposure to polluted air near highways, poorly controlled diabetes, high blood pressure and alcohol abuse.

By asking study participants about their personal histories, he also hopes to learn whether neurological issues might have helped to put them on the street — perhaps by impairing their ability to work or seek government assistance. That would make sense to him, given his experience treating people with some types of dementia. “If those patients didn’t have strong family support, they would be homeless, since no one could or would care for them,” Lanata says. “They can be hard to handle.”

And Kushel has begun a new phase of her ongoing study, which will explore how the sudden stress of homelessness might trigger or exacerbate existing conditions. Many of the people in her study were over the age of 50 when they became homeless.

Nearly half of the participants exhibit signs of extreme loneliness, which has been linked to poor outcomes in people with cancer and other diseases1. One-quarter of those in the study meet the criteria for cognitive impairment, compared with less than 10% among people over the age of 70 in the United States more generally2. And in a paper in the press, Kushel and her colleagues found that 10% of participants report being physically or sexually assaulted at least every six months.

#### Attempts to downplay these impacts rely on economic cost-benefit analysis---reject it.

Cooper et al. ’16 [Christine; Chair in Accounting at the University of Edinburgh Business School. November 2016; “Social impact bonds: The securitization of the homeless”; *Accounting, Organizations and Society*, Volume 55] TDI

Literature has long recognized accounting's role in putting particular aims of government of populations into practice, by its ability to make social spaces calculable, produce knowledge about subjects that are the object of particular government ideas, and offer the technical means to move from idea to action (Miller & O'Leary, 1987; Miller & Rose, 1990; Rose, 1991). In this study, we have examined a specific instance of the government of population, one which has attempted to introduce “the market” in an explicit manner. However, instead of a free market, we have witnessed the introduction of a specific, deliberately cultivated set of investors, inserted into a programme to serve a symbolic function. This development in social service provision and funding moves us beyond New Public Management notions of cost-effectiveness and value for money, which have been the subject of much prior research, and into a forced intensification of “market” involvement in programme delivery. While prior research has focused on settings in which the aim has been, rhetorically at least, cost-cutting and cost-savings, here we witness the explicit aim of the programme to produce profits for one of the parties involved, the investor. The profits come from named individuals e “failed entrepreneurs” reconstituted as living cash-flows.

The London Homeless SIB is thus self-contradictory: an engineered “market-based” solution. As an ostensibly market-based solution to a social problem, it carries with it the plethora of neoliberal rationalities. It “cures” homelessness not by “curing” society but by removing society from the equation. In society's stead, it introduces contracts, profit incentives, risk taking, and outcome measurement; or alternately put, it eliminates from the notion of “society” everything except these calculative aspects of self-interest that suit a market ideology, even if no market exists. Homelessness becomes a market arena in its own right where individuals, both the homeless and the contract service worker, are pushed to develop their human capital and offer their labour to the highest bidder. St Mungo's explicit role is to accomplish the requisite change in the identity of its homeless clients:

Their identities are defined by their state of passage from the degraded role of ‘dependent’ to the valorized role of ‘worker’ e from disordered and irresponsible drains on society to orderly subjects who function as self-sufficient actors in markets and communities. (Schram et al., 2010, p. 744).

That is, their identities must be changed from the degraded role of ‘rough sleeper’ to the valorized role of ‘stable and housed’. This change determines their worth to the investors.

Herein lies what we argue is one of the crucial insights in this study. The mechanisms used to motivate this change, from one identity to another, construct specific new ways of seeing and thinking about the homeless. The mentalities implicit in these mechanisms carry particular (even unpalatable) implications. In the case of the London Homelessness SIB, the value of the bond depends crucially upon, and indeed is securitized by, the actions of these homeless individuals. Their ability to move through the particular phases codified by the outcome metrics is monetized and captured by the investors who paid to have this happen. Thus, the system securitizes the most vulnerable for the profit of those most able to invest. The homeless, amongst other social pathologies, have continually been the subject of analysis on the reduction of costs and the increase of efficiency in the delivery of services. In that sense, the SIB project is nothing unusual. However, it is qualitatively unique to commodify the homeless in the manner undertaken in the SIB project.

The roll out of neoliberal mentalities into this arena is heavily bound up with notions of risk and in particular the removal of state supported “socialization” of risk. One of the expressly claimed “accomplishments” of the SIB is to pass the risk of failure in changing homeless identities from the state to investors. Risk is dealt with at the boundaries of partnerships, such as between the state and social service providers (Miller et al., 2008). We find that the SIB arrangement e a partnership involving the state, the finance sector, social service providers, and investors e partitions risk in distinct ways for each member.

First, according to the SIB's design, the risk is assumed to pass on to the investors, who expect a return in exchange for putting up their funds to an uncertain outcome. MacDonald (2014), an economist with the Canadian Centre for Policy Alternatives, identifies a number of problems with this simplistic view of risk-shifting under a SIB. Our study finds empirical support for his assertions. We can see that one of the express aims of the programme, innovation in social services to “solve” issues such as homelessness, is not and likely never can be rewarded. St. Mungo's was a winning bidder in part because of their proven track record, whilst others with more innovative ideas lost out. Thus, the kinds of risk that the investors are willing to underwrite are already circumscribed. This makes perfect sense when viewed with a market mentality: the first rule of portfolio management is that investors never select a project with highly uncertain outcomes when other, more certain, opportunities exist with similar expected returns. If the goal is to attract funding to this otherwise unknown field, innovative and hence risky projects will have to be avoided.

Second, the amount of the risk of failing to meet outcome targets that will, in practice, fall to the investors, remains an open question. Projects with unrealized outcomes are highly unlikely simply to pay nothing back to investors.24 This is especially true when the overall “SIB programme” depends on its reputation for achieving outcomes The global SIB programme, viewed as a project to colonize social programmes by members of the finance industry, demands that returns be positive if it is to succeed.

Third, and linked to the previous point, it becomes risky for St Mungo's itself to fail to achieve the outcomes. One not unlikely outcome of failure would include being excluded from future SIB opportunities. Here, the market mentality brings with it a fear of the “flight of capital”. The same threat of capital mobility that characterizes relations between profit-seeking firms and the capital markets (Arnold & Oakes, 1998) thus intrudes into the area of social service provision for the poor. This fear will drive social sector organizations to restructure delivery of programmes, cut costs elsewhere, or make other changes in order to achieve the outcomes they have contracted to achieve (MacDonald, 2014).

Finally, in the St Mungo's SIB programme, a new risk is constructed concerning the identity of the individual service user, that is, the homeless individual upon whose behaviour the entire system rests. It is already recognized that neoliberal approaches to governing nonprofit social service providers discourage activities that address unjust social conditions, in favour of targeting risky and irresponsible individuals (Woolford & Curran, 2013, p. 46). Homeless service users at St Mungo's were, prior to the introduction of the SIB, already painted with the biopolitical stripe of being engaged in risky (failed entrepreneurial) behaviours like rough sleeping and addiction. The SIB programme continues the targeting of these behaviours, but with the introduction of new categories and labels. If these individuals do not meet the specified incomes, they not only remain categorized as “risky” to the society through which the government acts, but they also become akin to a credit risk to market investors. That is, in the same way that individuals, securitized as mortgage holders in mortgage-backed securities, become particular market risks according to their payment and default patterns, homeless individuals' life experiences are now part of a pattern of risk to investors in the SIB scheme. Extrapolating to St Mungo's, the same market mentality applies: the ability of St Mungo's to produce changes in behaviours is itself an uncertainty that translates the service provider itself into a measurable risk for investors.

#### Instead utilize empathy and care. Utilitarian calculations are psychopathic.

Patil & Silanai ’14 [Indrajeet; Postdoctoral fellow at the Center for Humans and Machines, Max Planck Institute for Human Development. Giorgia; University of Vienna, Department of Applied Psychology; “Reduced empathic concern leads to utilitarian moral judgments in trait alexithymia”; *Front Psychology*, Volume 5] TDI

On the other hand, there is also evidence corroborating the claim that blunted negative affect due to reduced empathy for the victim in the dilemma can lead to the utilitarian solution. Meta-analysis of brain imaging studies shows that moral cognition recruits subset of the brain areas involved in empathy (Bzdok et al., 2012; Sevinc and Spreng, 2014) and damage to these areas results in aberrant empathic skills and moral judgments. Patients with damage to ventromedial prefrontal cortex (vmPFC, a brain region essential for proper emotional processing), frontal traumatic brain injury patients, and patients suffering from behavioral variant of frontotemporal dementia (bvFTD, which also includes deterioration of frontal lobes) are known to possess uncallous emotionality, shallow social affect, and tend to lack empathy. All of these populations are more likely to endorse utilitarian solutions on high-conflict, personal moral dilemmas (Mendez et al., 2005; Ciaramelli et al., 2007; Koenigs et al., 2007; Mendez and Shapira, 2009; Moretto et al., 2010; Gleichgerrcht et al., 2011; Thomas et al., 2011; Martins et al., 2012; Chiong et al., 2013; Taber-Thomas et al., 2014) than brain-damaged and neurotypical control populations. This is probably because they find the prospect of personally harming someone less emotionally aversive due to reduced empathic response, as shown by reduced skin conductance arousal in vmPFC patients when they face personal moral dilemmas (Moretto et al., 2010) and reduced emotional empathy on self-report measures in bvFTD patients (Gleichgerrcht et al., 2011). Core aspects of psychopathy are also associated with lack of empathy and shallow affect and both incarcerated, clinical psychopaths (Koenigs et al., 2012) and nonincarcerated individuals with psychopathic tendencies show predilection for utilitarian solutions on personal moral dilemmas (Glenn et al., 2010; Bartels and Pizarro, 2011; Langdon and Delmas, 2012; Gao and Tang, 2013; Seara-Cardoso et al., 2013; Tassy et al., 2013; Djeriouat and Trémolière, 2014). One behavioral study shows that justifications given by psychopathic personalities for utilitarian moral judgments involve less inclusion of empathic terms (McIlwain et al., 2012), while brain imaging studies show that these increased utilitarian dispositions in psychopathy are due to reduced activity in subgenual anterior cingulated cortex (Wiech et al., 2013), which is implicated in empathic concern for others. People who score high on trait emotional empathy also show reduced tendency to endorse personal harms and resort to deontological responses (Choe and Min, 2011), while self-reported or peer-reported low scores on dispositional empathic concern (which measures individual's tendency to experience feelings of warmth, compassion, and concern for other people), predict higher proportion of utilitarian moral judgments (McIlwain et al., 2012; Côte et al., 2013; Gleichgerrcht and Young, 2013; Jack et al., 2014; Miller et al., 2014) and higher unpleasantness ratings for both impersonal and personal moral dilemmas (Sarlo et al., 2014). Also, enhancing the empathic concern for the would-be victims by showing their photographs (Conway and Gawronski, 2013), highlighting their humanness (Majdandžić et al., 2012), emphasizing their competency (Cikara et al., 2010), or drawing attention to age of the sacrificial target (Kawai et al., 2014) makes people less inclined toward utilitarian decisions. Making people emotionally more averse to perceived harmful acts by pharmacologically enhancing serotonin levels in the brain lessens frequency of decisions that endorse utilitarian ends and, more interestingly, this effect is especially stronger for people scoring higher on empathy (Crockett et al., 2010; also see Terbeck et al., 2013). On the other hand, higher level of testosterone (either baseline level or after external administration) has been associated with impairments in empathic behavior and reduced negative social emotions and is associated with utilitarian moral judgments for personal moral dilemmas (Carney and Mason, 2010; Montoya et al., 2013). This is probably because high-testosterone individuals are less sensitive to the emotionally salient nature of physical harm (Carney and Mason, 2010). Given this overwhelming evidence for the role of reduced empathy in making utilitarian moral judgments, it is of value to study populations which have known empathy deficits to see if they show increased predisposition toward utilitarianism. One such population is alexithymia to which we turn next.

#### That internal link turns extinction.

Conway ’21 [Marissa Conway is the Co-Founder of the Centre for Feminist Foreign Policy, a current doctoral candidate earning her PhD in Politics at the University of Bristol (UK) and is on the Forbes 30 Under 30 list. Conway is also a Research Associate at SOAS, University of London, and is a Gender Champion in Nuclear Policy. She holds a BA in Political Science and a BA in Music from Chapman University (USA). security and care work: two sides of the same coin Peace in Progress magazine Jan 2021 https://www.icip.cat/perlapau/en/article/national-security-and-care-work-two-sides-of-the-same-coin/?pdf/] TDI

Concepts of care and the actions associated with caring are reflected in every corner of our world. The state too, provides degrees of care work. Some government-sponsored opportunities, like free education for children, ensure everyone has access to such support structures. Other mechanisms, like healthcare and welfare, are specifically built to catch those who are vulnerable and in need of help. Care makes the world go round, in local and global ways, and generally functions to keep people safe. Naturally, then, concepts of care manifest in how we understand the general concept of national security.

As an American now living in the UK, my understanding of state-endorsed care has been filtered through my experience in these two societies. The US, one of the richest nations and global superpowers, drags its feet when it comes to such programmes. The UK too is quickly hanging out its care policies on austerity lines to dry. In an increasingly capitalist world, one that is oriented around patriarchal values, care is commodified and manipulated to exploit certain people. However, “in households, communities, and nation-states where the giving and receiving of care are adequate and nonexploitative, the risks associated with other kinds of security threats are reduced”.1 In other words, care has a ripple effect that impacts every corner of our world.

In an increasingly capitalist world, one that is oriented around patriarchal values, care is commodified and manipulated to exploit certain people

While state interest in care decreases, interest in feminist approaches to policymaking is increasing. A growing number of states, including the US and the UK, are engaging with Feminist Foreign Policy (FFP) frameworks, largely a result of decades of feminist activism. But efforts to cull social support mechanisms stand at odds with the goals of an FFP, which expressly prioritise the needs of the marginalised and vulnerable and are heavily influenced by human security. How, then, can this be reconciled?

Utilising the ethics of care as a theoretical framework,2 I outline how expanding our understanding of national security beyond militarism and deterrence is necessary to implementing a genuine FFP. This article will first take a critical eye to the gulf between ideas about care and ideas about security and highlight some of the useful features of the ethics of care. Secondly, it will explore how an updated association between care and security can be best reflected through FFP.

The ever looming threat of force and violence becomes commonplace when establishing mechanisms to keep people “safe”

Care ethics in relation to security

Feminists have long pointed out the linkages between local and global, personal and political. It makes sense, then, that looking to the ethics of care as a means of understanding identity, subjectivity, and morality through relationship has its roots in feminist thought. Specifically, how we live in relationship and fulfil our responsibilities to one another is the key lens through which care ethics asks us to filter information. The line between private and public is explicitly blurred, as matters of “intimacy are of great political significance in that their form and nature are determined by relations of power that play out in a variety of different contexts –from the household to the global political economy”.3

The world we exist in and its corresponding power hierarchies have a formative hand in how we respond and relate to one another, be it between people or between states. Currently, these hierarchies are based around patriarchal values, which view power as a limited resource to be hoarded and not shared. This informs mainstream understandings of security and are thus reflected by heavily militarised approaches to keeping a state and its people “safe”. But feminism is actively disinterested in reinforcing hierarchies, and instead seeks to normalise a different kind of relationality which includes compassion, power-sharing and care.

Feminism seeks to normalise a different kind of relationality which includes compassion, power-sharing and care

Fiona Robinson4 points out that on the surface, security and care seem polar opposites. The word “care” originates from the Latin root ‘securus’ which in a rather ironic twist means ‘without care’. The origin of the word has a baked in resistance to the idea of caring for or caring about. And this theme has carried through to today, where any semblance of care or caring is often intentionally eliminated from security discourse. In particular, Western national security relies on deeply gendered and realist ideas based on power optimisation. Many states attempt to do this with the development of a military and weapons arsenal. The ability to achieve security, then, becomes based on a state’s potential to cause damage and death in other states. For example, the dramatic nuclear hierarchy between nuclear haves and have-nots means that ideas about deterrence often influence international relationships and processes. The ever looming threat of force and violence becomes commonplace when establishing mechanisms to keep people “safe”. Dominance and aggression, traits typically coded as masculine, become justified as forms of self-defence. Protection, another masculine coded trait, becomes the role of the state, and “good” leadership is equated with a willingness to inflict violence to keep peace.5 6

With such an approach to security, there is a distinct absence of any semblance of care. However, the label “security” has also been lent to food security, housing security, and social security, which operate to sustain the wellbeing of individuals.7 The contradiction between how security is understood and applied in international versus domestic spaces reflects a stubborn patriarchal and rather imperialist insistence that there is little overlap between the local and the global. This is not to say that there should be one, universal application of care in the context of security, nor that care should be blindly held on a pedestal.8 This would be counter to the philosophical underpinnings of care ethics, as will be discussed. But rather, by incorporating such principles into security discourse, we can question what has been accepted as objective and begin to wedge the door ever so slightly wider to new and ‘alternative’ ways of understanding security –for instance, that of Feminist Foreign Policy.

#### And means their DAs are presumptively false. Securitization of homeless people as ‘societal risks’ is a privileged perspective.

Verchick ’96 [Robert; Assistant Professor, University of Missouri, Kansas City School of Law. J.D., Harvard Law School. January 1996; “In a Greener Voice: Feminist Theory and Environmental Justice”; *Harvard Women's Law Journal*, Volume 19] TDI

Feminism challenges this model of scientific risk assessment on at least three levels. First, feminism questions the assumption that scientific inquiry is value-neutral, that is, free of societal bias or prejudice. n279 Indeed, as many have pointed out, one's perspective unavoidably influences the practice of science. n280 Western science may be infused with its own ideology, perpetuating, in the view of the ecofeminists, cycles of discrimination, domination, and exploitation. n281

Second, even if scientific inquiry by itself were value-neutral, environmental regulation based on such inquiry would still contain subjective elements. Environmental regulation, like any other product of democracy, inevitably reflects elements of subjectivity, compromise, and self-interest. The technocratic language of regulation serves only to "mask, not eliminate, political and social considerations." n282

We have already seen how the subjective decision to prefer white men as subjects for epidemiological study can skew risk assessments against the interests of women and people of color. The focus of many assessments on the risk of cancer deaths, but not, say, the risks of birth defects or miscarriages, is yet another example of how a policymaker's subjective decision of what to look for can influence what is ultimately seen. n283

Once risk data are collected and placed in a statistical form, the ultimate translation of that information into rules and standards of conduct once again reflects value judgments. A safety threshold of one in a million or a preference for "best conventional technology" does not spring from the periodic table, but rather evolves from the application [\*77] of human experience and judgment to scientific information. Whose experience? Whose judgment? Which information? These are the questions that feminism prompts, and they will be discussed shortly.

Finally, feminists would argue that questions involving the risk of death and disease should not even aspire to value neutrality. Such decisions — which affect not only today's generations, but those of the future — should be made with all related political and moral considerations plainly on the table. n284 In addition, policymakers should look to all perspectives, especially those of society's most vulnerable members, to develop as complete a picture of the moral issues as possible.

Debates about scientific risk assessment and public values often appear as a tug of war between the "technicians," who would apply only value-neutral criteria to set regulatory standards, and the "public," who demand that psychological perceptions and contextual factors also be considered. n285 Environmental justice advocates, strongly concerned with the practical experiences of threatened communities, argue convincingly for the latter position. n286

A feminist critique of the issue, however, suggests that the debate is much richer and more complicated than a bipolar view allows. For feminists, the notion of value neutrality simply does not exist. The debate between technicians and the public, according to feminists, is not merely a contest between science and feelings, but a broader discussion about the sets of methods, values, and attitudes to which each group subscribes. Furthermore, feminists might argue, the parties to this discussion divide into more than two categories. Because one's world view is premised on many things, including personal experience, one might expect that subgroups within either category might differ in significant ways from other subgroups. Therefore, feminists would anticipate a broad spectrum of views concerning scientific risk assessment and public values.

Intuitively, this makes sense. Certainly scientists disagree among themselves about the hazards of nuclear waste, ozone depletion, and global warming. n287 Many critics have argued that scientists, despite their allegiance [\*78] to rational method, are nonetheless influenced by personal and political views. n288 Similarly, members of the public are a widely divergent group. One would not be surprised to see politicians, land developers, and blue-collar workers disagreeing about environmental standards for essentially non-scientific reasons. Politicians and bureaucrats are two sets of the non-scientific community that affect environmental standards in fundamental ways. Their adherence to vocal, though not always broadly representative, constituencies may lead them to disfavor less advantaged socioeconomic groups when addressing environmental concerns. n289 In order to understand a diversity of risk perception and to see how attitudes and social status affect the risk assessment process, we must return to the feminist inquiry that explores the relationship between attitudes and identity. 1.

The Diversity of Risk Perception

A recent national survey, conducted by James Flynn, Paul Slovic, and C.K. Mertz, measured the risk perceptions of a group of 1512 people that included numbers of men, women, whites, and non-whites proportional to their ratios in society. n290 Respondents answered questions about the health risks of twenty-five environmental, technological, and "life-style" hazards, including such hazards as ozone depletion, chemical waste, and cigarette smoking. n291 The researchers asked them to rate each hazard as posing "almost no health risk," a "slight health risk," a "moderate health risk," or a "high health risk." The researchers then analyzed [\*79] the responses to determine whether the randomly selected groups of white men, white women, non-white men, and non-white women differed in any way.

The researchers found that perceptions of risk generally differed on the lines of gender and race. Women, for instance, perceived greater risk from most hazards than did men. n292 Furthermore, non-whites as a group perceived greater risk from most hazards than did whites. n293 Yet the most striking results appeared when the researchers considered differences in gender and race together. They found that "white males tended to differ from everyone else in their attitudes and perceptions — on average, they perceived risks as much smaller and much more acceptable than did other people." n294 Indeed, without exception, the pool of white men perceived each of the twenty-five hazards as less risky than did non-white men, white women, or non-white women. n295

Wary that other factors associated with gender or race could be influencing their findings, the researchers later conducted several multiple regression analyses to correct for differences in income, education, political orientation, the presence of children in the home, and age, among others. Yet even after all corrections, "gender, race, and 'white male' [status] remained highly significant predictors" of perceptions of risk. n296 2.

Explaining the Diversity

From a feminist perspective, these findings are important because they suggest that risk assessors, politicians, and bureaucrats — the large majority of whom are white men n297 — may be acting on attitudes about security and risk that women and people of color do not widely share. If this is so, white men, as the "measurers of all things," have crafted a system of environmental protection that is biased toward their subjective understandings of the world. n298 [\*80]

Flynn, Slovic, and Mertz speculate that white men's perceptions of risk may differ from those of others because in many ways women and people of color are "more vulnerable, because they benefit less from many of [society's] technologies and institutions, and because they have less power and control." n299 Although Flynn, Slovic, and Mertz are careful to acknowledge that they have not yet tested this hypothesis empirically, their explanation appears consistent with the life experiences of less empowered groups and comports with previous understandings about the roles of control and risk perception. n300

Women and people of color, for instance, are more vulnerable to environmental threat in several ways. Such groups are sometimes more biologically vulnerable than are white men. n301 People of color are more likely to live near hazardous waste sites, to breathe dirty air in urban communities, and to be otherwise exposed to environmental harm. n302 Women, because of their traditional role as primary caretakers, are more likely to be aware of the vulnerabilities of their children. n303 It makes sense that such vulnerabilities would give rise to increased fear about risk.

It is also very likely that women and people of color believe they benefit less from the technical institutions that create toxic byproducts. n304 Further, people may be more likely to discount risk if they feel somehow compensated for the activity. n305 For this reason, Americans worry relatively little about driving automobiles, an activity with enormous advantages in our large country but one that claims tens of thousands of lives per year. The researchers' final hypothesis — that differences in perception can be explained by the lack of "power and control" exercised by women and people of color — suggests the importance that such factors as voluntariness and control over risk play in shaping perceptions. [\*81]

Risk perception research frequently emphasizes the significance of voluntariness in evaluating risk. Thus, a person may view water-skiing as less risky than breathing polluted air because the former is accepted voluntarily. n306 Voluntary risks are viewed as more acceptable in part because they are products of autonomous choice. n307 A risk accepted voluntarily is also one from which a person is more likely to derive an individual benefit and one over which a person is more likely to retain some kind of control. n308 Some studies have found that people prefer voluntary risks to involuntary risks by a factor of 1000 to 1. n309

Although environmental risks are generally viewed as involuntary risks to a certain degree, choice plays a role in assuming risks. White men are still more likely to exercise some degree of choice in assuming environmental risks than other groups. Communities of color face greater difficulty in avoiding the placement of hazardous facilities in their neighborhoods and are more likely to live in areas with polluted air and lead contamination. n310 Families of color wishing to buy their way out of such polluted neighborhoods often find their mobility limited by housing discrimination, redlining by banks, and residential segregation. n311 The workplace similarly presents workers exposed to toxic hazards (a disproportionate number of whom are minorities) n312 with impossible choices between health and work, or between sterilization and demotion. n313

Just as marginalized groups have less choice in determining the degree of risk they will assume, they may feel less control over the risks they face. "Whether or not the risk is assumed voluntarily, people have greater [\*82] fear of activities with risks that appear to be outside their individual control." n314 For this reason, people often fear flying in an airplane more than driving a car, even though flying is statistically safer. n315

If white men are more complacent about public risks, it is perhaps because they are more likely to have their hands on the steering wheel when such risks are imposed. White men still control the major political and business institutions in this country. n316 They also dominate the sciences n317 and make up the vast majority of management staff at environmental agencies. n318 Women and people of color see this disparity and often lament their back-seat role in shaping environmental policy. n319

Thus, many people of color in the environmental justice movement believe that environmental laws work to their disadvantage by design. n320 [\*83] The toxic rivers of Mississippi's "Cancer Alley," n321 the extensive poisoning of rural Indian land, n322 and the mismanaged cleanup of the weapons manufacturing site in Hanford, Washington n323 only promote the feeling that environmental policy in the United States sacrifices the weak for the benefit of the strong.

In addition, the catastrophic potential that groups other than white men associate with a risk may explain the perception gap between those groups and white males. Studies of risk perception show that, in general, individuals harbor particularly great fears of catastrophe. n324 For this reason, earthquakes, terrorist bombings, and other disasters in which high concentrations of people are killed or injured prove particularly disturbing to the lay public. Local environmental threats involving toxic dumps, aging smelters, or poisoned wells also produce high concentrations of localized harm that can appear catastrophic to those involved. n325

Some commentators contend that the catastrophic potential of a risk should influence risk assessment in only minimal ways. n326 Considering public fear of catastrophes, they argue, will irrationally lead policymakers to battle more dramatic but statistically less threatening hazards, while accepting more harmful but more mundane hazards. n327 [\*84]

At least two reasons explain why the catastrophic potential of environmental hazards must be given weight in risk assessment. First, concentrated and localized environmental hazards do not simply harm individuals, they erode family ties and community relationships. An onslaught of miscarriages or birth defects in a neighborhood, for instance, will create community-wide stress that will debilitate the neighborhood in emotional, sociological, and economic ways. n328 To ignore this communal harm is to underestimate severely the true risk involved. n329

Second, because concentrated and localized environmental hazards tend to be unevenly distributed on the basis of race and income level, any resulting mass injury to a threatened population takes on profound moral character. For this reason, Native Americans often characterize the military's poisoning of Indian land as genocide. n330 [\*85] 3.

Understanding Through Diversity

Flynn, Slovic, and Mertz challenge the traditional, static view of statistical risk with a richer, more vibrant image involving relationships of power, status, and trust. n331 "In short, 'riskiness' means more to people than 'expected number of fatalities.'" n332 These findings affirm the feminist claim that public policy must consider both logic and local experience in addressing a problem. n333 Current attempts to "re-educate" fearful communities with only risk assessments and scientific seminars are, therefore, destined to fail. n334 By the same token, even dual approaches that combine science and experience will fall short if the appeal to experience does not track local priorities and values.

Cynthia Hamilton illustrates these points in her inspiring account of how a South Central Los Angeles community group, consisting mainly of working-class women, battled a proposed solid waste incinerator. n335 At one point, the state sent out consultants and environmental experts to put the community's fears into perspective. The consultants first appealed to the community's practical, experience-based side, by explaining how the new incinerator would bring needed employment to the area and by offering $ 2 million in community development. n336 But the community group found the promise of "real development" unrealistic and the cash gift insulting. n337 When experts then turned to quantifying the risks "scientifically" their attempts backfired again. Hamilton reports that "expert assurance that health risks associated with dioxin exposure were less than those associated with 'eating peanut butter' unleashed a flurry of dissent. All of the women, young and old, working-class and professional, had made peanut butter sandwiches for years." n338 The sandwich analogy, even assuming its statistical validity, could not convince the women because it did not consider other valid risk factors (voluntariness, dread, and so on) and because it did not appear plausible in the group members' experience. In the end, Hamilton explains that the superficial explanations and sarcastic responses of the male "experts" left the women even more united and convinced that "working-class women's [\*86] concerns cannot be dismissed." n339 Thus even the "science" of risk assessment, if it is to serve effectively, must include the voices of those typically excluded from its practice.

### plan---1ac

#### The United States ought to guarantee the right to housing.

#### The plan solves and spills over.

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Yet housing provides and protects some of our most fundamental human needs. Safe, adequate housing shields us from the elements and provides refuge from external physical threats. It gives us a material base from which to build a livelihood and take part in the life of the community and the state. Moreover, housing provides a space in which our psychological and spiritual needs can be met and fostered. Housing is important in the formation and protection of identity, community and place in the world.

The recognition of the right to housing in law is based on an appreciation of the importance of housing to privacy, autonomy and freedom; its function in facilitating participation and inclusion in society; and its role in providing the material goods that make all of these things meaningful and possible. Thus, the principles that inform and underlie the right to housing include some of the most fundamental concerns of human rights.

The realisation of a right to housing across the world would have a profound impact on the lives of the marginalised. In doing so, it would also have a far-reaching effect on our social organisation as a whole. We see this clearly through the analysis undertaken in Part II. Space, privacy and identity provide powerful lenses through which to illuminate the radicalism inherent in the right to housing.

Nevertheless, the problems identified in Part I remain. When the right to housing has been interpreted and applied it has not had a radical effect. Even an optimistic reading suggests that it has provided, at most, only partial gains and improvements in the living conditions of some, and by no means always for those who are the worst off.

In light of this reality, it becomes necessary to ask whether the limitations, lacks and difficulties illustrated in Part I show that in fact, turning to the right to housing to solve our social problems of homelessness and marginalisation is a fruitless exercise, doomed to failure. Alternatively, if the right to housing really can offer us possibilities for social change and transformation, how might such transformation be achieved?

In this final Part, I build on the critique and analysis in Part II to draw out three unresolved issues in the theory and practice of the right to housing.

The first of these unresolved issues concerns the question of the logic or paradigm through which we express human rights. Specifically, can we evaluate the right to housing in the same conceptual frame as civil and political rights? Raising this question forces us to query the way in which the ‘economic’ and ‘positive’ dimensions of the right to housing are themselves constructed within the parameters of our human rights discourse. Moreover, this question pushes us to interrogate profound assumptions about the role and purpose of the state in the realisation of human rights.

A second problematic concerns the relationship between human rights and social change. The contestation over the meaning, purpose and scope of the right to housing force us to ask what making a claim for housing as a human right means as a legal reform strategy or as a call for social transformation. Implicit in this question is a deeper one, which constitutes a continuing tension in the theory of and practice of human rights; that is, the contestation over the right to housing pushes us to ask what the relationship between legal and social change is, challenging us to confront the issue of whether human rights function only to channel and neutralise resistance or, perhaps, offer the prospect of emancipation, even revolution.

Finally, the analysis undertaken in Parts I and II asks us to confront the implications of struggles to control the ownership of human rights, as both political and legal claims. While the law is often presented as the limiting factor on the radical political expression of human rights, law also plays a powerful part in the radical potential of human rights, through the role it plays in the construction of legal subjectivity. This final Part thus interrogates conflicting claims for the ownership of rights played out through law and politics. In this analysis, the agency of the human rights claimant emerges as a powerful, inescapable, critique of human rights denials.

### civil rights---1ac

#### Advantage two is civil rights:

#### The Right to Housing is the cornerstone of international humanitarian law. Lack of enforcement creates unfulfilled international promises, shredding civil rights norms.

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Socio-economic rights, including the right to housing, are often perceived to be the poor cousins of the rights world. States and commentators sometimes argue they are merely moral exhortations, and their content is perceived to be vaguer than so-called civil and political rights, and thus obligations harder to define or enforce (Eide and Rosas, 2001, pp. 3–7; Bates, 2007, pp. 263–65). However, in the last 20 years, the content and scope of the right to housing in international law have been given a significant degree of specificity. This has occurred through the work of UN expert bodies, activists, advocates and scholars.

At the international level, the key legal framework is provided by the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR), which is ratified by 166 states, who are obliged to respect, protect and fulfil the rights set out in it. 2 Housing is included as an element of the right to an adequate standard of living, in Article 11(1):

<quotation>The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.</quotation>

Housing is thus not seen in isolation, but as a building block for a life in community with others. The right is not one to shelter, but to adequate housing, which has been interpreted by the expert body overseeing ICESCR, the UN Committee on Economic, Social and Cultural Rights (UNCESCR), as including the provision of seven essential elements: legal security of tenure; availability of services, materials, facilities and infrastructure; affordability; habitability; accessibility; location; and cultural adequacy (UNCESCR, 1991). These elements underpin adequate housing.

The obligation placed on states is to take appropriate steps to ensure the realization of the right. It is therefore a right that requires a sensitive mix of state provision, respect for autonomy and the facilitation of the flourishing of widely differently situated individuals, families and communities. This is also reinforced by Article 2(1) of ICESCR, which specifies state obligations:

<quotation>Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.</quotation>

An early commentator described Article 2(1) as so ‘convoluted’ and ‘intractable’ as to render it ‘virtually impossible to determine the precise nature of the obligations’ (Craven, 1995, p. 151).

However, as I show below, it is now clear that states have a number of hard obligations, some of which are immediate in nature; and that the scope of the right, while sufficiently elastic to allow growth and change, is also sufficiently clear that both political and legal claims may usefully be made under it.

First, states have immediate obligations to ensure that every individual enjoys each element of the right to the level of a ‘minimum core’. For instance, street homelessness clearly violates the minimum core of the right, as do forced evictions (UNCESCR, 1991, 1997), though in many respects the minimum core remains contested as a concept and difficult to apply in practice (Young, 2008). The right must immediately be ensured without discrimination (ICESCR Art 2(2)). In addition, any aspect of the right that does not impose significant resource obligations should be fulfilled without delay. This would include the repeal of discriminatory laws or a requirement for states to refrain from penalizing informal settlers.

Second, states must devote maximum available resources to the realization of the right. Resources should be conceived broadly. They include not only ‘the budget’, but other dimensions of public finance (such as monetary policy and government borrowing) and can encompass human, technological, organizational, natural and informational resources (Elson, Balakrishnan & Heintz, 2014 p. 14).

The obligation to devote maximum available resources to the realization of the right to housing – as well as other socio-economic rights – raises considerable difficulty, both conceptually and practically. How, for instance, should a state balance competing demands – should it use its resources towards more medical equipment or more emergency housing for example? Can a state use its resources to invest in (potential) future rights fulfilment – perhaps through austerity measures, or forms of taxation – that lead to violations in the present, and if so, what level of future certainty of rights enjoyment is required? On this point, in a recent case under the ICESCR, the Spanish state’s argument that the sell-off of badly needed social housing would enhance GDP in future, and thus was a measure leading in the long run to better standards of living, was rejected (M.D.B. v Spain, 2017). And the question of who should have decision-making power – a court, executive or legislature – has long dogged socio-economic rights (Mazibuko v. Johannesburg, 2009; King, 2012). While these questions have not been answered in full, it is clear that states can adopt different strategies to fit their situations – they have a ‘margin of appreciation’ in their choice of means to fulfil the right (UNCESCR, 2007). However, they should be held closely to account for policy or budgetary decisions that are arbitrary or discriminatory in nature, or that fail to consider the disadvantaged and marginalized, the most vulnerable, and those in situations of grave risk (UNCESCR, 2007). Where there are various policy options open to the state, the state should choose a course that is the least detrimental to peoples’ rights (UNCESCR, 2007).

Third, states must make progress towards the full realization of the right. Limited exceptions to progressive realization include situations of natural disaster or war, as well as economic crises (UNECOSOC, 1978, para 72; UNCESCR, 2012). Still, deliberate regressive steps constitute a prima facie violation of the ICESCR, which states have the burden of proof to discharge (UNCESCR, 1999). Thus, the right to housing in international law imposes a framework that, even when states experience the most serious crises, provides ways of monitoring and even measuring a state’s compliance with the right (Heymann, McNeill & Raub, 2015). At the international level, then, the right to housing is a nuanced right, requiring a mix of state action and restraint, which allows individuals and communities autonomy but also assistance. Generally, it imposes appropriately contextual obligations on states, but is not devoid of hard content or obligations.

However, such a rosy analysis belies the housing rights violated across the world. Does the right to housing merely make ‘unfulfilled promises’ (Klare, 2015, p. 5) which might yet be realized? Or worse, is it a ‘sheer irrelevance’ (UNCHR, 1993, para. 102) to those experiencing inadequate housing, homelessness, dispossession and deprivation across the world?

International human rights are notoriously under-enforced. With few exceptions, international human rights treaties have no real ‘teeth’, and while they impose legal obligations, any efforts to make unwilling states deliver rely on political or other pressure: ‘naming and shaming’ at the international and/or domestic level. Rights cannot be penned into existence. They must be fought for on the ground, on political terrain.

#### Specifically, the International Covenant on Civil and Political Rights. Integration guarantees immediate positive implementation.

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Whether the right to housing might be recognised as a separate right under the ICCPR can be answered by analogy to arguments raising a right to health under the Convention. The Committee has dismissed such claims, noting that ‘the right to health, as such, is not protected by the provisions of the Covenant’.109 Yet the specific wording in these decisions suggests that elements of the right to health may be examined under other ICCPR rights. And indeed, the Human Rights Committee has begun to recognise the violation of rights through the interconnections between civil and political and economic, social and cultural rights. This is a process of implying socio-economic rights directly into rights thought of as civil and political in nature. Although the work of the HRC is embryonic in this respect, several concluding reports and views on individual complaints have moved in this direction.

One example is the views of the Committee in the case of Angela Poma Poma v Peru. 110 Here, the state diverted water from grazing lands of indigenous farmers in the Andean altiplano to service cities on Peru’s pacific coast.111 As a result, 10,000 hectares of grazing lands dried up and thousands of head of livestock belonging to the subsistence farmers died.112 While the complaint alleged violations of Article 1(2) on the right not to be deprived of the means of subsistence, as well as Article 17’s prohibition on interference in privacy, home and family life, the Committee considered the violations to raise issues under Article 27 instead.

Article 27 provides that:

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

In this case, the Committee reiterated that the rights of minorities under Article 27 are distinct from and additional to the other rights in the ICCPR.113 Importantly, for indigenous minorities, these rights ‘may consist in a way of life which is closely associated with territory and use of its resources’.114 This is particularly the case where that way of life is to be protected as part of the cultural rights of the minority in question, as the Committee found in this instance.115

Although one main difference between the rights protection of the ICESCR and the ICCPR is generally taken to be the full and immediate obligation to protect the rights under the ICCPR, in Poma Poma the HRC noted that it was legitimate for the state to take steps in furtherance of economic development, but that ‘the leeway the State has in this area should be commensurate with the obligations it must assume under Article 27’.116 Thus, the hope that inserting socio-economic rights claims into the ICCPR will escape the limitations of progressive realisation in the ICESCR appears misplaced.

Nevertheless, here the HRC held that any measures which would ‘substantially compromise or interfere with the culturally significant economic activities of a minority or indigenous community’ depended crucially on the opportunity to participate meaningfully, ‘which requires not mere consultation but free, prior and informed consent’.117 In this case, the substantial nature of the interference and the lack of consultation evidenced a violation.118

While the Poma Poma decision clearly reflects attention to the way economic and social conditions relate to the rights under the Covenant, its reasoning hangs on the cultural rights in Article 27. Any extension of this reasoning to a right to housing would be limited in that it would cover housing only where housing was a cultural expression of a minority group, and where the interference with cultural rights (though not necessarily with housing itself) was substantial.

Another, and potentially more generally applicable, approach has been to argue for an expanded interpretation of the right to life which would take within its reach socio-economic rights underlying the possibility of a right to life with dignity. While this approach has been embraced in some jurisdictions,119 the Human Rights Committee has, so far, been wary of moving in this direction. Nevertheless, there are indications that the HRC is willing to include some socio-economic goods within the right to life. For example, in its Conclusions on the 2010 Israeli Country Report, the Committee suggests that where water shortages, and denial of water infrastructure, disproportionately impact on the Palestinian population this may amount to a violation of Article 6 in addition to constituting discriminatory action.120 In the Secretariat’s Compilation of General Comments, complied in 2003, the Committee stated that the expression ‘inherent right to life’ cannot properly be understood in a restrictive manner, and the protection of this right requires that States adopt positive measures. In this connection, the Committee considers that it would be desirable for States Parties to take all possible measures to reduce infant mortality and to increase life expectancy, especially in adopting measures to eliminate malnutrition and epidemics.121

**Reservations from the ICCPR spill over to broad credibility. Reversal creates modelling.**

**Alvarez ’20** [José; Herbert and Rose Rubin Professor of International Law, NYU School of Law; November 2020; “International Law in a Biden Administration”; *Institute for International Law and Justice*; https://www.iilj.org/wp-content/uploads/2020/11/Alvarez-Biden-and-IL.pdf]

Those who focus on the bright shining objects that draw the most attention of international lawyers—multilateral treaties—and the prospect that a new president will usher in new US accessions to **treaties** that much of the civilized world joined long ago are going to be **brutally disappointed**. Over the near term, a President Biden will join (or rejoin) high profile international arrangements only if these do **not** require **Congressional** approval.

Even if Democrats manage to regain control of the Senate, do **not** expect the US to ratify CEDAW, the ICESCR, the American Convention of Human Rights, the Rights of the Child Convention, the Law of the Sea Convention, or the Statute of the International Criminal Court or its Kampala protocol on the crime of aggression. Do not expect the Biden administration to **remove** all **US reservations** from the **ICCPR** or even the Torture Convention. The country that took some forty years to ratify the Genocide Convention does not change its spots quickly and certainly not at a time when much of the world, and not only the US, has been exceedingly wary about ambitious treatymaking.3

A President Biden will fulfill his promise to have the US rejoin the Paris Agreement on Climate Change because, while changes in US law required by Congressional action would be desirable to make that agreement truly effective, re-entering that treaty does not require the approval of Congress.4 It is also probable that, over time, Biden would pursue other international efforts consistent with his endorsement of a “green new deal framework”—as well as Pope Francis’s plea to protect the planet in his encyclical letter, Laudate sí. 5 Since the US and China jointly account for 40% of global greenhouse gas emissions, Biden is likely to try to reignite the US-China bilateral climate relationship begun under Obama. He will face stiff opposing headwinds with respect to that attempt, however (see item 2 above). The US may also join China in pledging to lower the level of its carbon emissions by a date certain,6 and attempt to rely on changes to EPA policies and to climate change mitigation efforts by US states to achieve such a goal even if Congress fails to act. Biden may also attempt a joint US-Chinese cooperation arrangement that would tap into the two countries’ respective strengths: US talents in inventing and China’s capacity to commercialize and cheaply produce clean energy technology (such as solar panels).7 A Biden administration could also be expected to embrace related international initiatives that received the back of the hand from his predecessor, such as the 2018 Global Compact for Safe, Orderly and Regular Migration that can help to mitigate the harms of climate change migration.8 Such soft law compacts, not requiring Congressional approval, remain fair game.

Apart from Biden’s failure to be elected by the anticipated blue wave that would have given his party clear majorities in both houses of Congress, there are many other **structural reasons** why the US’s return to international law will occur largely through sole **executive** agreements, soft law instruments, or **national** law initiatives instead of high-profile **multilateral treaty ratifications**. As was clear at least since the Obama years—which saw an ever-dwindling number of attempts to get treaties through either the Senate by 2/3 vote or a majority of both houses of Congress—the US constitution and Capitol Hill traditions make concluding treaties purposely difficult. Now as ever, one senator (in the Bush era, the notorious Senator Helms) can prevent a treaty from emerging from the Senate Foreign Relations Committee. In the best of circumstances, presidents need the help of senators invested in foreign affairs. While the US can enter into Congressional-Executive agreements by a simple majority vote in both houses, a president still needs to secure those majorities and is constrained by political traditions that require that some treaties (such as those involving human rights) respect the Senate’s 2/3 prerogative. Biden is not likely to find many senators who prioritize ratifying a particular treaty. Prominent internationalists with clout like former Senators Pell, Fulbright, or Lugar have today been displaced by prominent self-described sovereigntists.

This explains why **Obama** entered the Paris Agreement and the Iran Deal through mechanisms that, as Harold Koh has noted, **ignore** the familiar US triptych of Senate **Article II treaties**, **C**ongressional-**E**xecutive **A**greement**s**, or **even** traditional **S**ole **E**xecutive **A**greement**s**.9 Obama tended to go for international agreements that his **lawyers** argued were **already authorized** under **existing US law** (including a **previously concluded** treaty) and therefore **did not require Congressional approval** or implementing legislation. The **downsides** of such instruments are **obvious**: such agreements are **easier for subsequent Presidents to withdraw from and** perhaps **violate** (particularly if their **legally binding status is dubious**).

The UN Convention on the Law of the Sea (UNCLOS) is a case in point. The last time there was a serious effort to have the Senate consider this treaty—after the 2004 election—that effort failed despite the backing of every Chairman of the Joint Chiefs, every Chief of Naval Operations, every combatant commander of the US, every living legal adviser to the US Department of State, every President since Reagan, and a dizzying and politically diverse array of organizations that extended from environmental groups to the American Petroleum Institute. Today, US interests in defending the law of the sea and in interpreting it “correctly” over time—most particularly its interests in protecting its high seas freedoms and transit rights as a maritime power—are stronger than ever given the continuing threats to those rules (and possibly to international peace and security) posed by China’s actions in and around the South China Sea. Even Secretary of State Pompeo, who rarely addresses international law, acknowledged as much in July 2020 when he praised the UNCLOS (PCA) 2016 arbitration ruling in Philippines v. China and urged all parties to abide by that “legally binding” decision.10 It is clear today, no less than in 2004, that the US would clearly benefit from affirming that UNCLOS consists of binding treaty law to which it commits, along with that treaty’s duty to accept binding dispute settlement at least with respect to some issues. And yet, no DC insider predicts that the Biden administration will spend the political capital needed to secure US accession to UNCLOS. The best that anyone expects from a Biden administration is that it will use every occasion to voice support for UNCLOS, take seriously that convention’s rules with respect to its own actions, and continue to build support among relevant constituencies here and abroad to press for eventual US accession.

Another reason for continued timidity on treaty initiatives is the resilience of the populist mindset that propelled Trump to the White House and very nearly kept him there for a second term. President Biden will be keen to restore the US’s place in the world but he will be equally intent on prioritizing those foreign policy initiatives that address—and do not distract from—his daunting domestic “to do” list. International law will come to the fore over the next four years if it can be connected to ridding the US of the COVID plague and shoring up the US economy; to restoring the frayed social fabric between white/black and brown, men/women, republicans/democrats, rural/urban, red state/blue state; to reversing rising income inequality and changing the US tax code accordingly; or to responding to the pressing social movements of our time: Black Lives Matter and MeToo.

A Biden presidency is likely to prioritize what Madeline Albright calls “inter-mestic” issues— international initiatives that have a clear domestic policy significance and therefore can draw support from even sovereigntists on Capitol Hill. Biden will never utter the phrase “America First” but that sentiment will compel him to justify every foreign policy action he takes in terms of how it will benefit the people of the United States.11 In his possible single term in office, Biden will spend precious political capital on filling out international lawyers’ wish list only insofar as these further the interests of his target audience—blue collar workers on “Main Street.”12 Reentry into the Paris Agreement, for example, will be sold to the US public on the basis that it is needed to make sure that “Main Street” is not flooded, burnt to the ground, or torn apart by hurricanes thanks to climate change. The US return to the WHO and its global scripts for testing/contract tracing/isolation will not be justified by abstract commitments to multilateralism but on the simple promise that this will keep more Americans alive, Main Street open for business, and permit us to re-open the USCanadian border and re-engage in trade.

As this suggests, the turn to **“inter-mestic”** rationales **can** be a recipe for **improv**ing US **compliance** with **i**nternational **law**. Even **without passage** of **new** US laws, proactive efforts to protect the rights of African-Americans by a newly invigorated **Civil Rights** division within a Biden Justice Department and comparable efforts by progressive municipalities responsive to the Black Lives Matter movement will enable the US to have **somewhat better answers** the next time it comes before the Human Rights Committee. Changes to how law enforcement officers are disciplined and prosecuted for their actions at the state or municipal level, greater prosecutions of threats and acts by white supremacists, rules that eliminate private prisons and that **reduce penalties** inflicted for minor drug offenses are **only some** of the ways that the US **may achieve somewhat better compliance** with its obligations under the **ICCPR** and CERD, including the latter’s duty to respect the “right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or any individual group or institution” (CERD, Article 5(b)). Should the US return to the UN Human Rights Council (as seems likely) it may even support appointing a Commission of Inquiry to investigate systemic racism in law enforcement (including within the United States).

Expected greater enforcement of US laws that protect the rights of organized labor will elevate the status and credibility of the US with respect to international labor rights and in the International Labor Organization.

Efforts to correct and prevent the pervasive forms of discrimination that continue to occur against women (as through enhanced efforts by Biden’s Justice Department), the expected lifting of the “gag” rule barring US aid to entities that support reproductive rights, as well as other actions inspired by the MeToo movement widely embraced by Democrats, would further the goals of a number of human rights instruments and enhance the credibility of the US before human rights bodies even without the US joining CEDAW.

Biden, who as vice president got ahead of his president by endorsing same sex marriage, is also likely to embrace global LGBTQ+ priorities identified in the Democratic Party Platform. This includes appointing senior leaders at the State Department, USAID, and the National Security Council to recapture the US position of leadership worldwide on LGBTQ+ issues. (For these reasons and others, the Biden administration will shelve Secretary of State Pompeo’s notorious “Commission on Unalienable Rights” and its attempt to redefine and narrow the meaning of protectable human rights and their role in US foreign policy.)13

Eliminating the policy of separating immigrant children from their parents will advance the goals of the Rights of Child Convention, the rights of the family in a number of human rights instruments including the American Convention, and the ban on torture and cruel, inhuman, and degrading treatment in customary international law and the Torture Convention. Other anticipated changes to the most egregious Trump executive orders relating to immigration—from the elimination of his revamped “Muslim ban” to reversing constraints imposed on the exercise of the rights of asylum and non-refoulement—will make US actions more compliant with a number of human rights instruments, including the Torture and Refugee Conventions.14 At the same time, as indicated by the Migration Policy Institute, it would take even a dedicated President more than four years to comb through and alter the roughly 400 actions taken by a sprawling number of federal agencies overseen by the White House’s white nationalist in waiting, Stephen Miller.15 Trump’s antiimmigration efforts, which were aided and abetted by a decision to effectively shut down immigration on the US’s southern border under a 1944 public health law in the age of COVID, will take time to roll back. It is not likely that a single term of a Biden presidency will enable the US to reclaim its claim to be the “nation of immigrants” worthy of the welcome at the base of the Statute of Liberty. As this reminds us, while a President Biden can reverse Trump executive orders on his first day in office—when he can also immediately issue new ones without going through Congress— it will take much more time and effort to override the constraints of the Administrative Procedures Act when it comes to reversing Trump era federal regulations or issuing new ones.

“Under the hood” actions such as termination of Trump executive orders, issuance of new executive orders, and changes in the day-to-day practice of US executive branch agencies, bereft of new treaty ratifications, will be the principal way that a Biden administration will attempt to restore some of the US’s lost “soft power” on human rights.16

(2) A more hostile view of China

Aided and abetted by President Xi’s transition to authoritarian “president for life,” the Trump administration has shifted how China is viewed within the United States. Gone are lingering hopes in influential policy circles that China’s economic interests will gradually make it a faithful “rule taker” of the post-WWII liberal order. Perspectives on China within the US (and in many other places) became more sober given China’s evident economic and geopolitical rise even prior to Xi’s new found status.17 Views concerning China have only hardened since, to the point where even some of those mentioned as potential foreign policy advisers in a Biden administration have suggested that the only real issue is just which path China intends to take to achieve “global domination.”18 Biden’s prior actions and current rhetoric suggest much more nuance and a less binary choice but those instincts will need to operate amidst deep bipartisan suspicions of China.

Revealingly, Biden has described China as the US’s principal adversary and sole strategic competitor for leading power status. Plainly, Biden does not want US-China “decoupling.” Absent miscalculations (such as an attempt by China to invade Taiwan), Biden will seek to avoid a descent into a de facto US-China Cold War because he knows that both countries are now economically co dependent, both are critical to the survival of global capitalism, and only the actions of both can address (as noted) certain global commons challenges. Biden is deeply skeptical of the value of Trump’s much touted trade “wars,” particularly but not only with respect to allies like Canada, since US tariffs on imports are largely paid by US consumers of those goods. He realizes that the muchtouted US-China tariff “war” was ineffective without a larger coordinated strategy aligned with others equally affronted by China’s stance on trade and intellectual property protections.

Biden, ever the centrist, can be expected to deploy the tools of statecraft or, as a Mao-era expression would have it, “walk on two legs.” He will treat China as hostile power/strategic competitor/ally as needed to advance particular US goals. A Biden administration will make clear that it will consider certain Chinese actions (e.g., interference with transit rights on the high seas, arbitrary detention of foreign nationals, or threats to invade Taiwan) to be unacceptably hostile actions against the status quo, while simultaneously signaling that it wants to cooperate on joint efforts to reduce the threat of climate change, terrorism, the spread of weapons of mass destruction, or missile launches by North Korea.

The US’s newly chastened view of China on matters of trade and finance will require comparable multi-track approaches with respect to investment issues involving China. Biden’s Committee on Foreign International Investment in the US (CFIUS) will continue to discourage the entry of any number of Chinese enterprises (but only when these present genuine data privacy or other national security issues) while keeping open (admittedly now remote) prospects for bilateral trade and investment pacts with China contemplated in the early Obama administration.

Biden will treat China as a strategic competitor—not fellow rule complier—with respect to, for example, aid and infrastructure development projects in the developing world. His administration is likely to continue to view with great suspicion China’s formidable Belt and Road Initiative (BRI). While Biden may not accept the simplistic posture that BRI initiatives present purely exploitative “debt traps” for LDCs, he understands that the BRI effort—like decades-old US AID programs as well as perennial Commerce Department efforts to encourage outgoing US investment—are tools for “geoeconomic influence” as well for winning hearts and minds.19 He also understands that US businesses, like Chinese SOEs, are powerful market tools for spreading industry standards that favor certain values, and they need to compete with the Chinese juggernaut if, for example, commerce dependent on big data can be expected to protect consumers’ privacy.20

(3) Deep skepticism of the WTO and “free trade” agreements

Multi-track approaches at the bilateral and multilateral level and with different groups of states will also define continued turbulent relations between a Biden administration and members of the WTO. The US’s disenchantment with the WTO as a forum for negotiating new trade rules to respond to new realities, as a place to monitor states’ trade policies, and as an effective forum for resolving trade disputes between its 164 members predate the Trump administration and will outlast it. There is bipartisan consensus within the US that while the world has changed, the WTO has not. While Trump may have been the first president to repeatedly threaten to defund and ultimately leave the WTO, bipartisan Congressional resolutions to support such an exit have been introduced in Congress and retain support.

Biden, like the US business community, will oppose any such talk and will re-engage with WTO reform efforts in order to prevent a slide towards disastrous protectionist actions (particularly at a time when countries need to facilitate trade on COVID-related goods). But steering a centrist path on the WTO will be especially daunting given not only the Sanders/Warren wing of his party, but concerns across the aisle that the WTO’s rules are ill-suited to liberalize trade in the age of digital trade, e-commerce, subsidies, and forced tech transfers by non-market economies and their SOEs, unfair special concessions given to relatively well-off self-identified “developing countries” like China, and repeated failures by WTO members to notify fellow WTO members of their contestable trade actions.21 While President Trump contended (falsely) that the US lost most of its cases at the WTO, his more sophisticated US Trade Representative Robert Lighthizer argued, more accurately, that, over time, the WTO’s Appellate Body had absorbed all the regime’s law-making capacity and that the WTO had ceased to be an effective forum for negotiating new rules needed to protect the world from new forms of protectionism and new ways to steal intellectual property.

Which part of the substantial WTO reform agenda that Biden inherited he will act on remains a guessing game.22 Much turns on who will replace the current head of USTR, Robert Lighthizer (or indeed whether he will be replaced in the immediate short term). Unlike President Trump, who seemed content to throw grenades at the WTO and watch it disintegrate, the Biden administration will probably make specific proposals to resolve the most immediate problem, namely the US’s refusal to agree to the appointment of Appellate Body members. The current paralysis of WTO dispute settlement threatens to return us to a world of tit-for-tat retaliatory tariffs imposed by the economically powerful against the weak. Although Trump reveled in that outcome, Biden is likely to want to avoid such races to the bottom.23 His likely first instinct will be to work with others, particularly the EU, to work out common transatlantic proposals that could eventually be brought to the wider membership to seek consensus on ways to reform WTO dispute settlement and devise new WTO rules that better monitor states’ trade policies, define and limit the number of “developing nations,” and enhance trade discipline with respect to state-owned enterprises.24

Despite widespread skepticism of “trade agreements” that accelerated in the age of Trump, a Biden presidency would probably seek renewal of fast-track authority (which expires in mid-2021) to enable his administration to have the credibility to conclude bilateral or regional trade agreements. This will involve a high-profile battle in Congress, and among Democrats themselves, with no assurance that Biden will win. Moreover, even if he does, it remains highly unlikely that Biden will actually conclude such agreements in the short to medium term—no matter how much need there may be for them while the WTO remains at a stalemate.

Biden is not otherwise likely to disturb the existing trade status quo. He will not disturb the consensus achieved in the USMCA (including the decision to eliminate investor-state dispute settlement between the US and Canada and cut it back dramatically even between US and Mexico). Indeed, should a President Biden attempt to restore some kind of equilibrium vis-á-vis China by returning to the Trans-Pacific Partnership that Trump foolishly abandoned in his first days in office, that return is likely to come with attempts by the US, either through its own reservations or through a much more difficult renegotiation effort, to make changes inspired by the USMCA and respond to demands by “progressive” Democrats. Thus, US re-entry into the renamed Comprehensive and Progressive Agreement for Transpacific Partnership might be conditioned on changes to investorstate dispute settlement and additions to protect labor rights and the environment (including to mitigate climate change).

(4) Continued use of sanctions on “bad” actors

A Biden administration is likely to keep in place many existing sanctions (particularly on China and Russia) but advance different rationales for them. A President Biden will keep Russian sanctions in place (and possibly escalate them) because of Russia’s interference in US elections, its seizure of Crimea, and the bounties put on US soldiers in Afghanistan.25 Continued trade sanctions on China may be premised on the Hong Kong security law or China’s treatment of Uyghurs, and less on the contention that China “manipulates” its currency or was responsible for spreading the “China virus.” Indeed, given the level of bipartisan hostility towards China, the Biden administration is likely to be under some pressure to follow the lead of Canada’s Parliamentary Committee and brand China’s actions towards the Uyghurs as “genocide” (as well as a crime against humanity). At a minimum, he is likely to join US allies who have been pressing UN Secretary-General Guterres to be more vocal about Xinjiang in the hope of securing access for the UN Office of the High Commissioner for Human Rights. This would be a 180-degree shift from the lack of US engagement on this critical human rights violation, and certainly from President Trump’s reported statement to Xi Jinping that building Uyghur internment camps was “the right thing to do.”26

(5) Keeping international organizations at bay

The Biden administration will walk back from the US’s recent high-profile departures from multilateral forums like the UN Human Rights Council and the WHO. It will also, as noted above, reengage with other UN system organizations that Trump ignored or disparaged, like the ILO and the WTO. Unlike Trump, Biden realizes that disengagement with the institutions of international law and order weakens rather than strengthens sovereignty.27 Biden also knows, as apparently Trump did not, that the absence of the US from UN system institutions leaves a void that other states, particularly China, are willing to fill—to the US’s, and perhaps the world’s, detriment.

But Trump’s withdrawals from such forums, however misguided, provide Biden with some leverage to address long-standing US grievances. The Biden administration will attempt to resume global leadership over the tattered remains of the liberal international order by insisting on institutional reforms to make these entities “work as intended.” His administration will likely continue, for example, Trump’s “UN Integrity” initiative—designed to call attention to particular risks of China’s rise, namely the threat allegedly posed to the independence of international civil servants and the potential for corrosive effects on the apolitical contribution of UN technocratic organizations (including those now led by Chinese nationals such as the Food and Agriculture Organization, ICAO, the International Telecommunication Union, and the UN Industrial Development Organization).28 Under a Biden administration, this initiative to protect the integrity of UN system organizations might be perceived as something more than a cynical attempt to undermine China’s emerging global aspirations. A US effort to protect whistleblowers within the UN system, defend the integrity of UN elections, and empower public servants with apolitical expertise is likely to have more credibility if it is led by a government that actually protects its own whistleblowers, does not undermine the integrity of its own elections, and appears to value and trust experts.

If re-elected to the UN Human Rights Council, the US will express displeasure over the Council’s recent decision to admit China, Saudi Arabia, and Cuba to its ranks; remind the Council that its membership was supposed to take the human rights records of its members into account; resist China-led efforts to turn that body’s Universal Periodic Review into empty celebratory occasions to commend human rights violators for their “progress”; and oppose recent Council resolutions that, for example, denigrate the need to protect human rights defenders.29

As a re-engaged member of the WHO, the US will pay the dues that Trump withheld but also attempt to use its financial leverage over the organization to back institutional reforms and secure a genuine, candid assessment of what the organization did wrong from the time the first COVID case emerged in China through to the present day. A president elected largely because his predecessor failed to contain a pandemic can be counted on to see threats to global health as the national security threats that they are and act accordingly.30 The US’s new “health care” president is likely to take seriously the WHO’s Constitution’s premise that there is a fundamental right to health and that protecting peoples’ health is a global public good and not a zero-sum game. A President Biden will agree with the premise of the WHO that the failure of one state to prevent the spread of a contagious disease presents a common danger to all and that all states benefit when each protects the health of its inhabitants. Like China’s President Xi, he will take a step against “vaccine nationalism” by contributing to and joining COVAX—the alliance that ensures that any vaccine developed by contributing rich nations will also be available to 92 low-income countries based on need and vulnerability.

But the WHO’s failings in the face of over forty million infected worldwide and over a million dead will drive the Biden administration to back a number of WHO reforms suggested (but ignored) in the wake of prior institutional failures such as Ebola. Rather than leave the only organization we have designed to handle pandemics, Biden will try to fix it. The US is likely to support structural reforms within the WHO to make proclamations of Public Health Emergencies of International Concern (PHEICs) more effective and transparent, enable greater input by front line medical whistleblowers and personnel (including with respect to the best available ways to prevent the spread of the disease), provide more effective accountability for states that fail to adhere to the life and death obligations required by the International Health Regulations, and enable name/shame techniques against states that either fail to act (a la Trump) or overreact at the expense of human rights through disproportionate or discriminatory quarantines, travel bans, or lockdowns.

(6) Keeping international courts and tribunals at a distance

Biden will only tinker at the margins with respect to the US’s traditional reluctance to submit to supranational forms of adjudication. He is not likely to resolve the stalemate over the WTO’s Appellate Body merely by agreeing to the appointment of new Appellate Body members but will insist on extracting a quid pro quo for bringing the WTO’s dispute settlement system back to life. Biden is not likely to propose, as has the USTR’s Lighthizer, that the WTO’s Appellate Body be abandoned in favor of a single tiered arbitration mechanism not correctable on appeal but subject to being overruled by the WTO members in exceptional cases.31 But he is more apt to re-examine proposals for more modest reforms. These include those summarily rejected by Trump that have been backed by a group of states led by Ambassador David Walker of New Zealand. Those reforms include limiting to ninety days the time frame for the Appellate Body to conclude appeals, increasing the number of Appellate Body members to nine and requiring they serve a single non-renewable term of eight years, clarifying that the Appellate Body would address only issues that are necessary to resolve disputes, and establishing an annual meeting between WTO members and the Appellate Body to address systemic jurisprudential issues such as whether Appellate Body rulings should be treated as de facto precedent.

One of the most trenchant matters of WTO “reform”—getting China to agree that it should no longer be treated as a “developing state”—might be subject to other trade-offs that go through the WTO’s dispute settlement system. China might be persuaded to acquiesce to such a change if the US were to accept recent panel rulings like US-Tariff Measures on Certain Goods from China. 32 That ruling, which found US tariff measures taken in response to IP complaints directed at China illegal, echoes other recent decisions that require WTO states attempting to use the “essential security” exception of the WTO (Article XXI) to do something more than cite to “security” as magical dispensation from third-party scrutiny. It is possible that a more sober USTR might accept the oldfashioned idea that the US itself gets reciprocal benefits when legally implausible arguments to defend protectionist actions (e.g., US tariffs on steel and aluminum from Canada) fail to get traction.33 Accepting such rulings might begin to convince other WTO members that the US still supports a rule-based system for trade.

But while the US’s wariness with respect to what it called “persistent overreaching” by WTO adjudicators might be overcome with institutional reforms, the US government will not become a sudden convert to the virtues of other international courts. A Biden administration is no more likely than President Trump to sign onto the compulsory jurisdiction of the ICJ, even while the US is likely to continue to be one of that Court’s most frequent (if reluctant) litigants. The expected reemergence of human rights as a higher foreign policy priority in a Biden administration will probably not produce a change in the US’s traditional reluctance to submit to forms of international adjudication for such purposes. A Biden administration will not want to draw Republican ire by attempting to submit to the jurisdiction of the Inter-American Court of Human Rights, or even by accepting the possibility that individual complaints can be brought against the US before the Human Rights or Torture Committees. As noted above, the new administration will also continue to resist the appeal of the International Tribunal for the Law of the Sea or other modes for arbitrating law of the sea issues, even though it seems clear to maritime experts that the net benefits of adjudicating important US interests (such as the right of innocent passage through the territorial sea and transit rights elsewhere) vastly exceed the risks that the US may lose on other matters. The US, no less than China, is unlikely to use international courts or tribunals for such purposes.

Nor should anyone expect a President Biden to seriously back many proposals for new global courts—a World Court of Human Rights, an International Court to Combat Human Trafficking, an International Court Against Terrorism, a Multilateral Investment Court, an International Anti-Corruption Court, an International Environmental Court, or an International Arbitration Tribunal for Business and Human Rights—even though most of these have been endorsed by prominent European states.34 While the US deserves credit for launching, through innovative Security Council action, a number of international criminal courts (most prominently the ICTY and ICTR) and for sending two situations (Libya and Sudan) to the International Criminal Court (ICC), none of those posed real prosecution risks for US nationals.

While Biden will not attempt to re-sign, much less ratify, the Rome Statute for the ICC, he can be expected to adopt a kinder, gentler policy towards it. The John Bolton-inspired executive order penalizing anyone who dares work for the ICC will be among the first of many Trump era executive orders to go.35 But the prospect that the ICC is intent on pursuing criminal prosecutions in Afghanistan for Bush-era torture or against Israelis for actions in Palestine continues to make the ICC a political third rail that few US politicians dare cross. Biden will tone down the anti-ICC rhetoric and, like Obama, provide some assistance to the Court quietly and behind the scenes, within the limits set by the American Servicemembers Protection Act (signed into law in 2002 by President Bush).

A Biden administration is likely to participate actively (as did high level Obama administration officials like Harold Koh to some effect) in the ICC’s Assembly of State Parties since that is the principal forum for influencing the Court’s policies and financing for both ICC parties and non-parties. Within the Assembly, the US will probably turn to different arguments to explain continued US resistance to politically sensitive issues like Afghanistan. The US will probably avoid legally implausible arguments like the claim (pushed strongly under the Bush administration) that the ICC has no jurisdiction over crimes committed by US soldiers in an ICC party state, and instead turn to the slightly more sympathetic argument that allegations of torture stemming from Bush era actions in Afghanistan, the subject of extensive Congressional review and documentation, have been in the public domain for some time. (In private, Biden officials can be expected to make the case to ICC proponents that it is simply unrealistic to expect an administration likely to face continuing pressure to criminally prosecute former President Trump to simultaneously reopen prosecutions directed at another former Republican administration.)

Biden officials may also address the ICC’s more controversial investigations (both in Afghanistan and in Palestine) by encouraging changes in how the Court (or its Office of the Prosecutor) prioritizes cases or investigations. It is likely to join current proposals made by an independent group of experts commissioned by the Assembly that would require higher levels of “gravity” and more definitive findings of “feasibility” before investigations are begun.36 Of course, the US position on the ICC’s crime of aggression as articulated by former legal adviser Harold Koh will not change: the Biden administration will continue to insist that aggression be narrowly limited to “manifest” violations of the UN Charter.37

On this and other issues, President Biden will rely on familiar arguments that justify US “exceptionalism” (including its resistance to international courts and tribunals) on the basis of the US’s “exceptional” role and global burdens. While such arguments are not likely to win many new converts, diplomats around the world who are tired—like the rest of us—of four years of unpredictable late-night tweets filled with fire and rage will be relieved by this return to Obama era jaw-boning/engagement in lieu of abrupt termination of dialogue via tweet.

(7) Rest in peace, Responsibility to Protect

Biden was reportedly never a fan of Obama’s decision to “lead from behind” with respect to NATO’s action in Libya. Like Trump, he will be averse to starting new or staying in old never ending wars, even for humanitarian reasons. He will find no resistance on that score from fellow veto-wielding Security Council members Russia and China, and, I suspect, only token resistance by fellow NATO members. Whether that is a positive or negative development turns on whether one is a fan of R2P, whether or not it is invoked by the Security Council.38

At the same time, his administration can be expected to be more genuinely engaged in trying to make the Security Council relevant—if not “great”—again. A Biden administration might be inclined, for example, to use the Security Council to send new situations to the ICC but would need to counter predictable resistance by Russia and/or China. Trump resisted Security Council action during the current COVID crisis—including the possibility of declaring the pandemic (like Ebola before) a threat to international peace and (human) security—on the petty ground that the Council needed to blame China in any resolution for its “China virus.” A President Biden would be more amenable to using the Council should this promise to make states take more seriously their obligations to protect the health of their populations and the rest of us. His administration would also likely support Council action that anticipates additional funding for UN or regional peacekeeping missions to facilitate pandemic prevention and treatment, greater aid by international financial institutions, and more consistent interactions among both UN specialized agencies (as between the WHO and ICAO and its stakeholders such as airlines) or between UN system organizations and entities like the Vaccine Alliance, GAVI.

(8) “Ironclad” security commitments to Israel

Biden’s expected recommitment to a “two-state” solution encounters permanent obstacles left behind in Trump’s wake. While Biden is widely expected to voice stronger commitments to protecting Palestinian rights in any Middle East peace deal, including by rejecting Israeli annexation of West Bank land needed to establish a future Palestine, this path is hindered by changes on the ground that he cannot or will not undo without (unlikely) Congressional acquiescence. Despite considerably more icy relations between himself and Netanyahu, Biden has indicated that he will not relocate the US embassy (now in Jerusalem). He is also not likely to attempt to reopen the PLO’s diplomatic mission in Washington and has expressed support for additional “normalization of relations” or “peace agreements” like those Trump encouraged with Sudan, Bahrain, and the UAE. Those agreements, which have undermined the traditional Arab posture against recognition of Israel until a Palestinian state is established, are the rare Trump foreign policy initiative to win bipartisan praise within the US. (They are also examples of Trump’s preference for bilateral as opposed to multilateral arrangements, another tendency that might outlast his time in office.) It is not clear, however, whether those peace agreements actually advance a broader Middle East peace deal. For many, Trump’s actions in the region have undermined any prospect that the US can ever be seen as an honest impartial broker to make such a deal possible.

The “ironclad” commitment to Israel’s security extended in the Democratic Party Platform will also continue to complicate US relations with forums that will remain very sympathetic to Palestine such as UNESCO and the UN General Assembly.39

Fratelli Tutti: turning to friends

If there is any theme that is likely to define the Biden presidency it will be its reliance on allies, his reluctance to go it alone. This may be the single biggest change that a Biden administration will bring. It is a significant counterweight to the eight trends in favor of stasis canvassed above.

Biden’s marked departure from Trump’s erratic belligerence, which will remind his coreligionists of Pope Francis’s call for fratelli tutti (fraternal openness), is grounded in geopolitical realities.40 The US is no longer the sole superpower on the block. As noted above, it needs the help of others, including its chief geopolitical rival, China. But the reach for “Fratelli” reflects Biden’s personality and his inter-mestic agenda.

In every foreign policy speech given by Biden and every paper published by his most prominent foreign policy advisers, the starting point for resolving each difficult challenge involves reliance on existing allies and a search for new ones. For Biden a key source of US power over competitors like China is the power of its alliances. That is Biden’s go-to response when asked about how he would respond to continued threats from North Korea, Russia’s actions in Ukraine, common threats to democracy posed by cyberattacks, or China’s malign behavior in the South China Sea, towards Hong Kong or Taiwan, or with respect to trade or intellectual property.41

His response to the “unfolding Pacific Century”—and the rise of China—is to strengthen ties with key allies in the region, including Japan, South Korea, and Australia, and to have “robust engagement” with regional institutions like the ASEAN. His response to China’s new military aggressiveness will predictably be greater commitment to the care and feeding of the Quadrilateral Security Dialogue (the QUAD) between the US, Japan, Australia, and India. That effort among democracies, which includes joint military exercises of impressive scale, is symptomatic of another recent trend that will outlast Trump: recourse to relatively non-institutionalized alternatives for securing cooperation outside the UN system when that system fails.

Of course, Biden will not usually be turning to all or tutti fratelli. He will embrace distinct friends for distinct reasons. A Biden administration will resort to a “reinvigorated transatlantic partnership” to achieve greater energy security while combating climate change, and to secure common solutions to governing big data flows while respecting both freedom of expression and data privacy. It will reach for Iraqi help to ensure a lasting defeat of ISIS, European partners to reinvigorate diplomacy to protect the humanitarian needs of Syrians, and hemispheric cooperation (as in forums like the OAS or trilateral talks among Canada, Mexico, and the US) to address announced Biden priorities in this hemisphere, namely attacking the root causes of migration in Central America, protecting the Amazon from deforestation, and assisting Caribbean and Central American states to adapt to the impact of climate change.

All this would be insipid pablum but for the fact that Biden seems to mean it and that this return to normalcy is so dramatically at odds with the unilateralist inclinations of his predecessor. The search for “Fratelli” is inherent in Biden’s tendency to find common ground with political opponents—whether in Congress or abroad. Biden’s instinct is to elicit consensus by emphasizing fact over fiction, science over QAnon, and deference to experienced diplomats over businessmen (and they have been mostly men) with bank accounts. Whether in multilateral or bilateral negotiations, the Biden administration will try to elevate reciprocal public benefit (even if long term) over the purely transactional short term (and often unsavory) benefits favored by his “art of the deal” predecessor. Whether the Biden approach will be more successful than his predecessor’s specialty—transactions that exchange short term profits on Trump businesses for a legitimizing photo-op with a US President—remains to be seen. The success of Biden’s deal-making may depend on whether others across the table are equally willing to extend their time horizon for measuring “success” to take into account the reciprocal benefits Biden has in mind.

A tempered “restoration”

As all this suggests, a kind of US international law restoration is indeed coming, but it will occur in a world transformed by Trump’s years in office, anti-democratic trends around the world (including in established democracies), and disenchantment with the international legal order, including the UN system. The US and the world has changed in four years. This is not only because of an ongoing pandemic that has produced excess deaths, economic calamity, and human rights violations for some of the world’s poorest and most vulnerable (e.g., migrants, children, the elderly, prisoners, racial minorities). It is also because we have witnessed a paralyzed UN Security Council unwilling or unable to take any action in response, even given the likelihood that the longer the crisis continues, the more likely it is that COVID-induced famines and migrations will threaten the internal and external peace among nations. Over the past few years, it has become clearer than ever before that the post-WWII legal order that was **supposed** to address problems of the **global commons** through **multilateral cooperation** repeatedly **fails** to protect human life—whether in conflict zones like Syria, on migrant-filled rafts in the Mediterranean, amidst forest fires in Australia or California, or in intensive care units around the world. Biden is heir to **deep-seated skepticism** about the efficacy of international organizations and the capacity of the post-WWII hegemon— which failed to prevent the spread of COVID among its own people—to **improve them**.

This is one reason why a Biden administration is not likely to result, as some have suggested, in an Obama “third term” with respect to foreign affairs. To be sure, President Biden **will**, like Obama, **attempt** (once again) to close down Guantanamo, reassert Presidential level scrutiny on targeting only specific and “proportionate” drone targets, renounce (once again) the use of torture, attempt to revive the moribund two-state solution with respect to Israel and Palestine, attempt to revive the Joint Comprehensive Plan of Action (JCPOA) (aka “the Iran Deal”), return to the Paris Agreement, and re-engage with the UN and its human rights system.42 But **even these** predictable **efforts** to **reset the clock** confront **new realities** and will take different shapes.

Given Iran’s apparent march toward nuclear weapons capacity in the wake of Trump’s unilateral withdrawal from the clicking clock on that original deal, and the US’s lost credibility among all JCPOA parties, the Iran Deal would need to be re-negotiated—at a time when European allies and Iran itself can no longer be sure that the US will over the longer term respect pacta sunt servanda. 43

Biden’s effort to embrace science and the reality of climate change confront new realities that make that effort both harder and easier. Trump’s denial of climate change, war on even those US states that have attempted to do something about it on their own, and his efforts to “decouple” from China on all fronts (including Obama’s climate change side agreement with China) have undermined any claim that the US had to leadership on that issue. At the same time, new commitments to achieve carbon neutrality by 2050 by Japan, the world’s fifth largest emitter of greenhouse gases, for example, have opened up new opportunities for China+ side agreements to Paris that were not available to Obama—as have technological and diplomatic innovations by others, such as US states like California and industry leaders.

More generally, the **Trump** presidency has made even a return to Obama era policies more difficult because it managed to **eviscerate trust** that the US will **keep its word** or that, **having given it**, the US can **actually do what it promises**. This **alone** will **complicate any renewed efforts** to seek the help of others on climate change, closing Guantanamo, or rendering suspects accused of terrorism. It may take **decades** to restore a reputation **lost in four**. Even the US’s traditional allies are aware that nearly half of US voters (and a substantial number of their representatives in Congress) supported an extremely unilateralist president—and that over half of US voters may yet elect another chief executive who is just slightly more competent. That reality means that NATO members will welcome Biden’s embrace but continue to assume that in the future they will need to have a plan B for securing Europe. No one can be sure how much time it will take to regain the trust of traditional allies whom we have spurned and reset the tone of discourse with authoritarian rulers newly unfriended (such as Saudi King Salman and Mohammed bin Zayed, the Philipine’s Duterte, Brazil’s Bolsonaro, or Turkey’s Erdoğan).44

Making diplomacy professional again

Another factor that complicates attempts to return to Obama era policies is that, over the past four years, there has been massive change in the US foreign and intelligence services. Steve Bannon’s attempts to deconstruct the administrative state extended beyond government meteorologists and public health professionals. The Trump administration sidelined career diplomats, fired independent inspector generals, and made enemies of foreign policy and intelligence agency whistleblowers who attempted to uphold their constitutional oaths.45 Many distinguished public servants have resigned or have been forced out. In addition, Trump made a record number of political appointees ambassadors, some of whom have embarrassed themselves as well as the United States by embracing far right political parties, ignoring the advice of experienced diplomats, or praising actions by authoritarian leaders at odds with human rights or rule of law values. As a result, the US foreign service has reportedly experienced the biggest drop in applications in a decade, thereby reversing any progress towards recruiting a more diverse workforce. Today, only four of the US’s 189 ambassadors are Black.46

The absence of foreign policy and intelligence expertise will be keenly felt, particularly in the early days of a new administration before new positions throughout the federal government are filled. The Biden administration will undoubtedly seek to reassert the value of apolitical intelligence, foreign policy expertise, and compliance with ethical standards.47 It can be expected to take seriously the need to “race” US foreign policy so that its diplomats look like the US itself—with expected knock-on benefits in making the US a more effective opponent of structural racism around the world, by calling for greater diplomatic attention to regions and countries US diplomacy has long ignored, and by treating racial justice as a critical component to effective efforts to promote peace, security, and democracy.48 But “making diplomacy professional again”—even if Biden were to distribute “MDPA” hats in lieu of MAGA ones—is not the sexiest of projects. Restoring the US diplomatic corps will be a tremendous lift for an administration facing unprecedented other challenges with far greater political salience.49

In the meantime, Biden will have to work with the decimated State Department that he has inherited. This includes working with Trump era lower-level deputies who have now acquired the status of civil service employees and will remain in place. If past is prologue, these officials will not immediately “get with the new program.” It may take some time for Trump era civil servants to accept that, for example, the United States’ all-out war on the ICC is passé, particularly if, as predicted, such a change occurs sub-rosa without public fanfare. Trump’s “deep state,” ironically, will live on—this time to delay, obstruct, and sometimes even derail, the new President’s priorities. This is regrettable insofar as it will slow down an administration with an ambitious agenda.

But this form of bureaucratic stasis has a (modest) positive side: it makes it less likely that US allies and opponents will experience severe cases of whiplash. If Trump taught Biden anything it is that stability matters when it comes to foreign affairs. While a President Biden has every incentive to reverse Trump’s disastrous disrespect for foreign policy expertise with all due speed, he is also likely to be cautious about doing things that encourage US adversaries to think that all they need to do is wait out his term for another 180-degree reversal brought on by a new Republican president.

The tempered “restoration” of international law described above suggests that Harold Koh’s conclusion, circa 2017–2018, that the Trump presidency leads only to “pyrrhic” short term victories against “resilient” international law was a tad premature and overly optimistic.50

Koh’s hopeful take on Trump’s impact on the US judiciary and US foreign relations law, while not the subject of this essay, is a case in point. Trump’s notorious success in appointing conservative (and often relatively young) judges to lifetime positions not only on the US Supreme Court but on lower federal courts is likely to fuel reliance on doctrines that make it ever more difficult for advocates to deploy international law as a sword—the very essence of what Koh calls “transnational legal process.” Trump-era judges, all of whom survived the gauntlet of close Federalist Society scrutiny, include many “originalists” of a particular persuasion. Trump did not manage to appoint to the bench only Justice Kavanaugh (whom Koh correctly describes as a “young, reliably conservative, international-law skeptic”).51 His many judicial appointments are likely to: demand clear statutory text to incorporate customary international law, require explicit selfexecuting treaty language before permitting such treaties to be invoked in US court, be exceedingly skeptical of using foreign or international law to interpret the US Constitution, and revive federalist concerns with the scope of the treaty power that impact on the President’s power to override US states’ laws and even the scope of Congress’s power to enact legislation that is “necessary and proper” to give effect to a treaty. The new 6–3 Supreme Court “conservative” majority may even be activist enough to revive the once discredited idea of subject-matter limits on the scope of the treaty power, consistent with Justice Thomas’s concurring opinion in Bond v. United States. 52

Despite the US’s dwindling soft power, judges around the world still pay attention to what US courts say, particularly when it comes to questions of common concern, such as whether, or to what extent, to give effect to international law. The skepticism towards international law shared by many Trump judges may prove to have normative ripples elsewhere—thanks to the “transjudicial forms of communication” on which the hopes of some liberal international lawyers once rested.53 Of course, US judges’ views of international law will be most keenly felt with respect to the foreign affairs powers of the executive and the interpretation of US law. Absent highly unlikely structural changes to the US federal judiciary (including the number or tenure of Supreme Court justices), there is little that a President Biden can do to eliminate the possibility that even his foreign policy initiatives, while traditionally accorded considerable deference, will encounter resistance by the third “less dangerous” branch.

As we approach the end of Trump’s tenure, we can better appreciate just how much his administration promoted new and revived old isolationist tendencies in US foreign policy that will probably outlast him. We can also see that his adverse impact on international law has gone global. Trump fueled global skepticism in the UN system and particularly in international human rights everywhere.

All of this will make the **expected “restoration”** of international law within the US **difficult** under the best of circumstances. As discussed here, that effort is **hemmed in** by **structural realities**— a **divided Congress**; path dependencies among federal bureaucrats; legal constraints on the quick reversal of federal regulations; a more resistant federal judiciary; and **loss** of faith in the **credibility** and competence of UN system organizations as well as the US.

These realities pose challenges for those of us who have emphasized the capacity for international law to overcome its state-centric origins in pursuit of global community interests.54 Indeed, the fear expressed in Koh’s articles—that eight years of Trump could permanently overcome international law’s resiliency—should give us pause. If a single US President can dismantle the nearly eighty-year effort to construct the post-WWII international legal order, that order is far more fragile, and political realism more resilient, than many of us thought. Trump reign provides a lesson in hubris—not only for Trump, but for international lawyers generally.

Those who hope for a full return to “respect” for international law under a new US president or that Biden’s election means that the “guardrails” of the international rule of law held (and will now continue to operate as before) need to accept, with due humility, that the US has **rarely** demonstrated that it respects international law **not of its own making**. While it **is a good thing** that under a new administration the US will **return** to **more faithful compliance** with its own law (such as **civil rights** laws long in place), making its actions more **consistent** with some of its **treaty** obligation**s**, that is **not the same as changing one’s** own **national laws and practices because international obligations so demand** or in response to them. The US **routinely insists** that **others** do that. We demand that states hold their nationals responsible for international crimes or that they comply with environmental treaties, for instance. As noted, the US does not practice what it preaches when it comes to holding its own bad actors accountable under international criminal law. And it has the luxury of being “in compliance” with environmental treaties whose terms it deeply influenced from the start. Similarly, the US can take advantage of UNCLOS’s regime on the continental shelf as “customary law” (but without accepting UNCLOS’s rules for submitting at least some disputes to binding adjudication) because a US president (Truman) unilaterally defined it. The same can be said for much else in that convention, such as its 200-mile fishing zone which owes much to a premature US statute that affirmed it long before treaty law played catch-up. The US (along with four other privileged states) has the luxury (and the hubris) to demand that all states comply with Chapter VII decisions by the UN Security Council, including possibly to respond to COVID-19 or future 35 pandemics—confident that its veto power protects it from unwanted sovereign intrusions imposed on others. Whether under Bush, Obama, or Biden, the US argues that killing alleged terrorists through the use of drones is somehow more legal than torturing them.

The examples of how international law, and its many gaps and ambiguities, were designed with US interests in mind are endless. It is shocking just how much Trump ignored this fact and how hard the US’s new president will have to work to convince other US politicians that this remains the case.

We can **all applaud** that Biden’s **response** to **“inter-mestic” concerns** will enable the US to have **somewhat greater cred**ibility with respect to human rights—but **let’s not pretend that the US’s failure to actually enter** into a vast number of **human rights treaties or agreement to enter them with a litany of r**eservations, **u**nderstandings, and **d**eclaration**s does not matter**. Becoming a **party** to the Torture Convention or the **ICCPR**, **without questionable reservations** that **limit their underlying rights** to those protected under existing US law and with a full embrace of their individual complaints mechanisms, would **enhance the prospect** that **a**ny **future US president** or any **future Congress** will **not be tempted to violate those rights**. That kind of “restoration” would **go far** in convincing the world that the US **sees i**nternational **law** as **real** law—and **not merely a cudgel** against **others**.

**But the ‘right to life’ is key. It underpins every aspect of global governance.**

**Voeneky ’18** [Silja; Professor of Public International Law, Comparative Law and Ethics of Law, University of Freiburg. 2018; “Human Rights and Legitimate Governance of Existential and Global Catastrophic Risks”; *Human Rights, Democracy, and Legitimacy in a World of Disorder*, Chapter 6]

Past decades have seen rapid advances in many areas of science, which could **improve our lives significantly**; scientific and technological progress may help us to **cure deadly diseases**, fight **hunger** and **climate change**, and provide **large benefit**s, inter alia, in **medicine**, **ag**riculture, or basic **science**.9 But this progress is **mirrored** by new and emerging **risks**. Some areas of scientific and technical progress are even linked – at least by some scientists, states, and other actors – to **risks** that are **existential** and **catastrophic**.

A first example is the area of artificial intelligence (AI): imagine for instance that 30 years from now there will be **AI** of **superhuman intelligence** (a so-called technological singularity).10 11 This sounds like a science fiction scenario and seems far away, but deep learning mechanisms that are able to **improve themselves** without human interaction and without rule-based programming **already exist** today.12 It seems plausible to argue, as some scientists do, that an intelligence **explosion** will lead to a dynamically **unstable system**, as smarter systems will have an easier time making themselves smarter,13 and that there will be a point beyond which it is impossible for us to make reliable predictions.14 In this field, science already yields new technological tools, for instance through self-driving **cars**, autonomous **rescue** systems deployable for the high seas, and **a**utonomous **w**eapon**s**.15 Even heads and founders of US technology companies argue that “AI is the rare case where (...) we need to be proactive in regulation instead of reactive. Because (...) by the time we are **reactive** in AI regulation, it’ll be **too late**.”16

As a second example, imagine that 15 years from now **climate change** has not been stopped. In consequence, some researchers propose to **inject**, inter alia, **sulfate aerosols** into the stratosphere to produce the same type of global cooling effect as a large volcanic eruption.17The aim is to fight climate change by reflecting more sunlight,18 but there might be high risks for human life and health.19 This kind of **geoengineering** (or climate engineering) is **not** a **science fiction** scenario; modeling and laboratory work is being done in different states20 today. It is argued that “small-scale field-testing (and even full-scale deployment) of geoengineering technologies are distinct possibilities in the short-to-medium term.”21

The third example is about **biotech**nology experiments that are carried out today. These include gain-of-function studies of concern (GOFsoc)22 and dual use research of concern (DURC).23 Recent examples of **high-risk** research are the widely discussed experiments on influenza viruses in 2012, in which more dangerous forms of the virus were created than those that naturally existed,24 as well as experiments published in 2014, which revealed the possibility that cancer cells can be passed on through common cold viruses,25 and research that created infectious horse pox viruses through gene synthesis in 2017. 26 For many years, concern has been growing that advances in biotechnology could make dangerous pathogens more **deadly** and **accessible**.27 Some argue that these experiments could lead to high, even **existential** and global catastrophic **risks** if, for instance, a **modified** virus was **released** accidentally or intentionally, for instance during a **terror**ist attack.28 These risks in the area of biotechnology are also linked – not exclusively – to experiments that rely on the new tool of genome editing (**CRISPR**-Cas9).29 With this method, it is possible to **edit DNA** more easily, cheaply, and precisely than before.30Genome editing research holds great promise for future biotechnical and biomedical applications. However, there are major concerns, as the discovery gives scientists the power to rewrite the codes of life and so-called off-target effects cannot be excluded. And, as stated above, the same scientific breakthroughs in genome editing that can be used to cure a disease can also be used to create a weaponized version of a certain pathogen.31 A special challenge of the CRISPR-Cas9 genome editing technology is the concept of gene drive (mutagenic chain reaction). Gene drive systems promote the spread of genetic elements through populations by ensuring that they are inherited more frequently than Mendelian inheritance would predict.32Natural populations of species with short intervals between generations, such as malaria-carrying types of mosquitoes, could be changed or wiped out through gene drives within short periods of time. **Gene drives** can be used, for example, to change the genes of certain mosquito species, shutting off their ability to carry malaria and suppressing the size of their population. These genetically modified mosquitoes (GMMs) have emerged – for some – as a promising new tool to combat vector-borne diseases like malaria and dengue.33 In another example, “undesirable” plants in agriculture could be made more susceptible to herbicides. Which **risk**s these intrusions carry for **ecosystems** remains **unclear**. Even natural scientists warn about setting free organisms equipped with gene drives because of the high associated risks.34 The risk of **abuse**, like employing this technology as a weapon, thereby making it a case of dual use research of concern, **cannot be excluded** completely. Nevertheless, in 2016 even those states that are parties to the Convention on Biological Diversity35 could not agree upon a worldwide moratorium for gene drives, as had been demanded by many NGOs.36

III. SHORTCOMINGS AND LOOPHOLES OF INTERNATIONAL GOVERNANCE

All scientific tools and results, as well as the previously mentioned technologies, tend to become increasingly powerful, cheap,37 and available to more and more individuals over time.38 It seems obvious that “(t)he physical limits on how much damage any individual or small group could do are becoming less and less constrained.”39 A **key** question for a **governance** regime (and in the end for the **world** society **as a whole**) is therefore whether we are sufficiently prepared to **detect risky uses** and developments and prepared to **counteract** **destructive** uses and developments of high-risk science and technology. The answer is – so far – **negative**: The common problem of these areas of scientific and technological development is that there is **no** – or at least not a **sufficient** – international **governance regime**.40 As a general overview, one can state the following: thus far, no international treaty on existential and global catastrophic risks and scientific research exists. There are a few treaties, like the Biological Weapons Convention (BWC),41 the Convention on Biological Diversity, the Cartagena Protocol on Biosafety,42 the Nagoya Protocol on Access to Genetic Resources,43 and the Kuala Lumpur Liability Protocol,44 that are applicable to some areas of biotechnology. The Vienna Convention for the Protection of the Ozone Layer is applicable to some types of geoengineering.45, 46 However, even if international treaties exist, they have major drawbacks: not all of the relevant states where research that may be linked to existential and global catastrophic risks is conducted are parties to existing treaties.47 Even if a state has ratified a treaty, it is unclear whether new areas of research are covered. Most treaties were negotiated years, sometimes decades, before new research tools evolved and the drafters did not (and could not) anticipate the future, particularly far-reaching and often revolutionary developments of scientific and technological progress. Hence, it is unclear whether rules of the old treaty law govern new experiments. For instance, there is a major dispute whether, and if so to what extent, CRISPR-Cas9 is covered by the Convention on Biological Diversity and the Cartagena Protocol on Biosafety, which regulate living modified organisms (LMOs). Moreover, the BWC does not provide sufficient protection against the aforementioned risks of misuse of research because research conducted for peaceful purposes is neither limited nor prohibited. The BWC allows research on such biological agents for preventive, protective, or other peaceful purposes.48 The BWC does prohibit the development and use of biological weapons,49 yet it does not have a verification regime.50

This means that, as a first interim result, al**though** there are **concerns** that scientific and technological progress may cause high, even **existential** and global catastrophic, **risks**, international **treaty** law is **not sufficient** to govern these research areas. Besides, international **soft** law **norms**,51 as far as they **exist**,52 are **not binding** for states and other actors.

The same is true with regard to **private** rule making (including codes of conduct) or mere recommendations by stakeholders and expert bodies: They are **not binding**, they do not exist in **all the fields** of research mentioned above as linked to high risks, and they do not address **all relevant actors**.53 This does not mean that the usefulness of “bottom-up” rule making by private actors and stakeholders should be neglected or negated, and it should not be assumed that codes of conduct, as bottom-up approaches that rely on the consensus of stakeholders, are not effective. There have been examples of private rule making and codes of conduct that had and still have a major impact in framing and limiting specific areas of research.54 They are part of a multi-layer governance that consists of rules of international law, supranational and national law, private norm setting, and hybrid forms that combine elements of international or national law and private norm setting. Promising “bottom-up” initiatives are underway in different fields of the research mentioned above.55 But the normative force (in the sense of de facto bindingness and effectiveness) of these private rules significantly depends on complex criteria and preconditions, for instance whether all relevant researchers of a specific research field agree, and whether the rules and principles are not too broad or too complex to give clear guidelines for the relevant actors. However, a moratorium on a specific kind of research that is based on the consensus of the relevant scientific community and backed up by the relevant scientific journals – which will not publish experiments that violate the moratorium – can be even more effective than a prohibition based on an international treaty that is implemented, top-down, by States parties.56 Hence multi-layer governance should combine “top-down” state-based rule making and implementation with “bottom-up” norm creation and implementation by private actors and stakeholders to close loopholes and enhance the effectiveness of international governance. Nevertheless, what the bases for a legitimate governance regime are with regard to existential and global catastrophic risks resulting from scientific and technical progress in the twenty-first century is a different and more far reaching question. This shall be answered in the next section.

IV. QUESTIONS OF LEGITIMACY

If one wants to discuss criteria for a legitimate governance regime for existential and global catastrophic risks, one has to look closer into the notion of legitimacy. I view legitimacy primarily as a normative, not a descriptive, concept: Legitimacy refers to standards of justification of governance and – possibly – obligations. Hence, if I speak of “legitimate governance,” it means that the guiding norms and standards have to be justifiable in a supra-legal way (i.e., they possess rational acceptability). If we think about international governance, it seems fruitful to link the notion of “legitimate governance” to the existing legal order of public international law. Without saying that legality is sufficient for legitimacy, I would argue that guiding norms and standards have to be coherent with existing international law insofar as the international law reflects moral (i.e., justified) values.57

There are **different ethical paradigms** (or normative ethical theories) that are able to justify governance in a supra-legal way. A prominent one is the human rights-based approach that can be considered a deontological concept,58 as the rightness or wrongness of conduct is derived from the character of the behavior itself.59 Another approach is utilitarianism, which can be described as the doctrine which states that “one should perform that act, among those that on the evidence are available to one, that will most probably maximise benefits.”60 However, it seems important to note that the **different normative ethical theories** are based on **reasonable grounds** (i.e., they possess rational acceptability) and one **cannot decide whether there is a theory that clearly trumps the others**.61 Therefore, in looking for standards that are the bases of a **legitimate governance regime** of existential and global catastrophic risks, it is **not so fruitful** to decide whether one normative ethical theory is **per se** (or in general terms) the most convincing one, but rather what ethical paradigm seems to be the **most** convincing in regard to the **specific questions** that we **have to deal with** when **framing existential** and global catastrophic **risks** resulting from scientific and technical progress.62

In order to find rules that can form the basis of a legitimate governance regime of existential and global catastrophic risks, a closer look must be taken at the special factual features of these scenarios: Nearly all the experiments mentioned in the previous section can be viewed as so-called low probability/ high risk scenarios63 or unknown probability/high risk scenarios.64 This is the case, as – for instance – the probability that a modified, deadly virus may escape from a laboratory can be quantified and is very low. But it is uncertain whether there will be reliable models to quantify the probability that AI, certain types of geoengineering or gene drives pose existential or global catastrophic risks. This is especially true with regard to the problem of “dual use” of scientific results, the above-mentioned risk that terrorists or criminals misuse research findings or technical developments to cause severe harm.65

Furthermore, another factual finding should be kept in mind when looking for a justified governance framework. Results in behavioral science show that we do not have a rational perception of low probability/high risk scenarios: Our risk perception does not mirror the probability and severity of a certain risk, as very rare events are either ignored by us or we tend to overweight small risks.66 We tend to ignore the low risk that a dangerous virus may escape from a laboratory,67 but some wanted to shut down all nuclear power plants as a consequence of the 2011 meltdown of the Fukushima nuclear plant.68

If we agree that legitimate governance requires (as a necessary condition) a rational reaction to the scenarios mentioned before,69 one could argue that a decisive element of a governance regime should be that the relevant actors, especially the states, assess and reduce existential and global catastrophic risks in a way that mirrors the actual probability and severity of a certain risk.

V. THE HUMAN RIGHTS FRAMEWORK

My thesis is that a **legitimate governance regime** of existential and global catastrophic risks should be **based** on human rights, more precisely on **legally binding human rights**.70 In the following parts, I refer to legally binding human rights, as the premise is that human rights are justified in a supralegal sense by a deontological theory of normative ethics and legally binding human rights prima facie do correspond with moral human rights.71 This does not mean that other ethical approaches to solve problems of existential and global catastrophic risks are ruled out as far as they are compatible with human rights – but it means that I **reject** those views which argue that **utilitarian** arguments should be the primary standard to measure the **legitimacy of a governance regime** for existential and global catastrophic risks.72

This may be surprising, at least at first glance: One might **think** that **util**itarian theories are the **easiest way** to find justified rules that govern existential and global catastrophic risks, as they could be translated more easily into risk-benefit assessments. As long as the benefit justifies the risk, it seems rational, hence justified, that research must not be prohibited or limited. However, this assumption is **less convincing** if one looks more closely at the questions that have to be answered in order to do a risk-benefit assessment. In many cases, **neither the risks nor the benefits of research can be quantified**; the risk of misuse of scientific findings by criminals, mentioned above, cannot be quantified; the unclear or unpredictable benefits of basic research cannot be quantified either – nevertheless, basic research may often be the necessary condition in order to achieve benefits for human beings in the long run.73 A costly risk-benefit assessment concerning certain gain-of-function studies of concern undertaken in the United States in 2015, for instance, was able neither to quantify the biosecurity risks nor to quantify the benefits of gain-of-function studies of concern.74 Additionally, it is unclear how to balance risks that are quantifiable (at least in part) with benefits that are not quantifiable. Furthermore, how to balance risks that have an unknown probability with benefits is **far from clear**, even if the latter can be quantified. These are drawbacks of a utilitarian risk-benefit approach for the scenarios described.75

Still, the question remains, which arguments can be brought forward to support the view that human rights should be the main pillars of a justified governance regime of existential and global catastrophic risks? The first arguments in favor of a human rights-based approach are **pragmatic** ones. **Existential** and global catastrophic **risks** are **global problems**. The best **normative** framework therefore seems to be one that is part of **existing i**nternational **law**. Hence, it would be a **major deficit not to rely on human rights**, as legally binding human rights are not only **rooted** in the **moral** (or: ethical) **discourse** as **universal** values.76 They also **bind**, as far as they are part of positive international law – depending on their source as **treaty based or customary law based** – many or even **all states**, and can be implemented by **courts** or other **institutional means** laid down in human right treaties, such as the International Covenant on Civil and Political Rights (**ICCPR**) and the European Convention on Human Rights (ECHR).77

Nevertheless, this pragmatic argument would be worthless if the human rights framework had major deficits in framing and giving guidelines to solve the problems that are given by existential or global catastrophic risks. But this is not the case.

Firstly, from a **philosophical** point of view, it was Robert **Nozick** who showed that an extension of a rights-based moral theory and deontological theories to indeterministic78 cases **is possible**, even if actions that cause risks for others pose serious problems for those theories and a **strict** extension of rights is untenable in social practice. According to Nozick, the central question is: “Imposing **how slight** a probability of a harm that violates someone’s rights also violates his rights?”79 But he shows that a **duty not to harm** other people can be extended to a duty not to perform **actions** that **increase their risk** of being **harm**ed. Correctly, he stresses that **exceptions** to this rule have to be accepted, as a strict interpretation of the rule would make human society impossible (and prohibit, for instance, car driving) and that the key problem is drawing a limit between **reasonable** and **unreasonable** impositions of risk.80 Even **low probability** cases shall not per se be excluded, as there is **no cutoff probability** for all harm, but “perhaps the cutoff probability is **lower** the **more severe the harm.”**81 If we transfer this argument to a human rights based framework, this means that – for instance – the prohibition against actions that kill another person can be extended to actions that involve a risk that a person is killed, which means that a right not to be riskexposed exists as long as it is defeasible so that it can be overridden. Here as well, the real task is to find a credible **criterion** for when it should be overridden and how to draw the boundaries.82

Secondly, if we turn to the human rights framework as part of international law, it can be seen that **international legal human rights** make it possible to **spell out the decisive values** that have to be **taken into account** for assessing the scenarios mentioned above. First of all, the freedom of **research** is not only a **justified** (i.e., moral or ethical) value, it is also a **legally binding human right**: There is the shared view that the freedom of research is entailed in the right of freedom of thought and the freedom of expression in international human rights treaties (as for instance the International Covenant on Civil and Political Rights and the European Convention on Human Rights).83 This is confirmed, inter alia, by decisions of the European Court of Human Rights;84 the Human Rights Committee, the treaty body of the International Covenant on Civil and Political Rights, also confirmed in 2016 that the “state party should carry out all necessary legal amendments to ensure that research may be carried out without state authorization and fully respect, protect and promote academic freedoms.”85 To protect freedom of research as a human right does not mean that this freedom is **absolute**. According to legal international human rights, the protection of the **life** and **health of human beings** are – inter alia – **legitimate aims** that can justify **proportional** **limit**ation**s** of the right of freedom of science.86 The human rights framework therefore stresses that, if states limit the freedom of science for legitimate purposes, it is necessary to find proportional limitations, even if the probability of the realization of an existential and global catastrophic risk is close to zero or cannot be quantified.

Thirdly, and **more importantly, the** so-called **first generation human rights oblige states not only to respect, but also to protect the fundamental rights of individuals**.87 If we concentrate on those first generation human rights treaties, **ratified by the** most industrialized states, including Germany and the **U**nited **S**tates,88 they state that States parties are obliged by international human rights treaties to **take** appropriate (legal) **measures to protect the life of individuals**.89 \*\*\*FOOTNOTE BEGINS\*\*\* 89 For the **right to life, art. 6 para. 1 ICCPR**, the second sentence provides that the **right to life “shall be protected by law.”** In addition, the right to life is the **precondition** for the exercise of **any other human right**, part of customary international law and enshrined in all major general human rights conventions. The European Court of Human Rights has stressed the positive obligation to protect human life in several decisions; for an overview see Niels Petersen, Life, Right to, International Protection, in 6 Max Planck Encyclopedia of Public International Law 866 (Ru¨ diger Wolfrum ed., 2012). Nevertheless, the **U**nited **S**tates has **not accepted** that there exists a **duty** to protect against private interference **due to art. 6 ICCPR**; see Observations of the United States of America on the Human Rights Committee’s Draft General Comment No. 36, On Article 6 – Right to Life, paras. 30–38 (October 6, 2017), available at http://www.ohchr.org/EN/HRBodies/ CCPR/Pages/GC36-Article6Righttolife.aspx. \*\*\*FOOTNOTE ENDS\*\*\*

Although there is wide discretion for states to protect human rights, measures must not be ineffective. In my view this duty includes a duty to protect the life of individuals against risk in low or unknown probability scenarios – which means that no actual or direct threat for a protected right exists – as long as there are risks of an existential or globally catastrophic nature. In order to avoid the irrational bias of neglecting small risks, one can argue that the higher the severity of the possible damage, the lower the demands on how probable a risk must be.90 From this, one can conclude as well that the duty to protect the life and health of individuals includes a duty of the state organs to assess existential and global catastrophic risks as long as these measures are reasonable.

If we concentrate on universal international human rights – and leave aside specific regional human right treaties91 – **supportive arguments** for this result can be found in the Human Rights Committee’s 2015 and 2017 drafts of a general comment concerning the **right to life**, which I will discuss next.92 The wording of the 2017 revised draft general comment stresses that the right to life “concerns the entitlement of individuals to be free from acts and omissions intended or expected to cause their unnatural or premature death” (para. 3);93 this draft comment holds that the duty to protect the right to life “implies that States parties must establish a legal framework to ensure the full enjoyment of the right to life by all individuals” (para. 22); and that “the duty to protect the right to life by law also includes an obligation for States parties to take appropriate legal measures in order to protect life from all foreseeable threats, including from threats emanating from private persons and entities” (para. 22, emphasis added). The 2017 draft comment spells out similarly later on that “States parties are thus under a due diligence obligation to undertake reasonable positive measures, which do not impose on them impossible or disproportionate burdens, in response to foreseeable threats to life originating from private persons and entities, whose conduct is not attributable to the State” (para. 25, emphasis added).94 Although this draft comment does not mention the notion of “risk” in the paragraphs quoted above, it is questionable whether it was an aim of the drafters to draw a clear line between the notions of “threats” and “risks”95 and whether – if they want to make a clear differentiation – the exclusion of risks that are existential and global catastrophic risks, is coherent and can be justified. This is even more doubtful as the 2017 draft stresses that the “right to life is a right which should not be interpreted narrowly” (para. 3, emphasis added). Besides the draft accepts in other contexts and for other scenarios the relevance of risks for the duties of states deduced from the right to life.96

Besides, a clear recourse to the notion of risks, even existential and catastrophic and low/unknown probability scenario can be found in a decision of the German Constitutional Court (Bundesverfassungsgericht, BVerfG). In a case from 2010, a plaintiff was worried that experiments at the world’s largest atomic collider CERN (Conseil europe´en pour la recherche nucle´aire) in Geneva could produce so-called “black holes” which could eventually lead to the destruction of all life on earth.97 The plaintiff argued that if experiments are not shut down, Germany would violate the duty to protect her life based on the constitutional right to life (Art. 2 para. 2 German Basic Law).98 The court did not rule out this interpretation but held that reasonable doubt that the experiments are safe requires the plaintiff to at least try to rebut the majority view – that there is no existential risk – through arguments that are based on natural science and are part of the scientific discourse. Furthermore, the court held that it was necessary (and in the case at hand sufficient) that the German Government made a prior assessment of the risks that are posed by the experiments.99

Although the decision of the German Constitutional Court was based on the constitutional right to life and not on (international) human rights,100 some arguments can be brought in favor of transferring this interpretation to legally binding international human rights: This interpretation of human rights does not overload human rights law. It is correct that international human rights law developed along different lines, where cruel, very concrete acts were done to clearly defined individuals and clearly defined victims suffered.101 On the other hand, it is plausible and coherent to argue that the duty not to harm other people can be extended to a duty not to perform actions that increase their risk of being harmed, as was argued above. The main task is that a limit must be drawn between reasonable and unreasonable impositions of risks. Further, it is correct that human rights law, even the right to life, is not aiming to protect humanity, but aiming to protect individuals.102 However, humanity consists of individuals; and even if we are not arguing that human rights protect future generations, one may not neglect that individuals born today can have a life expectancy of more than seventy years in many states and these individuals are undoubtedly protected by human rights law.103 Hence it seems consistent with the object and purpose of human rights treaties that we view human rights law, and the duty of states toward human beings, in a seventy-year period.

Moreover, if we agree that even so-called first generation human rights oblige states to protect individuals against certain threats, low probability or unknown probability existential and global catastrophic **risk** scenario**s** **fit into the wording** as well as the **aim and purpose** of the human **rights treaties** and their dynamic interpretation as a living instrument. It would be **unreasonable to neglect** those risks since neglecting **existential** and global catastrophic risks **cannot be justified** as rational as long as we know that the probability of such a risk **is greater than zero**.

Furthermore, the human rights framework has the clear merit that we have notions which enable us to **address different values in one single normative framework**: the freedom of sciences and the protection of life. As basic research is part of the freedom of science, regardless of any benefits it produces, this normative framework enables us to weigh the value of basic research without the need to identify or quantify concrete benefits.

This does not mean that all problems are solved: The central question remains whether there are measures to assess and reduce existential and global catastrophic risks that are neither ineffective nor disproportionate. This is an especially challenging question if we talk about research that is aimed at protecting the health and preventing the death of human beings: If a virus is modified to find a vaccine against influenza or other viruses or if genome editing is used to change mosquitoes with gene drives, the research itself aims to serve the life and health of human beings; if geoengineering is carried out to stop climate change, this aim is in coherence with the duty to protect the life and health of human beings as well.

But the interpretation of the human rights framework is **compatible with demands of justice and demands of rational risk-benefit assessments**: It is compatible with demands of global justice because the duties stemming from human rights in the existential and global catastrophic risk scenarios are not duties that oblige states which struggle the most in complying with their human rights obligations due to insufficient governmental structures or armed conflicts, etc. These duties instead oblige industrial and emerging nations. If global justice matters in interpreting international human rights, this interpretation is in line with this demand as well. Additionally, demands of rational risk-benefit assessment can and should be part of the interpretation of human rights, as there is the need to avoid disproportionate means in order to minimize existential and global catastrophic risks in low/unknown probability cases: What proportionality means is linked to the risks and benefits one can reasonably anticipate. To do a risk-benefit assessment of the research or technology/////////////////////////////////////////////// in question, as far as this is possible and rational, 104 therefore is a decisive element in implementing the human rights framework.

Hence, according to the proposed interpretation, human rights **oblige states to assess and reduce existential** and global catastrophic **risks** in a proportional way so that the probability and severity of a certain risk can and should be taken fully into account; through this a rational and legitimate account to govern existential and global catastrophic risks is given, an account that includes shared values of the states.

**Otherwise, extinction.**

**Koh ’20** [Harold; Sterling Professor of International Law at Yale Law School. State Department Legal Adviser, assistant secretary of State for the Bureau of Democracy, Human Rights, and Labor. June 2020; “Why U.S. Leadership Matters for the Global Defense, Protection and Promotion of Human Rights”; *American Foreign Service Association*; https://www.afsa.org/why-us-leadership-matters-global-defense-protection-and-promotion-human-rights]

A Global System to Promote Human Rights

Remarkably, after World War II, the **U**nited **S**tates helped to erect a version of the global system that Kant envisioned. Through the Marshall Plan, the United States supported the revival of an economically united Europe, led by the European Union and protected by NATO, that became our **indispensable** global partner in promoting **human rights**. This approach to global governance formed the basis for the **U**nited **N**ations—our system to **end war and promote human rights**—and associated **international institutions** to govern international monetary flows, trade and development. The **U**nited **S**tates became the **indispensable balance wheel** of a **values-driven system of global governance** that empowered like-minded nations to organize ambitious multilateral **attacks** on **all manner of world problems**.

The **last** few **years** have offered instead a **disturbing counter-vision**—hauntingly evocative of the “**s**pheres **o**f **i**nfluence” painted by George Orwell’s 1984—of a system where **global megapowers** are increasingly indistinguishable from one another in their **authoritarianism** and commitment to **disinformation**. These great powers **ignore** the violation of **human rights** and the rule of law in other spheres and violate them within their own, forging cynical alliances and manipulating public opinion to make today’s adversaries tomorrow’s allies. Physical and economic barriers are going up everywhere; European **unity** is **cracking**; and the global commitment to human rights and the rule of law seems to be **eroding**. Without consistent **U.S. leadership**, we risk **returning** to the **balkanized world** that helped bring about the **devastations of the last century**.

As a nation, we must ask: **Are we really ready to follow this dead end?** If we downgrade human rights in favor of a more “pragmatic” foreign policy, what makes us different from any other country? After all, advancing human rights is our **founding national credo**. Abandoning America’s **leadership** role is both contrary to our interests and risks further **global destabilization**.

It is a false dichotomy to claim that a pragmatic foreign policy must “balance” the pursuit of our national interests with the preservation of our fundamental values, including the defense and protection of human rights. **Paramount** among our national interests must always be the preservation of our fundamental values. For ours is not a country built on a common race, ethnicity or religion. Instead, America is an idea: “we hold these truths to be self-evident.” If we do not consistently defend, protect and promote human rights at home and abroad, we will lose our distinctive national identity.

**Particularly** in a time of **COVID**-19, **climate change** and **refugee** outpouring**s**, U.S. leadership **matters** in the global defense, protection and promotion of **human rights**. The **coronavirus** pandemic has unveiled the close global intertwining of environment, health, economy and human rights. Climate-caused injury destroys animal habitats, triggering zoonotic (animal-to-human) diseases, causing pandemics that shatter lives, exacerbating income inequality and spurring the rise of authoritarian governments that perpetuate climate injury. Unless we **break this vicious cycle**, **more** pandemics will **surely come**.

This unsettling moment of **instability** and **uncertainty** makes it all the more **urgent** that we get back to **first principles**, both at home and abroad. There is still time to **return our human rights policy** to simple values: telling the truth, **set**ting an **example**, and pursuing a consistent vision of human rights protection for the past, present and future.

## 1ar

### at: circumvention---1ar

#### The aff is both legal codification and enforcement.

Oxford ’19 [Oxford Languages; “guarantee”; *Dictionary*; https://tinyurl.com/2upnchb4] TDI

a formal promise or assurance (typically in writing) that certain conditions will be fulfilled, especially that a product will be repaired or replaced if not of a specified quality and durability.

"we offer a 10-year guarantee against rusting"

something that gives a certainty of outcome.

### at: dependency---1ar

#### No dependency. It’s “sketchy”.

Freeman ’05 [Lance; Penn Integrates Knowledge Professor of City and Regional Planning and Sociology at the University of Pennsylvania. “Does Housing Assistance Lead to Dependency? Evidence From HUD Administrative Data”; Journal of Policy Development and Research, Volume 8, Number 2] TDI

Concern about dependency has been a driving force in shaping public assistance policy in recent years. The political consensus that has emerged dictates public assistance should be temporary for those willing to help themselves. Housing assistance has not been immune to this trend. To date, information on the nature and extent of dependency among housing assistance recipients has been sketchy. The research presented here begins to fill in some of the missing pieces of the picture of housing assistance dynamics. If we take an expansive view of dependency, meaning those who remain on housing assistance for long periods of time, this research suggests dependency is widespread among housing assistance recipients. The odds are that the typical housing assistance recipient will have a spell that lasts at least 5 years. A more nuanced and perhaps more appropriate view of dependency, however, would define it as those who lose motivation due to the experience of receiving housing assistance. This more nuanced view would also see an unwillingness to take advantage of other opportunities as indicative of dependency. Under this more nuanced view, the elderly and infirm, although long-term users of housing assistance, would not be considered dependent.

The results presented here are, for the most part, inconsistent with this more nuanced notion of dependency. Little evidence exists of duration dependence and some of the strongest predictors of exiting housing assistance, including vacancy rates and the race and ethnicity of the client, suggest housing assistance serves as a substitute for decent affordable housing that is unavailable in the private market, especially for low-income minorities. The results presented here also show that life-cycle factors such as age, having children, or being married depress the likelihood of exiting housing assistance.

#### Dependency logic is evil.

Jecker ’14 [Nancy S. Jecker Professor of Bioethics and Humanities at the University of Washington School of Medicine, Department of Bioethics and Humanities Virtual Mentor. 2014;16(5):390-394.cAgainst a Duty To Die Journal of Ethics | American Medical Association https://journalofethics.ama-assn.org/article/against-duty-die/2014-05] TDI

In a 2008 interview, Baroness Mary Warnock, a leading moral philosopher, said that people suffering from dementia had a duty to commit suicide: “If you’re demented, you’re wasting people’s lives—your family’s lives—and you’re wasting the resources of the National Health Services” [1]. Warnock also claimed that there was “nothing wrong” with helping people to die for the sake of their loved ones or society. Well known for her support of euthanasia, Warnock expressed in the interview the hope that people will soon be “licensed to put others down” if they are unable to look after themselves.

While such claims are controversial, they are persistent and seem to crop up from time to time in public debates and scholarly literature. In the United States, former Colorado Governor Richard Lamm expressed a similar view almost 30 years ago. Referring to the elderly as “leaves falling off a tree and forming humus for the other plants to grow up,” he told a meeting of the Colorado Health Lawyers Association, “you’ve got a duty to die and get out of the way” and “let the other society, our kids, build a reasonable life” [2].

In the scholarly bioethics literature, the most frequently cited reason for assigning a duty to die to old people is the utilitarian view that measures the value of lives by means of the amount of happiness or pleasure they contain. According to this approach, a duty to die arises when our lives have, on balance, more pain than pleasure. Since the elderly have on average fewer years ahead to live, their current misery is less likely to be offset by future happy years. Nonutilitarian justifications for a duty to die include arguments that it is wrong for the elderly to impose a burden that seriously compromises the lives of others [3]; that a duty to die is just a special case of a more general duty to prevent harm [4]; that old people living in wealthy nations have a duty to end their lives in order to transfer wealth to people living in poorer countries [5]; and that dying early represents a gift for others based on justice and reciprocity [6].

Social scientists have noted that the elderly often worry about being a burden on others, especially family members. In the period leading up to their deaths, elderly people who subsequently committed suicide reported that their lives had been lived and that they were now a burden on others [7]. Little is known about the experiences of elderly people who live and die alone, but in one qualitative study of this population, participants characterized a good death as being able to die without becoming a burden to others [8]. There is a small but growing body of evidence suggesting that worry about creating a burden on others is common among people of all ages who are near the end of life [9].

Is the concern about burdening others well founded? In one sense it clearly is. Older people—and especially the oldest old (those age 85 and over)—have markedly greater functional and cognitive impairments than those in other age groups. In a retrospective analysis of population-based data from the Cambridge City over-75s Cohort Study, researchers found that at least half of subjects aged 90 and older needed “maximum assistance” in nearly every activity of daily living (ADL), with individuals categorized into overall disability levels based on their or their proxy’s responses to ADL questions [10]. Although more than half of the age 85-89 cohort needed no help in ADLs (such as bathing, showering, dressing, and getting to the toilet on time) or in other activities that were not physically demanding (such as using the telephone or taking medications), they still needed high levels of assistance with instrumental activities of daily living. These include tasks that support an independent lifestyle, such as preparing meals (39.6 percent), doing housework (45.3 percent), doing laundry (55.1 percent) and shopping (72.1 percent) [10]. Risk factors for dependency, such as “being unsteady on your feet,” were reported at high levels by all ages in the study population.

Since elderly people require more and more assistance as they grow older, are they right to be worried about becoming a burden? And, if they are, what follows? Is there a duty to die?

Addressing such questions requires us to think carefully about what it means to be a “burden” and why the frail elderly may be perceived as such. It is instructive in this regard to contrast the care of dependent people in old age with the care of dependent children. Being unsteady on one’s feet and needing help going to the toilet are characteristic of both the young and a subset of the old, and an infant requires total assistance with all activities of daily living, yet we view caring for the young and the old in strikingly different ways. Are infants a “burden” on parents, preschool teachers, and child care workers? We do not ordinarily think along these lines. Why is that? Clearly, more than the need for assistance enters into our perception of what qualifies as a “burden.”

Is it because mainstream bioethics, and moral philosophy more generally, tend to consider the autonomy and independence of mature adulthood as the pinnacle of human achievement? Not only is exercise of autonomy often considered in determining whether treatment of someone was just or right, it also functions in some theories as a prerequisite for the value and dignity of persons [11].

Elsewhere, I have argued that this way of thinking is fundamentally misguided [12]. It leads us, as we age, to loathe the qualities of dependency we see emerging in ourselves, to see them as “less than” the qualities a valued person has, and, therefore, to view them as unacceptable. It may also explain why we regard dependency in the very young as less burdensome than in aging persons: healthy children emerge from their dependency to function independently; by contrast, elderly persons tend to experience a progressive decline of functioning as they age.

Since dependency per se does not establish that someone is a burden, much of our thinking is likely to turn on how we frame the moral status of those under consideration. I propose that the value and dignity of persons is intrinsic and does not depend on an individual’s social or economic productivity. This view places the dependent and the independent on more equal moral footing. Likewise, if we agree that all human beings possess an intrinsic worth and dignity, then any utilitarian calculus that measures the value of persons by means of the amount of happiness or pleasure their lives contain is deeply flawed.

Rather than thinking of aging persons as a net drain on society, or an unfortunate “burden” to be borne by families, we should instead view them—as we do the very young—as deserving of our care. Moreover, since dependent people of any age can pose financial and time burdens on family members, society can and should intercede to ease family burdens and ensure that all dependent people receive the care they deserve. This means recognizing a binding obligation on the part of society as a whole to ensure that health care systems are structured in such a way that dependent people have access to caregiving services designed to ensure a threshold level of functioning and capability required for human dignity [12]. When society fails to meet its collective obligation, family caregivers often find themselves with financial and time burdens. But this is not unlike the situation of families with a single parent or two parents who have to work—caring for children imposes financial and time burdens. Under these circumstances, the elderly (and other dependent people) are right to worry about their needs imposing burdens. But this is neither necessary nor inevitable in wealthy countries, such as the United States.

In summary, I have argued that in a just society, the elderly would worry much less about being a burden. They would feel confident that society would afford them a basic level of care. When the elderly express concerns about being a burden, the proper response is not to suggest they have a duty to die. Instead, it is to commit to becoming a more just society. In the US, as well as in many other developed countries, there is not yet any public system offering long-term care insurance for the elderly. The Affordable Care Act signed into law in 2010 originally included a program of national, voluntary long-term care insurance, known as CLASS (Community Living Assistance Services and Supports). Although designed to be self-supporting, with monthly deductions from workers’ paychecks, CLASS was opposed by critics who charged that it would add to federal budget deficits. In 2011, the US Department of Health and Human Services announced that the Obama Administration would not be implementing this program [13].

Encouraging elderly people to die, or helping them to end their lives, would certainly save money and free up resources. But this approach is neither ethically defensible nor necessary.

In the US and other developed countries, we are witnessing an unprecedented reduction in the proportion of society that is of working age, a development that has the potential to increase dramatically the burdens experienced by family members who care for the elderly. But it also has the potential to serve as a clarion call to action. As a society, we can and must do more to ease the burden on families and to give the old and young alike the care and commitment they deserve.

### at: hollow hope---1ar

#### It’s not hollow hope---litigation is good! Reject either-or prescriptions.

Gloppen ’13 [Siri; Professor of Comparative Politics at the University of Bergen, Senior Researcher at the Chr. Michelsen Institute, research coordinator at PluriCourts Center of Excellence, University of Oslo. February 4, 2013; “Social Movement Activism and the Courts”; https://mobilizingideas.wordpress.com/2013/02/04/social-movement-activism-and-the-courts/] TDI

But litigation is not necessarily an either-or. It often forms part of a broader political mobilization strategy. A court case may be pursued less for the judgment itself than for its mobilization and agenda-setting potential—or because having a case before the courts (“negotiating in the shadow of litigation”) provides social movements access to decision-making forums and adds leverage to their demands. Hence, decisions to litigate are not necessarily based on prospects for court victory—even if a case is likely to be lost, gains could be made (“winning by loosing”) (McCann 2006, Yamin & Gloppen 2011).

When courts damage the cause of social movements

However, loosing in court could also damage the cause, delegitimize it, exhaust resources, and set back the struggle both politically and internally. And court victories may turn out to be pyrrhic. For example, where liberal causes (e.g., LGBT rights, abortion, abolition of the death penalty) succeed in court in the face of strong and widespread social resistance against such liberal values, this may trigger a political back-lash (at least in the short term; it could still contribute to long-tem social change).

Courts are also weapons used by governments to repress dissent and weaken social movements. This takes many forms, and is more overt in some societies than others. Sometimes governments present trumped-up charges against social movement activists. More commonly, charges are pressed against activists for irregularities and “victimless crimes” that otherwise rarely would go to court (“for my enemies the law” as the old saying goes). Laws and regulations may be passed or strengthened to criminalize the ways of life and modes of action of social movements, thus increasing the chances of successful prosecution and the severity of penalties. Even where courts eventually rule against the state, court actions tie social movements up in court for lengthy periods, forcing them to spend time and resources that could have been used to further their cause. It also sends a strong signal to others. Courts are particularly problematic for social movements where judicial independence is weak and activist risk lengthy sentences for “crimes” that never happened and actions that do not warrant prosecution. For governments, “repression by law” has advantages. While there may still be criticism, (the semblance of) a proper legal process lends credibility.

Paradoxically, the use of courts by the state to repress activism may make litigation a more attractive strategy for social movements, for several reasons: It is a form of activism that is rarely subject to state reaction. It has the potential to attract international visibility and assistance from transnational activist networks (Sikkink 2011). And domestic litigation, even when unsuccessful can provide a route to regional courts and treaty bodies that may give high visibility and a prospect for redress (in particular for social movement activists in Eastern Europe and Latin America where regional courts are comparatively strong) (Simmons 2009). Thus, even domestic courts that lack independence and are unlikely to rule in favor of social movements may be useful arenas.

The diverse experiences of social movements within the field of law, reflected in contemporary socio-legal literature, have changed how we think about the relationship between social movements and the courts, with more scholars seeing the courts as useful arenas, and court-based activism as a more appropriate route to social change (Gargarella et al. 2006; Gauri & Brinks 2008; Rodriguez-Garravito 2011; Yamin & Gloppen 2011).

### at: util---1ar

#### They must win act util. Human rights should be utilized as a rule.

Heard ’97 [Andrew; Professor of Political Science at Simon Fraser University. “THE CHALLENGES OF UTILITARIANISM AND RELATIVISM”; https://www.sfu.ca/~aheard/417/util.html#:~:text=The%20other%20approach%20is%20rule,not%20directly%20result%20in%20happiness.] TDI

Much of the objections aimed at utilitarianism are fostered by an obliviousness to different types of utilitarianism. While each author who writes on the subject seems to develop his or her own variety, two basic strands may be identified. The classic model is a kind of act utilitarianism that focuses on the utility produced by each separate action. Whatever act produces the greatest happiness is the alternative that should be followed. The other approach is rule utilitarianism, which essentially accepts that the greatest good is promoted in the long run by observing certain rules of behaviour even if a particular observance of a rule does not directly result in happiness. For example, it may be agreed that society is generally much better if people are honest and open about their mistakes and that they admit them to those who may have been harmed. In a given situation, I may have knowingly said unkind things about some friends that later led to their losing a business contract. If I confess to them that I was responsible, they would likely be very hurt and even end our friendship, but without regaining their lost contract. So, a confession in these circumstances leads to harm rather than happiness. While act utilitarianism would lead to a decision not to tell, rule utilitarianism would require me to confess despite the harm because society in general is better off if wrongs are admitted.

Some theorists have pursued rule utilitarianism as a way to reconcile human rights and utilitarianism. (12) In this light, human rights become values that society believes must be consistently respected. Overall happiness is advanced for any given society if human rights are accepted as rules that structure policy-making and behaviour. Michael Freeden has argued that a constrained utilitarianism is perfectly compatible with human rights. (13) Another avenue opened by Richard Brandt involves adapting the notion of `rights' to utilitarian calculations. Brandt appears especially skeptical of the absolute nature of rights. He suggests that the nature of the obligation flowing from claim-rights is not absolute, but rather "not over-rideable by marginal or even substantial but only by extreme demands of welfare". (14) With this view, human rights would normally be respected but may be set aside if other extremely important demands arise. For instance, a real threat of invasion would justify restricting political rights and diverting resources from social programs to national defence.

## private counterplan

### solvency---1ar

#### Doesn’t solve---commodification of housing makes inequities inevitable. Reframing housing through a social lens is key.

Hohmann ’19 [Jessie; University of Technology Syndney Associate Professor, Senior Lecturer in Law at Queen Mary, University of London and held a British Academy Post-Doctoral Fellowship at the University of Cambridge, PhD from the University of Cambridge, a LLM from Sydney Universtity, a LLB from Osgoode Hall Law School and a BA from the University of Guelph. 2019; “The Right to Housing”; *A Research Agenda on Housing*] TDI

Housing has always had multiple functions. It has a use value as a place to live, grow and shelter. And is has an exchange value. However, in recent decades, housing’s role in the broader economy has undergone a seismic shift. The house as asset is now the platform from which wealth can be generated in the global financial system (also see Chapters 3 and 4). Housing has been ‘financialized’, becoming ‘critical’ to, or even a ‘central pillar of’ the broader financial market itself (Rolnik & Rabinovich, 2014, pp. 62–63; Aalbers, 2008).

The financialized housing system depends on speculative trading on mortgage debts. It is where the loan against the value of the house links in to the global financial circuit that economic growth through housing can be pursued. In the world of financialized housing, the relationship between the material (the house as security) and the immaterial (the financial transaction) is fleeting. It is in the very speed and number of transactions that more value is generated (Lojkine, 1976, p. 132). In the whirl of transactions, the owner-occupier seems to disappear from view as down the barrel of a telescope held to the eye in reverse. What happens to the owner-occupier, as a person, appears to be irrelevant to the financial system (Sassen, 2009). This is itself a major challenge to the recognition and realization of human rights, which are an emphatically human centred approach to our social reality.

The ‘global financial crisis’ of the mid 2000s showcased spectacularly the inequalities at the heart of the financialized housing system, and the hidden centrality of human beings to it. ‘Creative’ mortgage products designed specifically for those who would normally be excluded from the mortgage market had enabled the selling of ‘sub-prime’ mortgages, often on highly disadvantageous terms (Rolnik & Rabinovich, 2014, pp. 68–69). Superficially, these policies appear inclusive – we can all be homeowners now – but they have the effect of ‘redlining’ socio-economically disadvantaged households (Rolnik & Rabinovich, 2014, p. 87; Marcuse and Madden, 2016; UNHRC, 2012).

The gulf between the financialization of housing, and housing as a human right to protect and ensure the dignity and equal moral worth of individuals and families is wide, and has led the UN Special Rapporteur on Adequate housing to remark that a financialized housing system cannot, by its nature, ensure the right to housing of individuals (UNHRC, 2012).

### solvency---at: subsidies---1ar

#### Subsidies fail.

Rohrlich ’23 [Ted; Senior Reporter at LA IST. research director for a large Service Employees International local union, an administrative deputy controller for the City of Los Angeles, an independent researcher and writer. March 14, 2023; “Even 'Affordable Housing' In LA Isn't Affordable. Why A Key Program Is Falling Short”; https://laist.com/news/housing-homelessness/affordable-housing-unaffordable-rents-tax-credits-rent-hikes-lihtc-buildings-developers] TDI

The program has also failed in a fundamental way. Because of its complicated structure, many tenants who are lucky enough to get its “affordable” apartments wind up paying rents that aren’t affordable by the government’s own standard. (See the box below for a technical explanation of how this happens.)

Nationally, nearly four out of 10 tenants — well more than 1 million of the households in these apartments — pay rents in excess of what the government defines as affordable, which is rent that consumes no more than 30% of income, according to the federal Department of Housing and Urban Development (HUD). Of that group, nearly 300,000 are, like Knowles, “severely rent-burdened” because their rents consume more than 50% of their incomes, making it a challenge to pay for other necessities like transportation and clothing, according to HUD.

This same story repeats on a smaller scale in California, where HUD statistics show that about 140,000 households — again, four out of every 10 in tax credit-financed apartments — pay unaffordable rents. Of that group, about 42,000 qualify as severely rent-burdened.

In the city of Los Angeles, the situation is slightly better. About 17,000 households in the program — or more than three in 10 — pay unaffordable rents, according to HUD. Of those households, about 6,500 families, and people living alone or with roommates, are severely rent-burdened. They live in apartment complexes scattered throughout L.A, from Van Nuys to San Pedro, that typically have 60 to 80 units. Most are in relatively low-income neighborhoods.

The tax credit program’s essence is simple: The federal government forgives billions in corporate income taxes in return for corporations that owe the money investing much, but not all, of their tax savings in affordable housing projects.

These tax credit investors include corporate names you may recognize: Wells Fargo, J.P. Morgan Chase, Union Bank and Google, to name a few.

Although the scope of their profits is seldom disclosed, a 2014 report by the federal Office of the Controller of the Currency said they have enjoyed earnings that have ranged from 5% to 14% a year, depending on fluctuations in the broader economy. Another indication of corporate profitability is that demand to buy tax credits far exceeds supply every year.

## econ disad

### uniqueness---1ar

#### Overwhelmingly nonunique---interest rates.

Olya ’6-25 [Gabrielle; June 25, 2023; "Barbara Corcoran Says Housing Prices ‘Are Going To Go Through The Roof’: Here’s When"; *Yahoo Finance*; https://finance.yahoo.com/news/barbara-corcoran-says-housing-prices-110050018.html] TDI

Lower Interest Rates Will Mean Higher Home Prices

We’re currently experiencing a “bottleneck” in the real estate market, Corcoran said, but this won’t last forever.

“Sellers don’t want to move from their apartment or their home because they don’t want to take on higher interest rates,” she said, “and buyers are too afraid [to buy] because they are getting less house [for the price]. So you’ve got a standoff going on. But things are changing.”

Corcoran believes there will be a major swing in the real estate market as soon as interest rates drop.

“The minute those interest rates come down, all hell’s going to break loose and the prices are going to go through the roof,” she said. “[Right now sellers are] staying put. But they’re not going to stay put if interest rates go down by two points.

“It’s going to be a signal for everybody to come back out and buy like crazy, and the house prices [will likely] go up by 20%,” she said. “We could have COVID [market] all over again.”

#### Prices are sky high.

Marte ’7-24 [Jonelle; July 24, 2023; "Housing-Market Rebound Poses Challenge for Fed’s Inflation Fight”; *Yahoo Finance*; https://finance.yahoo.com/news/housing-market-rebound-poses-challenge-090000860.html] TDI

(Bloomberg) -- Home prices in the US are again on the rise after a brief dip last year, complicating the Federal Reserve’s effort to contain inflation and raising questions about how much further policymakers will have to hike interest rates.

Demand for homes around the country continues to outpace supply, despite a rapid rise in borrowing costs spurred by the US central bank. While signs of easing price pressures have some policymakers eyeing the end of their tightening campaign, they could end up having to increase rates higher or hold them there for longer if the resilient housing market leads to slower progress on inflation, economists and Fed officials say.

“If housing begins to recover more meaningfully, that raises the risk that inflation is going to be more sticky,” said Torsten Slok, chief economist for Apollo Global Management. “The real risk here is, meaning from a markets perspective, that the Fed has to step harder on the brakes.”

Policymakers are poised to lift rates by a quarter point following a two-day policy meeting Wednesday, bringing the target on their benchmark rate to a range of 5.25% to 5.5%. Projections released by Fed officials in June showed most of them foresee at least one more rate hike by year end.

Inflation is cooling after soaring to a 40-year high last summer, with the consumer price index rising by 3% in the 12 months ending in June, one-third of the rate seen a year ago. But so-called core measures of inflation, which strip out volatile food and energy prices, are proving more stubborn and leading to worries that it could take some time to bring price gains down to the Fed’s 2% goal.

Shelter costs, which account for roughly 40% of the core CPI basket, are an important part of that battle.

The Bureau of Labor Statistics, which calculates the CPI, mainly measures shelter through the cost of rent, including what renters pay each month and an estimate of what a home owner would be paying if they rented out a similar place. Rising home values can push up rents over time, as landlords factor in what they could receive if they sold the property.

Since rents are typically updated about once a year, changes in home prices and rents trickle into the official inflation metrics with a lag. The home price declines seen last year, combined with a cooling in rental costs, are now contributing to a drop in shelter inflation and overall price gains.

But a resurgence in home prices could slow that progress and potentially lead to more persistent inflation next year.

“The housing market even looks like it may have bottomed out,” Dallas Fed President Lorie Logan said earlier this month at a conference in New York. “While housing inflation will likely continue to soften in the near term as a result of progress on rents last year, a rebound in housing would pose an upside risk to inflation down the road.”

Tight Inventory

A key driver of the rebound in prices is a stark shortage in housing supply. There were 1.08 million homes for sale last month, the lowest June inventory on record, according to the National Association of Realtors.

Inventory is low in part because many homeowners who locked in lower mortgage rates early in the pandemic are reluctant to give them up by listing their homes for sale. The shortage is depressing sales of previously owned homes, which fell to a five-month low in June.

But it is also pushing up prices, as buyers battle over the homes that do get listed.

The median home sale price in the four weeks ending July 16 was $382,500, up 2% from a year earlier, according to Redfin. Prices rose more sharply in some cities, including a 12% increase in Milwaukee, a 10% rise in Miami and a 9.5% bump in Cincinnati.

### link---1ar

#### The plan saves $50,000 per person.

Griffith ’22 [Cynthia; freelance writer dedicated to social justice and environmental issues. October 14, 2022; “Solving Homelessness and Saving Taxpayer Dollars”; *Invisible People*; https://invisiblepeople.tv/solving-homelessness-and-saving-taxpayer-dollars/] TDI

Housing Homeless People Could Cut Up to 80% of Government Costs and Save $30,000 – $50,000 Per Chronically Homeless Person

This idea was presented by Fox Business and several other monetary publications back in 2016. It wasn’t a hypothetical scenario lined with an optimistic bias, but, to paraphrase the source material texts, as a real opportunity to save taxpayers money.

In 2017, the United States Interagency Council on Homelessness concluded that chronic homelessness, which at that time affected approximately 12% of the homeless population but has quietly spiked to 27% per present data, was costing taxpayers approximately $30,000 to $50,000 per person. They claim that providing permanent supportive housing for people experiencing homelessness would cut those costs by more than half, which is tens of thousands of dollars per chronically homeless person being returned to the federal budget.

Why Would This Save Taxpayer Dollars?

Often, we, as the general public, fail to reflect on the perils of homelessness because they represent a stark, sobering reminder of how heinous our current reality can be. So, we force those thoughts to the corners of our minds, dealing with them only when that reality is right in our faces. With homeless criminalization on the rise (a costly and futile endeavor in itself), it’s easy to forget how expensive it is to cycle homelessness rather than solve it.

In truth, we spend millions on temporary programs and prisons, billions sweeping the problem under the proverbial rug, and hundreds of millions on hospital visits and general healthcare because we have chosen to leave our fellow human beings out in the cold.

Sources at Fox Business said, “80% of the total government costs spent, from emergency room visits to jail time,” are attributed to the chronically homeless community. And no, we are not spending this money to end homelessness. Instead, we are using the funds for precisely the opposite cause.

In a bitter twist of irony, this equals less money for taxpayers and more homelessness nationwide. We are knee-deep in a lose-lose situation. As calls for the criminalization of homelessness increase, we are digging for ourselves an even deeper hole and a shallow grave for our already precarious economy.

### link---at: perception/litigation---1ar

#### No internal link.

Wagstaff ’18 [Richard; president of the New Zealand Council of Trade Unions. June 30, 2018; “The views of business matter, but they are not a magic guide to the economy”; https://www.stuff.co.nz/business/105114267/the-views-of-business-matter-but-they-are-not-a-magic-guide-to-the-economy] TDI

The howls chime perfectly with the leader of the Opposition's apparent longing for 'a winter of discontent'. Together they would have us believe their politically inspired feelings will tank the economy and undermine everything.

But it's a myth. Business confidence is just a one-sided opinion poll of a handful of very wealthy people.

Don't get me wrong, amidst the scaremongering, I believe that some owners, particularly of small to medium enterprises, genuinely don't yet appreciate how reining in low-wage competition and growing a strong, healthy New Zealand workforce also protects their business.

But, the bulk of the changes being considered are just returning to the way things were before the last Government. And that was a period that was both good for workers and good for business.

Of course the views of business leaders do matter - exactly as much as the views of everyone else.

Faced with serious issues like gender inequality, the desperate need for good regional jobs, and affordable homes for families, it is important all New Zealanders have confidence the Government can get the job done.

Thankfully, our current political leadership is not naïve to the fact that the only opinion poll that matters is the next general election– and no matter how much anyone spends on expensive lobbying campaigns, we all get one vote each.

Despite the shrill cries to the contrary, real economic indicators are pretty rosy.

The chief executive of Business New Zealand Kirk Hope rightly said in late June that "business perception is not currently matching reality." He lists half a dozen reasons in his own words why business should be "feeling confident".

In fact the CTU has systematically compared business confidence surveys and real economic activity in our latest economic bulletin.

It reveals an alarming lack of correlation between the real world of investment and growth, and the confidence of business leaders who fill out these surveys.

### link turn---1ar

#### Inequality shreds growth and international standing.

Campbell ’14[Kurt; Chairman and chief executive of the Asia Group investment and consulting firm was assistant secretary of state for East Asian and Pacific Affairs from 2009 to 2013. “How income inequality undermines U.S. power”; The Washington Post.; https://www.washingtonpost.com/opinions/how-income-inequality-undermines-us-power/2014/11/28/53fab4e4-74e5-11e4-9d9b-86d397daad27\_story.html?utm\_term=.40bd11b21cf7] TDI

Much has been written about the domestic consequences of growing income inequality in the United States — how inequality depresses growth, puts downward pressure on the middle class, accentuates wage stagnation and creates added difficulty paying for a college education and buying a home — but much less has been said about how inequality will affect America’s role in the world. How will the social science experiment of allowing wealth to settle so unequally between the top 1 percent and rest of the United States impact the foundations and contours of U.S. foreign policy? In fact, there are likely to be subtle and direct consequences of growing inequality both for the United States’ international standing and its activism. In most critical respects, the United States has helped to create and underwrite the global operating system since the end of World War II. This required a citizen’s sense of external responsibility and belief that the United States had something unique and valuable to confer to the world. Americans over these generations have regularly demonstrated in word and deed that they were prepared to bear burdens and advance ideas. Coinciding with this era was a general sense of overarching optimism that reinforced a post-World War II period of unprecedented American activism on the global scene. It is likely that as a growing segment of the population strains just to get by, it will increasingly view foreign policy — foreign assistance and military spending alike — as a kind of luxury ripe for cuts and a reduction in ambition. It is possible to see early indicators of these sentiments on the right and left, in the form of both tea party isolationism and Occupy Wall Street suspicion that corporate interests drive America’s foreign entanglements. It is also the case that other countries have long emulated aspects of the American Way in designing their own development models. Having access to higher education, creating conditions that support innovation and allowing for greater upward mobility have all been deeply attractive qualities to many nations. But it is the construction of a durable U.S. middle class that has been perhaps most compelling to highly stratified societies across Latin America, Asia and Africa. Now, however, the United States is moving in the other direction, toward an unstable society divided between astronomically rich elites and everyone else. This undermines a critical component of U.S. soft power and is a model for societal engineering that few would choose to emulate. It is also the case that the most recent era of U.S. exertion on the global stage has involved nearly 15 years of conflict in the Middle East and South Asia. The most important features of these largely military engagements have involved refinements in counterinsurgency technique and adaptations in military technology. A different 1 percent of the U.S. population has been primarily involved in this struggle: the U.S. military and others associated with the defense establishment. Aside from clapping when a uniformed military member greets an emotional family at an airport homecoming, the vast majority of the population has been largely unaffected by these conflicts. They neither paid for nor fought these wars. The next phase of intense global engagement is likely to demand much more from a larger share of the population. The lion’s share of 21st-century history will play out in Asia, with its thriving and acquisitive middle classes driving innovation, nationalist competitions, military ambitions, struggles over history and identity, and simple pursuit of power. The United States is in the midst of a major reorientation of its foreign policy and commercial priorities that will draw it more closely to Asia in the decades ahead. The competition for power and prestige there rests on comprehensive aspects of national power — as much to our product and service offerings, the strength of our educational system and the health and vitality of our national infrastructure as to the quality of U.S. military capabilities. Each of these efforts require substantial and sustained longer-term investments; all face funding shortfalls due to myriad challenges. A corresponding consequence of growing inequality has been a reduction in support for these building blocks for comprehensive and sustained international engagement**.** The worrisome dimensions of income inequality on the quality of domestic American life should be enough to cause us to consider enacting remedies. However, the potential negative implications on U.S. performance internationally can only add to the case. Ultimately, a sustained and purposeful American internationalism is inextricably linked to the health of our domestic life, to which gaping inequality is the biggest threat.

### internal link---1ar

#### No internal link---housing not key.

Santarelli ’6-9 [Marco; Investor, author, 5000 entrepreneur, and the founder of Norada Real Estate Investments. Host of Passive Real Estate Investing. June 9, 2023; “Will Home Prices Drop in 2023: Housing Market Predictions”; *Norada Real Estate*; https://www.noradarealestate.com/blog/housing-prices/] TDI

Inflation is soaring, and there is a fear of an impending recession in the country. However, the majority of real estate professionals do not believe that the housing market is in a bubble or poses a threat to the faltering economy.

Housing caused the worst financial crisis in recent memory. When shoddy mortgages crumbled, the nation was left with foreclosures, numerous new houses remained empty, and millions of Americans were suddenly underwater. Throughout the preceding century, the housing market met considerable barriers, but none, with the exception of the Great Depression of 1929, led to the decrease in home values that happened during the Great Recession of 2007.

It is also important to note that not all economic downturns dampen the real estate market. Despite the economic downturn, the home market and demand remained robust during the 2001 recession. The housing market has been subjected to a number of severe hurdles during the course of the previous century; but, with the exception of 1929's Great Depression, none of these challenges have resulted in a decrease in house values comparable to that of 2007's Great Recession.

The housing market's recent pandemic boom with skyrocketing prices, bidding wars, and an influx of investors has parallels to the previous time. However, this time, the majority of real estate professionals believe that the housing market won't crash or trigger a recession and may even assist the country's recovery. The mortgage sector has taken action against loans that ballooned in size or were intended for borrowers to fail. Only purchasers with consistent, verifiable income may now qualify for mortgages.

This has resulted in a significantly lower risk compared to the Subprime lending during the Great Recession of 2005-2007. The majority of bad mortgages have been eliminated, and lenders have stricter requirements on borrowers. The housing shortage is too severe with many more individuals trying to purchase and rent houses than there are available.

Year-over-year home price growth decelerated in 2022 as mortgage rates rose and housing affordability declined. With mortgage rates continuing to remain high, home prices are predicted to decline in the near term. However, experts do not anticipate the widespread unemployment that characterized the Great Recession and also believe that the recession will be quite brief if it occurs. This means fewer homeowners will be unable to pay their mortgages and those who are struggling may decide to sell their homes at a profit.

### impact---1ar

#### Decline doesn’t cause war.

Walt ’20 [Stephen; Robert and Renée Belfer professor of international relations at Harvard University and a columnist for Foreign Policy. May 13, 2020; "Will a Global Depression Trigger Another World War?"; *Foreign Policy*; https://foreignpolicy.com/2020/05/13/coronavirus-pandemic-depression-economy-world-war/] TDI

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

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

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

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

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

## elections disad

### uniqueness---1ar

#### No link uniqueness---the aff is already in Congress.

Davis ’22 [Robert; freelance journalist who covers housing, homelessness, poverty, and police. April 6, 2022; “A New Bill Would Declare Housing as a Human Right”; *The Progressive*; https://progressive.org/latest/bill-housing-as-human-right-davis-220406/] TDI

Advocates back new federal legislation to end homelessness across the country.

A new bill that seeks to declare housing as a human right represents a turning point in how the federal government is responding to America’s affordable housing crisis.

The Homes For All Act, reintroduced on March 24 by Representative Ilhan Omar, Democrat of Minnesota, seeks to invest more than $800 billion over ten years to construct more than twelve million affordable housing units. More than 8.5 million of those homes would be public housing, and another $200 million would be invested in the Housing Trust Fund, which is aiming to help developers build 3.5 million new private affordable housing projects for low and extremely-low income families.

### link---1ar

#### The plan is overwhelmingly popular.

Griffin ’23 [Cynthia; freelance writer dedicated to social justice and environmental issues. March 10, 2023; “Bipartisan Policy Center Pushes Housing First Objectives”; *Invisible People*; https://invisiblepeople.tv/bipartisan-policy-center-pushes-housing-first-objectives/] TDI

On February 7, 2023, The Bipartisan Policy Center released a report acknowledging the relationship between affordable housing and homelessness. Unlike past narratives, this legislative brief relies strictly on the data to conclude the most effective ways both political parties can address homelessness. Ultimately, the paper emphasizes Housing First objectives and the need for permanent, supportive housing.

The authors of the report are urging both parties to work together toward accomplishing housing goals. One compelling statement in the paper concisely explains the reason for this shift in legislative sentiments:

“…the growing consensus among researchers is that individual attributes and circumstances (sometimes referred to as precipitants of homelessness) do not drive overall rates of homelessness. While they may make individuals more likely to experience homelessness, they do not explain why some places experience a greater incidence of homelessness than others.”

The Bipartisan Policy Center Acknowledges that Homelessness is a Housing Problem, not a Personal Problem

After carefully reviewing research papers and academic assessments, The Bipartisan Policy Center found the same holes in the narrative that housing advocates identified.

The studies presented in the paper show that certain attributes, such as:

* Poverty
* Race
* Mental health
* Addiction
* and other socioeconomic conditions

can increase the likelihood an individual might experience homelessness. However, these are not the key drivers of homelessness. Housing is.

Authors of the paper note that drug addiction and mental illness are common all across the country, not specifically in areas where homelessness has reached its most alarming rates. They highlight the fact that some of the cities with the highest rates of drug overdoses still maintain the lowest rates of homelessness. They hone in on cities with the highest poverty rates and distinguish a similar trend.

States with the Highest Rates of Homelessness per Capita Have One Thing in Common: A Lack of Affordable Housing

While rates of all secondary symptoms of homelessness, such as mental health, poverty, and addiction, varied across the country, states with the highest homelessness rates exhibit the following two distinct features:

* a surge in population growth that was not addressed with enough housing to fill the new demand
* an increase in rents paired with a reduction in vacancy rates

According to experts, when the above-listed scenarios occur, extremely rent-burdened and vulnerable residents are pushed from a life of scarcity into the desolate state of homelessness.

Acknowledging the Housing Problem and Addressing It

For a brief, this paper spoke volumes, shining a needed light on previously underreported research. By acknowledging the affordable housing issue and presenting hypothetical solutions to address it, the paper provides an insightful, research-based blueprint for building a better America.

Some of the recommended legislative actions include:

Organizing ERA Programs

The Bipartisan Policy Center suggests that ERA, also known as emergency rental assistance, be used effectively to address public needs. This program served as the backbone for homelessness reduction in 2020 when the pandemic and subsequent shutdowns rocked the country’s economy. Other programs, such as the expanded childcare credit, the expanded unemployment benefit, and financial aid packages, are also mentioned as potential preventative measures.

Housing Choice Voucher Program Expansion

Experts project that this program has not been paced to meet the current needs of US citizens and must, therefore, expand to prevent homelessness.

Alleviating Restrictive Zoning and Land Use Regulations

States with higher unaffordable housing rates tend to exhibit restrictive zoning and land use regulations that make building new affordable housing units nearly impossible. In addition to loosening these laws, experts recommend incentivizing city leaders and real estate developers by offering tax breaks and other perks to corporations that build more affordable homes.

Making Permanent, Supportive Housing the Top Priority

All studies affirm a Housing First objective as the least costly, most effective way to reduce homelessness. This paper acknowledges the growing need for permanent, supportive housing and embraces the Housing First approach as the most viable model moving forward.

Homelessness and Housing are Bipartisan Issues

The structural component of the homeless crisis can no longer be ignored or pushed to the side by simply shining a spotlight on secondary causes. Academics and housing advocates have long been on the same page, pushing to advance affordable housing. Will Democratic and republican leaders follow suit? The answer might depend on you.

Call Your Lawmakers and Express Support for Housing First Today

Recent surveys indicate that on both sides of the political aisle, leaders and lawmakers act in a manner that favors voter interests over personal interests. More than half of US city leaders admit they are more concerned with limiting residential complaints than eliminating homelessness.

#### **Even Republicans are on board with public housing!**

Hill ’23 [The; February 26, 2023; “Republicans: Affordable housing isn’t just the Democrats’ issue”; https://thehill.com/opinion/finance/3872969-republicans-affordable-housing-isnt-just-the-democrats-issue/] TDI

A renewed Republican focus on affordable housing is a must because the shortage of affordable homes is affecting Democratic and Republican areas alike, and because Americans of all political stripes consider the problem one that Washington should try to fix.

More particularly, 77 percent of Republicans consider it important that the federal government addresses homelessness, while 75 percent said the same about high housing costs that help drive inflation, according to a recent Morning Consult poll. Most Republicans also support funding to help preserve affordable rental homes in rural communities, address the shortage of skilled home construction workers and ensure all homeless veterans are connected with permanent, affordable housing.

As outlined in more detail below, an effective Republican response would include tax incentives to encourage much greater private investment in affordable housing production and preservation. That would help achieve such Republican priorities as putting more people to work (by building more homes), spurring upward mobility as more Americans have stable housing with which to pursue the American Dream and combating inflation (shelter costs account for nearly half of the increase in the Consumer Price Index, according to the latest findings of the Bureau of Labor Statistics).

The affordable housing problem is big and growing. Nearly half (21.6 million) of all renters are now considered “cost-burdened” because, as Harvard’s Joint Center for Housing Studies has reported, they spend at least 30 percent of their income on housing. Of the 1.2 million increase in cost-burdened renters since 2021, 1.1 million spent more than half of their income on housing.

Republican states and districts are not immune. Rents soared by 24 percent in Florida’s biggest metropolitan areas in 2022, at least a third of renters in Ohio are spending 35 percent or more of their income on rent and other housing costs in 42 of 88 counties, and affordable apartments in Boise, Idaho are among the hardest to find in the country.

A Republican focus on addressing the problem would hardly be a radical departure for the party. As recently as 2016, the GOP platform said the American Dream “means a decent place to live, a safe place to raise kids, [and] a welcoming place to retire” and proposed reforms to federal housing programs.

## cap k

### link turn---rights---1ar

#### Rights are good. Critiques are paternalistic.

Hohmann ’13 [Jessie; University of Technology Syndney Faculty of Law Associate Professor, Senior Lecturer in Law at Queen Mary, University of London and held a British Academy Post-Doctoral Fellowship at the University of Cambridge, PhD from the University of Cambridge, a LLM from Sydney Universtity, a LLB from Osgoode Hall Law School and a BA from the University of Guelph. 2013; “Possibilities, Politics, Law”; *The Right to Housing: Law, Concepts, Possibilities*, Chapter 9] TDI

Finally, and perhaps most devastatingly, rights are seen as always open to cooptation or capture. Even though they may begin as radical ideas, they are soon neutralised. As Upendra Baxi notes, it is all too easy for the ‘struggle against homelessness and shelter’ to be translated into ‘a series of mandates for the construction industries and urban developers’.22

Lucie White’s self-critical work foregrounds the critical legal studies anxiety strikingly. She worries that, perhaps ‘bringing rights consciousness’23 to the residents of a city’s informal settlements:

would bind them even more tightly into the tricky net of liberal ideology. Human rights might link them up with Internet buddies and help them target the World Bank as well as domestic courts. Yet it would do so at the heavy cost of keeping their passion in line. Human rights consciousness would train them to think of themselves as good, liberal, rights-consuming subjects as they watched their children die.24

In light of this, is not holding out the existence of the right to housing in human rights Conventions and national constitutions as if it were the sword of justice itself the greatest trick of all?

Yet, the marginalised, the dispossessed and the homeless themselves continue to seek the right to housing in response to the deprivations they experience. In the process they claim the right and make it their own. In so doing, they enact their own political subjectivity and disrupt the status quo that fails to recognise it as such. It is in this process that the radical potential of the right to housing lies.

The criticisms noted above largely fail to understand the illimitable potential of human rights which inheres in the agency of those who claim them, and in the power of those claimants to make, and remake, human rights in service of their own visions of a just and emancipatory world.

B. Agency and the Ownership of Human Rights

The criticisms detailed above help to explain the way rights work – or have failed to work – in social struggles across the world. Yet, their power is predicated upon a persistent view of human rights as given; as tied to an inherent form or nature – even a natural order. And this adherence to a given form is coupled with the assumption that those who seek to invoke human rights are without agency to change, make and remake those rights in service of a just social order. On this view, the right to housing will be handed ready-made to the victims of housing rights violation, those ‘hordes of nameless, despairing, and dispirited masses’.25 Imagined as an inert object, it will necessarily carry with it all the deficiencies, problems and inconsistencies it currently displays. Yet claims for the right to housing carry with them a radical potential. The right to housing is not given by those in power to those who seek to claim it. Rather, those who claim it make and remake the right. Through these acts, or enactments, they demonstrate their agency, and claim the right as their own. It is through these acts of struggle, not despite of them, that the right to housing carries potential, and through this process of claiming, making and struggle that it escapes its limitations. For, although human rights can be tools of the powerful, who can engage those norms in projects of self-interest or exploitation, human rights may also be reclaimed, struggled for and remade in ways that offer the possibility for emancipatory social and political change. Human rights, and the right to housing among them, are constantly escaping the limitations placed on them.

There is little recognition in the standard critique of human rights, that the recipient might have the capacity, power and ingenuity to take that right and remake it in service of her own goals and desires. The receiver of human rights is pitied, or abhorred, but seldom understood as the agent of her own destiny. With this passive ‘victim’ figure in the background of our human rights thought, it is all too easy to interpret the demand for rights as merely a howl of inarticulate suffering.

The failure to hear such utterances of suffering as a demand for rights represents a deep denial of commonality. As Jacques Rancière explains, when we do not recognise another as a political being, we ‘begin by not seeing him as the bearer of the signs of politicity, by not understanding what he says, by not hearing what issues from his mouth as discourse’.26 Yet rightlessness is not just a status, but a relationship. If rights cannot be understood outside of their social context, rightlessness must also be understood as produced in a social context. Thus, what is at stake in the claim for rights, and its recognition as such, is the very fact of membership in the political community itself.

Rancière’s argument illustrates that the cry for rights is the claim of rights. It is not an utterance of animal suffering, but an insistence on relevance and inclusion as an equal political being. Membership in the category of the political – the ‘being human’ of having human rights27 – is something that must be fought for on the terrain of rights themselves.

As Joel Feinberg and Jan Narveson put it, to think of a person as possessing human dignity ‘simply is to think of him as a potential maker of claims’.28 The denial of agency implicit within rights criticisms may therefore entail a more insidious denial of common humanity.

It is in the recognition of mutual political subjectivity that the radical potential of all human rights resides. For, when those in power construct the categories of the ‘marginalised’, the ‘poor’, the ‘rightless’ and the ‘invisible’, they rely on the fact that those so categorised can recognise their place in those groupings: ‘The masters demand to be recognized as masters by those they dominate. However, for this recognition of inequality to be possible, the masters must recognize the ability of the dominated to recognize at all’. Thus, beneath our social hierarchies lurks a pure, prior equality of being,29 and the struggle for rights by those denied them itself makes manifest the ‘fundamental commonality of the shared life’.30 It is this radical potential for inclusion in the world of rights that, as Rancière explains, we find inherent in the French Declaration of the Rights of Man and the Citizen, and which we can trace in all subsequent claims for human rights by the marginalised and the deprived.

However, those denied human rights can only conduct this struggle in ‘constant confrontation with the logic that denies this commonality’.31 Through this struggle and in this confrontation, those claiming rights enact what Rancière identifies as a ‘dissensus’; that is, they rent the fabric of consensus that smooths over the question of who counts within a political community, revealing through the act of claiming that they have the rights they do not have.

### link---at: reformism---1ar

#### Reformism is good, not neoliberal concession.

Schram ’15 [Dr. Sanford F.; Visiting Professor of Social Work and Social Research at Bryn Mawr College, Professor of Political Science at Hunter College, PhD and MA in Political Science from St. Lawrence University. 2015; “Getting Beyond Neoliberalism: The Road to Radical Incrementalism”; *The Return of Ordinary Capitalism: Neoliberalism, Precarity, Occupy*, Oxford Academic, Chapter 8] TDI

Too often an insistence on organizing only for dramatic change can lead to ~~immobilization~~ [inaction] on the grounds that proposed actions are less than entirely consistent with some blueprint about what is to be done to produce long-term structural change of society. Instead activism should be more humble, accepting that not all contingencies can be anticipated and social movement mobilization is not entirely predictable and cannot be planned out before it occurs.31 In particular, the Left needs to stop making political action an either/or proposition and begin to think seriously about how political mobilization on multiple levels — protests, parties, policy, and program administration — can be made to work together to bring into being a better world for those suffering on the bottom of the socioeconomic ladder. Radical movement politics in a variety of forms is what is needed today. Efforts focused on dramatic regime change still have their place, especially when there is a gnawing need to call out injustice and identify its structural sources embedded in the very foundations of the existing neoliberalized society. Yet what are we to do in the meantime? Is it possible to help alleviate suffering even while we work for more fundamental change? The ongoing resistance to anything less than wholesale societal change stems from the fact that it poses a falsely stark choice between radical movement politics and more conventional electoral and policy politics. This kind of thinking is overly dichotomous and fails to appreciate that mobilizing for change to redress the injustices of the neoliberalized economy does not always involve seeing the options as mutually exclusive.32

### impact---regulated capitalism---1ar

#### Neoliberalism is sustainable and solves a laundry list of threats.

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In fact, many experts argue that this anti-capitalist idea is not supported by reason and argument and is actually wrong. The main contribution of this essay is to explain the structure of the leading arguments against the anti-capitalist idea, and in favor of the opposite conclusion. I begin by focusing on the general argument in favor of well-regulated globalized capitalism as the key to a just, flourishing, and environmentally healthy world. This is the most important of all of the arguments in terms of its consequences for health, wellbeing, and justice, and it is endorsed by experts in the empirically minded disciplines best placed to analyze the issue, including experts in long-run global development, human health, wellbeing, economics, law, public policy, and other related disciplines. On the basis of the arguments outlined below, well-regulated capitalism has been endorsed by recent Democratic presidents of the United States such as Barack Obama, and by progressive Nobel laureates who have devoted their lives to human development and more equitable societies, as well as by a wide range of experts in government and leading nongovernmental organizations.

The goal of this essay is to make the structure and importance of these arguments clear, and thereby highlight that discourse on global ethics and political theory should engage carefully with them. The goal is not to endorse them as necessarily sound and correct. The essay will begin by examining general arguments for and against capitalism, and then turn to implications for food, the environment, climate change, and beyond.

Arguments for and against Forms of Capitalism

The Argument against Capitalism

Capitalism is often argued to be a key driver of many of society's ills: inequalities, pollution, land use changes, and incentives that cause people to live differently than in their ideal dreams. Capitalism can sometimes deepen injustices. These negative consequences are easy to see—resting, as they do, at the center of many of society's greatest challenges.3

And at the same time, it is often difficult to see the positive consequences of capitalism.4 What are the positive consequences of allowing private interests to clear-cut forests and plant crops, especially if those private interests are rich multinational corporations and the forests are in poor, developing countries whose citizens do not receive the profits from deforestation? Why give private companies the right to exploit resources at all, since exploitation almost always has some negative consequences such as those listed above? These are the right questions to ask, and they highlight genuine challenges to capitalism. And in light of these challenges, it is reasonable to consider the possibility that perhaps a different economic system altogether would be more equitable and beneficial to the global population.

The Argument for Well-Regulated Capitalism

However, things are more complicated than the arguments above would suggest, and the benefits of capitalism, especially for the world's poorest and most vulnerable people, are in fact myriad and significant. In addition, as we will see in this section, many experts argue that capitalism is not the fundamental cause of the previously described problems but rather an essential component of the best solutions to them and of the best methods for promoting our goals of health, well-being, and justice.

To see where the defenders of capitalism are coming from, consider an analogy involving a response to a pandemic: if a country administered a rushed and untested vaccine to its population that ended up killing people, we would not say that vaccines were the problem. Instead, the problem would be the flawed and sloppy policies of vaccine implementation. Vaccines might easily remain absolutely essential to the correct response to such a pandemic and could also be essential to promoting health and flourishing, more generally.

The argument is similar with capitalism according to the leading mainstream arguments in favor of it: Capitalism is an essential part of the best society we could have, just like vaccines are an essential part of the best response to a pandemic such as COVID-19. But of course both capitalism and vaccines can be implemented poorly, and can even do harm, especially when combined with other incorrect policy decisions. But that does not mean that we should turn against them—quite the opposite. Instead, we should embrace them as essential to the best and most just outcomes for society, and educate ourselves and others on their importance and on how they must be properly designed and implemented with other policies in order to best help us all. In fact, the argument in favor of capitalism is even more dramatic because it claims that much more is at stake than even what is at stake in response to a global pandemic—what is at stake with capitalism is nothing less than whether the world's poorest and most vulnerable billion people will remain in conditions of poverty and oppression, or if they will instead finally gain access to what is minimally necessary for basic health and wellbeing and become increasingly affluent and empowered. The argument in favor of capitalism proceeds as follows:

Premise 1. Development and the past. Over the course of recorded human history, the majority of historical increases in health, wellbeing, and justice have occurred in the last two centuries, largely as a result of societies adopting or moving toward capitalism. Capitalism is a relevant cause of these improvements, in the sense that they could not have happened to such a degree if it were not for capitalism and would not have happened to the same degree under any alternative noncapitalist approach to structuring society. The argument in support of this premise relies on observed relationships across societies and centuries between indicators of degree of capitalism, wealth, investments in public goods, and outcomes for health, wellbeing, and justice, together with econometric analysis in support of the conclusion that the best explanation of these correlations and the underlying mechanism is that large increases in health, wellbeing, and justice are largely driven by increasing investments in public goods. The scale of increased wealth necessary to maximize these investments requires capitalism. Thus, as capitalist societies have become dramatically wealthier over the past hundred years (and wealthier than societies with alternative systems), this has allowed larger investments in public goods, which simply has not been possible in a sustained way in societies without the greater wealth that capitalism makes possible. Important investments in public goods include investments in basic medical knowledge, in health and nutrition programs, and in the institutional capacity and know-how to regulate society and capitalism itself. As a result, capitalism is a primary driver of positive outcomes in health and wellbeing (such as increased life expectancy, lowered child and maternal mortality, adequate calories per day, minimized infectious disease rates, a lower percentage and number of people in poverty, and more reported happiness);5 and in justice (such as reduced deaths from war and homicide; higher rankings in human rights indices; the reduced prevalence of racist, sexist, homophobic opinions in surveys; and higher literacy rates).6 These quantifiable positive consequences of global capitalism dramatically outweigh the negative consequences (such as deaths from pollution in the course of development), with the result that the net benefits from capitalism in terms of health, wellbeing, and justice have been greater than they would have been under any known noncapitalist approach to structuring society.7

Premise 2. Economics, ethics, and policy. Although capitalism has often been ill-regulated and therefore failed to maximize net benefits for health, wellbeing, and justice, it can become well-regulated so that it maximizes these societal goals, by including mechanisms identified by economists and other policy experts that do the following:

* optimally8 regulate negative effects such as pollution and monopoly power, and invest in public goods such as education, basic healthcare, and fundamental research including biomedical knowledge (more generally, policies that correct the failures of free markets that economists have long recognized will arise from “externalities” in the absence of regulation);9
* ensure equity and distributive justice (for example, via wealth redistribution);10
* ensure basic rights, justice, and the rule of law independent of the market (for example, by an independent judiciary, bill of rights, property rights, and redistribution and other legislation to correct historical injustices due to colonialism, racism, and correct current and historical distortions that have prevented markets from being fair);11 and
* ensure that there is no alternative way of structuring society that is more efficient or better promotes the equity, justice, and fairness goals outlined above (by allowing free exchange given the regulations mentioned).12

To summarize the implication of the first two premises, well-regulated capitalism is essential to best achieving our ethical goals—which is true even though capitalism has certainly not always been well regulated historically. Society can still do much better and remove the large deficits in terms of health, wellbeing, and justice that exist under the current inferior and imperfect versions of capitalism.

Premise 3. Development and the future. If the global spread of capitalism is allowed to continue, desperate poverty can be essentially eliminated in our lifetimes. Furthermore, this can be accomplished faster and in a more just way via well-regulated global capitalism than by any alternatives. If we instead opt for less capitalism, less growth, and less globalization, then desperate poverty will continue to exist for a significant portion of the world's population into the further future, and the world will be a worse and less equitable place than it would have been with more capitalism. For example, in a world with less capitalism, there would be more overpopulation, food insecurity, air pollution, ill health, injustice, and other problems. In part, this is because of the factors identified by premise 1, which connect a turn away from capitalism with a turn away from continuing improvements in health, wellbeing, and justice, especially for the developing world. In addition, fertility declines are also a consequence of increased wealth, and the size of the population is a primary determinant of food demand and other environmental stressors.13 Finally, as discussed at length in the next section of the essay, capitalism can be naturally combined with optimal environmental regulations.14 Even bracketing anything like optimal regulation, it remains true that sufficiently wealthy nations reduce environmental degradation as they become wealthier, whereas developing nations that are nearing peak degradation will remain stuck at the worst levels of degradation if we stall growth, rather than allowing them to transition to less and less degradation in the future via capitalism and economic growth.15 In contrast, well-regulated capitalism is a key part of the best way of coping with these problems, as well as a key part of dealing with climate change, global food production, and other specific challenges, as argued at length in the next section. Here it is important to stress that we should favor well-regulated capitalism that includes correct investments in public goods over other capitalist systems such as the neoliberalism of the recent past that promoted inadequately regulated capitalism with inadequate concern for externalities, equity, and background distortions and injustices.16

Conclusion. Therefore, we should be in favor of capitalism over noncapitalism, and we should especially favor well-regulated capitalism, which is the ethically optimal economic system and is essential to any just basic structure for society.

This argument is impressive because, as stated earlier in the essay, it is based on evidence that is so striking that it leads a bipartisan range of open-minded thinkers and activists to endorse well-regulated capitalism, including many of those who were not initially attracted to the view because of a reasonable concern for the societal ills with which we began. To better understand why such a range of thinkers could agree that well-regulated capitalism is best, it may help to clarify some things that are not assumed or implied by the argument for it, which could be invoked by other bad arguments for capitalism.

One thing the argument above does not assume is that health, wellbeing, or justice are the same thing as wealth, because, in fact, they are not. Instead, the argument above relies on well-accepted, measurable indicators of health and wellbeing, such as increased lifespan; decreased early childhood mortality; adequate nutrition; and other empirically measurable leading indicators of health, wellbeing, and justice.17 Similarly, the argument that capitalism promotes justice, peace, freedom, human rights, and tolerance relies on empirical metrics for each of these.18

Furthermore, the argument does not assume that because these indicators of health, wellbeing, and justice are highly correlated with high degrees of capitalism, that therefore capitalism is the direct cause of these good outcomes. Rather, the analyses suggest instead that something other than capitalism is the direct cause of societal improvements (such as improvements in knowledge and technology, public infrastructure, and good governance), and that capitalism is simply a necessary condition for these improvements to happen.19 In other words, the richer a society is, the more it is able to invest in all of these and other things that are the direct causes of health, wellbeing, and justice. But, to maximize investment in these things societies need well-regulated capitalism.

As part of these analyses, it is often stressed that current forms of capitalism around the world are highly defective and must be reformed in the direction of well-regulated capitalism because they lack investments in public goods, such as basic knowledge, healthcare, nutrition, other safety nets, and good governance.20 In this way, an argument for a particular kind of progressive reformism is an essential part of the analyses that lead many to endorse the more general argument for well-regulated capitalism.

Although these analyses are nuanced, and appropriately so, it remains the case that the things that directly lead to health, wellbeing, and justice require resources, and the best path toward generating those resources is well-regulated capitalism. And on the flip side, according to the analyses behind premise 1 described above, an anti-capitalist system would not produce the resources that are needed, and would thus be a disaster, especially for the poorest billion people who are most desperately in need of the resources that capitalism can create and direct, to escape from extreme poverty.21

### alt---at: revolution---1ar

#### It has zero chance of success---prefer empirical studies.

Calnitsky ’21 [David; August 8; Assistant Professor in the Department of Sociology at Western University; *Critical Sociology,* “The Policy Road to Socialism,” Sage Online] TDI

I do not, however, think that the revolutionary road is implausible. Rather, it is impossible, at least inside the rich capitalist democracies. And between the implausible and the impossible the choice is clear.

Again, this can be framed as an empirical hypothesis: You do not see revolutions in developed capitalist democracies. As Przeworski and Limongi (1997) have written, there has never been a revolution in a moderately middle-class democracy (see also Przeworski, 2019). Drawing on a thousand years of data, cumulatively collected across 37 democratic countries, they show that not one had collapsed with a per-capita GDP higher than that of Argentina in 1976. Among countries with half that figure, collapse was exceedingly rare. Even a modest GDP brings with it an enormous amount of regime stability. These data in fact include any kind of regime collapse; narrowing the data to socialist revolution makes the empirical case against it even more impressive. Any case for revolution must begin by acknowledging rather than ignoring this evidence.

To look at this question in a different way, I draw on the Cross-National Time-Series Data Archive, which contains information on revolutions (rather than government collapse) for over 200 countries since 1919. Their definition of revolution is very broad (see footnote 7) and includes “attempts” to overthrow government as well as “unsuccessful” rebellions. The data were compiled from newspaper sources and warrants caution, but nonetheless constitutes the most systematic evidence available for these questions. In Figure 9, I present the GNP per capita distribution of revolutions, from 1919, where GNP is first available, to the present. By considering only those country-years with revolutions I reduce the observation count from 17,520 to 184. Unlike Przeworski, I do not further restrict the data to democracies. The graph displays an extreme skew: The vast, overwhelming majority of cases of revolutionary threat occur in countries with a per capita GNP below $5,000 USD. For reference, the figure for the US in the data is about $65,850 in 2019. The hypothesis above—that we do not see revolutions in developed democracies—seems borne out by the evidence.

figure

Figure 9. Histogram of country-years with revolutions.

Source: Cross-National Time-Series Data Archive. Data drawn from 200 plus countries between 1919 and 2018 are then restricted to country-years (N = 184) in which there were “revolutions,” as well as a “major government crisis” and “anti-government protests.”

Why exactly is this true and what are the mechanisms to explain it? Why is the revolutionary strategy impossible for a country like the US? There are, at bottom, three reasons, each of which stands alone as a sufficient condition to snap the last threads of one’s revolutionary faith.23 The first two suggest that revolution is unachievable, and the last suggests that even if it is achievable, socialism by revolutionary means is unachievable. The revolutionary road is closed on the following grounds:

(1) Workers do not want it

(2) Capitalists would sooner grant reforms

(3) A smashed state is more likely to result in tyranny than deep democracy

Not only has there never been a successful revolution in a developed democracy, there has never been a working class that has wanted one (e.g. Erikson and Tedin, 2015; Sassoon, 1996).24 There are no clear cases where the dominant inclination of the working class in a developed democracy was revolutionary. Recall that the above graph also includes attempts and unsuccessful cases. It is self-evident that workers have not joined revolutionary groups en masse at any point in the context of a rich democracy. Nor were their aspirations to join such groups thwarted by violence or ideology. When gains inside a capitalist democracy are available—either individual or collective ones, and this has been true even through the neoliberal period, where median living standards have continued to (slowly) go up and not down—it is not worth risking everything for an uncertain future (Thewissen et al., 2015).25 More important than the dynamic point is the static one: When standards of living are moderately high, as shown in Figure 9, the modal worker has more to lose than her chains. This is not an argument against socialism; but to revise Werner Sombart, the life raft of revolution really was shipwrecked on shoals of roast beef and apple pie.

Therefore, the reasons workers are not revolutionary are materialist in character. Explaining their reformist politics does not require appeal to venal trade union leaders or false consciousness. Most people wish to minimize risk in their lives, and revolution involves taking on colossal risks. For example, home-ownership in the developed world hovers around 70%; this means that a lot of people have a lot to lose.

By contrast, the materialist case for revolution proposes that people favor it when their expected post-revolutionary standards of living are greater than their current standard (Roemer, 1985). But when we add moderate risk- and loss-aversion the calculation changes (Kahneman and Tversky, 1991). Say you have a low income, but own a few assets, maybe a house, a car, and perhaps you also have a child; what risk profile would you require to gamble your modest holdings for an uncertain future which might be better but might be worse? Even if you are certain that the probability of better is greater than the probability of worse, you have to envision workers as a class of inveterate gamblers to take the bet. Moderately cautious people who prefer a bird in the hand will still view the downside risk as too great. Equal gains and losses are not experienced equally. This is the loss aversion phenomenon. But the assumption of a population confident about improved standards of living—and a willingness to take risky strategies to achieve them—is itself unwarranted. This is the risk aversion phenomenon. The modal worker is of course correct to suspect that her post-revolutionary welfare is uncertain; socialists after all do not have satisfactory answers to the problems of coordination, motivation, and innovation under socialism (for attempted answers that are provocative and oftentimes brilliant, see Albert, 2004; Cottrell and Cockshott, 1992; Corneo, 2017; Roemer, 1994; and Wright and Hahnel, 2016). When one compares the status quo to a future where both heaven and hell are seemingly plausible, it is perfectly rational that people everywhere would abandon the barricades. And abandon them they did.

Now perhaps the revolutionaries have persuaded us that negative outcomes are far-fetched, that we are very confident that revolution will usher in, eventually, the land of milk and honey. It is still the case that in this model the promised land will only be reached after a social breakdown of unknown duration: A complete overhaul in the organization of production will lead to some middle period of deteriorating material welfare as capitalists rapidly exit the economy. This means chaos and uncertainty, but it could also mean war. The interregnum could last a year, but it might last two decades, and however optimistic we are about the end point, we cannot in advance know how long this interim phase will persist. In the meantime, revolutionary enthusiasm will wane, erstwhile supporters will decamp, a “stay-the-course” electoral strategy will be outflanked by competitor parties promising a return to normalcy, and the desire to consolidate gains will make the authoritarian impulse greater. From a materialist perspective, the uncertain passage through what Przeworski (1986) calls the “transition trough” makes the journey less appealing.26

To my mind, these factors explain why all working classes in all developed democracies have been decidedly reformist in orientation. The reason why revolutionary socialism has always been marginal in rich capitalist economies—and will always be outflanked by reform-oriented socialism—is that only the latter consistently deliver high (and usually increasing) standards of living and low (and usually decreasing) levels of risk. As long as the Mad Max world of catastrophic collapse can be avoided, reform-oriented parties will always better capture the enthusiasm of poor and working people.

Thus, when we try to explain the non-revolutionary attitudes of our working-class friends and family, we do not need to lean on the false consciousness account, for there is a more parsimonious materialist explanation. As such, any case for revolution must be non-materialist in character: You can be a materialist or a revolutionary, but not both.

This is the dilemma the revolutionaries must consider: Revolution is only possible when the forces of production are underdeveloped, but it can only be successful when they are sufficiently developed to make socialism (or communism) objectively viable.27 As Elster (1986) has argued, the circumstances under which revolutions spark and succeed never coincide.

What about the capitalists? Under these circumstances, it is reasonable to expect that they will fight far harder against a revolution than they would against reformist drives. Indeed, ignoring the response from capitalists violates Elster’s first law of political rationality: Never assume your opponent is less rational than you. If revolution were the alternative, employers would grant every imaginable reform, from far higher taxes to the rejiggering of power relations in the workplace. In a mugging, most people will surrender their wallet before their life.

Actors in the state ought to respond in more or less the same way—that is, as long as you admit your adversary the competence to read the situation as well as you. If our theory of the state suggests that it acts on behalf of the capitalist class, its apparatchiks would anticipate and preempt any revolutionary crusade with a cocktail of concession and repression. And while it will certainly contest reforms, it will devote all of its resources to break the revolution. Nonetheless, this means that revolutionaries can play a crucial role, even if it is not to foment revolution. Militancy is a powerful strategy to foment reform (for an argument about the history of social democracy along these lines, see Piketty, 2014).

Thus far, the main reason revolution is off the table is because no one wants it—not workers, nor employers, nor the state.

The third point above asks us to imagine the prospects for revolutionary success even if we ignore the wrinkle that workers have neither an interest nor capacity to make it. But let us pretend they did: Why then would we imagine that total social breakdown would prompt a deepening of democracy rather than authoritarian entrenchment? This happy outcome has never before emerged in the wake of social collapse, and there is little reason why the final showdown with the American military ought to produce fertile ground for deepening democracy in all spheres of life. In fact, evidence from the General Social Survey suggests that in response to recession and economic downturn people tend to become less altruistic and less concerned with questions of fairness.28 After situations of economic crisis, voters tend to shift to the right (Lindvall, 2014). The old union song cries out that “we can bring to birth a new world from the ashes of the old,” but life is not birthed on ash. None of the historical case studies track this narrative, and indeed everything we know about human psychology suggests that social devastation makes people more, not less, prone to demagoguery. This means that even if a revolution were achievable, it is probably undesirable.

The argument I have thus far laid out against revolution contends only that it is off the table in middle-class democracies. I have in mind social dynamics within developed capitalist democracies, countries “like the US,” but the premise no longer holds true if we imagine a society that has already suffered some sort of catastrophic societal disintegration—at that point all bets are off. We are of course now talking about a world we are not living in, but it is worth considering the thought experiment nonetheless.

It is possible that America, after some world-historic environmental or economic collapse, begins to look something more like Russian feudalism than contemporary developed capitalism. Revolution then might again be on the table, but the context of desperation and scarcity in this scenario gives little reason to expect it would incubate an egalitarian democratic society. The historical evidence is unambiguous: None of the communist revolutions of the 20th century ushered in deeply democratic egalitarian social structures. Not only are there no examples, but there are also no clear mechanisms on offer.

The fact that this scenario generates an interest in bringing about an egalitarian society by means of revolution does not mean there will be a capacity to do so. The theory is little more than “where there is a will there is a way.” But, as Elster (1980: 124) argues, the general interests of society do not secrete the conditions for their fulfillment. Interests and capacities need not overlap.

There is a final reason to be skeptical of non-evolutionary strategies: The highly dubious premise that the system we erect the morning after will actually work. A socialist economy, if plopped down tomorrow, would be so rife with unintended consequences and pathologies that it is easy to imagine a democracy voting its way back into capitalism. This is true even if we believe (mistakenly, in my view) that the socialist calculation debate is solvable in the age of big data (Morozov, 2019). Interlocutors in the calculation debate have had very little to say about the politics of transition. Indeed, it is hard to imagine success of any kind without a slow and incremental transformation, experimenting with bits and pieces along the way—as we have been doing for the past century. An experimental approach is likely the only way to avoid devastating blunders that undermine the whole project. Moments of institutional upheaval and big change may at times be necessary, but to be successful they will have to rest on a foundation of smaller changes that have been tested.

# neg---right to housing

## human rights

### solvency---1nc

#### No solvency:

#### 1. LAND---zoning laws AND availability deepen segregation.

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Land availability and local zoning are the main obstacles to subsidized housing

Building subsidized housing—or for that matter, market rate rental housing—is illegal in most parts of the U.S. Local zoning laws prohibit structures other than single-family detached homes on the majority of land across cities and suburbs.

Repealing the Faircloth Amendment does nothing to address this problem. Nor is this a new issue: Public housing developed from the 1950s through 1970s was largely built in poor, racially segregated neighborhoods, because that’s where government agencies could acquire land—and where middle-class white voters didn’t protest too vehemently.

Where people live—and especially where children grow up—is critical to long-term well-being, including life expectancy, health, and income. Absent any serious plan to legalize apartments in high-opportunity communities, proposals to build more public housing will only exacerbate racial and economic segregation—to the harm of low-income families.

#### 2. CAPACITY---the government doesn’t have the tools to implement the AFF effectively.

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Public agencies aren’t designed to be real estate developers

Proposals for “the government” to build public housing are often vague about which agency or department they mean. While funding for public housing originates at the federal level, the properties are operated by more than 3,300 local housing authorities across the country. And most of them don’t have recent experience with new construction—a long, complicated, risky business under the best of circumstances. Public agencies operate under more rigid rules and processes than private sector companies as well; for instance, procurement and labor requirements that make construction substantially more difficult and more expensive.

Today, nearly all new subsidized housing is built and managed by specialized nonprofit or for-profit developers. So, despite those calls for “the government” to build more housing, most housing authorities don’t have the capacity or the desire to undertake new construction projects.

#### Government led property management is rife with incompetency.

Husock 19, senior fellow at the Manhattan Institute and researcher into social virtues. (Howard, 11-25-2019, “Public Housing Becomes the Latest Progressive Fantasy,” The Atlantic, https://www.theatlantic.com/ideas/archive/2019/11/public-housing-fundamentally-flawed/602515/)//TDI

There are other fantasies in play. The public-housing dream continues in its belief that public ownership can both be competent and, by forgoing profits, provide better value than private ownership does. In this construct, it is only a lack of money that has led to public housing’s decline. Indeed, New York Mayor Bill de Blasio argues that a shortage of funds has led to the degraded conditions of New York City Housing Authority buildings, in which thousands of tenants, in recent winters, have shivered in the cold and the dark.

Government can do many things well. But there is little evidence that property management is one of them. Anyone who doubts that should read Bart Schwartz’s report on the state of the New York City Housing Authority, owner of 324 housing projects and home to as many as 600,000 residents. The authority, he writes, is “bogged down in layers of bureaucracy or a ‘check the box mentality.’ Among the management challenges we see is the tendency to avoid personal responsibility and accountability … It is no surprise to find that there are many obstacles to the successful completion of projects and work orders.”

Red tape was one of the causes of the massive leak Schwartz’s investigators discovered at the Polo Grounds housing development. “Our investigator spoke with the superintendent who advised that it was necessary to build a scaffold to make any repairs because the ceiling was about 10 feet high. He said that he had taken steps to order the lumber and that, once the lumber arrived, he would call the carpenters to build the scaffold and then he would call the plumbers.” Such complications are exacerbated by the inflexibility of union contracts for housing-authority employees—contracts that a pro-labor group such as the Democratic Socialists of America, one may assume, is unlikely to try to modify.

#### 3. EMPIRICS and STATISITICS---it is ineffective.

Husock 19, senior fellow at the Manhattan Institute and researcher into social virtues. (Howard, 11-25-2019, “Public Housing Becomes the Latest Progressive Fantasy,” The Atlantic, https://www.theatlantic.com/ideas/archive/2019/11/public-housing-fundamentally-flawed/602515/)//TDI

In an interview earlier this year with Los Angeles Magazine, a co-founder of the tenants’ union, Tracy Jeanne Rosenthal, harked back to Catherine Bauer, the New Deal–era official who was the original intellectual leader of U.S. public housing. “The private market cannot provide adequate housing for poor and working people,” Rosenthal quoted Bauer as saying, adding that “the situation is permanent.” Skeptical of the private market, advocates such as Rosenthal show an abiding faith in the government’s ability to successfully plan, build, own, and operate housing on a grand scale.

Both the historical record and recent news suggest that this faith is misplaced. Here’s what the federally appointed monitor, Bart Schwartz, had to say earlier this year about just one of the New York public-housing properties that his team observed: “Our investigators on a routine and unannounced visit to the Polo Grounds houses discovered a large pipe cascading putrid liquid into the laundry room from the ceiling. A lone worker was trying to stem the tide with a mop. When questioned, he advised that this problem had existed for approximately two months unabated.”

To hear PHIMBY-ites talk, it’s almost as if public housing has never been tried in the United States. But it has been, mostly to disastrous effect. And the time is right, before a public-housing boomlet gains any further traction, to make clear that American public housing hasn’t just been poorly executed; it’s an idea with inherent conceptual and practical flaws. Those who suffer the most are those it’s intended to help: low-income tenants.

Of all the old ideas threatening to become new again, public housing would seem to be among the least likely. In the years after World War II, the federal government vowed to replace slums with safe, sanitary substitutes. But the sheen of that promise wore off long ago. The “projects” came to be associated—rightly—with high crime rates and physical conditions as bad as or worse than the slums they replaced. In 1991, a congressional report described much of public housing as “severely distressed”; the famous high-rise towers of Chicago and St. Louis were torn down long ago.

Meanwhile, the original premise of public housing—that the private market could not serve low-income communities properly—does not hold up under scrutiny. As early as 1907, a study by the U.S. Immigration Commission found that in low-income communities, “84 in every 100 homes were in either good or fair condition … The neglected appearance of the streets is the result of the indifference on the part of public authorities.” In 1909 the President’s Homes Commission found that even the poorest households, on average, spent just 21 percent of income on rent.

### turn---dependency---1nc

#### The right to housing re-entrenches underlying causes AND cements dependency---turns the AFF.

Keating 19, is an Emeritus Professor of Urban Studies and Law. He is a former Director of the Master of Urban Planning, Design and Development (MUPDD) Program. (W. Denni, 7-12-2019, “The Right to Housing,” in *The Routledge Handbook of Housing Policy and Planning*)//TDI

Right to Housing

The United States does not have an explicit national right to housing law that would support Desmond’s proposal. Housing experts differ on the need for a right to housing. On the one hand, Chester Hartman, then head of the Poverty and Race Research Action Council, has made the case for a right to housing. Citing the housing shortcomings in the United States, Hartman (1998, 224) declared: “I proceed from a normative, philosophical stance that asserts the wisdom and justice of such a right, as well as our society’s clear ability to achieve it.”

On the other hand, James H. Carr, then with the Fannie Mae Foundation, presented a rebuttal and alternative view.

[D]eclaring a “right to housing” and pursuing that right as the primary goal for a branch of social policy ignores the underlying causes behind concentrations of shelter poverty among certain populations and residents of certain geographic areas. As such, government programs developed to ensure the “right to housing” would encourage greater concentrations of certain populations in shelter poverty

Currently, however, a right to housing would merely concentrate minorities and the urban and rural poor, already affected by systematic differential treatment, into a housing situation that perpetuates dependency on the government and vulnerability to shifting political tides.

Finally, Carr argued that providing publicly subsidized shelter without the beneficiaries having jobs with livable incomes would be counterproductive because the subsidized housing would undercut work incentives. Desmond, however, disagrees, arguing that the poor want to work to improve their lives beyond having adequate housing (Desmond 2016). These conflicting views represent the competing philosophies regarding governmental intervention in the housing market, a debate between right to housing advocates (e.g., Hartman and Desmond) and right to housing skeptics (e.g., Carr).

### turn---hollow hope---1nc

#### The AFF undermines status-quo social movements---triggers hollow hope.

Rosenberg 18, Associate Professor of Political Science at the University of Chicago Law School. (Gerald R., 1-9-2018, “Protecting Privilege: The Historic Role of the U.S. Supreme Court and the Great Progressive Misunderstanding,” Judicial Power Project, http://judicialpowerproject.org.uk/gerald-n-rosenberg-protecting-privilege-the-historic-role-of-the-u-s-supreme-court-and-the-great-progressive-misunderstanding/)//TDI

When will they ever learn? Returning to past understandings

If space allowed, I could continue to describe other examples, such as criminal law, where, despite the ‘criminal rights revolution’ of the Warren court, poor criminal defendants, particularly those of color, continue to be denied basic rights. As we have learned so powerfully and sadly over the last few years with the use of cell phone videos, at least some police still treat black males as if they were slaves, killing them virtually indiscriminately. The history of progressive litigation painfully demonstrates that without political support the Supreme Court will eviscerate progressive rights and create obstacles to legislative attempts to introduce new rights. And, in those few instances where progressive forces win Supreme Court cases, without powerful political and social movements to enforce them they will remain empty, symbolic victories.

Litigation substitutes symbols for substance. The danger of celebrating symbols is that it can lead to a sense of self-satisfaction. Seen in this light, the great Supreme Court progressive victories are “little more than an ornament, or golden cupola, built upon the roof of a structure found rotting and infested, assuring the gentlefolk who only pass by without entering that all is well inside".1 Celebrating legal symbols encourages us to look to legal solutions for political and cultural problems. Without political support, court decisions will not produce social change. Celebrating lawyers and courts encourages reformers to litigate for social change. But if political support is lacking, the effect of this vision is to limit change by deflecting progressive claims away from substantive political battles, where success is possible, to harmless legal ones where it is not. In this way, courts play a deeply conservative ideological function in defense of the status quo. When social reformers succumb to the ‘lure of litigation’, they forget that deep-seated social conflicts can’t be resolved through litigation.

First and foremost, successful progressive change requires building social movements. For close to 75 years now in the U.S., the progressive agenda has been hijacked by a group of elite, well-educated and comparatively wealthy lawyers who uncritically believe that rights trump politics and that successfully arguing before judges is equivalent to building and sustaining political movements. It isn’t. Litigation is an elite, class-based strategy for change. It is premised on the notion that it is easier to persuade similarly educated and wealthy lawyers, who happen to be judges, of certain progressive principles than it is to organise everyday citizens. While that might be true, it is also true that without broad citizen support, change will not occur.

#### Positive rights locks-in hollow hope---most recent evidence.

Rosenberg 22, Associate Professor of Political Science at the University of Chicago Law School. (Gerald R., 7-19-2022, “The True Power of the Supreme Court,” The Takeaway, https://www.wnycstudios.org/podcasts/takeaway/segments/true-power-supreme-court)//TDI

Dr. Gerald Rosenberg: The court is a hollow hope in the sense that it is unable, absent some very unusual conditions, to further the interests of the relatively disadvantaged poor people, people of color, political dissidents, environmentalists, and the like. In that sense, when progressives turn to the courts to further their agenda, they will be unlikely to do so even if they win.

Melissa Harris-Perry: I feel like I can hear the folks saying, wait, wait, wait, what about Brown v. Board of Education? What about the 50 years under Roe v. Wade? Surely, it was the court that stepped in, that protected, that expanded the capacity for a more fair and equitable America.

Dr. Gerald Rosenberg: I always believed that I did go to law school, but as I began to examine the effects of Brown v. Board, which of course said that racial segregation in public elementary and secondary schools denied Black school children the equal protection of the laws as guaranteed by the 14th Amendment. I asked, what happened to Black school children in the Southern states that required segregation by law until Brown? 10 years after Brown, barely 1 in 100 Black school children in those 11 states of the old Confederacy was in a school with any whites. For 99 out of every 100 Black schoolchildren, Brown made no difference.

Melissa Harris-Perry: In a more recent piece, you make a similar, I think, what feels like a jaw-dropping argument. When you in a similar way walk through the notion of rights, civil rights, women's rights, queer rights, and you say, "This rights language is also not going to get us anywhere."

Dr. Gerald Rosenberg: I know that. That tends to wake people up, doesn't it, Melissa? [laughs] Here's the problem. If you don't pay your taxes, you're probably going to get arrested because the executive will step in. If you violate a Supreme Court decision, what are the justices going to do? Their only power is to persuade the executive to enforce their decision.

Melissa, you and I have the right to burn an American flag. Using Chicago as an example, I say, well, you and I, let's go down to Bridgeport Working Class Community and burn a flag. We'll be fine. We'll be protected. You know what will be protected. Here's the point; courts have no power. If people, if officials are unwilling to implement their decisions, those decisions will only be on paper. They will make no difference in people's lives.

Melissa Harris-Perry: I think it would be hard for us to hear post-Dobbs, the court has no power. It sure feels powerful in Texas, in Florida, in Mississippi right now. Where is that power located?

Dr. Gerald Rosenberg: What I mean, as I said, is that depends on the interests and preferences of the citizenry and government. When the court in Dobbs overturned Roe v. Wade, in roughly half the states that's not going to change anything because elected officials and the people they represent support a woman's ability to access abortion services. In other states where it turns out in almost all of them there's majority support for abortion access, Republicans have so gerrymandered their legislatures that they do not represent the people. There, they will act and they are acting, as you pointed out, to restrict abortion access.

One of the perhaps unfortunate, perhaps ironic aspects of the court is it appears better at supporting privilege and status and wealth than at helping the relatively disadvantaged. That's because elected officials have a preference for supporting wealth.

Melissa Harris-Perry: Is this in part an argument about change-making strategy and about the ways that advocates and activists should direct their energies, or is this about providing an opportunity to take a deep breath, even in the context of a court that feels so lopsided ideologically?

Dr. Gerald Rosenberg: It's an argument that says turning to courts, believing in rights as a strategy to actually improve the lives of the relatively disadvantaged is a hollow hope, it won't work even if these progressive forces win. Melissa, here's an example. Let's say after Brown you and I decided to open a racially integrated private school in the Mississippi Delta.

### util---1nc

#### Extinction outweighs.

Pummer ’15 [Theron; Professor of Philosophy at the University of St Andrews, Former Junior Research Fellow in Philosophy at St. Anne's College, University of Oxford. May 18, 2015; “Moral Agreement on Saving the World”; University of Oxford, *Practical Ethics*; http://blog.practicalethics.ox.ac.uk/2015/05/moral-agreement-on-saving-the-world/] TDI

There appears to be lot of disagreement in moral philosophy. Whether these many apparent disagreements are deep and irresolvable, I believe there is at least one thing it is reasonable to agree on right now, whatever general moral view we adopt: that it is very important to reduce the risk that all intelligent beings on this planet are eliminated by an enormous catastrophe, such as a nuclear war. How we might in fact try to reduce such existential risks is discussed elsewhere. My claim here is only that we — whether we’re consequentialists, deontologists, or virtue ethicists — should all agree that we should try to save the world.

According to consequentialism, we should maximize the good, where this is taken to be the goodness, from an impartial perspective, of outcomes. Clearly one thing that makes an outcome good is that the people in it are doing well. There is little disagreement here. If the happiness or well-being of possible future people is just as important as that of people who already exist, and if they would have good lives, it is not hard to see how reducing existential risk is easily the most important thing in the whole world. This is for the familiar reason that there are so many people who could exist in the future — there are trillions upon trillions… upon trillions.

There are so many possible future people that reducing existential risk is arguably the most important thing in the world, even if the well-being of these possible people were given only 0.001% as much weight as that of existing people. Even on a wholly person-affecting view — according to which there’s nothing (apart from effects on existing people) to be said in favor of creating happy people — the case for reducing existential risk is very strong. As noted in this seminal paper, this case is strengthened by the fact that there’s a good chance that many existing people will, with the aid of life-extension technology, live very long and very high quality lives.

You might think what I have just argued applies to consequentialists only. There is a tendency to assume that, if an argument appeals to consequentialist considerations (the goodness of outcomes), it is irrelevant to non-consequentialists. But that is a huge mistake. Non-consequentialism is the view that there’s more that determines rightness than the goodness of consequences or outcomes; it is not the view that the latter don’t matter. Even John Rawls wrote, “All ethical doctrines worth our attention take consequences into account in judging rightness. One which did not would simply be irrational, crazy.” Minimally plausible versions of deontology and virtue ethics must be concerned in part with promoting the good, from an impartial point of view. They’d thus imply very strong reasons to reduce existential risk, at least when this doesn’t significantly involve doing harm to others or damaging one’s character.

What’s even more surprising, perhaps, is that even if our own good (or that of those near and dear to us) has much greater weight than goodness from the impartial “point of view of the universe,” indeed even if the latter is entirely morally irrelevant, we may nonetheless have very strong reasons to reduce existential risk. Even egoism, the view that each agent should maximize ~~her~~ [their] own good, might imply strong reasons to reduce existential risk. It will depend, among other things, on what one’s own good consists in. If well-being consisted in pleasure only, it is somewhat harder to argue that egoism would imply strong reasons to reduce existential risk — perhaps we could argue that one would maximize her expected hedonic well-being by funding life extension technology or by having herself cryogenically frozen at the time of her bodily death as well as giving money to reduce existential risk (so that there is a world for her to live in!). I am not sure, however, how strong the reasons to do this would be. But views which imply that, if I don’t care about other people, I have no or very little reason to help them are not even minimally plausible views (in addition to hedonistic egoism, I here have in mind views that imply that one has no reason to perform an act unless one actually desires to do that act).

To be minimally plausible, egoism will need to be paired with a more sophisticated account of well-being. To see this, it is enough to consider, as Plato did, the possibility of a ring of invisibility — suppose that, while wearing it, Ayn could derive some pleasure by helping the poor, but instead could derive just a bit more by severely harming them. Hedonistic egoism would absurdly imply she should do the latter. To avoid this implication, egoists would need to build something like the meaningfulness of a life into well-being, in some robust way, where this would to a significant extent be a function of other-regarding concerns (see chapter 12 of this classic intro to ethics). But once these elements are included, we can (roughly, as above) argue that this sort of egoism will imply strong reasons to reduce existential risk. Add to all of this Samuel Scheffler’s recent intriguing arguments (quick podcast version available here) that most of what makes our lives go well would be undermined if there were no future generations of intelligent persons. On his view, my life would contain vastly less well-being if (say) a year after my death the world came to an end. So obviously if Scheffler were right I’d have very strong reason to reduce existential risk.

We should also take into account moral uncertainty. What is it reasonable for one to do, when one is uncertain not (only) about the empirical facts, but also about the moral facts? I’ve just argued that there’s agreement among minimally plausible ethical views that we have strong reason to reduce existential risk — not only consequentialists, but also deontologists, virtue ethicists, and sophisticated egoists should agree. But even those (hedonistic egoists) who disagree should have a significant level of confidence that they are mistaken, and that one of the above views is correct. Even if they were 90% sure that their view is the correct one (and 10% sure that one of these other ones is correct), they would have pretty strong reason, from the standpoint of moral uncertainty, to reduce existential risk. Perhaps most disturbingly still, even if we are only 1% sure that the well-being of possible future people matters, it is at least arguable that, from the standpoint of moral uncertainty, reducing existential risk is the most important thing in the world. Again, this is largely for the reason that there are so many people who could exist in the future — there are trillions upon trillions… upon trillions. (For more on this and other related issues, see this excellent dissertation).

#### That calculus is good AND our consequences outweigh.

Baum and Barret 18, Global Catastrophic Risk Institute. (Seth & Anthony, 2018, “Global Catastrophes: The Most Extreme Risks,” In Vicki Bier (Ed.) Risk in Extreme Environments: Preparing, Avoiding, Mitigating, and Managing, pg. 174-184, https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=3046668)

A common theme across all these treatments of GCR is that some catastrophes are vastly more important than others. Carl Sagan was perhaps the first to recognize this, in his commentary on nuclear winter (Sagan 1983). Without nuclear winter, a global nuclear war might kill several hundred million people. This is obviously a major catastrophe, but humanity would presumably carry on. However, with nuclear winter, per Sagan, humanity could go extinct. The loss would be not just an additional four billion or so deaths, but the loss of all future generations. To paraphrase Sagan, the loss would be billions and billions of lives, or even more. Sagan estimated 500 trillion lives, assuming humanity would continue for ten million more years, which he cited as typical for a successful species.

Sagan’s 500 trillion number may even be an underestimate. The analysis here takes an adventurous turn, hinging on the evolution of the human species and the long-term fate of the universe. On these long time scales, the descendants of contemporary humans may no longer be recognizably “human”. The issue then is whether the descendants are still worth caring about, whatever they are. If they are, then it begs the question of how many of them there will be. Barring major global catastrophe, Earth will remain habitable for about one billion more years until the Sun gets too warm and large. The rest of the Solar System, Milky Way galaxy, universe, and (if it exists) the multiverse will remain habitable for a lot longer than that (Adams and Laughlin 1997), should our descendants gain the capacity to migrate there. An open question in astronomy is whether it is possible for the descendants of humanity to continue living for an infinite length of time or instead merely an astronomically large but finite length of time (see e.g. Ćirković 2002; Kaku 2005). Either way, the stakes with global catastrophes could be much larger than the loss of 500 trillion lives.

Debates about the infinite vs. the merely astronomical are of theoretical interest (Ng 1991; Bossert et al. 2007), but they have limited practical significance. This can be seen when evaluating GCRs from a standard risk-equals-probability-times-magnitude framework. Using Sagan’s 500 trillion lives estimate, it follows that reducing the probability of global catastrophe by a mere one-in-500-trillion chance is of the same significance as saving one human life. Phrased differently, society should try 500 trillion times harder to prevent a global catastrophe than it should to save a person’s life. Or, preventing one million deaths is equivalent to a one-in500-million reduction in the probability of global catastrophe. This suggests society should make extremely large investment in GCR reduction, at the expense of virtually all other objectives.

Judge and legal scholar Richard Posner made a similar point in monetary terms (Posner 2004). Posner used $50,000 as the value of a statistical human life (VSL) and 12 billion humans as the total loss of life (double the 2004 world population); he describes both figures as significant underestimates. Multiplying them gives $600 trillion as an underestimate of the value of preventing global catastrophe. For comparison, the United States government typically uses a VSL of around one to ten million dollars (Robinson 2007). Multiplying a $10 million VSL with 500 trillion lives gives $5x1021 as the value of preventing global catastrophe. But even using “just" $600 trillion, society should be willing to spend at least that much to prevent a global catastrophe, which converts to being willing to spend at least $1 million for a one-in-500-million reduction in the probability of global catastrophe. Thus while reasonable disagreement exists on how large of a VSL to use and how much to count future generations, even low-end positions suggest vast resource allocations should be redirected to reducing GCR. This conclusion is only strengthened when considering the astronomical size of the stakes, but the same point holds either way. The bottom line is that, as long as something along the lines of the standard riskequals-probability-times-magnitude framework is being used, then even tiny GCR reductions merit significant effort. This point holds especially strongly for risks of catastrophes that would cause permanent harm to global human civilization.

The discussion thus far has assumed that all human lives are valued equally. This assumption is not universally held. People often value some people more than others, favoring themselves, their family and friends, their compatriots, their generation, or others whom they identify with. Great debates rage on across moral philosophy, economics, and other fields about how much people should value others who are distant in space, time, or social relation, as well as the unborn members of future generations. This debate is crucial for all valuations of risk, including GCR. Indeed, if each of us only cares about our immediate selves, then global catastrophes may not be especially important, and we probably have better things to do with our time than worry about them.

While everyone has the right to their own views and feelings, we find that the strongest arguments are for the widely held position that all human lives should be valued equally. This position is succinctly stated in the United States Declaration of Independence, updated in the 1848 Declaration of Sentiments: “We hold these truths to be self-evident: that all men and women are created equal”. Philosophers speak of an agent-neutral, objective “view from nowhere” (Nagel 1986) or a “veil of ignorance” (Rawls 1971) in which each person considers what is best for society irrespective of which member of society they happen to be. Such a perspective suggests valuing everyone equally, regardless of who they are or where or when they live. This in turn suggests a very high value for reducing GCR, or a high degree of priority for GCR reduction efforts.

#### DAs are systematically underestimated in debates.

Wiener 16 – Jonathan B. Wiener, Law and Public Policy Professor at Duke University, University Fellow at the Resources for the Future, Past President of the Society for Risk Analysis, the scientific committee member at the International Risk Governance Council. [The Tragedy of the Uncommons: On the Politics of Apocalypse, Global Policy, 7(S1): Too Big to Handle: Interdisciplinary Perspectives on the Question of Why Societies Ignore Looming Disasters, 6-6-16, https://onlinelibrary.wiley.com/doi/10.1111/1758-5899.12319]

My point is not that rare global catastrophic ‘uncommons’ risks outweigh other risks. That depends on their probability and consequence compared to other risks, and the appropriate response to each will depend on the merits of the policy options. And I do not mean to say that uncommons risks are now (or should be) replacing or superseding commons risks, or that the two types necessarily proceed in sequence through time. Both types of tragedies may be occurring at the same time in different settings, or combined in the same setting. For example, extreme climate change may exhibit both a tragedy of the commons (free‐riding by multiple actors who would share the benefits of abatement, hence a need for collective action) and a tragedy of the uncommons (rare extreme risk of global catastrophe that remains underappreciated, regardless of the number of actors). Nor are uncommons risks an inevitable result of new technology. The main point here is that tragedies of the uncommons are a distinct problem from tragedies of the commons, with distinct causes and potential solutions. 2 The tragedy of neglect Tragedies of the commons arise when multiple rational actors, perceiving their options and individual payoffs, choose actions that are collectively undesirable (Hardin, 1968, p. 1244; Barrett, 2007). Tragedies of the uncommons, by contrast, can arise when even one actor neglects to appreciate a looming risk or mass damage, and mismanages the risk. Research in psychology and political economy indicates several reasons why extreme mega‐catastrophic risks are systematically neglected. Here I seek to bring greater clarity to the causes of rare catastrophic uncommons risks by identifying three main sources. Unavailability One important source of the neglect of uncommons risks is their very rare or ultra‐low‐frequency character. Extensive research shows that people exhibit heightened concern about risks that are ‘available’ to the mind, both in the sense of awareness and affect – the ability to envision and feel the importance of the event. These are often recent, visible, salient events that trigger strong visual images (Kahneman, Slovic and Tversky, 1982; Kuran and Sunstein, 1999; Weber, 2006; Pinker, 2011, p. 220). Such ‘available’ risks are then seen as more worrisome for the future. The ‘availability heuristic’ helps explain why so much regulation is crisis‐driven, adopted only after a crisis event spurs public outcry and mobilizes collective political action to overcome interest group opposition (Percival, 1998; Kuran and Sunstein, 1999; Birkland, 2006; Repetto, 2006; Wiener and Richman, 2010; Wuthnow, 2010; Barrett, 2016; Balleisen et al., 2016). A standard depiction of this phenomenon is that the public is more concerned about unusual dramatic risks, and less concerned about familiar routine risks, than are experts who take a quantitative approach combining likelihood and consequence (Breyer, 1993; Sunstein, 2005). This relationship is illustrated conceptually in Figure 1. The ‘availability heuristic’ helps explain why people appear to express greater concern about airplane accidents than automobile accidents, even though the statistical risk of airplane accidents (per km traveled, and possibly per trip) is lower: airplane accidents are shocking and dramatic and make news headlines, while automobile accidents are routine and familiar and become ordinary.2 Similarly, public concern may be greater regarding coal mining accidents than the (larger) public health risks from coal combustion air pollution, and regarding ebola than the (larger) toll from malaria. Figure 1, ‘Availability’ in expert vs public perceptions of risk, omitted. This difference in perspectives, depicted in Figure 1, also corresponds to many debates over the proper role of expert vs public appraisal of risk. Early studies showed significant differences between public vs expert appraisals of risk (Slovic, 1987; EPA, 1987; EPA, 1990). Some argued that these differences occur because the public makes errors about risks, such as exaggerating concern over unusual risks, while experts are more accurate, and that therefore policy should be based more on experts’ views in order to avoid overregulating small (but unusual) risks while underregulating large (but routine) risks (Breyer, 1993). Others argued that public appraisals were based not on factual errors but on value choices, such as preferring to avoid involuntary risks, which should govern public policy (Shrader‐Frechette, 1991). Still others argued that public values about risk might reflect prejudice and bias and should not necessarily be the direct basis for public policy (Cross, 1997). A typical assumption in these debates was that the public favored more regulation (at least of unusual risks) and the experts favored less. Thus this relationship might suggest that the public would also be more worried than experts about rare ‘uncommons’ risks. Indeed, some commenters have suggested that the public exhibits exaggerated paranoia about remote risks, overstating the likelihood and calling for precautionary policies that would be (in experts’ views) an overreaction (Efron, 1984; Wildavsky, 1997; Mazur, 2004). This may be the case for unusual but experienced events that are ‘available’ in the public mind and induce strong feelings such as dread; in response to experienced calamities, people are often highly motivated to take action, even if that action is ineffective or excessively costly (Wuthnow, 2010). For example, public reactions to the tragic 9/11 terrorist attacks included shifting from flying to driving with potentially greater injury risk (Deonandan and Backwell, 2011; Gaissmaier and Gigerenzer, 2012), and supporting two wars that were costly in money and lives (Stern and Wiener, 2008; Wuthnow, 2010). But with regard to ultra‐low‐frequency catastrophic risks, events that perhaps only occur once in eons, and hence are not experienced, it is not the case that the public is calling for overreaction while experts urge calm (Weber, 2006). Rather, it is experts, applying their quantitative methods, who are warning about future rare extreme risks such as abrupt climate change, artificial intelligence and large asteroid collisions (Posner, 2004; Bostrom and Cirkovic, 2008; Weitzman, 2009), while the public seems less interested if it takes these extreme risks seriously at all. My conjecture, supported by the evidence cited above (but worth further study and refinement), is that ‘tragedies of the uncommons’ add a twist to the typical debate about public vs expert risk appraisal. Adding ultra‐low‐frequency (not experienced) risks to the picture shows that it is not the case that the public always favors more regulation and experts less. For both routine risks and ultra‐rare risks, it is often experts who favor more regulation than the public. My conjecture of this twist in relative concern is depicted conceptually in Figure 2. Here, public concern is higher than experts’ concern for unusual and experienced (hence available) risks, in the middle region of the frequency dimension; but public concern is lower than experts’ concern both for routine familiar risks, and for ultra‐low‐frequency rare extreme risks. Figure 2, ‘Unavailability’ of extreme risks in expert vs public perceptions of risk, omitted. The reason for this reversal in relative appraisal at the very low end of the frequency spectrum is again related to the ‘availability’ heuristic. It predicts that people become concerned about recent, visible, salient events that trigger strong feelings. But the rare mega‐catastrophic risks are not recent, visible or salient. They have not been experienced, so the trigger for mental availability is lacking (Weber, 2006). Describing such rare risks, such as in a speech or in an opinion survey, is less effective in stimulating public reaction than an experienced risk (Weber, 2006). Relatedly, a longer time interval without experiencing a recurrence of a damaging event can lead to complacency (neglect due to unavailability) and increased vulnerability to a recurrence (which can then trigger new availability and alarm) (Turner, 1976). Although people may envision humans going extinct at some point centuries in the future (Tonn, 2009), and express pessimism about the future direction of humanity (Randle and Eckersley, 2015), that viewpoint may not translate into concern about specific risks warranting policy responses in the present (nor did these studies compare public with expert perceptions). Movies depicting rare unexperienced risks (e.g. the large asteroid collision in Deep Impact or Armageddon ; alien pathogens in The Andromeda Strain ; the rise of the machines in The Matrix ) may be viewed as humorous entertainment and even elicit laughter – though perhaps that is nervous laughter rather than neglect. There is some evidence that those who watched the film The Day After Tomorrow were more concerned about climate change afterward (Leiserowitz, 2004), though the audience was not randomly selected and may have been more concerned going in. It is unclear whether films can effectively ‘synthesize availability’; perhaps new techniques of virtual reality can do better, but they still may not call public attention to the most important uncommons risks, nor to the best policy responses. The role of experience in triggering the availability heuristic, and raising concern about available events in public appraisals of future risks, may be rooted in the ways the brain processes information. Humans process immediate risk stimuli in part through the amygdala, which manages fear and the instant choice to flee or fight (Ledoux, 2007). At the same time, using the prefrontal cortex, humans are able to envision hypothetical future scenarios and analyze choices among them (Gilbert and Wilson, 2007). These two neural pathways are sometimes dubbed ‘system 1’ and ‘system 2’ (Kahneman, 2011). One possibility is that the faster processing of system 1 is generating fear before the slower processing of system 2 can develop a more analytic appraisal; but the two systems may also be interacting, and system 2 can also generate fear after its analysis. Even if system 2 analysis is applied, the prefrontal cortex, when it envisions hypothetical scenarios of the future, appears to draw on experienced events (from the brain's memory centers) in order to construct a collage or pastiche of the future – a ‘prospection’ (Gilbert and Wilson, 2007; Schachter et al., 2008). Thus the human brain typically relies on ‘available’ experienced events even for its analytic prospection about future scenarios.3 If so, the ‘unavailability’ of rare extreme risks contributes importantly to their being neglected in public concern. A mid‐level example is the increase in parents seeking exemptions from vaccines for their children: past success in controlling a disease may create unavailability and neglect (though subsequent disease outbreaks may revive concern). A more extreme example is that a very large asteroid (> 10 km diameter) has not hit the earth for about 65 million years (Reinhardt et al., 2016), evidently causing the demise of the dinosaurs and about 75 per cent of all life on earth (a 15 km asteroid hit Chicxulub, off the Yucatan peninsula of Mexico, and another dubbed Shiva may have hit near the Indian land mass about 40,000 years later (Lerbekmo, 2014)). Smaller objects hit the earth frequently, and regional damage was caused by the impacts at Tunguska (1908) and Chelyabinsk (2013) (about 19 m in diameter, see Borovicka et al., 2013). The Chelyabinsk impact prompted calls for increased detection efforts. Early detection enables a longer lead time to devise new deflection methods. Improved probabilistic analysis indicates that rare asteroid impacts, even < 1000 m diameter, may be more risky than commonly thought (Reinhardt et al., 2016). The neglect of rare uncommons risks in public psychology may in turn yield neglect in politics. This is a distinct additional factor on top of others that may also contribute to such neglect, such as free‐riding (if the problem is also a ‘commons’ problem requiring collective action by multiple actors); short‐term costs vs long‐term benefits (if the risk would occur in the long‐term future) mismatched with the short‐term election cycles; inattention to the plight of people far away in other countries and cultures; and others. Individual neglect of rare global catastrophic risk may be compounded by societal disdain for such warnings; despite the prevalence of apocalyptic scenarios in religion and literature (Lisboa, 2011), the person warning that ‘the end is near’ is often viewed as insane (and might be). That most doomsday stories are unfounded, though, does not mean that all rare catastrophic risks are illusory. Mass numbing A second source of the neglect of uncommons risks is their large magnitude of impact. It might seem that larger impacts should prompt more, not less, concern. For experts applying quantitative analytic methods, this appears to be the case. But for the general public, a surprising finding of recent psychology research is that a large or ‘mass’ impact yields ‘numbing’ (Slovic, 2007; Slovic et al., 2013). In these studies, people are asked in opinion polls (stated preference surveys) their willingness to pay (WTP) to save different numbers of other people from some risk. One might expect people to offer more money to save more people (a linear relationship, with each life valued the same), or even an increasing amount to reflect the greater value of averting a catastrophe (supra‐linear). Or, one might expect people to offer amounts that rise but at a declining rate, such as if willingness to pay (WTP) reaches some plateau when the risk becomes large (diminishing marginal value of life saving). (In stated preference surveys, ability to pay may not be a strong constraint on responses.) These relationships are illustrated in Figure 3. Figure 3, ‘Mass numbing’ in valuation of risk, omitted. Surprisingly, Slovic recounts several studies finding that none of these depicts public attitudes; rather, in these studies, willingness to pay rises at first, but then as the number of people at risk grows, willingness to pay declines – not just marginally (as in the plateau relationship) but absolutely, to levels below the amount people were willing to pay to save one or two individuals. And the number of people at which the stated willingness to pay peaks and begins to decline is not very high – sometimes fewer than ten people at risk. Slovic (2007) terms this ‘psychic numbing’ or ‘mass numbing’, and argues that it helps explain public neglect of genocide and other mass calamities (for further evidence, see Rheinberger and Treich, 2015). There is also evidence that it occurs for valuing nonhuman life (environmental conservation) (Markowitz et al., 2013). Hence the mass catastrophic impacts of uncommons risks may face undervaluation. One reason for this response may be feelings of personal inefficacy (Vastfjall et al., 2015): as the number of lives rises, respondents may feel overwhelmed and doubt that their contribution can really make a difference to such a large problem. The ‘end of the world’ may be too much for people to act on; it may feel disabling rather than mobilizing. Relatedly, people may have a limited capacity to worry (Weber, 2006), and thus may deflect problems so large that they would consume all of that capacity. A second reason for mass numbing may be the stronger public response to an identified individual – such as an identified victim or an identified villain. The public may be eager to save the baby who fell down the well, or the refugee child drowned on the beach, or the three whales stuck in the ice, but less willing to save a large and unidentified population of victims (Kogut and Ritov, 2005; Small and Loewenstein, 2005; Small, Loewenstein and Slovic, 2007). Kogut and Ritov (2005) and Slovic (2007) report that WTP to save a single victim also increases if the victim is described in more detail, and even more if the victim is given a face. Vastfjall et al. (2014) find that compassion is highest for a single child, and may decline after just one. Slovic (2007, p.79) quotes Mother Teresa: ‘If I look at the mass I will never act. If I look at the one, I will.’ These studies explain why charitable organizations try to feature a ‘poster child’ for a broader cause. But extreme mega‐catastrophic risks typically lack a single identified individual, unless rendered in fiction (e.g. a movie). The public may also be more eager to combat an identified villain than a faceless natural disaster or a ubiquitous social problem (Sunstein, 2007, p. 63, on the ‘Goldstein effect’). This may help explain public outcry at villains highlighted in the news media, such as Osama Bin Laden and Saddam Hussein, compared with the apparently lesser public outcry regarding tsunamis (Indian Ocean 2006, killing 200,000 people; Japan 2011, killing 20,000 people), global climate change harming large populations, or large asteroids hitting the earth.

#### Consequentialism first.

Greene 7 – Joshua D. Greene, Psychology Professor at Harvard University. [The Secret Joke of Kant’s Soul, Chapter 2 of *Moral Psychology Volume 3*, edited by Walter Sinnott-Armstrong, Phil Papers]

What turn-of-the-millennium science is telling us is that human moral judgment is not a pristine rational enterprise—that our moral judgments are driven by a hodgepodge of emotional dispositions, which themselves were shaped by a hodgepodge of evolutionary forces, both biological and cultural. Because of this, it is exceedingly unlikely that there is any rationally coherent normative moral theory that can accommodate our moral intuitions. Moreover, anyone who claims to have such a theory, or even part of one, almost certainly does not. Instead, what that person probably has is a moral rationalization. It seems then that we have somehow crossed the infamous “is” “ought” divide.14 How did this happen? Didn’t Hume (1978) and Moore (1903) warn us against trying to derive an “ought” from an “is?” How did we go from descriptive scientific theories concerning moral psychology to skepticism about a whole class of normative moral theories? The answer is that we did not, as Hume and Moore anticipated, attempt to derive an “ought” from an “is.” That is, our method has been inductive rather than deductive. We have inferred on the basis of the available evidence that the phenomenon of rationalist deontological philosophy is best explained as a rationalization of evolved emotional intuition (Harman, 1977). Missing the Deontological Point I suspect that rationalist deontologists will remain unmoved by the arguments presented here. Instead, I suspect, they will insist that I have simply misunderstood what Kant and like-minded deontologists are all about. Deontology, they will say, isn’t about this intuition or that intuition. It’s not defined by its normative differences with consequentialism. Rather, deontology is about taking humanity seriously. Above all else, it’s about respect for persons. It’s about treating others as fellow rational creatures rather than as mere objects, about acting for reasons that rational beings can share; and so on (Korsgaard, 1996a, 1996b). This is, no doubt, how many deontologists see deontology. However, this insider’s view, as I have suggested, may be misleading. The problem, more specifically, is that it defines deontology in terms of values that are not distinctively deontological, though they may appear to be from the inside. Consider the following analogy with religion. When one asks a religious person to explain the essence of his religion, one often gets an answer like this: “It’s about love, really. It’s about looking out for other people, looking beyond oneself. It’s about community, being part of something larger than oneself.” This sort of answer accurately captures the phenomenology of many people’s religion, but it is nevertheless inadequate for distinguishing religion from other things. This is because many, if not most, nonreligious people aspire to love deeply, look out for other people, avoid self-absorption, have a sense of a community, and be connected to things larger than themselves. In other words, secular humanists and atheists can assent to most of what many religious people think religion is all about. From a secular humanist’s point of view, in contrast, what is distinctive about religion is its commitment to the existence of supernatural entities as well as formal religious institutions and doctrines. And they are right. These things really do distinguish religious from nonreligious practices, although they may appear to be secondary to many people operating from within a religious point of view. In the same way, I believe that most of the standard deontological/Kantian self-characterizations fail to distinguish deontology from other approaches to ethics. (See also Kagan, 1997, pp. 70–78, on the difficulty of defining deontology.) It seems to me that consequentialists, as much as anyone else, have respect for persons, are against treating people as mere objects, wish to act for reasons that rational creatures can share, etc. A consequentialist respects other persons and refrains from treating them as mere objects by counting every person’s well-being in the decision-making process. Likewise, a consequentialist attempts to act according to reasons that rational creatures can share by acting according to principles that give equal weight to everyone’s interests, i.e., that are impartial. This is not to say that consequentialists and deontologists do not differ. They do. It’s just that the real differences may not be what deontologists often take them to be. What, then, distinguishes deontology from other kinds of moral thought? A good strategy for answering this question is to start with concrete disagreements between deontologists and others (such as consequentialists) and then work backward in search of deeper principles. This is what I have attempted to do with the trolley and footbridge cases and other instances in which deontologists and consequentialists disagree. If you ask a deontologically minded person why it is wrong to push someone in front of speeding trolley in order to save five others, you will get characteristically deontological answers. Some will be tautological: “Because it’s murder!” Others will be more sophisticated: “The ends don’t justify the means.” “You have to respect people’s rights.” As we know, these answers don’t really explain anything, because if you give the same people (on different occasions) the trolley case or the loop case (see earlier discussion), they will make the opposite judgment, even though their initial explanation concerning the footbridge case applies equally well to one or both of these cases. Talk about rights, respect for persons, and reasons we can share are natural attempts to explain, in “cognitive” terms, what we feel when we find ourselves having emotionally driven intuitions that are at odds with the cold calculus of consequentialism. Although these explanations are inevitably incomplete, there seems to be “something deeply right” about them because they give voice to powerful moral emotions. However, as with many religious people’s accounts of what is essential to religion, they don’t really explain what is distinctive about the philosophy in question.

### economics---1nc

#### Economics is useful and necessary in ethical decision-making even if it alone fails to give us all the answers.

Posner ’79 [Richard Allen Posner is an American legal scholar who served as a federal appellate judge on the U.S. Court of Appeals for the Seventh Circuit from 1981 to 2017."Utilitarianism, economics, and legal theory." The Journal of Legal Studies 8.1 (1979): 103-140.] TDI

It is widely believed that before the economist can offer suggestions of legal reform designed to make the legal system more efficient, he must derive and defend the moral foundations of efficiency. This view is incorrect. Two important normative uses of economic analysis of law are totally unaffected by the philosophical questions with which this paper is mainly concerned. The first use is to indicate the costs of a proposed course of action. Suppose someone is arguing for the abolition of capital punishment on the grounds that it is wrong for the state to kill, and an economist conducts a study which shows that the abolition of capital punishment would result in a significant increase in the murder rate.33 Even though the economist may claim no competence to advise on the rightness or wrongness of capital punishment when he demonstrates a cost of its abolition (i.e., a higher murder rate) contributes to the ethical debate by indicating a consequence which may or may not) be deemed relevant to the ethical issues involved. So long as costs are deemed to have any ethical relevance at all,34 the economist has a role to play in the formation of ethical judgments. And in any cases where other values besides economic ones are not claimed to be involved the economist's ethical role is decisive.

Besides helping people make correct normative judgments by pointing out how much of one value, economic welfare, they must give up to obtain another (or, equivalently, how much economic value the sacrificing some other value, e.g., a moral aversion to the sale of kidneys or corneas35), the economist can provide conclusive normative directions to anyone for whom efficiency, or the particular concept particular economist is advancing, happens to be the ruling value. While nowadays relatively few of the people in our society who think about these things consider wealth maximization or some other very paramount social value, few judge it a trivial one. And, as mentioned, sometimes it is the only value at stake in a question. Consequently, the economist has an important contribution to make to ethical debate even if he is unable to give any philosophically coherent account of economic normativity.

## civil rights

### global governance defense---1nc

#### There’s no existential threat that requires global governance.

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Climate change. There isn't a single worst-case scenario in which our planet becomes too hot for humans to inhabit. Earth is not about to become Venus... or Waterworld.

Asteroid strikes. The astrophysicist Ethan Siegel once commented, "It is very, very likely that we will have no major asteroid impacts on Earth over the next 1,000 years, let alone the next 100. It is very likely that there will be no species-threatening impacts over the next 10 million years. [Original emphasis]"

Epidemics. Because of economic development and advances in public health, infectious diseases will decline, not increase. We have already eradicated smallpox, and polio may go extinct, too. Emerging infectious diseases, like Ebola, can be scary but will come nowhere near threatening the existence of humanity. The biggest threats are from pandemic influenza and antibiotic-resistant bacteria, but neither represents a threat to the survival of mankind. (Even the Black Death only managed to kill 1/3 of Europe.)

Overpopulation. Demographers believe that the human population will hit approximately 11 billion in the year 2100. However, because population growth is slowing (and has been for decades), it is likely that the human population will peak and then decline sometime thereafter. In other words, humans are not cockroaches; we will not keep reproducing until we're out of food.

Dr. Hawking's beliefs, therefore, aren't just wrong, but are far outside the scientific mainstream. It's too bad that this intelligent man keeps making headlines for all the wrong reasons.

#### Dozens of thumpers.

ABA 16, American Bar Association. (2-10-2016, “The United States and Human Rights Treaties: Can We Meet Our Commitments?”, https://www.americanbar.org/publications/human\_rights\_magazine\_home/2015--vol--41-/vol--41--no--2---human-rights-at-home/the-united-states-and-human-rights-treaties--can-we-meet-our-com/)

Despite these deficiencies, the United States thinks too highly of itself to treat international human rights law—at least when applied to us—as law. We ratify few human rights treaties. We attach multiple conditions (called “reservations, understandings, and declarations”) to those we do ratify. We declare even those treaties “not self-executing,” which renders them generally unenforceable in our courts (although they can still be used as interpretive guides for U.S. laws). And we decline to accept individual complaint procedures or clauses referring disputes under the treaties to the International Court of Justice. That said, a trio of treaties ratified during the terms of the first President Bush and President Clinton commit the United States internationally to respect and protect a wide range of human rights. Two decades later, however, Washington is unwilling or unable to live up to key promises it made under those treaties, at least in the view of the committees of international experts set up to oversee them. The three treaties are the International Covenant on Civil and Political Rights (ICCPR) and the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), both joined by the United States in 1992; and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), joined by the United States in 1994. (We have ratified other human rights treaties on specific topics, such as the Genocide Convention and Protocols on child soldiers and child trafficking.) Civil and Political Covenant The ICCPR requires each of its 168 state parties “to respect and to ensure to all individuals within its territory and subject to its jurisdiction” a menu of civil and political rights, without discrimination. For example, the ICCPR protects the rights to life, liberty, humane treatment, fair trial, and privacy. States must also ensure that victims of violations have an effective remedy. In grave public emergencies, certain ICCPR rights, including liberty and due process—but not freedom from torture—may be restricted. However, both the emergency and the restrictions (called “derogations”) must be formally notified to the UN. The restrictions must also be limited to the extent and duration strictly required. The United States has never derogated from the ICCPR. Convention against Race Discrimination CERD’s 177 state parties are barred from allowing distinctions based on race, color, descent, or national or ethnic origin, whose “purpose or effect” is to nullify or impair the equal exercise of human rights. Parties undertake to pursue a policy to eliminate racial discrimination. They must ensure equal treatment with respect to a broad range of rights, such as the right to vote and the right to security against police violence. Victims of violations must have effective remedies, including “just and adequate reparation.” Affirmative action—within limits—is encouraged. CERD authorizes “special measures” for the purpose of securing “adequate advancement” of certain racial groups, so long as the measures do not lead to the “maintenance of separate rights” and do not continue after their goals are achieved. The CERD expert committee (see below) interprets this as an “obligation” to adopt special measures when warranted to eliminate “persistent” racial disparities. Convention against Torture CAT categorically prohibits torture: “No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.” Each of CAT’s 158 state parties is mandated to take effective measures to prevent, punish, and redress torture. Treaty Reporting and Expert Committees All three treaties require state parties to submit periodic reports on compliance to committees of experts. The committees also receive “shadow reports” from nongovernmental groups—from scores of groups in the case of the United States. After public hearings in which committee members question and dialogue with government delegations, the committees issue “concluding observations” and ask that follow-up reports be submitted one year later. The committees have long had distinguished U.S. members. The current U.S. member of the Human Rights Committee, which oversees the ICCPR, is Professor Sarah Cleveland of Columbia Law School. The U.S. member of the CERD committee is Professor Carlos Vázquez of Georgetown Law, and of the CAT committee, Felice Gaer, director of the Jacob Blaustein Institute. CAT committee chair Claudio Grossman, the Chilean member, is dean of Washington College of Law at American University. Treaty Norms vs. U.S. Norms In 2014, all three committees issued concluding observations on U.S. reports. They began by commending positive steps taken by the United States since the previous round of reporting, such as the Supreme Court decision in Roper v. Simmons, 543 U.S. 551 (2005), ruling the juvenile death penalty unconstitutional; President Obama’s 2009 executive order prohibiting torture; his ongoing efforts to close Guantanamo; and the 2010 Fair Sentencing Act, which reduced racial sentencing disparities for crack cocaine versus powdered cocaine. Each committee then elaborated its “concerns.” From a U.S. perspective, one might group them in three broad categories: (1) U.S. rejection of treaty norms for reasons that many U.S. human rights lawyers would applaud; (2) U.S. rejection of treaty norms for reasons deeply embedded in U.S. legal and political culture; and (3) U.S. violations of treaty norms, even where they are consistent with American culture and values. In the first category—laudable U.S. departures—one might place overbroad bans on hate speech. CERD requires criminalization of “all dissemination of ideas based on racial superiority or hatred.” The ICCPR bans all “advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.” The United States adopted reservations to these provisions on First Amendment grounds. Nonetheless the CERD committee urges the United States to consider criminalizing racist hate speech, even when it does not incite imminent violence or “true threats” of violence. Many U.S. human rights lawyers would support the U.S. position to allow hate speech that falls short of such incitement. In the second category—norms incompatible with embedded U.S. culture—one might place the Human Rights Committee’s call for the United States to consider acceding to an Optional Protocol to the ICCPR abolishing the death penalty. Another candidate might be the CERD committee’s call for the United States to redefine racial discrimination across the board in order to meet CERD’s “purpose or effect” definition. The Supreme Court has held that the test for violating constitutionally mandated equal protection of the law is a purpose test, not an effects test. While some U.S. laws use a “disproportionate impact” test, most do not. U.S. law is unlikely to move toward an “effects” test anytime soon. This reality neutralizes many CERD committee recommendations to the United States. CERD committee concerns rest on disproportionate impact in such areas as denial of voting rights to convicted felons, gun violence, aspects of criminal justice and juvenile justice, and inadequate legal aid. While there are serious racial gaps in all these areas, and CERD may help focus attention by placing them under an international spotlight, the United States is more likely to treat them as policy problems than as unlawful discrimination. On the other hand, CERD concerns about disparate racial impacts in housing—resulting from urban environmental pollution, criminalization of homelessness, and mortgage-lending practices and foreclosures—may prove to be in sync with the “disparate impact” test under the U.S. Fair Housing Act as recently interpreted by the Supreme Court in Texas Department of Housing & Community Affairs v. Inclusive Communities Project, Inc., 135 S. Ct. 2507 (2015). Fair housing may thus potentially fit within the third category of issues, where human rights treaties are consistent with both U.S. national values and our legal culture. In these areas, Washington should live up to our international commitments without delay. The following are illustrative: Torture and Accountability CAT requires the United States to: prevent torture “in any territory under its jurisdiction”; criminalize all acts of torture; make these offenses punishable by penalties that “take into account their grave nature”; establish jurisdiction over torture by U.S. nationals; ensure a “prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction”; ensure that victims of torture obtain redress and fair and adequate compensation; and refrain from sending someone to a country if there are “substantial grounds for believing that he would be in danger of being subjected to torture.” Since 2001, the United States has violated all these treaty commitments. In December 2014, the U.S. Senate Select Committee on Intelligence released a 500-page executive summary of its report on CIA detention and interrogation. In a foreword, Committee Chair Dianne Feinstein expressed her “personal conclusion that, under any common meaning of the term, CIA detainees were tortured.” She was correct. The Committee found, for example: “Sleep deprivation involved keeping detainees awake for up to 180 hours, usually standing or in stress positions, at times with their hands shackled over their heads. At least five detainees experienced disturbing hallucinations . . . .” “The waterboarding technique was physically harmful, inducing convulsions and vomiting.” One detainee “became ‘completely unresponsive, with bubbles rising through his open, full mouth.’ Internal CIA records describe the waterboarding of [another prisoner] as . . . a ‘series of near drownings.’” Techniques such as slamming detainees against a wall were used “with significant repetition for days or weeks at a time” “in combination, frequently concurrent with sleep deprivation and nudity.” One detention facility was a “dungeon,” the chief CIA interrogator said. Detainees were “in complete darkness and constantly shackled in isolated cells with loud noise or music and only a bucket to use for human waste. Lack of heat . . . likely contributed to [a detainee’s] death.” The Committee also found that the CIA repeatedly misled the Justice Department about interrogation techniques and confinement conditions. The CIA’s “inaccurate and incomplete” information impeded effective oversight by the White House and Congress. CIA misinformation “complicated, and in some cases impeded” the national security work of the FBI, Director of National Intelligence, and State Department. Against this backdrop, the United States should heed the recommendations of the CAT committee. The first set of recommendations concerns inadequate legislation. The U.S. Code criminalizes torture abroad but not in the United States. The CAT committee “regrets that the specific offense of torture has not yet been introduced at the federal level.” Even where torture is a crime, the committee “regrets” that the United States restrictively interprets CAT by narrowing the definition of “mental harm” that can qualify as torture (although the Senate Committee findings reveal that the CIA tortured even by that narrower definition). Legislation is critical. The CAT committee welcomed the United States’ “unequivocal commitment to abide by the universal prohibition of torture and ill-treatment everywhere,” as well as U.S. assurances that its personnel are legally barred from committing torture and ill-treatment “at all times and in all places.” However, this bar rests in part on executive orders overturnable at the stroke of a pen. The committee recommended that the United States amend its laws and withdraw its reservation implying a territorial limitation on CAT applicability. In November 2015, President Obama signed into law, as part of the FY 2016 defense authorization bill, the McCain-Feinstein amendment to effectively prohibit torture by U.S. government agencies. Even so, the new law does not address the CAT committee’s concern for lack of accountability and redress. No CIA or military personnel have been prosecuted for torture per se (although low-ranking military personnel have been prosecuted for lesser offenses). Nor has there been civil redress. In 2014, the D.C. Circuit ruled that Congress had barred a civil damages remedy for a detainee allegedly tortured at Guantanamo. Janko v. Gates, 741 F.3d 136 (D.C. Cir. 2014), cert. denied, 135 S. Ct. 1530 (2015). Secret Detention For at least five years after 2001, the CIA held detainees in secret “black sites” overseas. While a 2009 Executive Order directed that the CIA close its sites and not open any new ones, that order is not embodied in legislation. The CAT committee recommended that the United States “[e]nsure that no one is held in secret detention anywhere under its de facto effective control.” The committee reiterated that secret detention is a per se CAT violation. Indefinite Detention without Trial The CAT committee reminded the United States that “indefinite detention without trial constitutes, per se, a violation” of CAT. It noted that during the period under review nine deaths occurred at Guantanamo, including seven suicides, as well as repeated suicide attempts and mass hunger strike protests. In March 2015, the United States reported to the UN Human Rights Committee that of the 122 prisoners still at Guantanamo, 56 were cleared for transfer, had not yet been transferred, and had no immediate relief in sight; 10 were involved in some form of criminal justice; and the remaining 56 were “eligible for review” by the Periodic Review Board—i.e., they are still detained indefinitely without trial. The Human Rights Committee expressed concern that detainees at Guantanamo “are not dealt with through the ordinary criminal justice system after a protracted period of over a decade, in some cases.” It recommended that the United States should “ensure either their trial or their immediate release.” Military Commission Trials In March 2015, the United States reported to the Human Rights Committee that 10 Guantanamo detainees were currently facing charges, awaiting sentencing, or serving sentences imposed by military commissions. Although the United States contends that military commission trials are fair, the Committee recommended that the United States ensure that any criminal cases against detainees at Guantanamo be “dealt with through the criminal justice system rather than military commissions.” Drone Deaths As highlighted by President Obama’s recent apologies to families of two American hostages killed in drone attacks, the use of armed drones endangers innocents and raises serious questions under international law. The Human Rights Committee recommended that the United States: “revisit its position regarding legal justification”; ensure compliance with the principles of “precaution, distinction and proportionality”; disclose, subject to operational security, the criteria for drone strikes, the legal basis for specific attacks, the process of target identification, and the circumstances in which drones are used; provide “independent supervision and oversight” of drone attacks; take “all feasible measures to ensure the protection of civilians” in specific attacks; track and assess civilian casualties; investigate and bring to justice anyone responsible for violations of the right to life; and provide victims with effective remedies and compensation. Intelligence Surveillance The Human Rights Committee expressed its concern over NSA surveillance, including the bulk phone metadata surveillance program. It recommended that the United States ensure that interference with privacy comply with “principles of legality, proportionality and necessity, regardless of the nationality or location of the individuals whose communications are under direct surveillance.” While the recently enacted USA Freedom Act is a step toward that goal, more safeguards are needed. See, e.g., Neema Singh Guliani, What’s Next for Surveillance Reform after the USA Freedom Act, ACLU (June 3, 2015), https://www.aclu.org/blog/washington-markup/whats-next-surveillance-reform-after-usa-freedom-act. Police Killings The CERD committee expressed “concern at the brutality and excessive use of force by law enforcement officials against members of racial and ethnic minorities, including against unarmed individuals.” It recommended improved investigations, reporting, and redress. Criminal Justice The Human Rights Committee and CERD committee expressed a range of concerns about racial disparities in the criminal justice system, including racial profiling, stop-and-frisk arrests, and racial disparities in sentencing, including the death penalty. Voting The Human Rights Committee expressed concern over obstacles to voting, including burdensome voter identification and eligibility requirements. It recommended that voting rights be restored to felons who have completed their sentences, and that states “review automatic denial of the vote to any imprisoned felon, regardless of the nature of the offence.” Conclusion The foregoing is only a sampling of treaty committee recommendations, constrained by limitations of space. Interested readers can find the full committee reports and extensive documentation at http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx. For anyone concerned about human rights in the United States, the inquiry is well worth the effort.

#### AND more that are way more important to foreign policy and international law!

Glaser 19, Director of foreign policy studies at the Cato Institute. Master of Arts in International Security at the Schar School of Policy and Government at George Mason University. (John, 3-15-2019, "The Amnesia of the U.S. Foreign Policy Establishment", *Cato Institute*, https://www.cato.org/publications/commentary/amnesia-us-foreign-policy-establishment)

This prohibition against war is not some trivial aspiration. Non-intervention is the centerpiece of international law and the United Nations has repeatedly sought to underline its significance. In 1965, the General Assembly declared “No state or group of states has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any state.” Again in 1970, it unanimously reaffirmed the illegality of “armed intervention and all other forms of interference or attempted threats.” In 1981, the General Assembly further specified that the Charter’s “principle of non-intervention and non-interference” prohibited “any … form of intervention and interference, overt or covert, directed at another State or group of States, or any act of military, political or economic interference in the internal affairs of another State.”

The United States is currently engaged in active military hostilities in at least seven countries, namely Afghanistan, Iraq, Syria, Yemen, Somalia, Libya, and Niger. That tally doesn’t include drone strikes in Pakistan, combat operations in Kenya, Cameroon, and Central African Republic, or other interventions of unknown magnitude. The true number might be closer to 14 countries. The White House is also explicitly threatening U.S. military action to change the regime in Venezuela and against Iran for a host of spurious reasons. Not one of these cases meets the prerequisites for legal military intervention (a plausible self-defense case can be made for the war in Afghanistan, but it expired a long time ago).

No other state in the international system uses force more than the U.S. has. Throughout the Cold War, the United States used military means to interfere in other countries about twice as often as did the Soviet Union. This doesn’t include interventions below the threshold of military action: from 1946 to 2000, Washington meddled in foreign elections more than 80 times (compared to 36 by the Soviet Union or Russia over the same period). Covert operations to overthrow democratically elected governments, as in Iran, Guatemala, and Chile, were a staple of U.S. conduct in this period, and according to the Rand Corporation, “the number and scale of U.S. military interventions rose rapidly in the aftermath of the Cold War.” The Congressional Research Service lists more than 200 individual U.S. military interventions from 1989 to 2018, a rate that no other country even comes close to matching.

It’s hard for America to act as the guarantor of a rules-based order that it consistently violates. When President Obama condemned Russia’s annexation of Crimea in 2014, saying international law prohibits redrawing territorial borders “at the barrel of a gun,” it was somewhat awkward: The United States did exactly that in the 1999 Kosovo war, which lacked Security Council approval, and successive administrations have similarly supported Israel as it annexes and occupies territory in violation of international law. Secretary of State John Kerry castigated Russia’s territorial grab this way: “You just don’t in the 21st century behave in 19th century fashion by invading another country on completely trumped up pretext.” As it happens, that’s a rather apt description of the Bush administration’s brazenly illegal invasion of Iraq in 2003.

Washington often appeals to international law to justify military action against despots who commit atrocities, as it did when it secured UN Security Council approval in 2011 to bomb Libya. But even there, when the initial use of force was authorized, the Obama administration rapidly exceeded the mandate of the resolution by pursuing what amounted to a regime-change strategy. And such appeals to humanitarianism are highly selective: U.S. military power has also been used to assist Saudi Arabia, one of the world’s most regressive authoritarian regimes, commit war crimes and keep an impoverished and largely defenseless population in Yemen under siege.

America’s delinquency isn’t restricted to the use of force. Though 139 other countries have done so, Washington has refused to sign on to the Rome Statute, which established the International Criminal Court. And although the United States has badgered China for violating the UN Convention on the Law of the Sea, which defines maritime rights and responsibilities, the U.S. refuses to ratify the treaty itself. For all the talk of China’s unfair trade practices, the only country that receives more formal complaints about WTO violations than China is the United States—and China does a better job of complying once complaints are made.

The political establishment in Washington has always accepted this unique role for the United States. We’re the policeman of the world. We enforce the rules and therefore assert the right to violate them, even as we (often violently) deny others that same prerogative.

Any claim to special privileges rests to some extent on whether the international community sees it as legitimate. The problem is that America’s increasing disregard for the rules has undermined its legitimacy and that of the order itself: More than any other single nation, its actions determine the basis of international norms. As U.S. foreign policy becomes more transparently lawless, the power of international law to constrain state behavior weakens accordingly. To legitimize the Russian annexation of Crimea, President Vladimir Putin actually cited the “Kosovo precedent.” In 2016, Chinese officials dismissed U.S. criticisms of Beijing’s human rights record by citing the “notorious…prison abuse at Guantanamo.” The United States, Chinese diplomat Fu Cong told the UN Council on Human Rights, “conducts large-scale extra-territorial eavesdropping, uses drones to attack other countries’ innocent civilians, its troops on foreign soil commit rape and murder of local people. It conducts kidnapping overseas and uses black prisons.” And when American officials lambaste Iran for backing the Syrian regime of Bashar al-Assad despite his use of chemical weapons, Iranian officials frequently remind the world that the United States aided Saddam Hussein while he deployed chemical weapons on a much larger scale.

#### Global governance is outdated, bogged down, and too complex.

Ferry 18 Jean Pisani-Ferry, Economics Professor with Sciences Po of Paris and the Hertie School of Governance of Berlin, former campaign director for Emmanuel Macron and Commissioner-General of France Stratégie, the Founding Director of the think tank Bruegel. [Should we give up on global governance? Policy Contribution 17, October 2018, https://bruegel.org/wp-content/uploads/2018/10/PC-17-2018.pdf (table 1 omitted)]

C. Obsolescence of global rules and institutions Although the previous argument primarily rests on the broad pattern of international trade and finance, the adverse effects of external liberalisation can be compounded by inadequate governance. As far as trade is concerned, two cases in point are, first, inertia in the categorisation of countries, especially the fact that emerging countries, including China, still enjoy developing country status in the WTO; and, second, failures to enforce the adequate protection of intellectual property (an issue on which the EU recently joined the US and filed a complaint at the WTO against Chinese practices; see European Union, 2018). These grievances, and others concerning subsidies or investment, are not new: they were clearly spelled out by policymakers from the Obama administration (see for example, Schwab, 2011, and Wu, 2016). The underlying concern is that the systemic convergence on a market economy template that was expected from participation in the WTO has failed to materialise. The rules and institutions of global trade have brought shallow convergence but not the deeper alignment of economic systems that was hoped for. More generally, existing rules and institutions were conceived for a different world. This is very apparent in the trade field: the GATT/WTO framework dates from what Baldwin (2016) has called the “first unbundling” of production and consumption. They were not designed for the “second unbundling” of knowledge and production that gave rise to the emergence of global value chains. For decades, the implicit assumption behind the structure of trade negotiations has been that nations have well-defined sectoral trade interests: they are either exporters or importers. But in a world of global value chains, they are both importers and exporters of similar products simultaneously. Even if the principles of multilateralism remain valid, important features of the rules and institutions in which they are embedded are increasingly outdated. In the same way, opening to capital movements was supposed to result in net financial flows from savings-rich to savings-poor countries. What has happened instead is a massive increase in gross flows resulting in the interpenetration of financial systems and the coexistence of sizeable external assets and liabilities. The consequence has been the emergence of a global financial cycle (see for example Rey, 2017) and of policy dilemmas that are quite different from those arising in a simple Mundell-Fleming framework, in which interdependence takes place through net inflows and outflows of capital. Developments in the climate field further illustrate the point. The 1997 Kyoto Protocol was negotiated under the assumption that the bulk of greenhouse gas emissions would continue to originate in the advanced countries. But by the time the Protocol was meant to enter into force, it was clear already that the hypothesis was deeply wrong. The exemption of developing countries from emissions reductions was one of the reasons why the US did not ratify the treaty. The failed Copenhagen agreement of 2009 was an attempt to replicate Kyoto on a global scale, but there was no consensus for such an approach. Rules can be reformed and institutions can adapt. But this is a long and demanding process, especially when it requires unanimity, when participating countries have diverging interests and when changes require ratification by parliaments where there is no majority to support them. Global rules therefore exhibit a strong inertia that often prevents necessary adaptations. Trade rules, amendments to which require unanimity, are a case in point. Institutions are nimbler and can adapt to changing priorities or perspectives on interdependence. The IMF for example has succeeded in adjusting to major changes in the international economic regime and major shifts in the intellectual consensus. But even institutions face limitations to their ability to keep up with underlying transformations. This is one of the reasons why solutions to emerging problems have often been looked for outside the existing multilateral, institution-based governance framework (Table 1). D. The imbalances of global governance A further reason for popular dissatisfaction with global governance is its unbalanced nature. The deeper international integration becomes, the broader the scope of policy its management should cover, and the more acute the tension between the technical requirements of global interdependence and the domestically-rooted legitimacy of public policies. This is most apparent in the field of taxation. International tax optimisation by multinationals has become an issue of significant relevance and it is estimated that 40 percent of their profit is being artificially shifted to low-tax countries – with major consequences for national budgets (Tørsløv et al, 2018). But the fact that taxation remains at the core of sovereign prerogatives limits the scope and ambition of initiatives conducted at international level. The result, which can be regarded as an illustration of Rodrik’s trilemma, is that global coordination in tax matters falls short of what equity-conscious citizens regard as desirable and, at the same time, exceeds what sovereignty-conscious citizens consider acceptable. The imbalances of global governance are by no means limited to the taxation field. The same can be found in a series of domains, for example biodiversity and the preservation of nature. E. Increased complexity The final obstacle to multilateral solutions has to do with the sheer complexity of the challenges global governance has to tackle. In recent decades channels of international interdependence have both multiplied and diversified. They now link together countries with significantly differing levels of technical, economic or financial development. Because they have developed outside the scope of negotiated rules and established institutions, some of channels of interdependence also escape the reach of international agreements to an unprecedented degree. This is especially, but not only, the case of the internet and the multiple networks that rely on it. The world does not fit anymore the usual representation whereby individual nations trade goods, capital and technology. Even putting aside geopolitical consequences and assuming a shared commitment to openness and multilateral solutions, such complexity is bound to test the limits of existing international governance arrangements.

## private cp

### privatization---1nc

#### Deregulating the housing market solves.

Romney 21, assistant Attorney General at the State of Arizona with an BA and MBA in Business Administration and Management from ASU. (Dustin, 4-10-2021, “How Deregulating Real Estate Markets Can Solve America’s Shortage of Affordable Housing,” FEE Stories, https://fee.org/articles/how-deregulating-real-estate-markets-can-solve-america-s-shortage-of-affordable-housing/)//TDI

With worsening traffic, longer commutes, and skyrocketing prices, our 100-year experiment in zoning has, at best, revealed gaping fissures in its execution, and, at worst, been an abject failure. It has been well-documented in recent years that the United States is suffering from a chronic shortage of affordable housing. There could be few starker monuments to the failure of urban planning.

We cannot subsidize our way out of this problem because it does not address the underlying cause: artificial restriction of supply through onerous regulation and permitting processes. Deregulation will unleash private subsidies on a scale that could dwarf even politicians’ lofty campaign promises. For example, private investment in telecommunications in the two decades following deregulation totaled $1.4 trillion. The amount of private investment and innovation that can be called upon to alleviate the affordable housing problem vastly outweighs what the government can do through subsidization. One such innovation is the humble tiny house. You can actually purchase a house on Amazon for less than $20,000. But with local zoning laws, there are few places where it is legal to put these houses.

The deregulation of real estate markets doesn’t just make economic sense. It is also a moral imperative. Think of it. It is illegal for me to build a small additional home on my four-acre lot for my aging mother. If I defied the government in this respect for long enough, they would eventually send armed policeman to arrest me for building a house on my own property. Aside from such weighty restrictions, land use regulation is replete with arbitrary rules governing harmless activity, from “light commercial” to aesthetics.

### tax subsidies---1nc

#### **Tax subsidies solve & shield.**

Benedict et al. ’22 [Richard; research-practitioner with 25 years of experience working in the private, public and not-for-profit sectors in Australia for the University of Sydney. “Private sector involvement in social and affordable housing”; *Final Report*, Number 388] TDI

Participants advised that tax subsidies, such as the NRAS initiative discussed in Chapter 2, can successfully leverage private investment in new affordable housing supply. In particular, NRAS was seen to have worked well when incentives were used to target locations of high housing need, for instance, by supporting higher density transport-oriented developments in key metropolitan employment markets. However, some participants expressed the view that the approach may have supported development in cheaper, less well serviced and lower demand areas where the tax incentive has greatest benefit to project feasibility, but less benefit to housing need.

Criticism largely focused on the implementation of the NRAS rather than the overall model of tax incentives for affordable rental supply. Scheme differences across the Australian jurisdictions, and overlapping management by the Australian Government and state and territory governments, were seen to be cumbersome.

One of the pitfalls of NRAS was the dual management between both the federal government and the state government. We have different models underpinning each state. So there was a lot of conflict with that. To me, it’s very much…it’s top-down management to get all those components to work together. [Finance Panel participant]

Under the US LIHTC scheme, social and affordable housing developers convert recurrent tax subsidies to capital project funding by selling them to investors who can apply them to tax liabilities (housing tax credits or offsets function as are dollar-for-dollar credits against actual tax liability rather than as tax deductions.)

The best example that’s out there that really works, is the US low-income housing tax credit system. It’s better than NRAS, in that it deals with a number of the shortcomings. It’s top down driven. It’s driven from the federal government. The states get their funding, and then the states can go out and call tenders, and identify which areas and the specifics that they want to fulfil. [Finance Panel participant]

The strengths of the US LIHTC scheme were seen to be bipartisan support, top down management by the Federal Government, allocation by States with significant discretion in allocation policy priority, and ongoing continuity as a permanent program enshrined in legislation.

## econ da

### econ---1nc

#### The economy is soaring---every metric proves AND pessimism is wrong.

Cowen 23, columnist. (Tyler, 8-7-2023, “The US Economy Is Great. Stop Worrying About It,” Bloomberg, https://www.bloomberg.com/opinion/articles/2023-08-07/us-economy-is-strong-so-americans-should-stop-worrying-about-it?in\_source=embedded-checkout-banner)//TDI

What prompts these questions is the current US economy. The good news is evident: Its 2.4% growth rate last quarter exceeded expectations, inflation has fallen to the 3% range, wage gains are finally exceeding price hikes, stock prices have rebounded, measures of volatility have been low, and consumer sentiment is improving.

To be sure, matters are hardly perfect. The number of job openings has been falling, banks still have problems with non-performing commercial loans, and inflation is still too high, among other problems. Nonetheless, especially considering what could have happened after a pandemic that killed well over 1 million Americans, the US economy seems unreal, in the best sense of that term.

But the question persists: How worried should we be? There is a common and popular tradition that suggests an economic recovery is a harbinger of bad times. Perhaps a recovery has a kind of expiration date, just like the milk in your refrigerator. After some period of time, it simply goes sour, no matter what you might try to do to keep it fresh.

The good news is that the old macroeconomic saying — “Expansions don’t die of old age” — is basically true. Most academic literature supports that conclusion. There is always a possibility that an expansion can turn into a recession, as remains the case today, but the mere fact of an expansion should not be cause for worry.

In 2010, experts were asking whether the economic recovery would run out of steam. Instead, it continued until Covid intervened — and right before Covid, the economy even accelerated. In 2021, the OECD worried that the US recovery from the pandemic might be slowing down. That worry also turned out to be wrong.

Again, the proper conclusion is not that recession is impossible. It is that recession does not become more probable as the recovery proceeds.

#### The right to housing zeroes investment and infringes on property right---turns case.

Greenhut 23, Resident Senior Fellow and Western Region Director, State Affairs. He has a BA in political science. (Steve, 7-14-2023, “Declaring a ‘Right’ to Housing Won’t Solve Homelessness, https://reason.com/2023/07/14/declaring-a-right-to-housing-wont-solve-homelessness/)//TDI

The legislation also defines the right to housing as "a right to protection from forced evictions, equal and nondiscriminatory access to housing, and that housing must be adequate." That means housing "with security of tenure; availability of services, materials, facilities, and infrastructure" along with a location that offers "cultural adequacy." Huh?

I have no idea what it means to have housing with "cultural adequacy," but I do know what it means to have "protection from forced evictions" and "security of tenure." That seems to mean that landlords would no longer be able to evict tenants for almost any reason, perhaps even including nonpayment of rent. That creates a practical (not to mention a constitutional) problem.

If a property owner can't properly vet tenants and potentially can't evict them, then they aren't going to invest in or rent out apartments. They certainly aren't going to make repairs to houses lived in by non-paying tenants, which will make the housing stock less adequate. We need more housing, not less, and such edicts discourage housing investment.

For precedent, ACA 10's supporters point to the state's "Human Right to Water" law declaring "that every human being has a right to safe, clean, affordable and accessible water adequate for human consumption, cooking, and sanitary purposes." Signed by then-Gov. Jerry Brown in 2012, it sounded noble. Who doesn't want everyone to have potable water?

But in the ensuing years, the state failed to provide clean drinking water to poor, farm-worker towns in the south San Joaquin Valley, even though the fix (hooking up those communities to infrastructure in neighboring water districts) was a tiny expense relative to the state budget. Apparently, the state is willing to grant human rights as it sees fit—but only if they're cheap and easy. Following that law's passage, the state continued to neglect its duty to build more water infrastructure.

So spare us these meaningless "rights" bills, which seem designed to result in press conferences rather than meaningful solutions. In fairness, some of ACA 10's goals are reasonable—e.g., pushing localities to approve more housing construction. But this law wouldn't accomplish that.

The state already is taking a serious approach toward deregulating land use through laws such as Senate Bills 9 and 10, which create a "by right" approval process for duplexes and mid-rise condos. The state also is battling NIMBY (Not In My Back Yard) cities such as Huntington Beach, which are fighting the laws' implementation in the court system.

Those laws—and ones that reduce parking minimums and allow developers to build housing on commercial sites—were the result of hard work that involved tough negotiations, coalition building, and the usual legislative sausage-making. This "housing right" amendment is an affront to those efforts by pretending that there's a shortcut.

There's also much wrong philosophically with creating new "rights" via legislation and voter initiative. Historically, there are two types of rights—"negative" ones and "positive" ones. The former protects individuals from government usurpations. The First Amendment's speech protections ("Congress shall make no law …") is the premiere negative-right example.

By contrast, your positive right to housing means the government must force others to give it to you by taking their money (via taxation) or undermining their property rights (by limiting their right to evict you). Not only is that approach ethically wrong, but it will only lead to fewer available rentals. Then again, there's nothing we can do to rein in lawmakers' right to introduce worthless legislation.

#### AND it tries to counter financialization and profit with a litany or bureaucratic, legal, and complex measures.

Leijten & de Bel 20, \*is Assistant Professor at Department of Constitutional and Administrative Law at Leiden University \*\*LLM in International Criminal Law at the University of Amsterdam. (\*Ingrid \*\*Kaisa, 6-11-2020, “Facing financialization in the housing sector: A human right to adequate housing for all,” Netherlands Quarterly of Human Rights, https://doi.org/10.1177/0924051920923855)//TDI

But let us return to what human rights norms are – first and foremost – about: guiding the behaviour of States. The letters to the different countries leave no question about the specific obligations for governments that have witnessed and actively contributed to the commodification of housing. All of them are reminded of the fact that

according to international human rights law, your Government is required to take progressive measures, to the maximum of available resources, to ensure access to adequate housing for all without discrimination. To address the issue of financialization and its impact on the enjoyment of the right to housing, your Government must develop policies and laws that include a full range of taxation, regulatory and planning measures in order to re-establish housing as a human right, promote an inclusive housing system, prevent speculation and limit the extraction of profits at the expense of tenants. This will require a transformation of the relationship between your Government and the financial sector, whereby human rights implementation becomes the overriding goal.89

Besides, the letters note that a failure to take steps towards returning housing to its core function as a social good ‘can only be regarded as a retrogressive step and accordingly puts the State at odds with its obligations under international human rights law’.90 Sometimes, in the context of the ICESCR, retrogressive steps are (temporarily) allowed, for example in times of crisis and austerity, yet these then have to meet various requirements, such as non-discrimination.91

The letters are a reminder of the fact that even in spheres determined by markets and (the interests of) big companies, the State’s task should not be limited to ensuring business enterprises do their best to comply with human rights.92 A broad range of measures is necessary, also, according to the Special Rapporteur, transforming markets as well as the relationship between State and market. States should establish laws and policies to ensure that housing related costs are proportionate to income levels – they may not threaten the satisfaction of other basic needs.93 Legal and other frameworks should also be created to ensure security of tenure,94 while it is necessary for States to review existing laws and policies related to foreclosure and indebtedness, to ensure compliance with the right to adequate housing and the obligation to prevent evictions resulting in homelessness.95 Courts and other institutions, too, so the 2017 report of the Special Rapporteur continues, must be made to ‘recognize and apply the paramountcy of human rights and interpret and apply domestic laws and policies related to housing and housing finance consistently with the right to adequate housing’.96 In turn, this means that rights-holders must have an opportunity to be heard; that complaints procedures and access to effective remedies are provided.97

#### Housing market collapse spills over---economic decline.

Amadeo 21, corporate economic analysist and MA in management Sloan School of Business at MIT. (Kimberly, 3-4-2021, “Real Estate's Impact on the US Economy,” The Balance, https://www.thebalancemoney.com/how-does-real-estate-affect-the-u-s-economy-3306018)//TDI

Real estate plays an integral role in the U.S. economy. Residential real estate provides housing for families. It's the greatest source of wealth and savings for many Americans. Commercial real estate, which includes apartment buildings, creates jobs and spaces for retail, offices, and manufacturing. Real estate business and investment provide a source of revenue for millions.

In 2018, real estate construction contributed $1.15 trillion to the nation's economic output. That's 6.2% of U.S. gross domestic product. It's more than the $1.13 trillion in 2017 but still less than the 2006 peak of $1.19 trillion. At that time, real estate construction was a hefty 8.9% component of GDP.

Real estate construction is labor-intensive and a major force in job creation. The drop in housing construction was a big contribution to the recession's high unemployment rate.

The Ripple Effect of Real Estate

Construction is the only part of real estate that's measured by GDP. But real estate affects many other areas of economic well-being that aren't measured. For example, a decline in real estate sales eventually leads to a decline in real estate prices. That lowers the value of all homes, whether owners are actively selling or not. It reduces the number of home equity loans available to owners. This ultimately reduces consumer spending as more homeowner cash is tied up in home projects.

Almost 70% of the U.S. economy is based on personal consumption. A reduction in consumer spending contributes to a downward spiral in the economy. It leads to further drops in employment, income, and consumer spending. If the Federal Reserve doesn't intervene by reducing interest rates, then the country could fall into a recession. The only good news about lower home prices is that it lessens the chances of inflation.

#### Housing collapses causes great-power-war---goes nuclear.

Liu 18, PhD in Economics from Uppsala University, Former Visiting Researcher at the University of California, Berkeley, Managing Director for Greater China at The Economist Group, Guest Lecturer at New York University, Tsinghua University, the Chinese Academy of Social Sciences and Fudan University. (Quian, 11-13-2018, “The Next Economic Crisis Could Cause a Global Conflict. Here's Why,” World Economic Forum, https://www.weforum.org/agenda/2018/11/the-next-economic-crisis-could-cause-a-global-conflict-heres-why)//TDI

The next economic crisis is closer than you think. But what you should really worry about is what comes after: in the current social, political, and technological landscape, a prolonged economic crisis, combined with rising income inequality, could well escalate into a major global military conflict.

The 2008-09 global financial crisis almost bankrupted governments and caused systemic collapse. Policymakers managed to pull the global economy back from the brink, using massive monetary stimulus, including quantitative easing and near-zero (or even negative) interest rates.

But monetary stimulus is like an adrenaline shot to jump-start an arrested heart; it can revive the patient, but it does nothing to cure the disease. Treating a sick economy requires structural reforms, which can cover everything from financial and labor markets to tax systems, fertility patterns, and education policies.

Policymakers have utterly failed to pursue such reforms, despite promising to do so. Instead, they have remained preoccupied with politics. From Italy to Germany, forming and sustaining governments now seems to take more time than actual governing. And Greece, for example, has relied on money from international creditors to keep its head (barely) above water, rather than genuinely reforming its pension system or improving its business environment.

The lack of structural reform has meant that the unprecedented excess liquidity that central banks injected into their economies was not allocated to its most efficient uses. Instead, it raised global asset prices to levels even higher than those prevailing before 2008.

In the United States, housing prices are now 8% higher than they were at the peak of the property bubble in 2006, according to the property website Zillow. The price-to-earnings (CAPE) ratio, which measures whether stock-market prices are within a reasonable range, is now higher than it was both in 2008 and at the start of the Great Depression in 1929.

As monetary tightening reveals the vulnerabilities in the real economy, the collapse of asset-price bubbles will trigger another economic crisis – one that could be even more severe than the last, because we have built up a tolerance to our strongest macroeconomic medications. A decade of regular adrenaline shots, in the form of ultra-low interest rates and unconventional monetary policies, has severely depleted their power to stabilize and stimulate the economy.

If history is any guide, the consequences of this mistake could extend far beyond the economy. According to Harvard’s Benjamin Friedman, prolonged periods of economic distress have been characterized also by public antipathy toward minority groups or foreign countries – attitudes that can help to fuel unrest, terrorism, or even war.

For example, during the Great Depression, US President Herbert Hoover signed the 1930 Smoot-Hawley Tariff Act, intended to protect American workers and farmers from foreign competition. In the subsequent five years, global trade shrank by two-thirds. Within a decade, World War II had begun.

To be sure, WWII, like World War I, was caused by a multitude of factors; there is no standard path to war. But there is reason to believe that high levels of inequality can play a significant role in stoking conflict.

According to research by the economist Thomas Piketty, a spike in income inequality is often followed by a great crisis. Income inequality then declines for a while, before rising again, until a new peak – and a new disaster. Though causality has yet to be proven, given the limited number of data points, this correlation should not be taken lightly, especially with wealth and income inequality at historically high levels.

This is all the more worrying in view of the numerous other factors stoking social unrest and diplomatic tension, including technological disruption, a record-breaking migration crisis, anxiety over globalization, political polarization, and rising nationalism. All are symptoms of failed policies that could turn out to be trigger points for a future crisis.

Voters have good reason to be frustrated, but the emotionally appealing populists to whom they are increasingly giving their support are offering ill-advised solutions that will only make matters worse. For example, despite the world’s unprecedented interconnectedness, multilateralism is increasingly being eschewed, as countries – most notably, Donald Trump’s US – pursue unilateral, isolationist policies. Meanwhile, proxy wars are raging in Syria and Yemen.

Against this background, we must take seriously the possibility that the next economic crisis could lead to a large-scale military confrontation. By the logic of the political scientist Samuel Huntington, considering such a scenario could help us avoid it, because it would force us to take action. In this case, the key will be for policymakers to pursue the structural reforms that they have long promised, while replacing finger-pointing and antagonism with a sensible and respectful global dialogue. The alternative may well be global conflagration.

### uniqueness---2nr

#### Inflation has cooled AND employment is up.

Levitz 23, writer and reporter over economics and politics. (Eric, 8-4-2023, “America’s Economic Outlook Keeps Getting Better,” Intelligencer, https://nymag.com/intelligencer/2023/08/jobs-report-americas-economic-outlook-keeps-getting-better.html)//TDI

But in 2023, the economic landscape has grown more uniformly pleasing. In June, inflation cooled for the 12th straight month with the consumer price index growing at a 3 percent annual rate. In June 2022, that CPI was growing at a 9.1 percent annual clip. This disinflation has led Wall Street analysts to slash estimates of recessionary risk with Goldman Sachs now saying there is only a 20 percent chance of an economic downturn in the U.S. over the next 12 months.

As prices decelerated, employment and wages have remained strong. Prime-age labor-force participation is near all-time highs, while the unemployment rate sits near half-century lows. According to a Bureau of Labor Statistics report released Friday, the U.S. economy added 187,000 jobs in July. Average hourly earnings, meanwhile, were up roughly 4.5 percent from a year earlier, meaning that wages have been rising faster than prices, enabling workers to reclaim some of the purchasing power they lost to post-COVID inflation.

### link---rent controls---2nr

#### Rent controls wreck the housing market, constrain supply and increase demand.

Polumbo 19, co-founder of Based-Politics, and contributor to numerous media organizations. (Brad, 9-18-2019, “Bernie Sanders’ dystopian plan for national rent control,” Washington Examiner, https://www.washingtonexaminer.com/opinion/bernie-sanders-dystopian-plan-for-national-rent-control)//TDI

The implementation of price controls at a national level is an awful idea. Rent control doesn’t work, as even the most basic economic theory suggests.

Many economists believe price controls just restrict the supply of housing, because they discourage developers from building more housing by lowering potential profits. This, in the long-run, will send rents soaring in non-rent-controlled areas. Meanwhile, property owners who do face rent restrictions may convert their apartments to condos or otherwise stop renting them, rather than rent out their property at artificially low prices.

Put simply, most experts agree that big government interventions into the housing market make things worse.

I spoke with Cato Institute senior fellow Michael Tanner, author of The Inclusive Economy: How to Bring Wealth to America's Poor, who had this to say about Sanders’ expansive plan:

Once again Sanders has correctly recognized a problem and then proposed exactly the wrong solution. High housing prices are the result of high demand and low supply. Sanders’ plan would further increase demand and decrease supply.

### link---litigation---2nr

#### If landlords or housing businesses got sued, it would end them. The outcome is irrelevant, but cases incur costs, drain intangible assets, and damage short and long-term prospects.

Gowda 17, Assistant Manager at Supply Wisdom, a NeoGroup Company. He has experience in third-party and supply chain risk management. (Dilip N., 8-3-2017, “Impact of Lawsuits and Litigation on Brand Image”, Supply Wisdom, https://www.supplywisdom.com/resources/impact-of-lawsuits-and-litigation-on-brand-image/#:~:text=Publicized%20disputes%20can%20tarnish%20a,cause%20a%20business%20to%20fold.)//TDI

Reputation of a business is fundamental for a company’s survival. The trust and confidence of consumers and partners can have a direct and profound effect on a company’s bottom line. Firms with robust positive reputation attract better people. They are perceived as providing more value which allows them to stand out from the rest. Customers of these companies are more loyal and buy broader range of products and services. Moreover, in an economy where 70% to 80% of market value is derived from hard-to-assess intangible assets such as brand equity, goodwill, and intellectual capital, organizations are especially vulnerable to anything that might damage their reputation.

It is inevitable that at some point or the other, most of the businesses will face a legal dispute. Business litigation takes many forms, including contract disputes, misrepresentation, IPR issues, premises liability, employment matters, data breach, false advertising, gender discrimination, etc. All these have the potential to bring about unwanted consequences for both large and small businesses.

Ideally, business conflicts can be settled without resorting to litigation through direct negotiations, arbitration, or mediation, which are often faster, more private, and less expensive than litigation. However, at times litigation is unavoidable when parties are not ready to consider other choices or have found substitutes to litigation unsuccessful.

For every business, lawsuits have major drawbacks including:

* Costs: Lawsuits can be a drain on finances, energy, time, resources, and emotions. A number of small businesses have limited operating budgets and the effects of a time-consuming, costly lawsuit can be disastrous.
* Relationships: Disputes often drive a rift between parties and relationships may end up severed.
* The bottom line: Lawsuits, in all its forms, can have a negative effect on the company’s bottom line. Publicized disputes can tarnish a company’s reputation. Contract disputes and accusations of fraud can force a company to put business on hold. Litigation can ultimately decline a company’s value, drive down sales, or even cause a business to fold.

The sheer output of resources needed to defend a brand or organization in litigation can be draining to companies of any size. While large organizations are not necessarily the most susceptible to litigation, they are often the most likely to suffer a loss of public image when their cases hit the news.

While a certain extent of legal proceedings are probably par for the course of any business, ongoing lawsuits can be damaging to long-term investor interest. And today, when litigation related to data security and racial discrimination are on the rise, an excess of court proceedings may damage a brand’s value, public offerings, and other long-term prospects.

Many customers are hesitant to do business with an organization that has been slapped with a lawsuit. As far as employment lawsuits go, it generally involves some kind of discrimination charge and most people do not want to be associated with that. Once the news spreads, the organization may lose a certain part of its existing customer base and new customers researching about the organization will hear about the lawsuit at some point.

High-profile discrimination settlements have cost large organizations hundreds of millions of dollars along with a tarnished brand image. While small businesses are unlikely to be forced to pay an amount that extreme, discrimination can still have a significant impact on the reputation of the organization. Perception among customers can be negatively affected by discriminatory practices.

Even when a judge dismisses a lawsuit because there is not enough evidence, the lawsuit still costs an organization precious time, money, and negative publicity.

#### Anchoring heuristic---one suit spoils perceptions for the whole industry.

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The anchoring heuristic and the power of bad incident

We are prone to collect too few observations before rendering a judgment (Kahneman, 2011). Indeed, one dramatic incident can overcome the impression of a larger number of routine ones. Other researchers have found that people are influenced by anchors irrespective of whether the anchor is relevant, and that people are generally unaware of the impact of anchoring (Wilson et al., 1996). This pattern evinced itself in our interviews. Two interview subjects mentioned negative interactions (unprompted by the interviewer) they had with government enforcement personnel while numerous others described ones they had heard about from neighbors or competitors.

One interviewee told us about a fine he had received during a safety inspection. The log for inspecting the fire extinguisher had one date not filled in, and the regulatory agency fined him $750. He clearly thought the fine was unreasonable and there was no question from his tone and his subsequent comments that the incident had a disproportionate effect on his attitude toward regulators and regulations.

Another small business owner told us a similar story. Forty years ago he had been sued by a worker he had fired. The worker claimed that he had been fired because he had been hurt on the job (a claim vigorously denied by my interview subject). The court gave an award to the worker. The business owner that was able to recount the details of the case 40 years later and it shaped his attitudes toward government. He was probably the most anti-regulatory of our eight interview subjects.

Incidents did not have to happen to the business itself for it to affect owners. At least two other interview subjects (again unprompted) described incidents that they had heard about from competitors or neighbors where there was treatment by the government that was perceived to be unfair. These incidents were part of what formed their attitudes toward government regulation and government enforcement of that regulation. This is consistent with blame-assignation in other contexts (Davis and Pink-Harper, 2016).

Obviously, some of the actions by government may not have been unfair. There is no way to judge the case of the 40-year-old workers compensation claim, and the incidents in neighboring businesses are even murkier since they were filtered through two retellings. And it is indeed possible (perhaps probable) that these owners were already disposed to be opposed to government regulation before the incident happened or they heard about it. But this type of “anchoring” is a well-recognized phenomenon in the behavioral economics literature (Wilson et al., 1996). It was clear from our interviews that this phenomenon is prevalent in the regulatory arena. We also saw interview subjects compare their current regulatory environment, with a perhaps mythical past, “There were no regulations. You could ship anything anywhere. We were shipping anything”.

It is also possible to see this type of anchoring interacting with the bandwagon effect described above. In the Internet era, when anyone is upset about unfair treatment, the first thing they do is go on the Internet looking for advice or sympathy. This will likely result in finding support for anti-regulatory attitudes and other examples of purported governmental overreach. One will also listen with more sympathy when political figures decry over-regulation if you perceive yourself to have been the victim of such phenomena. Combining these phenomena and you get the sentiment described by one subject, “As a business owner, I lose sleep over (regulations). You know that noncompliance penalties can be unbelievably severe, so you worry about that constantly. You may be very successful and you can get blindsided by a regulation of some sort”.

### link---perception---2nr

#### Perception magnifies the link and circumvents the AFF

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The reaction to regulation

Why should we care about how businesses perceive regulation? Traditional economics would argue that what businesses do in response to regulation is more important than what they think about regulation (Bernheim and Rangel, 2009). Do they comply or not comply, and what is their level of compliance? What investments do they make to ensure compliance? What investments are foregone to comply with regulations? All these questions are doubtlessly important.

But there are two important reasons to also focus on the perceptions of the regulated community. First, the perceptions of the regulated entity may affect their decision about whether to comply with a regulation and whether to take steps above and beyond compliance (Rinfret and Pautz, 2018). If the regulated party fears enforcement or public embarrassment, they may “overcomply” with regulations (Bozeman and Anderson, 2016) increasing the cost of regulation. If a regulation (or enforcement of that regulation) is perceived as unfair or poorly designed, compliance may be uneven (Adams, 1963; Makkai and Braithwaite, 1996). If firms do not comply, then the intended benefits of the regulation will not be achieved.

Second, perceptions about regulation are a subset of perceptions about government generally. Perceptions and compliance are the last step in a long chain of events preceded by the identification of the need for a regulation, regulatory development (which includes business lobbying), and the final promulgation of the regulation. For a business owner or a manager of any entity regulated by the government, regulation (along with tax payment) is arguably the primary way that they interact with the state. In the United States, perceptions about government have become increasingly polarized over recent decades (Cramer, 2016). Everyone, including business owners, now has many more sources of information affecting their perceptions. The interaction of these sources of information with the experience of business owners likely shapes their perception of regulation (which in turn affects their sentiments about government).

Our current understanding of how businesses perceive regulation largely comes from examinations of the firm’s decision to comply with regulation. The political rhetoric that surrounds regulation implicitly relies on the assumption that business can be made to comply (Parker and Nielsen, 2011). The largest factor shaping business’ response to regulation is the regulations themselves and their enforcement. Stricter regulations and more rigorous enforcement can combine to impose a larger burden on business. Certainly, that logic is what lies behind much of the debate on regulation. Regulations that are perceived as overly strict or costly are likely to increase the opposition to regulation (Mendeloff, 1988).

And indeed, that argument accurately summarizes what has been characterized as the “rational actor” model of regulatory compliance. This argument is that the degree to which firms comply with regulations is based upon stringency of regulations, the likelihood of a sanction, and the magnitude of a sanction (Kagan et al., 2003). In this framework, businesses are “amoral calculators” deciding whether it is more financially advantageous for them to comply with regulations or to skirt them (Kagan and Scholz, 1984).

But much work has been done on other factors that determine whether a business decides to comply. Presumably these factors also affect regulatory perceptions. Among these factors are the complexity and volume of regulations (Mandel and Carew, 2013), the enforcement style of inspectors (Bardach and Kagan, 1982), the “fairness” of regulations (Makkai and Braithwaite, 1996), knowledge of regulatory requirements (Kagan et al., 2003) (which may in turn depend on the size and capacity of the firm (Axelrad and Kagan, 2000)), and the structure (Howard-Grenville et al., 2008) and culture of an organization (Howard-Grenville, 2006). The culture of a community regarding regulation may also have important impacts (Axelrad and Kagan, 2000).

#### Availability heuristic and band-wagoning---multiplex environmental regulations reinforce negative reactions.

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The availability heuristic and the problem of paperwork

The ability of individuals to mentally retrieve an instance of something affects their assessment of the probability of that occurrence. This “availability heuristic” involves our reliance on the ease of memory search to answer a question which in turn produces a predictable bias in judgment (Kahneman, 2011). Among the most significant contributors to availability is how recently one has been exposed to information or a task.

One of the most regular regulatory compliance activities that a small business owner must engage in is keeping records and completing paperwork for the government. In both the survey and interviews, the subject of reporting and recordkeeping came up repeatedly. Among those surveyed, approximately half reported their company spent more than an hour per week filling out government compliance forms which may serve as a constant reminder of the impact of regulations.

Survey respondents were asked about specific types of regulations and whether they had a significant impact on the business. The ranked results appear in Table 1.

Environmental and worker safety regulations are often the poster children for regulatory burden. Yet responses that they were a problem were not as common as those that cited recordkeeping/reporting requirements or the overall volume of regulation (which likely includes recordkeeping and reporting requirements).

Interview subjects demonstrated this phenomenon even more clearly. One of the interview subjects had prepared a visual aid for me. On one side of the desk was one binder. On the other was a pile of eight binders. Before the interview started, he pointed to the one binder and said, “this is how we make {our product}”, then he pointed to the pile of binders and said, “these are the records we have to keep because of regulations”.

In contrast, changing your operating process because of a regulation quickly becomes invisible to you. This is an instance of what Kahneman (2011, p. 78) describes as the establishment of norms. “Very little repetition is needed for a new experience to feel normal”. These regulations are generally accepted by businesses that have already complied with them. They also often understand the purpose of such regulations and accept the burden associated with it. One respondent said, “We’ve gotten over the hump. If you’d interviewed me five years ago it would have been different. Once you get your head around it and you know what to do it becomes part of your routine operation”. Another said, “We are an established business, so we have been operating a long time and we dovetail regulations into what we do”. These regulatory requirements quickly become less available in the mind of those who comply with them.

One might think that completing paperwork would fall in this category but every time one fills out a form, one must find new information. In so doing, one is reminded of all the frustrations associated with doing so. One respondent said, “All the government crap that is duplicate of each other. You take the same numbers fill it out in five different directions, city, county, state, federal, another federal agency”.

Reporting and recordkeeping requirements also irritated our interview subjects because they did not understand the purpose of many of them. One respondent said, “My first reaction was “does this apply to me” trying to figure out why anyone would care about these tiny bottles we sell, 200 grams”. Another said, “I don’t understand why it can’t be a lot simpler”. This is in line with literature on red tape. Tasks that are both burdensome and serve an unclear purpose produce a negative emotional response from those forced to undertake them in part by imposing a sense of powerlessness (Hattke et al., 2018) or a loss of autonomy (Moynihan et al., 2015). For this reason, regulated entities care as much about the process by which they interact with government as they do about the outcomes (Moynihan et al., 2015). If the outcomes are invisible and the process burdensome, there is a recipe for a negative perception by regulatees.

Business owners feel that many of the records they keep are never seen by anyone. One said, “{there are} never ending requests for information and you never have any idea where it goes, who reads it, what are the results”. Many of the reports businesses submit are required for reasons that are never explained to business owners. Another interviewee said, “I have yet to figure out what state registrations are for. Each of our two plants have only been visited twice in 30 years”. This increases their dissatisfaction with paperwork requirements. When the requirements are (or seem) duplicative this dissatisfaction is multiplied. For these reasons, the business owners felt much more strongly about requirements for reporting and recordkeeping than about regulations that may impose a greater financial burden but that are not as available in their minds.

The availability heuristic reinforced by the bandwagon effect

While paperwork requirements are clearly an important determinant of regulatory attitudes, they are not the only determinant. To better understand regulatory resentment, the survey included five questions about attitudes toward regulations (see question 8 in Appendix B). The answers to these five questions made up the primary measure of regulatory perceptions/attitudes. Respondents were asked to choose between five sets of two statements that came closest to their own views. These pairs of statements were also asked in an earlier survey study of regulatory policy (Shapiro and Borie-Holtz, 2014).Footnote5 The responses to these questions are displayed in Table 2.

Interestingly, the amount of hours spent filling out paperwork had a statistically significant correlation with only two of these responses (the questions on the number of regulations and on small business competitiveness). So while it is clear that recordkeeping and reporting requirements have a disproportionate weight in affecting business perceptions, there is more at work here. One variable that jumped out as also important was party affiliation. Table 3 shows the percentage of Democrats, Independents, and Republicans (and those with no party affiliation) that agreed with the regulatory attitude statements we gave them. The differences between those who identified with the varied parties is statistically significant for three of the five questions.

Party identification also had significant relationships with the following responses to survey questions:

* Have regulations impacted layoff decisions?
* Are the total number of regulations a burden and are recordkeeping requirements a burden?

While the causal relationship between party affiliation and regulatory attitudes could run either way (people could become Republicans because of regulatory experience or could hate regulations because they hear anti-regulatory rhetoric from their party’s leaders), the interviews pointed at a relationship that flows both ways. Kaufmann and Tummers (2017) find that political conservativism exacerbates dissatisfaction with red tape. This may play a role here as well. Social cascade (bandwagon) effects and group polarization, play an important role in amplifying extreme views (Sunstein, 2006). The Internet and social media have made it much easier for people to seek out like minded individuals who will reinforce their views on a particular subject (which were perhaps shaped by the availability heuristic). This process favors “uncritical acceptance of suggestions and exaggeration of the likelihood of extreme and improbable events” (such as a government inspection for a business owner (Kahneman, 2011)). Even when exposed to balanced information, people pick out the portions that are more in line with their pre-existing preferences (Taber and Lodge, 2006).

Several interview subjects discussed stories they had seen on the Internet about government or about regulations. One also noted, “We all listen to the same talk radio show and share the same experiences”, and described how he and his fellow business owners collectively viewed business regulations as unfair.Footnote6 Some of the interpretations of these stories (or perhaps the stories themselves) were clearly false. President Obama was blamed for the Great Recession, which began before his presidency, and the health care initiatives pursued by Presidents Clinton and Obama were described as government provided socialized medicine. One interview subject discussed a book he had read, “Three Felonies a Day” (Silverglate, 2011), which makes the case that the government can always find something a law which a business owner is breaking. Clearly this book had reinforced his negative views toward regulation.

The survey also contained a question about how business owners found out about new regulations with which they would need to comply. Table 4 displays these sources.

Just three out of 10 respondents got their information straight from a government agency. The plurality of respondents relied on information from trade associations (31%), and local chambers of commerce (17%). In other words, many people are hearing about their obligations from sources unlikely to view those requirements favorably.

### at: private housing---2nr

#### Speculators, A.K.A. private equity, are a drop in the bucket BUT do improve the housing market.

Michel 21, vice president and director of the Cato Institute’s Center for Monetary and Financial Alternatives. He was previously a tenured professor at Nicholls State University’s College of Business. (Norbert, 10-21-2021, “How Private Equity Landlords are Changing the Housing Market,” Cato Institute, https://www.cato.org/testimony/how-private-equity-landlords-are-changing-housing-market)//TDI

It is always convenient to blame “Wall Street” and “speculators” for economic difficulties because those terms obscure the human component that drives specific economic outcomes, thus making it easy to deflect blame away from individuals and difficult to objectively evaluate particular claims. As evident by this hearing, the tactic is very effective – recent stories have stoked fears that large institutional investors (private equity firms) are causing rapid price increases in single family housing markets.1

Yet, research demonstrates that institutional investors play a very small role in the single family housing market – both in absolute terms and relative to large multifamily housing companies and other single family home investors.2 A Philadelphia Federal Reserve Bank paper, for instance, shows that “from 2006 to 2014, the share of large institutional buyers of total purchases increases from virtually zero to 1.47 percent while the share of LLC purchases goes up by 4.04 percentage points.“3 The authors claim that “despite the rise that began after 2010, in 2014 their shares remained small: The average share of large institutions as buyers was 1.47 percent.“4 Additional research by the Federal Reserve indicates that institutional investors comprised “1 to 2 percent of all single‐​family purchases from 2012 to 2014,” while “purchases by other investors accounted for 18 to 19 percent of single‐​family home purchases during the same period,” and that “buy‐​to‐​rent investors owned about 0.14 percent of the housing stock in 2014, whereas corporate investors owned 6 percent and individual investors owned 6 percent.“5

Despite the small share, the evidence also suggests that “institutional investors contribute to the improvement of the local housing market by reducing vacancy rates as they shorten the amount of time distressed properties stay in REO [real estate owned foreclosure],” and that “institutional investors help lower local unemployment rates by increasing local construction employment.“6 Citing other research, the Urban Institute’s Laurie Goodman argues that institutional investors “grew up in 2010–2013 buying distressed properties that no one else would buy and in fact put a floor on the market, so they provided a very, very valuable service and they basically cleaned up the distressed market, a lot of which required repairs.“7 Goodman also cites evidence that “institutional operators owned just 300,000 single‐​family units in 2019,” approximately 2 percent of the roughly 15 million one‐​unit detached single‐​family-rental homes in the United States, and less than 0.5 percent of the total number (80 million) of detached single‐​family homes in the United States.8 More recent research by the National Rental Home Council (NRHC) estimates that 0.74 percent of single‐​family home purchases in the second quarter of 2021 were made by “large investors.“9 Put differently, the NRHC estimates that 99.26 percent of single‐​family homes purchased in the second quarter of 2021 “were made by someone, or some entity, other than a large investor.“10

### at: econ defense---2nr

#### Economic crisis cascade and go nuclear---defense doesn’t assume post-COVID shifts.

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Various scholars and institutions regard global social instability as the greatest threat facing this decade. The catalyst has been postulated to be a Second Great Depression which, in turn, will have profound implications for global security and national integrity. This paper, written from a broad systems perspective, illustrates how emerging risks are getting more complex and intertwined; blurring boundaries between the economic, environmental, geopolitical, societal and technological taxonomy used by the World Economic Forum for its annual global risk forecasts. Tight couplings in our global systems have also enabled risks accrued in one area to snowball into a full-blown crisis elsewhere. The COVID-19 pandemic and its socioeconomic fallouts exemplify this systemic chain-reaction. Onceinexorable forces of globalization are rupturing as the current global system can no longer be sustained due to poor governance and runaway wealth fractionation. The coronavirus pandemic is also enabling Big Tech to expropriate the levers of governments and mass communications worldwide. This paper concludes by highlighting how this development poses a dilemma for security professionals.

Key Words: Global Systems, Emergence, VUCA, COVID-9, Social Instability, Big Tech, Great Reset

INTRODUCTION

The new decade is witnessing rising volatility across global systems. Pick any random “system” today and chart out its trajectory: Are our education systems becoming more robust and affordable? What about food security? Are our healthcare systems improving? Are our pension systems sound? Wherever one looks, there are dark clouds gathering on a global horizon marked by volatility, uncertainty, complexity and ambiguity (VUCA).

But what exactly is a global system? Our planet itself is an autonomous and selfsustaining mega-system, marked by periodic cycles and elemental vagaries. Human activities within however are not system isolates as our banking, utility, farming, healthcare and retail sectors etc. are increasingly entwined. Risks accrued in one system may cascade into an unforeseen crisis within and/or without (Choo, Smith & McCusker, 2007). Scholars call this phenomenon “emergence”; one where the behaviour of intersecting systems is determined by complex and largely invisible interactions at the substratum (Goldstein, 1999; Holland, 1998).

The ongoing COVID-19 pandemic is a case in point. While experts remain divided over the source and morphology of the virus, the contagion has ramified into a global health crisis and supply chain nightmare. It is also tilting the geopolitical balance. China is the largest exporter of intermediate products, and had generated nearly 20% of global imports in 2015 alone (Cousin, 2020). The pharmaceutical sector is particularly vulnerable. Nearly “85% of medicines in the U.S. strategic national stockpile” sources components from China (Owens, 2020).

An initial run on respiratory masks has now been eclipsed by rowdy queues at supermarkets and the bankruptcy of small businesses. The entire global population – save for major pockets such as Sweden, Belarus, Taiwan and Japan – have been subjected to cyclical lockdowns and quarantines. Never before in history have humans faced such a systemic, borderless calamity.

COVID-19 represents a classic emergent crisis that necessitates real-time response and adaptivity in a real-time world, particularly since the global Just-in-Time (JIT) production and delivery system serves as both an enabler and vector for transboundary risks. From a systems thinking perspective, emerging risk management should therefore address a whole spectrum of activity across the economic, environmental, geopolitical, societal and technological (EEGST) taxonomy. Every emerging threat can be slotted into this taxonomy – a reason why it is used by the World Economic Forum (WEF) for its annual global risk exercises (Maavak, 2019a). As traditional forces of globalization unravel, security professionals should take cognizance of emerging threats through a systems thinking approach.

METHODOLOGY

An EEGST sectional breakdown was adopted to illustrate a sampling of extreme risks facing the world for the 2020-2030 decade. The transcendental quality of emerging risks, as outlined on Figure 1, below, was primarily informed by the following pillars of systems thinking (Rickards, 2020):

• Diminishing diversity (or increasing homogeneity) of actors in the global system (Boli & Thomas, 1997; Meyer, 2000; Young et al, 2006);

• Interconnections in the global system (Homer-Dixon et al, 2015; Lee & Preston, 2012);

• Interactions of actors, events and components in the global system (Buldyrev et al, 2010; Bashan et al, 2013; Homer-Dixon et al, 2015); and

• Adaptive qualities in particular systems (Bodin & Norberg, 2005; Scheffer et al, 2012) Since scholastic material on this topic remains somewhat inchoate, this paper buttresses many of its contentions through secondary (i.e. news/institutional) sources.

ECONOMY

According to Professor Stanislaw Drozdz (2018) of the Polish Academy of Sciences, “a global financial crash of a previously unprecedented scale is highly probable” by the mid- 2020s. This will lead to a trickle-down meltdown, impacting all areas of human activity.

The economist John Mauldin (2018) similarly warns that the “2020s might be the worst decade in US history” and may lead to a Second Great Depression. Other forecasts are equally alarming. According to the International Institute of Finance, global debt may have surpassed $255 trillion by 2020 (IIF, 2019). Yet another study revealed that global debts and liabilities amounted to a staggering $2.5 quadrillion (Ausman, 2018). The reader should note that these figures were tabulated before the COVID-19 outbreak.

The IMF singles out widening income inequality as the trigger for the next Great Depression (Georgieva, 2020). The wealthiest 1% now own more than twice as much wealth as 6.9 billion people (Coffey et al, 2020) and this chasm is widening with each passing month. COVID-19 had, in fact, boosted global billionaire wealth to an unprecedented $10.2 trillion by July 2020 (UBS-PWC, 2020). Global GDP, worth $88 trillion in 2019, may have contracted by 5.2% in 2020 (World Bank, 2020).

As the Greek historian Plutarch warned in the 1st century AD: “An imbalance between rich and poor is the oldest and most fatal ailment of all republics” (Mauldin, 2014). The stability of a society, as Aristotle argued even earlier, depends on a robust middle element or middle class. At the rate the global middle class is facing catastrophic debt and unemployment levels, widespread social disaffection may morph into outright anarchy (Maavak, 2012; DCDC, 2007).

Economic stressors, in transcendent VUCA fashion, may also induce radical geopolitical realignments. Bullions now carry more weight than NATO’s security guarantees in Eastern Europe. After Poland repatriated 100 tons of gold from the Bank of England in 2019, Slovakia, Serbia and Hungary quickly followed suit.

According to former Slovak Premier Robert Fico, this erosion in regional trust was based on historical precedents – in particular the 1938 Munich Agreement which ceded Czechoslovakia’s Sudetenland to Nazi Germany. As Fico reiterated (Dudik & Tomek, 2019):

“You can hardly trust even the closest allies after the Munich Agreement… I guarantee that if something happens, we won’t see a single gram of this (offshore-held) gold. Let’s do it (repatriation) as quickly as possible.” (Parenthesis added by author).

President Aleksandar Vucic of Serbia (a non-NATO nation) justified his central bank’s gold-repatriation program by hinting at economic headwinds ahead: “We see in which direction the crisis in the world is moving” (Dudik & Tomek, 2019). Indeed, with two global Titanics – the United States and China – set on a collision course with a quadrillions-denominated iceberg in the middle, and a viral outbreak on its tip, the seismic ripples will be felt far, wide and for a considerable period.

A reality check is nonetheless needed here: Can additional bullions realistically circumvallate the economies of 80 million plus peoples in these Eastern European nations, worth a collective $1.8 trillion by purchasing power parity? Gold however is a potent psychological symbol as it represents national sovereignty and economic reassurance in a potentially hyperinflationary world. The portents are clear: The current global economic system will be weakened by rising nationalism and autarkic demands. Much uncertainty remains ahead. Mauldin (2018) proposes the introduction of Old Testament-style debt jubilees to facilitate gradual national recoveries. The World Economic Forum, on the other hand, has long proposed a “Great Reset” by 2030; a socialist utopia where “you’ll own nothing and you’ll be happy” (WEF, 2016).

In the final analysis, COVID-19 is not the root cause of the current global economic turmoil; it is merely an accelerant to a burning house of cards that was left smouldering since the 2008 Great Recession (Maavak, 2020a). We also see how the four main pillars of systems thinking (diversity, interconnectivity, interactivity and “adaptivity”) form the mise en scene in a VUCA decade.

ENVIRONMENTAL

What happens to the environment when our economies implode? Think of a debt-laden workforce at sensitive nuclear and chemical plants, along with a concomitant surge in industrial accidents? Economic stressors, workforce demoralization and rampant profiteering – rather than manmade climate change – arguably pose the biggest threats to the environment. In a WEF report, Buehler et al (2017) made the following pre-COVID-19 observation:

The ILO estimates that the annual cost to the global economy from accidents and work-related diseases alone is a staggering $3 trillion. Moreover, a recent report suggests the world’s 3.2 billion workers are increasingly unwell, with the vast majority facing significant economic insecurity: 77% work in part-time, temporary, “vulnerable” or unpaid jobs.

Shouldn’t this phenomenon be better categorized as a societal or economic risk rather than an environmental one? In line with the systems thinking approach, however, global risks can no longer be boxed into a taxonomical silo. Frazzled workforces may precipitate another Bhopal (1984), Chernobyl (1986), Deepwater Horizon (2010) or Flint water crisis (2014). These disasters were notably not the result of manmade climate change. Neither was the Fukushima nuclear disaster (2011) nor the Indian Ocean tsunami (2004). Indeed, the combustion of a long-overlooked cargo of 2,750 tonnes of ammonium nitrate had nearly levelled the city of Beirut, Lebanon, on Aug 4 2020. The explosion left 204 dead; 7,500 injured; US$15 billion in property damages; and an estimated 300,000 people homeless (Urbina, 2020). The environmental costs have yet to be adequately tabulated.

Environmental disasters are more attributable to Black Swan events, systems breakdowns and corporate greed rather than to mundane human activity.

Our JIT world aggravates the cascading potential of risks (Korowicz, 2012). Production and delivery delays, caused by the COVID-19 outbreak, will eventually require industrial overcompensation. This will further stress senior executives, workers, machines and a variety of computerized systems. The trickle-down effects will likely include substandard products, contaminated food and a general lowering in health and safety standards (Maavak, 2019a). Unpaid or demoralized sanitation workers may also resort to indiscriminate waste dumping. Many cities across the United States (and elsewhere in the world) are no longer recycling wastes due to prohibitive costs in the global corona-economy (Liacko, 2021).

Even in good times, strict protocols on waste disposals were routinely ignored. While Sweden championed the global climate change narrative, its clothing flagship H&M was busy covering up toxic effluences disgorged by vendors along the Citarum River in Java, Indonesia. As a result, countless children among 14 million Indonesians straddling the “world’s most polluted river” began to suffer from dermatitis, intestinal problems, developmental disorders, renal failure, chronic bronchitis and cancer (DW, 2020). It is also in cauldrons like the Citarum River where pathogens may mutate with emergent ramifications.

On an equally alarming note, depressed economic conditions have traditionally provided a waste disposal boon for organized crime elements. Throughout 1980s, the Calabriabased ‘Ndrangheta mafia – in collusion with governments in Europe and North America – began to dump radioactive wastes along the coast of Somalia. Reeling from pollution and revenue loss, Somali fisherman eventually resorted to mass piracy (Knaup, 2008).

The coast of Somalia is now a maritime hotspot, and exemplifies an entwined form of economic-environmental-geopolitical-societal emergence. In a VUCA world, indiscriminate waste dumping can unexpectedly morph into a Black Hawk Down incident. The laws of unintended consequences are governed by actors, interconnections, interactions and adaptations in a system under study – as outlined in the methodology section.

Environmentally-devastating industrial sabotages – whether by disgruntled workers, industrial competitors, ideological maniacs or terrorist groups – cannot be discounted in a VUCA world. Immiserated societies, in stark defiance of climate change diktats, may resort to dirty coal plants and wood stoves for survival. Interlinked ecosystems, particularly water resources, may be hijacked by nationalist sentiments. The environmental fallouts of critical infrastructure (CI) breakdowns loom like a Sword of Damocles over this decade.

GEOPOLITICAL

The primary catalyst behind WWII was the Great Depression. Since history often repeats itself, expect familiar bogeymen to reappear in societies roiling with impoverishment and ideological clefts. Anti-Semitism – a societal risk on its own – may reach alarming proportions in the West (Reuters, 2019), possibly forcing Israel to undertake reprisal operations inside allied nations. If that happens, how will affected nations react? Will security resources be reallocated to protect certain minorities (or the Top 1%) while larger segments of society are exposed to restive forces? Balloon effects like these present a classic VUCA problematic.

Contemporary geopolitical risks include a possible Iran-Israel war; US-China military confrontation over Taiwan or the South China Sea; North Korean proliferation of nuclear and missile technologies; an India-Pakistan nuclear war; an Iranian closure of the Straits of Hormuz; fundamentalist-driven implosion in the Islamic world; or a nuclear confrontation between NATO and Russia. Fears that the Jan 3 2020 assassination of Iranian Maj. Gen. Qasem Soleimani might lead to WWIII were grossly overblown. From a systems perspective, the killing of Soleimani did not fundamentally change the actor-interconnection-interaction adaptivity equation in the Middle East. Soleimani was simply a cog who got replaced.

#### AND diversionary war---litany of empiric and statistical support.

Lee et al. 22, \*Post-Doctoral Scholar, Department of Political Science, University of Kentucky, Ph.D., Political Science, University of Iowa \*\*F. Wendell Miller Professor of Political Science, University of Iowa \*\*\*Ph.D., Political Science, University of Iowa \*\*\*\*B.A., Financial Management, Fudan University. (\*Bomi K. \*\*Sara McLaughlin Mitchel \*\*\*Cody J. Schmidt \*\*\*\*Yufan Yang, 2022, “Disasters and the dynamics of interstate rivalry”; Journal of Peace Research, Vol. 59, Issue 1; University of Kansas Libraries, SAGE)

Diversionary war scholars recognize this possibility, that leaders might initiate force abroad to distract the public’s attention away from domestic problems (for reviews, see Levy, 1989; Fordham, 2017). As Bennett & Nordstrom (2000: 42) note, ‘when confronted with domestic problems, leaders in a rivalry have the clear alternatives of escalating the conflict with the rival to divert attention or to work to settle the rivalry as a means of freeing up a substantial amount of resources that can be directed toward solving internal problems’. The diversionary literature identifies several domestic conditions that increase interstate conflict risks such as poor economic performance (Ostrom & Job, 1986), internal violence (Enterline & Gleditsch, 2000), elections (Stoll, 1984), legislative opposition (Prins, 2001), and high levels of leader responsibility for the state of the economy (Johnson & Barnes, 2011). A rich literature also examines how regime type influences diversionary tactics, such as authoritarian leaders using diversionary force more often in economic downturns (Miller, 1999), juntas being more conflict prone than machines or democracies (Weeks, 2012), and differences in diversionary behavior among democratic regimes (Kisangani & Pickering, 2011).

Viewing environmental shocks as another important form of domestic turmoil, scholars have examined whether diversionary uses of force are more likely in the aftermath of disasters (Akcinaroglu, DiCicco & Radziszewski, 2011; Nelson, 2010). As Nelson (2010) argues, this could occur either through an outside state attacking the disaster affected country because it is perceived to be weak (e.g. India escalating against Pakistan in the 1965 war after a cyclone killed 48,000 people in Pakistan) or through a disaster affected state initiating conflict against another state to divert its own public’s attention from poor post disaster management (e.g. China’s attacks on Taiwan in 1954 following floods). Nelson (2010) finds empirically that diversionary conflicts are much more common in the presence of natural disasters than opportunistic attacks by outside states.

Most quantitative studies look at the effects of disasters on conflict initiation in the same year or examine how conflict/cooperation patterns change following disasters as interventions.3 However, examining time between militarized conflicts is more useful given what we know about the flatness of many rivalry hostility dynamics. We can capture the typical time between disputes in a rivalry and then examine whether disasters create punctuated equilibrium shocks. Disaster diplomacy scholars identify situations where such shocks could increase interstate cooperation (Kelman, 2012, 2016), but our expectation is that disasters more typically generate opportunities for the use of force in rivalry environments, consistent with diversionary conflict theories. Rival states spend many resources on military preparation and may have fewer resources to divert to public goods spending following disasters. Bennett & Nordstrom (2000) find that economic turmoil more frequently leads to diversionary behavior rather than to resolving ongoing rivalries to free up economic resources, which makes sense because hawks come to power in rivalry environments (Vasquez, 1993) and rival leaders often get removed from office for cooperating with their enemies (Colaresi, 2005). Because disasters occur frequently and because rapid onset disasters are unexpected, they act as shocks to conflict relationships, decreasing time to the next militarized confrontation. Temporal variation in disasters (both in frequency and severity) provides leverage to explain the timing of conflict initiation between rivals.

Hypothesis 1: Disasters shorten the time to the next militarized dispute in an interstate rivalry, especially for rapid-onset disasters.

Disasters as opportunities for scapegoating

Our first argument focuses on the general effect of disasters as shocks in rivalry relationships. While disasters could act as positive or negative shocks in rivalries (Rasler, 2001), their impact on conflict dynamics might be conditional on other factors. Rapid-onset disasters are more likely to act as shocks in interstate rivalries than slow-onset disasters, but the domestic context within which a disaster occurs is also important. Diversionary incentives to shift the blame away from poor disaster response, for example, might depend on other forms of domestic turmoil inside the state. Pakistan’s poor response to the 1970 cyclone exacerbated ongoing internal conflict between East and West Pakistan including large-scale repression, failures to recognize electoral wins by the Awami League, and mass Bengali protests. As tensions with India increased due to Bengali refugees flowing into the state, the Pakistani leadership was presented with a diversionary incentive to increase hostilities towards a long-standing rival, culminating in preemptive strikes on Indian Air Force targets in December 1971. While many factors help to explain the conflict dynamics that produced the Bangladesh War (Stoessinger, 2005), the severe disaster acted as a shock that increased the likelihood that Pakistan would use aggressive force against its rival state.

Pakistan’s leaders were facing significant domestic turmoil and on the verge of civil war in 1970, which increased their incentives for scapegoating behavior against India, or using force against an outside enemy to divert people’s attentions away from internal problems. Leaders’ misperceptions about their rival’s capabilities or resolve can be exacerbated when they experience domestic turmoil, leading them to be overly optimistic about the chances for success in a diversionary conflict: ‘The greater the internal crisis and the greater the need for an external diversion, the greater the tendency towards motivated biases that convince elites that diversionary action would be successful both externally and internally and that it would involve minimum costs and risks’ (Levy, 1989: 274). While mass protests, elite instability, and civil wars can increase the chances for interstate conflict, diversionary conflict is especially likely if there is conflict among ruling elites (Hazelwood, 1975; summarized in Levy, 1989: 275–276). Wiegand (2018) finds evidence consistent with this argument, as states experiencing government crises, purges, and riots are more likely to engage in militarized disputes against territorial rival states. However, Wiegand shows that diplomatic negotiations are more likely to occur in territorial claim dyads if the claimants experience more moderate forms of political instability (e.g. strikes, demonstrations).

Akcinaroglu, DiCicco & Radziszewski (2011) bring these arguments together in their theory connecting disasters and interstate conflict/cooperation. They argue that disasters can improve the likelihood of diplomacy between rival states because they can act as external shocks that disrupt the long-term equilibrium pattern of sustained hostility. However, this path to cooperation is only possible when the domestic audience is supportive of peace initiatives. If disasters break down ‘us vs. them’ enemy images, then leaders can pursue diplomatic initiatives with rival states. Yet leaders can also be removed from office when they cooperate with their interstate rivals; Colaresi (2005) finds that leaders who engage in greater unreciprocated cooperation with a rival state are 28% more likely to be removed from office. Akcinaroglu, DiCicco & Radziszewski (2011) draw upon this argument to conclude that disaster diplomacy is less likely between rivals if they are facing internal conflict at home, and thus facing greater costs for cooperating with the enemy.

Empirical analyses comparing the effects of earthquakes on the dynamics of the Greece–Turkey and India–Pakistan rivalries are consistent with this argument. The 2005 earthquake in Pakistan failed to improve cooperation between India and Pakistan because terrorism and internal violence in Kashmir made it costly for state leaders to cooperate. While India provided aid after the earthquake, Pakistan refused to allow Indian pilots or government officials to enter the state, citing their long-standing rivalry as a justification (Nelson, 2010). The literature on diversionary theory anticipates this kind of reaction because the internal–external conflict relationship is heightened between enduring rivals. While we recognize the possibility for disaster diplomacy to occur between rival states, we anticipate that disasters will more often act as a trigger for increased rivalry hostilities when domestic turmoil is present in one or both states.

Hypothesis 2: Rival states are more likely to initiate militarized disputes against rivals when they experience disasters, especially when domestic turmoil is high.

Disasters in high opportunity environments

Many of the early findings on diversionary conflict were mixed, in part because they failed to control for opportunities to use force. It was not surprising that the strongest early empirical evidence for diversionary conflict was found in high opportunity samples focused on major powers’ use of force in times of economic and political turmoil (Morgan & Anderson, 1999; Ostrom & Job, 1986). Similarly, many regional rivalries exhibited conflict initiation patterns consistent with diversionary theory (e.g. Arab–Israeli, Sprecher & DeRouen, 2002; Greece–Turkey, Suzuki & Loizides, 2011). However, other samples that included low and high opportunity conflict states, such as advanced industrialized democracies, showed no significant connections between elections, poor economic performance, and interstate conflict (Leeds & Davis, 1997).

Diversionary conflict scholars identify several ways in which opportunities to use force constrain leaders who would benefit from a distracting foreign policy event, but nonetheless find it difficult to manufacture one. Even for a major power like the United States, opportunities to use force abroad can vary over time depending on how frequently US citizens, soldiers, and allies are threatened and how actively rival states like the Soviet Union pursue their security interests with force (Meernik, 1994). Mitchell & Prins (2004: 945) argue that diversionary uses of force are more likely for countries in enduring rivalries because scapegoating can be easier against a state enemy: ‘The mutual anticipation of violent coercion provides the pretext and justification for military actions that may have little strategic value. Moreover, political leaders in rivalry situations can effectively blame domestic turmoil (such as economic weakness) on foreign enemies [ ... ] facilitating and legitimating the use of military force to conceal political insecurity’. Empirical analyses of directed dyads from 1960–2001 show that rivals are more likely to initiate the use of force against their enemies when inflation is high, while non-rivals are less likely to use force in times of domestic turmoil (see also Foster, 2006). Diplomatic conflicts more generally provide opportunities for diversionary tactics, especially for highly salient territorial (or other) issues (Mitchell & Thyne, 2010). This literature generates an expectation that diversionary behavior in response to disaster shocks should be more likely for states involved in long-standing rivalries rather than states in isolated (or early stage) rivalry situations.

## elections da

### link---1nc

#### The right to housing is a cornerstone of conservative election messaging.

DeParle ’23 [Jason; Senior writer at The New York Times, Frequent contributor to The New York Times Magazine. Domestic correspondent in Washington for The Times. June 20, 2023; “Federal Policy on Homelessness Becomes New Target of the Right”; *New York Times*; https://www.nytimes.com/2023/06/20/us/politics/federal-policy-on-homelessness-becomes-new-target-of-the-right.html] TDI

The bipartisan approach that has dominated federal homelessness policy for more than two decades is under growing conservative attack.

The policy directs billions of dollars to programs that provide homeless people with permanent housing and offer — but do not require them to accept — services like treatment for mental illness or drug abuse. The approach, called Housing First, has been the subject of extensive study and expanded under presidents as different as George W. Bush and Barack Obama. President Biden’s homelessness plan makes Housing First its cornerstone and cites it a dozen times.

But Housing First has become a conservative epithet.

Republican lawmakers, backed by conservative think tanks and programs denied funding by Housing First rules, want to loosen the policy’s grip on federal dollars. While supporters say that housing people without preconditions saves lives by getting them off the streets, critics say it ignores clients’ underlying problems and want to shift funding to groups like rescue missions that demand sobriety or employment. Some even blame Housing First for the growth in homelessness.

“No more Housing First!” said Representative Andy Barr, Republican of Kentucky, after introducing a bill last month that would offer more money for programs with treatment mandates.

Senator J.D. Vance, Republican of Ohio, used two recent hearings to argue that Housing First ignores the root causes of homelessness. The Cicero Institute, a Texas policy group, is promoting model state legislation that bars Housing First programs from receiving state funds. A documentary it produced with PragerU, a conservative advocacy group, cuts between critiques of Housing First and footage of people living in tents on the street and shots of drug use.

The escalating war over an obscure social service doctrine is partly an earnest policy dispute and partly an old-fashioned rivalry between groups seeking federal funds. But it is also a new ideological and political flashpoint, with former President Donald J. Trump and others on the right using it to to promote their argument that homelessness in liberal cities is an indictment of Democratic governance more broadly.

Joe Lonsdale, the tech mogul behind the Cicero Institute, has called Housing First part of a “Marxist” attempt to blame homelessness on capitalism, and Mr. Trump, in seeking a return to office, has pledged to place homeless people in “tent cities.”

#### Voters care.

Harris et al. ’20 [Glenn; president of Race Forward, an organization that builds strategies to advance racial justice in our policies, institutions, and culture. September 20, 2020; “Opinion | Housing is going to be an election issue — most Americans want the same thing”; StreetRoots; https://www.streetroots.org/news/2020/09/19/housing-going-be-election-issue-most-americans-want-same-thing] TDI

As Americans ready themselves for the November presidential election, housing may be more important than it has been in any recent election.

Those who work to make housing safe and affordable for everyone predicted that local and national housing justice movements would make housing part of the national conversation in a way that it hadn’t been in recent history. The results of housing research led by our three organizations — Community Change, Policy Link and Race Forward — came to the same conclusion. With more than three-quarters of adults saying we need to fix the crisis, America is ready for a national conversation on housing, and we dug a little deeper to find out where the public interest lies in addressing the issue.

#### Their data is flawed. The NIMBY problem overwhelms the link turn.

Qamar ’22 [Zoha; Former ABC News fellow. December 16, 2022; “Americans Want More Affordable Housing — Just Not Nearby”; *FiveThirtyEight*; https://fivethirtyeight.com/features/americans-want-more-affordable-housing-just-not-nearby/] TDI

Earlier this year, YouGov surveyed Americans about building almost 40 kinds of developments, ranging from country clubs to waste management facilities. Regarding social infrastructure, 85 percent of Americans supported building homeless shelters somewhere in the United States. However, when they were asked about building shelters in their own local area, support was over 20 percentage points lower. Support for low-income housing followed a similar pattern, with broad approval for building it someplace in the country (82 percent) but much less for building it locally (65 percent).

This discrepancy isn’t necessarily new or surprising, however. More recently, we’ve seen it play out in American cities throughout the pandemic. For example, in New York City’s Upper West Side, the city temporarily housed homeless people in unoccupied hotel rooms. But after local homeowners and renters protested, the city relocated many of the people to other neighborhoods.

“At some level, people want to look good. And so when asked if they support low-income housing, people say yes. But when that housing gets closer and closer, then people start to think about tangible impacts,” said Shomon Shamsuddin, a professor of social policy at Tufts University. “It no longer becomes something they choose to support in theory. They perceive it as something forced on them by somebody else.”

But it’s more than just optics. Ultimately, pushback against affordable housing tends to draw on the assumption that such housing raises crime rates, because people tend to believe the poor are more likely to commit crimes, Shamsuddin said. However, research suggests that an increase in temporary shelters, like tents, for unhoused people in a given area does not track with an increase in nearby property crime. And that misconception points at an underlying question: Do Americans view homelessness as a crime issue or as a poverty issue?

## cap k

### capitalism---1nc

#### There is no negotiation with capitalism---a right to housing is too deferential to neoliberalism AND is a form of silence amidst the class war. Only the unconditional rejection of the conditions we are in solves.

Wyly 13, professor of Geography at the University of British Columbia. (Elvin, 2-11-2013, “Why (Not a Right to) Housing,” Housing Policy Debate, Volume 23, Issue 1: Assessing the Foreclosure Crisis From the Ground Up, https://doi.org/10.1080/10511482.2012.749937)//TDI

Adam J. Levitin and Susan M. Wachter provide a valuable intervention in public policy debates that continue half a decade into our current era of transnational financial crises, the autopilot neoliberalism of Bush-era tax cuts, and ongoing class wars over the rights to labor and home, the freedoms of investors, and the austerity politics of America's tattered social safety net. But it is precisely because you will not find phrases like class war anywhere in Levitin and Wachter's article that it has a chance of appearing on the required reading lists of policy professionals in New York and Washington. In the capitol of capital in Manhattan and inside the “metropolitan talk machine” (Thrift, 2004) of DC, the laws of and for economics are made and defended, but it is taboo for anyone trying to influence public policy in one of these centers to speak of class. In the dominant, American nodes of an unstable world system of transnational capitalist class rivals and coalitions, the price of admission to the policy arena is a willingness to speak very carefully about class—and preferably to avoid the word and the concept entirely in favor of discussion of firms, markets, investors, and consumers. This commentary offers a parallax view of Levitin and Wachter's excellent analysis (Žižek, 2004) to highlight the evolving class politics and the risks of mainstream economic theory as a foundation for policy equilibrium. Levitin and Wachter develop a careful, rigorous analysis of the role of housing in the dangerous speculative bubble that exploded into the “First Great Depression of the 21st Century” (Shaikh, 2010) in a collapse that required market-hyping business publishers to pivot quickly to more sober titles such as The Wall Street Journal Guide to the End of Wall Street as We Know It (Kansas, 2009). Levitin and Wachter marshal compelling evidence of an inside job that enabled the financial services industry to extract a growing share of social wealth by exploiting the laws, customs, and cultural meanings of housing in America—especially housing as homeownership, especially housing as an asset class. The financial services sector expanded and reorganized, and withdrew wealth from the macroeconomy while externalizing risks through a wide array of innovative evasions, deceptions, and abuses—nearly all of them entirely legal. The essence of these legal abuses involves institutionalized incentives to lie, cheat, and steal (in the economics vernacular, agency problems in financial intermediation), and this kind of behavior is certainly not new. But Levitin and Wachter help us understand how and why the deceptions were especially pervasive in American housing and why they happened when they did. As a credit-backed asset class that functions as both a consumption and investment good, housing is especially vulnerable to the contradictory motives of people acting in different roles and backed by different powers of law. In other words, housing is where we see the inescapably class-structured conflicts and negotiations among landlords and tenants, owners and renters, families focused on their day-to-day lives as opposed to entrepreneurs, investors, and speculators looking for opportunities to make money. In a previous generation, the class politics were quite visible to those who looked behind the curtain of neoclassical obfuscation. “Tenants are not easily convinced that the rent collector merely represents a scarce factor of production,” Harvey (1974) wrote in the early 1970s (p. 251). Over several decades of privatization and neoliberalization, however, the nexus between social role and individual/corporate identity has become more contingent and spatially complex. Yesterday's slum landlords were replaced not only by small-time inner-city subprime mortgage predators but also by quite a few Bentley-driving New Century brokers in southern California (MacDonald & Robinson, 2009, p. 184) and legions of well-educated, well-paid economists, mathematicians, bankers and lawyers, lobbyists, and legislators (Financial Crisis Inquiry Commission, 2011; Lewis, 2010). All of these individuals usually acted as representatives of corporations or as self-employed entrepreneurs. They all earned incomes, commissions, fees, bonuses, and other rents extracted through their class position in relation to the circulation of housing capital. These rents were backed by law.

At the same time, neoliberalization encourages families who would like to live their lives as fully social beings to instead approach every situation as a utility-maximizing entrepreneur and investor (Harvey, 2005). This is the “cold ‘ownership society’” (N. Smith, 2011)Footnote1 that pushes working-class and middle-class households to struggle into homeownership while borrowing to the limit to buy as much real estate as possible. After 30 years of stagnant or declining wages, disappearing pensions, privatization, outsourcing, and assaults on unions and every other remaining institution of job security, how else could an American family keep from falling ever further behind? Wall Street, Washington, and legions of realtors, bankers, and brokers aggressively pushed housing as the means of building assets and home equity—touting its winning record (at the national, aggregate scale) all the way back to Great Depression 1.0.

As legislators and regulators dismantled more of the laws in housing finance that protected some of the use values of housing—as a place to live rather than a hamster wheel of economic accumulation—the social struggle became more fierce. It also became more spatially and socially intricate. Wall Street securitizers, national banks, and local brokers all pursued their rational self-interest in ways that pushed poor, working-class, and middle-class families into abusive credit that redefined ownership itself (Krueckeberg, 1999), while providing the raw material for securitization. Whether they were tricked by predators or tempted by the promise of home equity accumulation, consumers who signed all of those legally binding mortgage documents—the Old French translation is dead pledge—provided the foundation for a vast transnational financialized infrastructure, with its expanding smorgasbord of fees, commissions, yield spreads, hedges, and swaps.

What is crucial here is the brutal economic efficiency of individually rational behaviors—for certain legally created social/corporate roles at strategic points in the circulation of asymmetric information—that aggregated to social catastrophe. This is where we need to draw out the full implications of Levitin and Wachter's cautious, judicious analysis. Levitin and Wachter repeatedly return to the question, “Was there a bubble?” They provide scrupulously fair and balanced treatments of the “paradigm of the efficient market hypothesis” (EMH) and other well-financed flat-earth theories (Wallison & Burns, 2011). We need to be on guard as post hoc economic justifications of observed prices are still, even today, securitized into ideological justifications for deregulation and self-correcting markets (whereas economic doctrines of moral hazard are used to justify denying relief to consumers).

Levitin and Wachter also struggle to disentangle bubble house price dynamics from the underlying fundamentals of housing valuation. But this crisis provides a vivid demonstration of how quickly market fundamentals of a market can be redefined and corrupted. Deregulation, concerted efforts to evade existing limits on capital, and race-to-the-bottom federalism and preemption (McCoy & Renuart, 2008) were pushed aggressively under the banner of EMH reassurances and other theories that led economists and legislators who “mistook beauty, clad in impressive-looking mathematics, for truth” (Krugman, 2009). This made it abundantly clear to entrepreneurs that they could make money by pursuing ever more unhealthy transactions, extracting fee-based income or speculative gains while off loading the risks to others. Financial abuse became a fundamental term in the reduced-form model specifications of America's hedonic credit binge.

Steep opportunity costs are incurred in the attempt to determine whether the availability of “marketwide information” in real time would have allowed market participants to see (and thus deflate) a bubble. Marketwide information is precisely what Wall Street and deregulatory evangelists have been working to destroy for a quarter-century now: Remember those days of 2009 when no one could tell us how many trillions of credit default swaps had been written? The “informational advantages” of financial institutions, and “the complexity and opaqueness” of their instruments, are no accident. This is how financial capitalists operate in “really existing” capitalism, when “cognitive-cultural capitalism” (Scott, 2011) fuses with the “infectious greed” that even Greenspan finally recognized.

All of these processes involve class, even as people's class positions interrelate with their identities as people or corporations, singles or families, non-Hispanic White native-born citizens versus African Americans or Latino immigrants and undocumented workers, and so on. Levitin and Wachter's analysis helps us see the detailed legal, institutional, and economic mechanisms used to reconcile the necessary structural relations of housing class and finance capital with the contingent positions and subjective, situated experiences of people living their lives in a ruthlessly competitive and insecure world of “cannabalistic capitalism” (Soederberg, 2010). Geography also matters because housing is such a dominant, broad-based sector where the contradictions of uneven development (N. Smith, 2008) are worked out through day-to-day economic activity across the urban landscape. A generation ago, we could see the comparative simplicity of the spatial imprint of asymmetric-information credit rationing processes (Stiglitz & Weiss, 1981) that created stark contrasts between (a) credit-starved inner-city landscapes of race and class marginalization and (b) credit-rich suburban landscapes of White privilege, class exclusion, and publicly subsidized upward mobility. But over the years, spatial reorganization became more central to economic exploitation and legal evasion, as the financial services sector built the infrastructure portrayed so meticulously in “Why Housing?” And so there are more complex—and often seemingly contradictory—spatialities. There is a lot more complexity in the legal and institutional connections between class power and class struggle mediated through Wall Street and Washington, on the one hand, and all sorts of other landscapes of extraction and leverage—the declining inner cities and slow-growth suburbs across deindustrialized Rustbelt cities, as well as the sprawling Sunbelt suburbs for the upwardly mobile and the upwardly hopeful (Ashton, 2011; Schafran & Wegmann, 2012). The “peripheralization” of the “structural conditions of neoliberalism” as it has advanced in recent years is in contrast to the “federally supported suburbanization of two generations ago” (Schafran & Wegmann, 2012, p. 630).

These new contingent geographies help us recognize historical continuities and contrasts. Forty years ago, the big housing scandal was the abuse of Federal Housing Administration (FHA) insurance, when federal bailout guarantees created powerful incentives (Wachter, 1980) for lenders, brokers, appraisers, and flippers—just about everyone except the families marginalized by race and class who were just trying to get access to the use values of housing and home—who flooded capital into a “$70 billion slum” (Boyer, 1973). FHA became a verb, to describe what predators did to people, families, and neighborhoods across a vast, national “Romney City”:

Romney City is the sixth largest city in the United States, with 350,000 houses and a population of about 1,400,000, and ranks between Detroit and Houston proper. Unlike most cities, of course, Romney City doesn't exist in a single place; rather, its parts are scattered about in twenty and more other cities in the United States, from New York, Boston, Philadelphia, and Washington, D.C. in the East; to Detroit, Chicago, and St. Louis in the Midwest; to Dallas in the South; and to Seattle and Los Angeles in the West. (Boyer, 1973, p. 37).

Today, the FHA scandal looks tiny, almost innocent, compared with the global financial collapse and the ongoing class wars over regulation, tax cuts, and ruthless austerity. The FHA cities of yesteryear remain part of the urban system that in the 2012 campaign Romney (the son) and Obama both proposed to restore with minimal structural changes—so it can resume its longstanding role as a transnational spatial fix for the circulation of class-monopoly rents (Crump et al., 2008; Harvey, 1974; Walker, 1981). But many other centers have been added to the system. Securitization has drawn workers, investors, and consumers in cities and suburbs across America and many other countries into a transnational urban system of contemporary predatory structured finance (Peterson, 2007; M. P. Smith, 2001).

Economic models formulated too close to pure theoretical cases are not easily adapted to explaining institutional dynamics in the real economy.

(Dymski, 2012, p. 178)

Economics is in thin air.

(Johnson, 2009)

The Great American housing bubble was a bubble of class-monopoly rent. Why housing? Housing offered a vast landscape of noncommodified use values that had not yet been fully strip-mined and fully capitalized for the accumulation of asset-backed fictitious capital (Harvey, 1982). Deregulation and a steady rightward drift of the policy equilibrium of Washington, DC, gradually eroded the foundations of the New Deal financial architecture and protective covering of rules, norms, and regulations. The results are now clear: Sophisticated, innovative theories of efficient markets, risk-based pricing, and counterparty surveillance gave us NINJA loans (“No Income, No Jobs or Assets”), trillions of credit default swaps, collateralized debt obligations (CDOs), and the even more dangerous and CDO-squared, the shell-company legal-liability-laundering deceptions of the Mortgage Electronic Registration System (MERS), the speedy automated efficiencies of the robo-signing scandal, well-documented cases of lenders foreclosing on nonexistent debts, and now the prospect of bailed-out banks “forgiving debts that no longer exist” and saddling consumers denied mortgage workouts with potential tax liabilities (Morgenson, 2012, p. BU1).

“Why Housing?” is a powerful and valuable article. Why not a sequel in which Levitin, Wachter, and other colleagues help rebuild law and economics to support a comprehensive right to housing (Bratt, Stone, & Hartman, 2006)? “Why Housing?” is too trusting, too deferential to neoclassical, neoliberal economic theory. Levitin and Wachter labor mightily to amend economic theory and reconcile mainstream discourse with the experience of currently unfolding histories of capitalist crisis. But what we really want is to “eliminate the conditions which give rise to the truth of the theory” (Harvey, 1973, p. 137). This means rejecting more forcefully the efficient market's “conceptual precommitments” (Dymski, 2012, p. 174) that always serve as the default position in economic discourse and regulation. As used by lobbyists and policy elites to fend off regulation, after all, the EMH is far from a hypothesis; it is used instead as a performative weapon to privilege any private market processes that assign prices to social relations. This is a hypothesis that we need to reject once and for all. As soon as we rethink the ontological axiom that everything should be assigned a price, we will find new ways to directly challenge the “political reluctance to support individual homeowners.” And we will also find ways to defend and support individual renters as part of a broader movement to protect the noncommodified use values of home, shelter, and community.

#### Rights are biopolitics! And the perm doesn’t solve.

Eloff 16, Research at North West University and specializes in poststructuralism. (Aragorn, 8-4-2016, “The Very Idea of Rights,” The Anarchist Library, https://theanarchistlibrary.org/library/aragorn-eloff-the-very-idea-of-rights)//TDI

There is no one clear definition of rights, but they are generally understood to be a set of nomological (i.e., law-, principle-, or rule-based) normative principles about the freedoms and entitlements accruing to people within a particular social arrangement (most often a nation state or, occasionally, a supra-national collection of states). These rights are most often divided into supposedly perennial moral/natural rights (e.g, the right to life) and contingent legal/civil rights (e.g., the specific rights held by citizens of a particular state). They are also divided into positive and negative rights/freedoms: negative rights are rights not to be subjected to something (the right not to be submitted to random searches, the right not to be asked for identification when in a public space, i.e., freedom from) whereas positive rights are the right to something (the right to water and electricity, the right to housing, the right to free healthcare). Embedded within normativity but not always made explicit is the assumption that both any given norm and the underlying reasoning that led to its emergence is universalizable or categorical, i.e., that the norm applies equally to people in all cases said to be comparable in relevant ways by this reasoning.

Moral/natural rights, the most fundamental rights said to accrue to people, usually appeal to some or other form of Kantian-style thought and thus reproduce some of the assumptions of the Kantian moral framework: humanism, universalism, the self-identical, transcendental, reasoning subject with a priori pure intuitions of time and space and so forth. Within this Enlightenment-style framework, morality is seen as an abstract discourse with timeless foundations and universally applicable claims. While for their part secondary legal/civil rights are usually based upon primary moral/natural rights, they also frame these in varying ways within different socio-political contexts — the exact relationship between any particular legal/civil right and the moral/natural right it is connected to seems to be informed largely by the contingencies of time and place.

What can be recognized straight away is that these normative principles, given that they are meant to apply across the whole of a field and given their regulation through laws and rules, are necessarily dispensed, enforced and reproduced within this field by what Gilles Deleuze and Félix Guattari term arrangements (or assemblages, the more common translation from the original French terms agencement and dispositif) of both intersecting institutions that in almost all cases include, at minimum, a legal apparatus and a state, as well as other practices for achieving social convention and the distribution of homogeneous moral theory; what Foucault terms the conduct of conduct. (Foucault 2007: 389)

More abstractly, we can argue that the distribution of the just and the good, the purview of rights as an application of the moral philosophy emerging from what is generally regarded as modern thought, is continuously codified, framed and regulated across — and simultaneously serves to codify and regulate, to unify, totalize and integrate — various categories of human experience (property, body, expression, sexuality), various social categories (workers, women, children, asylum seekers) and various practices (free movement, public presentation, gender expression, substance use) via the aforementioned arrangements; this is an aspect of what Deleuze and Guattari call State overcoding — a reification of these arrangements of coded institutions and practices, as well as various material flows, that allows them to resonate together:

“The State…makes points resonate together, points that are not necessarily already town-poles but very diverse points of order, geographic, ethnic, linguistic, moral, economic, technological particularities. It makes the town resonate with the countryside. It operates by stratification; in other words, it forms a vertical, hierarchized aggregate that spans the horizontal lines in a dimension of depth. In retaining given elements, it necessarily cuts off their relations with other elements, which become exterior, it inhibits, slows down, or controls those relations; if the State has a circuit of its own, it is an internal circuit dependent primarily upon resonance, it is a zone of recurrence that isolates itself from the remainder of the network, even if in order to do so it must exert even stricter controls over its relations with that remainder. …Thus the central power of the State is hierarchical, and constitutes a civil-service sector; the center is not in the middle (au milieu), but on top, because the only way it can recombine what it isolates is through subordination.” (Deleuze and Guattari 1987: 478)

Overcoding ‘defines a rigid segmentarity’ and makes the centers of each segment resonate with the others, defining a divisible and homogeneous space that is strictly demarcated in all directions. The function of overcoding is described as an abstract machine that is effectuated by the State apparatus. (ibid. 223) At least some forms of overcoding are directly influenced by the same Enlightenment framework from which contemporary rights discourse emerges; the same strict, taxonomic thinking that leads to such concepts as a Great Chain of Being — a correctly defined place or order or set of structural relations for and between each reified type of thing or being in the world — is reflected in the operations of the State apparatus as it seeks to impose the logic of ‘fixed and proportional determinations which may be assimilated to “properties” or limited territories within representation’ (Deleuze 1994: 45).

The picture is complicated as we move through history: the State has also taken various forms through time and in the modern capitalist era the State apparatus combines overcoding with social subjection and subjectification (as well as machinic enslavement and a general conjugation of flows, which are outside of the scope of the current discussion). One of the ways in which subjectification works is to directly affect the discursive and non-discursive spaces within which rights operate and thus, As Deleuze and Guattari argue, signification under a State apparatus tends towards a ‘uniformity of enunciation, a unification of the substance of expression, and control over statements’ (Deleuze and Guattari 1987: 135). A particularly relevant example they provide of this is the juridical expression of overcoding as the social contract; beyond this, if we observe how the form and content of law changes along with shifts in the functions of the State, it is not hard to see the emergence of contemporary rights discourse within what they describe as a ‘subjective, conjunctive and “topical” law’ that serves the ends of hierarchical power:

“The bond becomes personal; personal relations of dependence, both between owners (contracts) and between owned and owners (conventions), parallel or replace community relations or relations based on one’s public function. Even slavery changes; it no longer defines the public availability of the communal worker but rather private property as applied to individual workers. The law in its entirety undergoes a mutation, becoming subjective, conjunctive, “topical” law: this is because the State apparatus is faced with a new task, which consists less in overcoding already coded flows than in organizing conjunctions of decoded flows as such. Thus the regime of signs has changed: in all of these respects, the operation of the imperial “signifier” has been superseded by processes of subjectification; machinic enslavement tends to be replaced by a regime of social subjection. And unlike the relatively uniform imperial pole, this second pole presents the most diverse of forms. But as varied as relations of personal dependence are, they always mark qualified and topical conjunctions. It was the evolved empires, of the East and of the West, that first developed this new public sphere of the private, through institutions such as the consilium and the fiscus in the Roman Empire (it was through these institutions that freed slaves acquired a political power paralleling that of the functionaries).” (ibid. 451)

Deleuze and Guattari argue that, to a certain extent, we desire the organization that results from this overcoding because it sustains our need for coherence and continuity even as it serves to dominate us. They also suggest, however, that this desire might be misplaced: the certainty we feel by virtue of the shared values, morals, etc., provided by State overcoding gives us a false sense of permanence and stability which is not borne out by the history of State societies. (ibid. 227) The State, they remind us, is assuredly not the locus of liberty (ibid. 460).

Given the distributions of power that are implied by these arrangements — by contemporary State overcoding — there are clear implications for individual and collective agency and freedom, broadly understood. More specifically, it seems that the relationship between the State and society might be the reverse of what we commonly assume: that instead of arrangements of power transparently serving the ends of rights as an unproblematic manifestation of some or other ‘social contract’, rights is primarily employed to serve the ends of power. In other words, as a set of codified nomological normative principles regulated by specific hierarchical arrangements of power via a State apparatus, does it not seem entirely likely that rights are, albeit not exclusively, employed in the service of — and even partly produced by — moral and political imperialism as a means for the perpetuation of hierarchical power?

It is to this question that we now turn.

One nation, overcoded

“The greatest crimes against humanity (and by humanity) have been perpetrated in the name of the rule of reason, of better order and greater happiness.” — Zygmunt Bauman, Postmodern Ethics

As critical legal theorist Costas Douzinas argues, echoing Foucault and Deleuze’s work on disciplinary societies (Foucault 1991) and societies of control (Deleuze 1992), underlying any collective discourse of rights are relations of power/knowledge and mechanisms of control that enforce rights through surveillance, classification and bio-political modulation of individuals and populations. Rights also mask the functioning of these hierarchical arrangements of power, from state institutions and capitalist property relations through to the micropolitical counterpart of these arrangements in the family and other cultural forms and, beyond this masking function, rights, being necessarily collective and operating within the ambit of overcoding, can also be used to organise mass populations for exploitation and regulation.

Within this domain, according to Douzinas, what we experience is a ‘thin equality’ and an ‘emaciated democracy’ and if we see an ameliorative potential in this regard in liberal transnational cosmopolitanism, in ‘Universal Human Rights’, this is simply because we do not recognise this faux-cosmopolitanism for what it is: the inverse of neoliberal globalization that contains, embedded within it, a moral imperialism that is in awe of sovereignty and the nation state. (Douzinas 2007: 292)

When this is coupled with Deleuze and Guattari’s observation that the State monopoly on the legitimate use and definition of violence can also be defined as a State monopoly on the imposition of the law that serves as the regulatory function of rights and that the State apparatus gains this monopoly through historical acts of direct violence and ongoing structural violence, it can be argued that rights actually form a part of the propaganda and conduct of conduct that operates within structurally violent hierarchical arrangements of power.

“State policing or lawful violence is something else again, because it consists in capturing while simultaneously constituting a right to capture. It is an incorporated, structural violence distinct from every kind of direct violence. The State has often been defined by a “monopoly of violence,” but this definition leads back to another definition that describes the State as a “state of Law” (Rechtsstaat). State overcoding is precisely this structural violence that defines the law, “police” violence and not the violence of war. There is lawful violence wherever violence contributes to the creation of that which it is used against, or as Marx says, wherever capture contributes to the creation of that which it captures. This is very different from criminal violence. It is also why, in contradistinction to primitive violence, State or lawful violence always seems to presuppose itself, for it preexists its own use: the State can in this way say that violence is “primal,” that it is simply a natural phenomenon the responsibility for which does not lie with the State, which uses violence only against the violent, against “criminals” -against primitives, against nomads-in order that peace may reign.” (Deleuze and Guattari 1987: 445)

Rights, to the extent that it operates on normative interpretations of humanity, itself seeks a further monopoly through which it can impose a humanist, imperialist, neo-colonialist view of the subject and subjectivity, even though historically it is this exact identity that was imposed on colonized others (both external, through ‘civilizing’ missions and internal, through the humanist, universalist declarations, charters and bills of rights that follow each ‘revolution’) in the services of Empire, justifying ‘enslavement, atrocities, and even annihilation as strategies’ (Douzinas 2013) whereby the savage other is brought into the fold of liberal Enlightened humanity. This has continued to the current day, perhaps most notably in the US’s noble ‘bringing of human rights’ to the Middle East and various other ‘underdeveloped’ peoples, this despite that fact that ‘the idea of humanity has no fixed meaning and cannot act as the source of moral or legal rules. Historically, the idea has been used to classify people into the fully human, the lesser human, and the inhuman. If humanity is the normative source of moral and legal rules, do we know what humanity is?’ (ibid.)

Stepping back, it appears that this is an almost complete inversion of the commonly assumed relationship between power and morality, hierarchy and rights, national territoriality and internationalist cosmopolitanism. Whereas these coupled terms are usually understood to be in tension with each other, we can now instead begin to see them as various interlocking parts of the State apparatus — as sets of terms in zero-sum games that elide the real terrain of distributions of power in which these games are played. Within this terrain, human rights, for all that it is hailed as the bedrock of universal humanity, serves to legitimate, whether through imposition or normative inclusion, a complex array of hierarchical material and ideological relations, from class stratification right through to entrenched race, gender and ethnic inequalities:

“[R]ights turn real people into abstract ciphers. The abstract man of the declarations has no history or tradition, gender or sexuality, colour or ethnicity, those elements that make people real. All content is sacrificed at the altar of abstract humanity. This gesture of universalisation conceals however their real subject: a human-all-too-human, wealthy, white, heterosexual, male bourgeois standing in for universal humanity who combines the dignity of humanity with the privileges of the elite. The emancipation of universal man subjects real people to a very concrete rule: ‘the rights of man as distinct from the rights of the citizen are nothing but the rights of the member of bourgeois society, i.e. egotistic man, man separated from other man and the community.” (Douzinas 2010)

While it may be argued that these are contingent features of rights enacted within a particular socio-economic context, there is also a sense in which these issues are inherent in rights as a necessarily abstract, majoritarian discourse; rights imply constants of content and expression, standard measures of humanity that reproduce dominant social identities — Deleuze and Guattari’s ‘average adult-white-heterosexual-European-male-speaking a standard language.’ (Deleuze and Guattari 1987: 105)

While according to Douzinas legal rights offer ‘the minimum recognition of abstract humanity, formal equivalence and moral responsibility, irrespective of individual characteristics,’ they also simultaneously place people on a ‘grid of distinct and hierarchical roles and functions, of prohibitions, entitlements and exclusions.’ In other words, social and economic rights recognize gender, race, religion, and sexuality, in part ‘moving recognition from the abstract equality of humanity to differentiated qualities, characteristics, and predications,’ but they do so in a way that reinforces a center and a measure of proximity that are the sole arbiters of their worth.

“Human rights may promise universal happiness but their empirical existence and enforcement depends on genealogies, hierarchies of power and contingencies that allocate the necessary resources ignoring and dismissing expectations or needs. The legal person that rights and duties construct resembles a caricature of the actual human self. The face has been replaced by an image in the cubist style; the nose comes out of the mouth, eyes protrude on the sides, forehead and chin are reversed. It projects a three-dimensional object onto a flat canvas.” (Douzinas 2013)

The history of human rights struggles and victories, of groups and individuals pitted against relations of hierarchy and domination, is then also a history of the capture of these struggles by the State apparatus; it is a history written by a hegemonic arrangement of power that, through the logic of recuperation and incorporation, manages to make all victories its own while simultaneously falsely presenting itself as identical with the original victors. The specific victory of the State apparatus here is the ‘tacit but increasing inscription of individual lives within the state order, thus offering a new and more dreadful foundation for the very sovereign power from which they wanted to liberate themselves.’ (Agamben 1998: 128) In other words, as rights proliferate as the codified outcome of social struggles, so too does biopolitical regulation increase. If, on the other hand, there are any rights genuinely and consistently defended by the State within contemporary social arrangements, these are the negative rights of laissez faire market neoliberalism: the right to property, the right to consumer choice and, more generally, the right to absence of external constraints. Rights/freedoms of this kind act as a moral sheen on ruthless profiteering via unregulated markets, lending legitimacy to exploitative labour conditions that in many cases, especially in the so-called developing world, resemble nothing so much as indentured labour and voluntary servitude.

Positive rights/freedoms, on the other hand, while equally codified and rhetorically defended, are concretely defended only to the extent that this defence is required as part of a claim to or retaining of legitimacy; the State will thus loudly announce the isolated cases in which it defends or cultivates positive rights even as it wholly fails to support these rights in any kind of substantial or consistent way (The City of Cape Town, for instance, will make much of its tokenistic and massively insufficient provision of nominally flushable toilets in impoverished areas while doing almost nothing to provide for the basic rights to a decent life enshrined in the Constitution). Here and in countless other contexts, what is experienced is an endemic structural violation of rights by the same State institutions set up to support them, but it is a violation that is most often disavowed because of the trauma involved in disentangling from the imagined bond between citizen and State. The very stability provided by the ideals codified by rights and supposedly defended by a benevolent State is deemed more important than whether or not these rights enjoy any material basis at all.

“The imaginary domain of rights creates an immediate, imaged and imagined bond, between the subject, her ideal ego, and the world…Our imaginary identification with a good society accepts too easily that the language, signs and images of human rights are (or can become) our reality. The right to work, people assert, exists since it is written in the Universal Declaration, the international Covenants, the Constitution, the law, the statements of politicians. Billions of people have no food, no employment, no education, or health care — but this brutal fact does not weaken the assertion of the ideal. The necessary replacement of materiality by signs, of needs and desires by words and images makes people believe that the mere existence of legal texts and institutions, with little performance or action, affects and completes bodies.” (Douzinas 2013)

Of course, our experience here is heavily tempered by the intersections of power and privilege that construct each of our identities. Simplifying this point somewhat, we can agree again with Douzinas when he argues that ‘for the middle classes, to be sure, human rights are birth-right and patrimony. For the unfortunates of the world, on the other hand, they are only vague promises, fake supports for offering obedience, with their delivery permanently frustrated. Like the heaven of Christianity, human rights form a receding horizon that allows people to endure daily humiliations and subjugations.’ (ibid.)

Finally, where positive rights/freedoms are defended, in wealthy Northern European nations, for instance, this is largely because the material and social comforts provided to citizens in these social democracies rely on the defence of negative freedoms in the interests of neoliberalism abroad: the historical and contemporary extraction of materials and cheap labour from (neo-)colonized nations is what truly, in the final analysis, provides such security, not a benevolent State acting on behalf of rights-bearing citizens.

While we have been discussing the State and neoliberalism near-interchangeably up until this point, it is worth noting that Deleuze and Guattari remain ambivalent on the role of the State within contemporary capitalism and, while what they describe as the capitalist axiomatic might not have replaced State overcoding to quite the extent that they sometimes appear to suggest, they do make the interesting observation that as this axiomatic takes hold, what we understand as rights might at some point become embedded within capitalist social relations themselves, eventually ceasing to require the State or even a distinct juridical form and becoming coextensive with what Marx once humorously described as ‘freedom, equality, property, Bentham,’ i.e., bare economic exploitation in free market conditions:

“Private property no longer expresses the bond of personal dependence but the independence of a Subject that now constitutes the sole bond. This makes for an important difference in the evolution of private property: private property in itself relates to rights, instead of the law relating it to the land, things, or people (this raises in particular the famous question of the elimination of ground rent in capitalism). A new threshold of deterritorialization. And when capital becomes an active right in this way, the entire historical figure of the law changes. The law ceases to be the overcoding of customs, as it was in the archaic empire; it is no longer a set of topics, as it was in the evolved States, the autonomous cities, and the feudal systems; it increasingly assumes the direct form and immediate characteristics of an axiomatic, as evidenced in our civil “code.” (Deleuze and Guattari 1987: 453)

Beyond the proselytizing of negative rights in the service of neoliberal interests, the complete lack of defence of positive rights, the channelling of social struggle victories into the State apparatus and the creation and perpetuation of structural inequalities through rights discourse, rights also serve to depoliticize populations. Primarily, this depoliticizing functions by limiting the practice of politics to participation within the structures internal to State power. All demands and oppositional energy, all movement for change, is diverted into a legal framework that positions itself as the sole legitimate arbiter of anything that could be defined as political. This leads to a withdrawal from politics as contestation, which is re-framed as anti-social, counter-productive, violent or anti-democratic. This is not to say that through the demands, appeals, rights claims and so forth that form part of this captured politics there is not still a cultivation of awareness of social injustices — of dominations, exploitations and exclusions of whatever types — but this awareness raising operates within a context that is exceedingly unlikely to result in any concrete changes to underlying material relations; at best, the changes we can hope for within this form of political engagement are ad hoc or tactfully applied palliatives, changes that conceal just much as they purport to remedy by individualizing claims and rendering them legitimate to the precise extent that they map to dominant ideological preferences (and the ideal claimant in this scenario, of course, is precisely the abstract normative individual whose rights are coextensive with the current distribution).

For Jean-Luc Nancy, this subsuming of politics under rights discourse via an all-encompassing juridical edifice is coupled with the ‘formal abstraction of the law, which undoubtedly ‘does right’ by every participatory and every relation, but without giving this right any meaning other than itself…In this sense, law becomes a cipher for the reality of the relation of forces–whether economic technical or the forces of passion.’ (Nancy 2000: 47).

In some sense then, what we understand as politics is precisely the opposite of real politics. This is the case made by Jacques Rancière in Hatred of Democracy — that within what he calls the political and opposes to genuinely transformational politics, rights claims serve to reinforce established arrangements of power by virtue of the fact that current distributions of power are to be taken for granted as outside of the scope of any desire for social change, with the result that social and political tensions are transformed into a set of grievances that are compatible with the internal logic of the State apparatus that overcodes these distributions (Rancière 2006). Calls for transformation are themselves transformed, partly through the hegemonic operations of rights, into non-disruptive appeals for inclusion — real or more often symbolic — within the existing order. It is only when an excluded group or class — what Rancière calls the part of no part — demands inclusion in a radical way, creating a dissensus that disrupts the stability of operations of the existing order and challenges its very frame, that something like genuine politics can be said to take place (ibid.)

What stops this politics from happening is its opposite: the police. Rancière describes the police as a partition of the sensible [le partage du sensible], a demarcation of the possible that renders it precisely coextensive with the dominant socio-politico-economic order, i.e., without allowing for a sense that there is anything beyond, or in excess of, the current functioning of this order. It is a closing down of possibility and it is only through a renewed vision and subsequent enactment of possibility, of pointing to what lies outside of this partitioning, beyond police lines, that we can practice politics:

“The essence of the police is to be a partition of the sensible characterized by the absence of a void or a supplement: society consists of groups dedicated to specific modes of action, in places where these occupations are exercised, in modes of being corresponding to these occupations and these places. In this fittingness of functions, places, and ways of being, there is no place for a void. It is this exclusion of what ‘there is not’ that is the police-principle at the heart of statist practices. The essence of politics, then, is to disturb this arrangement by supplementing it with a part of the no-part identified with the community as a whole. Political litigiousness/struggle is that which brings politics into being by separating it from the police that is, in turn, always attempting its disappearance either by crudely denying it, or by subsuming that logic to its own. Politics is first and foremost an intervention upon the visible and the sayable.” (Rancière 2001)

Rancière is explicitly critical of the role of rights as a part of the police order, reiterating some of our earlier claims in arguing that ‘rights promote ‘choice’ contra freedom, conformism versus imagination. Children are given rights against their parents, patients, students and welfare recipients are termed ‘customers’ and are offered consumer rights and fake ‘choices.’ In western capitalist societies, freedom and choice have become the mantra of politics. Rights have become rewards for accepting the dominant order but they are of little use to those who challenge it.’ (Rancière 2006: 57)

Human rights then, to extend Rancière’s metaphor, is, at least in some ways, the riot gear of the police. In this reading rights discourse is so fundamentally and inherently co-opted that it is of little use pursuing it further if we seek radical, concrete social change; if we wish, in short, to do politics.

This all said, can rights discourse not perhaps still serve some small function as a merely discursive project that facilitates the sharing of new values and new visions? Can we not at least employ rights language rhetorically, as way of pointing through the police barricades? To the extent that rights separates us from our capacities to act by sublimating our desires into demands addressed solely to a benevolent State apparatus, this does not seem likely. When a politics of demand framed within the discourse of rights does succeed this is most often due to the specificities of the material context the demand emerges from as well as the specific content of the demand, a content that could equally be delivered in a form not so easily transformed and generalized into an abstract right that plays into the hands of the police and, eventually, starts to resemble them. An undercover cop. When the movements of the poor channel their desire for housing and sanitation into the rallying cry ‘we have the right to housing’ then, whatever mobilizations might result from this, they are giving up on politics in favour of the political; if, however, they follow this by stating that ‘…or we will take housing’, then they are suggesting that politics has a possibility of taking place. Whatever small victories may be won through the language of rights and demands, rights discourse as we have explored it here clearly cannot withstand the structural tensions inherent to its form and we must begin to look elsewhere if we wish to transform social relations in an egalitarian direction. As Wendy Brown observes in her pithy summary of the argument thus far:

“We must take account of that which rights discourse does not avow about itself. It is a politics and it organizes political space, often with the aim of monopolizing it. It also stands as a critique of dissonant political projects, converges neatly with the requisites of liberal imperialism and global free trade, and legitimates both as well. If the global problem today is defined as terrible human suffering consequent to limited individual rights against abusive state powers, then human rights may be the best tactic against this problem. But if it is diagnosed as the relatively unchecked globalization of capital, postcolonial political deformations, and superpower imperialism combining to disenfranchise peoples in many parts of the first, second, and third worlds from the prospects of self-governance to a degree historically unparalleled in modernity, other kinds of political projects, including other international justice projects, may offer a more appropriate and far-reaching remedy for injustice defined as suffering and as systematic disenfranchisement.” (Wendy Brown 2004)

What is finally lost within rights is not just freedom but actually lived life itself. We have sold out the material world to, or had it sold out or captured from under us by, or had it and ourselves overcoded by, a set of abstractions, an abstract machine effectuated by a hegemonic State form. The formal freedoms guaranteed by rights do not even ‘grasp the stakes of “freedom”. They delimit necessary conditions of contemporary human life without considering existence as such.’ (Nancy 1993: 2)

In considering a way out of this bind, however, perhaps it is, ironically, State overcoding itself that points beyond the political, at least by virtue of the fact that this overcoding occurred through extra-political means:

“Behind every legislative and executive act of the state lies a ‘right to law’ based on the constituent force that inaugurated the legal system.” (Douzinas 2010)

#### Capitalism is unsustainable and existential.

Robinson 23, professor of sociology at the University of California, Santa Barbara. (William I., 2023, “The Violent Crackup of the Post-WWII International Order: Notes on the Geopolitical Crisis and Global Capital,” Journal of World-Systems Research, Volume 29, Issue 1, DOI 10.5195/JWSR.2023.1153)//TDI

The breakdown of the political organization of world capitalism is not the cause but the consequence of contradictions internal to a globally integrated system of capital accumulation. Escalating geopolitical conflict is pushing us towards global conflagration. Wars provide enormous outlet for surplus accumulated capital. Historically they have pulled the capitalist system out of accumulation crisis while they serve to deflect attention from political tensions and problems of legitimacy. The most urgent task at this time is to prevent World War III. The more we understand the changing nature of this beast that is global capitalism, the better we are situated to work out strategies of resistance and transformation. The task before us is ever more urgent in the face of the threat of nuclear holocaust, the collapse of the biosphere, and ever more acute inequality, immiseration, and social disintegration around the world.

#### Absent recognizing the class-war, elites will coopt, crackdown, circumvent, and turns case---only an organized revolution solves, but there’s no permutation because energy is finite

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And, unless we want the Ferguson atrocity to also be swallowed and become nothing more than an intestinal irritant to history, we have to address the situation not just as another act of systemic racism, but as what else it is: class warfare.

By focusing on just the racial aspect, the discussion becomes about whether Michael Brown’s death—or that of the other three unarmed black men who were killed by police in the U.S. within that month—is about discrimination or about police justification. Then we’ll argue about whether there isn’t just as much black-against-white racism in the U.S. as there is white-against-black. (Yes, there is. But, in general, white-against-black economically impacts the future of the black community. Black-against-white has almost no measurable social impact.)

Then we’ll start debating whether or not the police in America are themselves an endangered minority who are also discriminated against based on their color—blue. (Yes, they are. There are many factors to consider before condemning police, including political pressures, inadequate training, and arcane policies.) Then we’ll question whether blacks are more often shot because they more often commit crimes. (In fact, studies show that blacks are targeted more often in some cities, like New York City. It’s difficult to get a bigger national picture because studies are woefully inadequate. The Department of Justice study shows that in the U.S. between 2003 and 2009, among arrest-related deaths there’s very little difference among blacks, whites, or Latinos. However, the study doesn’t tell us how many were unarmed.)

This fist-shaking of everyone’s racial agenda distracts America from the larger issue that the targets of police overreaction are based less on skin color and more on an even worse Ebola-level affliction: being poor. Of course, to many in America, being a person of color is synonymous with being poor, and being poor is synonymous with being a criminal. Ironically, this misperception is true even among the poor.

And that’s how the status quo wants it.

The U.S. Census Report finds that 50 million Americans are poor. Fifty million voters is a powerful block if they ever organized in an effort to pursue their common economic goals. So, it’s crucial that those in the wealthiest One Percent keep the poor fractured by distracting them with emotional issues like immigration, abortion and gun control so they never stop to wonder how they got so screwed over for so long.

One way to keep these 50 million fractured is through disinformation. PunditFact’s recent scorecard on network news concluded that at Fox and Fox News Channel, 60 percent of claims are false. At NBC and MSNBC, 46 percent of claims were deemed false. That’s the “news,” folks! During the Ferguson riots, Fox News ran a black and white photo of Dr. Martin Luther King, Jr., with the bold caption: “Forgetting MLK’s Message/Protestors in Missouri Turn to Violence.” Did they run such a caption when either Presidents Bush invaded Iraq: “Forgetting Jesus Christ’s Message/U.S. Forgets to Turn Cheek and Kills Thousands”?

How can viewers make reasonable choices in a democracy if their sources of information are corrupted? They can’t, which is exactly how the One Percent controls the fate of the Ninety-Nine Percent.

Worse, certain politicians and entrepreneurs conspire to keep the poor just as they are. On his HBO comedic news show Last Week Tonight, John Oliver ran an expose of the payday loan business and those who so callously exploit the desperation of the poor. How does an industry that extorts up to 1,900 percent interest on loans get away with it? In Texas, State Rep. Gary Elkins blocked a regulatory bill, despite the fact that he owns a chain of payday loan stores. And the politician who kept badgering Elkins about his conflict of interest, Rep. Vicki Truitt, became a lobbyist for ACE Cash Express just 17 days after leaving office. In essence, Oliver showed how the poor are lured into such a loan, only to be unable to pay it back and having to secure yet another loan. The cycle shall be unbroken.

Dystopian books and movies like Snowpiercer, The Giver, Divergent, Hunger Games, and Elysium have been the rage for the past few years. Not just because they express teen frustration at authority figures. That would explain some of the popularity among younger audiences, but not among twentysomethings and even older adults. The real reason we flock to see Donald Sutherland’s porcelain portrayal in Hunger Games of a cold, ruthless president of the U.S. dedicated to preserving the rich while grinding his heel into the necks of the poor is that it rings true in a society in which the One Percent gets richer while our middle class is collapsing.

That’s not hyperbole; statistics prove this to be true. According to a 2012 Pew Research Center report, just half of U.S. households are middle-income, a drop of 11 percent since the 1970s; median middle-class income has dropped by 5 percent in the last ten years, total wealth is down 28 percent. Fewer people (just 23 percent) think they will have enough money to retire. Most damning of all: fewer Americans than ever believe in the American Dream mantra that hard work will get them ahead.

Rather than uniting to face the real foe—do-nothing politicians, legislators, and others in power—we fall into the trap of turning against each other, expending our energy battling our allies instead of our enemies. This isn’t just inclusive of race and political parties, it’s also about gender. In her book Unspeakable Things: Sex, Lies and Revolution, Laurie Penny suggests that the decreased career opportunities for young men in society makes them feel less valuable to females; as a result they deflect their rage from those who caused the problem to those who also suffer the consequences: females.

Yes, I’m aware that it is unfair to paint the wealthiest with such broad strokes. There are a number of super-rich people who are also super-supportive of their community. Humbled by their own success, they reach out to help others. But that’s not the case with the multitude of millionaires and billionaires who lobby to reduce Food Stamps, give no relief to the burden of student debt on our young, and kill extensions of unemployment benefits.

With each of these shootings/chokehold deaths/stand-your-ground atrocities, police and the judicial system are seen as enforcers of an unjust status quo. Our anger rises, and riots demanding justice ensue. The news channels interview everyone and pundits assign blame.

Then what?

I’m not saying the protests in Ferguson aren’t justified—they are. In fact, we need more protests across the country. Where’s our Kent State? What will it take to mobilize 4 million students in peaceful protest? Because that’s what it will take to evoke actual change. The middle class has to join the poor and whites have to join African-Americans in mass demonstrations, in ousting corrupt politicians, in boycotting exploitative businesses, in passing legislation that promotes economic equality and opportunity, and in punishing those who gamble with our financial future.

#### The alternative is to reject the plan in favor of commitment to organizing anti-capitalist international revolution.

Tavan ’21 [Luca; writer for Red Flag. March 7, 2021; "Worldwide revolution is possible and necessary," https://redflag.org.au/article/worldwide-revolution-possible-and-necessary/] TDI

From the moment Marx and Engels urged workers of the world to unite at the climax of the Communist Manifesto, the goal of international revolution has been at the core of Marxist politics.

International revolution isn’t just a romantic dream, but an urgent necessity. It’s the only means by which capitalism can be permanently uprooted and replaced with socialism. This is because capitalism, unlike previous class societies, is a globally integrated system. “For the first time in history”, wrote British Marxist Colin Barker of this phenomenon, “capitalism has created a genuinely world society, where all our lives are entwined together in a common history and a common fate”.

Capitalism has linked every nation in a global chain of production. Take your mobile phone for example. It was likely assembled in China, using computer chips manufactured in Taiwan, powered by coal exported from Australia and produced with minerals mined in the Democratic Republic of Congo according to specifications developed in Europe or the United States. No single country produces all the things necessary to satisfy its population’s needs, unlike the various forms of society that came before capitalism, which were mostly self-sufficient and organised around small local economies.

Capitalism was established as a world system through immense robbery and violence—from the international slave trade, which fuelled the Industrial Revolution, to the murderous colonisation of what is now Australia. That same violence is today used by states to defend their imperialist interests, and discipline any movements that get in their way. Movements that aspire to national independence or that back left-wing reformist governments have been demolished with the aid of the great capitalist powers countless times in the past century, from the overthrow of the Allende government in Chile in 1973 to the 2019 Bolivian coup.

Revolutionary movements that attempt to overturn the entire capitalist system face a much more severe response. This was confirmed by the defeat of the Russian Revolution. In 1917 workers, radicalised by years of war and economic crisis, overthrew the tsarist regime and eventually took power into their own hands. In response, the capitalist powers of the world united to crush the workers’ state, in alliance with reactionaries who wanted to restore the tsarist regime. Unless revolutions can spread internationally and challenge the imperialist powers that have an interest in destroying them, they will be crushed.

A heroic effort by Russian workers and peasants fought off 16 foreign invading armies, but at a great cost. The working class was decimated, the factories were depopulated, and the radical working-class democracy that had been built withered. The isolation and poverty imposed on Russia made building socialism an impossibility, and a new Stalinist regime emerged that reversed most of the gains of the revolution.

Because Russian revolutionary socialists who pinned their hopes on spreading revolution across the globe were ultimately defeated, their example is used by defenders of capitalism as a cautionary tale today: that a worldwide revolution against the system is an impossible dream.

But capitalism’s global nature means that revolts tend to spread across national borders. Workers today share increasingly similar experiences: conditions of work, forms of consumption, lifestyles and political cultures. And the global integration of production serves to transmit struggle from one country to another. In 1974, for instance, resistance to the brutal military dictatorship in Chile spread to East Kilbride, Scotland, of all places. Workers at the Rolls Royce factory there learned that the engines they were repairing were being used by the Chilean air force to drop bombs on workers resisting the coup. They downed tools and refused to work on the engines, keeping them out of the hands of the military junta for four years.

While nationalism still has a powerful hold on the consciousness of many, it’s increasingly clear that the real line of polarisation across the globe is between the minority ruling class and the majority working class. And when revolts break out in one part of the world, people can identify with the causes and motivations of their struggles, and draw comparisons with their own situation. “Languages remain different,” observed UK Marxist Chris Harman in 1992, “but what they say is increasingly the same”. Harman’s words ring true in every wave of political radicalisation.

1968 is remembered as a year of global revolt, when millions of workers, students and oppressed people drew inspiration from each other’s movements. Activists in the US were radicalised by the heroic resistance of the Vietnamese people to American imperialism. Irish civil rights activists emulated the militant politics of the Black Panthers. When students and workers united to launch a massive general strike in France in May, it taught student radicals in Australia that they needed to link up with the power of the organised working class in order to win.

The movements of 1968 united people across superficially very different societies. For decades, Cold War common sense had dictated that the greatest divide on the planet was between Western liberal capitalism and Stalinist “Communism”. But in 1968, both sides of the iron curtain exploded in revolt. The triggers for the struggles may have been different, but they were all responses to similar issues: inequality, exploitation and war, imposed by monstrous bureaucratic states.

In 2011, a poor Tunisian street vendor set himself alight to protest against police harassment. Within days, his act had inspired anti-government protests across the country. Within weeks, the protests escalated into a regional revolt that challenged regimes across the Arab world. One small act tapped into resentment against inequality, unemployment and state violence that engulfed an entire region. The radical wave spread even further: at a massive demonstration against an anti-union bill in the US city of Madison, Wisconsin, a man held up a poster with a picture of Egyptian dictator Hosni Mubarak beside Republican Governor Scott Walker. The caption read: “One dictator down. One to go”. The Arab revolutions went on to inspire the Occupy movement, which spread to more than 80 countries.

Today, more than ever, insurgent social movements and working-class uprisings are spurring action in other parts of the world—from Hong Kong to Chile, from Lebanon to France. One placard at a memorial for protesters murdered while resisting the military coup in Myanmar took up Marx’s incitement: “Workers of the world unite, you have nothing to lose but your chains”.

While the Russian Revolution is cynically held up by capitalist ideologists as the ultimate argument against international revolution, it actually proves the opposite. It shows that the goal is not only necessary, but also that it’s possible. The news of workers seizing power in Russia, overthrowing their capitalist government and declaring their withdrawal from WWI, created shock waves across the planet. Workers in Germany rose in revolt a year later, ending the war for good and building soviets, a form of radical working-class democracy inspired by the Russian example. This was followed by uprisings in France, Italy and Hungary.

The revolutionary wave spread further. A classified British government report from 1919 noted a “very widespread feeling among workers that thrones have become anachronisms, and that the Soviet may be the best form of Government for a democracy”.

The rising tide of radicalism had an impact in Australia too. Meatworkers in the Queensland city of Townsville donned red jumpers, stormed the local police station to free jailed unionists, and placed the city under workers’ control. The editor of the conservative Townsville Daily Bulletin lamented: “Townsville for the last year or so has been developing Bolshevism ... the mob management of affairs in this city, differs very little, from the Petrograd and Moscow brand”.

The Russian Bolsheviks, the revolutionary working-class party that led the revolution to victory in 1917, didn’t just passively wait for revolutions elsewhere. They actively organised to spread the revolt. In 1919, they established the Communist International, an organisation for debate, discussion and coordination between different revolutionary workers’ parties. Revolutionaries in Russia, Italy, France, Germany, the US, Australia and elsewhere attempted to clarify and develop a strategy for overthrowing capitalism everywhere. In none of these countries was there a party like the Bolsheviks, steeled in years of organising working-class struggle to overthrow the state, and capable of leading a revolution. But for a number of years, workers came close to overthrowing capitalism in several countries.

In periods of stability, when social conservatism dominates, international revolution can seem like a pipe dream. Defenders of the status quo actively work to reinforce this illusion. But history proves that the crises that the system generates are international, and that they will inevitably provoke international resistance.

Capitalism is a global system. It requires a global movement to tear it up, root and branch. But it also makes global revolution more possible, and more likely. The most important thing that socialists can do, whether you live in Hong Kong or France, Myanmar or Australia, is to get stuck into organising for it today.