# 1AC

Same as r3

# 2AC

## Case

#### Chinese global governance is an authoritarian ruse---they cannot and will not replicate liberal ideals because doing so would undermine power consolidation.

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Beijing intends to weaken liberal democratic principles and augment or replace them with authoritarian governance principles

Chinese leaders recognize that in order to continue advancing economically, they cannot wall off China’s economy or society from the global community. However, integrating with a global system that values liberal principles over authoritarian ones brings sizable risk, because it exposes Chinese citizens to a set of ideals, standards, and benefits their current leaders do not intend to meet or provide. To address this risk, Chinese leaders are seeking to make the international system more like China. This is the opposite of what Western nations intended when they brought China into that system.

In the United States and other Western nations, there is a tendency to avoid framing disputes with China in ideological terms, which is generally viewed as veering toward dangerous Cold War thinking. On the Chinese side, however, Chinese leaders frequently claim that their nation is fighting an ideological battle against Western values—particularly freedom, democracy, and human rights—which, from a Western perspective, are universal values that should apply equally to all citizens. As a repressive authoritarian regime, Beijing does not want Chinese citizens to judge their own leaders using those standards. Where those standards exist in the global governance system, Beijing views them as a fundamental security threat.

President Xi outlined those fears at the 2013 National Propaganda and Ideological Work Conference in Beijing when he described Western nations as “hanging up a sheep’s head while selling dog meat.”[11](https://www.americanprogress.org/issues/security/reports/2019/02/28/466768/mapping-chinas-global-governance-ambitions/#fn-466768-11) By that, he was intimating that Western nations were engaging in false advertisement, making self-righteous claims about promoting universal values for the sake of humanity when their real purpose was, in his words, “to fight with us for positions, fight over the will of the people, fight over the masses, and ultimately overthrow the leadership of the Communist Party of China.”[12](https://www.americanprogress.org/issues/security/reports/2019/02/28/466768/mapping-chinas-global-governance-ambitions/#fn-466768-12) A few years later, at a 2015 work conference at the Chinese Communist Party Central Party School, President Xi warned that among nations who fall for the universal values trap, “some have been tormented beyond recognition, some have split up into pieces, some have been enveloped in flames of war, some are noisy and in disarray all day.”[13](https://www.americanprogress.org/issues/security/reports/2019/02/28/466768/mapping-chinas-global-governance-ambitions/#fn-466768-13) He pointed to Syria, Libya, and Iraq as prime examples.

To avoid that fate, President Xi has called, and continues to call, on China to use its own “discourse power” to push back against universal values in the global governance space.[14](https://www.americanprogress.org/issues/security/reports/2019/02/28/466768/mapping-chinas-global-governance-ambitions/#fn-466768-14) Still, at first glance, some of President Xi’s international statements appear to support liberal values. For example, in a 2017 speech to the United Nations, Xi claimed that China’s aim is to “build an open and inclusive world” and that Beijing believes “diversity of human civilizations … drives progress of mankind.”[15](https://www.americanprogress.org/issues/security/reports/2019/02/28/466768/mapping-chinas-global-governance-ambitions/#fn-466768-15) What Western observers need to understand, however, is that when Chinese foreign policy experts unpack that statement, they view it as a call for political diversity where authoritarian systems and values have global status equal to liberal democratic ones.[16](https://www.americanprogress.org/issues/security/reports/2019/02/28/466768/mapping-chinas-global-governance-ambitions/#fn-466768-16) For example, writing on internet freedom, People’s Liberation Army Major General Hao Yeli writes that the global system should “avoid the excessive pursuit of unregulated openness, in order not to cross a tipping point beyond which global cultural diversity is subordinated to a single dominant culture.”[17](https://www.americanprogress.org/issues/security/reports/2019/02/28/466768/mapping-chinas-global-governance-ambitions/#fn-466768-17) Similarly, Han Zhen, secretary of the Beijing Foreign Studies University Chinese Communist Party Committee, calls for a global pivot away from “Western centrism,” which he defines as a form of “cultural absolutism” that seeks to hold China and other nations accountable to Western liberal democratic standards.[18](https://www.americanprogress.org/issues/security/reports/2019/02/28/466768/mapping-chinas-global-governance-ambitions/#fn-466768-18) Echoing President Xi’s call for diversity, Han writes: “It is imperative to make more people realize the ‘universal values’ that have long been lauded by Western societies are actually a duplication of Western political, economic, social, and cultural models … human society should extricate itself from the vicious circle of Western-centrism and build a system of values that is characterized by mutual learning and mixing between diverse groups.”[19](https://www.americanprogress.org/issues/security/reports/2019/02/28/466768/mapping-chinas-global-governance-ambitions/#fn-466768-19)

Xi’s oft-stated call for a “community of common destiny for mankind” is part of this effort to give authoritarian principles more sway in the global governance system.[20](https://www.americanprogress.org/issues/security/reports/2019/02/28/466768/mapping-chinas-global-governance-ambitions/#fn-466768-20) In a liberal democratic order, individuals have inalienable rights that the state cannot take away. In China’s preferred authoritarian order, collective rights and interests—so-called mankind—are more important than individual rights and interests, and the state speaks on the collective’s behalf to determine its interests. Beijing is trying to convince the global community that authoritarian systems are better than democracies in this regard. Zhang Weiwei, dean of the China Institute at Fudan University, lays out that argument in the Chinese Communist Party political journal Qiushi, writing:

The biggest difference between the institutional arrangements of China and Western countries is that the former has a political force representing the people’s collective interest and the latter do not. In the West, different political parties represent the interest of different social groups. As a result, national policies are constantly wavering, political parties and interest groups are frequently engaged in bigger conflict with each other, and national development easily loses direction. In contrast, the CPC is a political party dedicated to serving the people wholeheartedly, and one that has played the role of leader, regulator, and coordinator throughout China’s modernization drive.[21](https://www.americanprogress.org/issues/security/reports/2019/02/28/466768/mapping-chinas-global-governance-ambitions/#fn-466768-21)

Moreover, Zhang argues that the same dynamic applies at a global level: The Chinese model can effectively address complex problems that a democratic policymaking process cannot. Since he views the Chinese model as superior, Zhang calls on China to put forward “a series of Chinese solutions to difficult issues in global governance.”[22](https://www.americanprogress.org/issues/security/reports/2019/02/28/466768/mapping-chinas-global-governance-ambitions/#fn-466768-22) When President Xi calls for a “community of common destiny for mankind,” he is pushing a new vision for global governance in which the state, not the individual, is always the ultimate authority.

#### Power transitions cause war.

**Rudolf 20**, Senior Fellow in The Americas Division at SWP (Peter, “The Sino-American World Conflict”, <https://www.swp-berlin.org/10.18449/2020RP03/#hd-d45138e351>)

China’s rise in Asia and increasingly worldwide is the major geopolitical upheaval the United States has been confronted with for some time. Integrating a rising great power into the international system is not an easy task, as historical experiences indicate.5 Such states tend to expand the scope of their activities in attempting to secure raw materials, markets and mili­tary bases and, in the course of this expansion, come into conflict with other powers, even if emerging powers do not pursue an aggressive, revisionist or risk-prone foreign policy.6 China has extended its activities and enterprises in numerous countries, particularly in the wake of the Belt and Road Ini­tia­tive (BRI). To secure those investments and sea lanes of communication, China is strengthening its power projection capabilities.7 The expansion of the Chinese fleet represents a challenge to the United States as the preponderant naval power and to its “maritime hegemony”.8 Power shifts pose a considerable risk to the stability of the international system, unless the ascending power and the previously superior power can reach an understanding. At least, this seems to be the case if one follows two theories anchored in the “realist” view of international relations: the power transition theory and the power cycle theory. Both are modern variants of Thucydides interpretation of the Peloponnesian war as an inevitable result of the rising power of the Athenians instilling fear in the Spartans and forcing them to go to war.9 He is thus regarded as the founder of the theory of “hegemonic wars”.10 In today’s power transition theories, a roughly equal distribution of power is seen as triggering war, an un­equal one, on the other hand, as promoting peace.11 This is based on the consideration that differences in economic, social and political modernization between states lead to changes in the distribution of power and that the probability of war is greatest when a non-saturated challenger approaches the leading state in the international system – the controversial issue is whether the challenger takes up arms or the lead­ing power begins a preventive war.12 The power tran­sition hypothesis can also be found in those histori­cal-structural theories that attempt to explain the devel­op­ment of the modern state system through cyclical processes. Hegemonic wars, i.e. those between the hegemonic power and the challenger over the leader­ship and order of the international system, result from the imbalance between the political order of the international system and the actual distribution of power, which changes historically due to uneven growth processes.13 Variations of the power transition theory are often found in the US debate and shape the view of China’s rise.14 Awareness of the risks associated with Beijing’s increase in power is also pronounced in the Chinese discourse. Like the American expert discourse, it is char­acterized by realist views (especially offensive realism) and ideas of power transition.15 In the Chi­nese strategic discourse, it is widely expected that the United States, as the most powerful country, will use its resources to preserve its status and privileges and prevent China from rising further.16 The discussion in both the United States and China about the so-called “Thucydides trap”17 testifies to the awareness of the risks associated with China’s rise. During Barack Obama’s presidency, the basic line expressed in numerous public statements was one of being aware of the risks that arise when a rising power gets into conflict with a leading one. Top Chi­nese government officials and President Xi Jinping himself have repeatedly declared their intention to avoid the “Thucydides trap”.18 Sensibility to the risks resulting from China’s rise has been reflected in talk of seeking a “new type of great power relationship” between the United States and China. This concept propagated by Xi Jinping in 2012 and the subject of a lively debate in China remains limited to a few abstract principles, namely renunciation of confrontation, mutual respect with regard to unspecified core interests and a win-win orientation.19 Power transition theories are problematic and their explanatory value is controversial. However, they are not only theoretical notions, but also “political con­structs”.20 In this sense, they act as a frame, thereby influencing perceptions. Frames contextualize facts and structure the flow of events. They serve to define problems and to diagnose their causes. They provide criteria for assessing developments, offer solutions and set boundaries to a discourse. In this way, they contribute to the construction of political reality.21 Within the power transition frame, conflicts in specific areas that have a more regional or local char­acter gain such salience that they add up to a global hegemonic rivalry. To the extent that Chinese policies nourish and strengthen this perception in the United States, this might lead to a kind of self-fulfilling proph­ecy. At the very least, this prevailing frame can have a conflict-hardening effect resulting from the built-in expectation that a rising power will inevitably question the existing international order.22 From this perspective, it does not require a more nuanced dis­cussion as to what extent and in what sense China actually acts as a revisionist power. Revisionism can be revolutionary, i.e. it can be aimed at revolutionizing international norms, institutions and the status hierarchy, but it can also be reform-oriented and aimed at changing some institutions and norms, and increasing the status of one’s own country.23 Revision­ism is a discursively created label serving domestic and foreign policy purposes, but it hardly describes the entire state behaviour. States may aim to main­tain the status quo in some areas, and be revisionist in others.24 China does not fundamentally question the existing international order. This order consists of many principles, norms and functional regimes. China supports some and rejects others.25 The term “revisionist stakeholder” most aptly sums up the Chinese position: China operates within the framework of existing international organizations, espe­cially within the UN system, and insists on a tradi­tional understanding of state sovereignty. However, it rejects US and Western dominance in international institutions and is dissatisfied with its own status. From the Chinese perspective, this status no longer corresponds to the country’s increased power and the decline of the United States.26 Incidentally, in China, the United States is regarded as a revisionist power that has sought to transform the international en­viron­ment since the end of the East-West conflict.27

#### BRI has peaked — backlash and skepticism block expansion.

Shepard 2-28-2020, writer and documentary filmmaker who focuses on New Silk Road development. (Wade, "How China Is Losing Support For Its Belt And Road Initiative", *Forbes*, https://www.forbes.com/sites/wadeshepard/2020/02/28/how-beijing-is-losing-support-for-its-belt-and-road-initiative/?sh=4ce035242199)

The lack of defining precisely what the Belt and Road is led to Beijing losing control of its own message. The BRI became a broad term to describe anything China abroad and, most problematically, many of the actors using the BRI brand left it tarnished.

It soon became clear that the laissez-faire, undefined, wide open strategy that led to the appearance of big gains in the early days of the Belt and Road is now one of its biggest barriers holding it back from becoming the paradigm-shifting international endeavor it was meant to be. Tales of corruption along the BRI have become common, the debt-trap diplomacy theory has put populations across Eurasia on guard, and the fact that dozens of major China-driven development projects across Asia have become white elephants have rendered the BRI an unattractive proposition in many markets. In many ways, Beijing had become a victim of its own Belt and Road.

Worse yet, the numbers do indeed support some of the criticism. China’s overseas investment growth has been on a sharp decline over the past three years, with Moody’s claiming that this is due to an increased awareness of the risks inherent to major BRI projects. Malaysia, Myanmar, Pakistan, Sierra Leone, Kyrgyzstan, among other countries have canceled, downsized, or postponed key BRI projects, and the initiative seems to be going through a period of retreat to an extent that some researchers are suggesting that we may have already seen “peak” Belt and Road.

“There’s been pushback,” said Jonathan Hillman of DC’s Center for Strategic and International Studies’ Reconnecting Asia project, “and much of it is due to China’s decision to keep the BRI opaque and its willingness to start projects quickly without doing as much risk mitigation.”

#### Chinese economic decline won’t cause war.

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Wag the Dog?

A fourth and related myth is that if China’s economy slows and domestic challenges accumulate, then Xi will lash out and start a war, perhaps over Taiwan. This notion is inconsistent with China’s current political realities or its longstanding strategic calculus about external aggression.

As the cliché holds, the Chinese Communist Party’s first priority is the preservation of power, and the surest way to aggravate political instability over a slowing economy would be to prioritize a military action that would further deplete scarce resources and increase foreign pressure on China. For Xi personally, the surest way to undermine his grand ambitions would be to risk a war at the expense of domestic prosperity and with mixed popular support. Xi clearly has a higher risk tolerance than previous leaders, but there is no evidence that he is reckless.

More realistically, social discontent and economic malaise within China would bury the Chinese Communist Party senior leadership in domestic burdens, likely at the exclusion of foreign policy. Overseas lending would likely shrivel up, and Chinese corporates would find it even more difficult to invest abroad. As we saw in the early days of the most recent domestic crisis, the COVID-19 outbreak in 2020, Chinese foreign policy became focused on using diplomacy to generate foreign support — indeed, accolades and praise — to bolster a beleaguered Chinese Communist Party leadership.

Historically, China’s leaders have sought to reduce external risk during periods of domestic turmoil. Mao Zedong and Deng Xiaoping pursued resolution of border disputes when they faced challenges at home, such as after the Great Leap Forward in the late 1950s, the nationwide protests in the spring of 1989, and the collapse of the Soviet Union in the early 1990s. China’s more assertive foreign policy has coincided with periods in which Beijing has felt confident and assured at home, not weak and vulnerable.

#### The U.S.-led order has been responsible for 70 years of peace and prosperity.

**Jain 19**, senior fellow with the Scowcroft Center for Strategy and Security, where he oversees the Atlantic Council’s Democratic Order Initiative and D10 Strategy Forum; and Matthew Kroenig, deputy director for strategy in the Scowcroft Center for Strategy and Security and associate professor of government and foreign service at Georgetown University (Ash, “Present at the Re-Creation: A Global Strategy for Revitalizing, Adapting, and Defending a Rules-Based International System,” <https://www.atlanticcouncil.org/wp-content/uploads/2019/10/Present-at-the-Recreation.pdf>)

This international system, while not perfect, has proven to be more successful than any in human history at providing security, economic prosperity, and freedom. The evidence of this is apparent in the numbers. Before 1945, major powers frequently engaged in direct warfare on a massive scale, as in the Napoleonic Wars, World War I, and World War II. Since 1945, however, there have been zero great-power wars. As shown in Figure 1, the percentage of people killed in armed conflict has drastically declined in the post-World War II era. Armed conflict killed an average of 1–2 percent of the human population from 1600 to 1945. During the Cold War, an average of 0.4 percent of the world’s population perished due to war. Since the year 2000, less than one one-hundredth of 1 percent of people have died this way.8 Under a rules-based system, the world has continued to make progress in reducing deaths from all kinds of war, including often-intractable civil conflicts.9 Turning to economic prosperity, the global gross domestic product (GDP) per capita in 1945 was $4,079.10 Today it is $11,570.11 This drastic increase in global living standards is evident in Figure 2. The share of the global population living in poverty has dramatically decreased. In 1929, the number of people living in extreme poverty (defined as earning less than 1.90 international dollars per day) was 1.35 billion, almost two-thirds of the world population at the time. In 2015, that figure was 733.48 million, or slightly less than 10 percent of the world population.12 China itself has been one of the biggest beneficiaries of this system, as geopolitical stability in Asia and integration into the global economy helped to lift four hundred million Chinese out of poverty. In the realm of good governance, the number of democracies has substantially increased. With the end of World War II and decolonization, the number of democracies increased from seventeen to forty-eight between 1945 and 1989.13 That number further skyrocketed at the end of the Cold War, as countries formerly behind the Iron Curtain rushed to join the West. In the year 1900, there were twelve democracies in the world. Today there are ninety-six.14 The percentage of the world’s population living under democratic governments has also increased from about 12 percent in 1900 to more than 55 percent today.15 This trend is visible in Figure 3. To be sure, these outcomes are the result of an enormous and interconnected range of factors. International-relations scholars, for example, believe that nuclear deterrence and the absence of a multipolar distribution of power also contributed to great-power peace.16 In addition, globalization and economic development have been fueled by new technological developments. Further, global norms on democratic governance and human rights have come a long way since the early twentieth century.17 Still, it is doubtful whether this dramatic improvement in the human condition could have been achieved in the absence of the rules-based international system. Moreover, many of these other driving forces are themselves constitutive of, if not partially the result of, that system. Global bipolarity, and then unipolarity with the United States at its center, was critical for the postwar development of a rules-based system, which may not have been possible in a more multipolar distribution of international power, or with a non-democratic hegemon at the system’s apex. The splitting of the atom could have resulted in widespread nuclear-weapons proliferation and nuclear use had it not been for the NPT and extended US nuclear deterrence in Europe and Asia.18 The most important technological advances for globalization, including the Internet, occurred and flourished in the free world, defended by the United States and its democratic allies and partners.19 Finally, the United States and its democratic partners, along with nongovernmental organizations and individuals operating in these states, were the most important norm entrepreneurs propagating global norms around issues of good governance, democracy, and human rights. In sum, the rules-based international system that has been the defining feature of global order for the past seventy years has coincided with—and was almost certainly essential in bringing about—the most secure, prosperous, and well-governed world humanity has ever known. Despite this record of unprecedented and enduring success, the rules-based international system is currently besieged by a number of challenges unleashed by rapid and dramatic global change. Understanding the current strategic context, including global trends and threats both external and internal to the system’s democratic core, is a necessary first step toward devising a strategy to revitalize, adapt, and defend a rules-based international system.

#### Kazakh growth inevitable – policy

Astana Times 10/14 [Kazakh Economy Shows Positive Dynamics with GDP Growth of 3.4 Percent, https://astanatimes.com/2021/10/kazakh-economy-shows-positive-dynamics-with-gdp-growth-of-3-4-percent/]

The Kazakh economy showed positive dynamics with a GDP growth of 3.4 percent, reported Prime Minister Askar Mamin at the Oct.12 meeting.

According to Mamin, the anti-crisis measures adopted contributed to the economic recovery. The growth of production in the real sector has become key in economic acceleration.

It is reported that production in the manufacturing industry increased by 5.7 percent, mechanical engineering by 22.8 percent, and pharmaceuticals by 38.1 percent. The growth rate reached 2.9 percent in the service sector due to the ease of lockdown restrictions.

Trade grew by 9.3 percent and construction by 9.7 percent. In nine months of 2021, 10.4 million square meters of housing were commissioned nationwide, which is 8 percent more compared to the same period last year.

A strengthening of the trade balance is observed due to accelerated export growth and investment activity in non-extractive industries. Shymkent, Almaty, the Aktobe region and the North Kazakhstan region showed an increase in investment activities.

In January-September, the growth rate of investments in fixed assets, excluding the mining industry, reached 15.1 percent.

Foreign trade turnover reached $62.8 billion and export amounted to $37.5 billion in January-August. The export of processed goods increased by 23.2 percent and reached $12.1 billion. The positive trade balance increased by $1.7 billion compared to the previous month and amounted to $12.1 billion.

The Almaty, Akmola, Zhambyl, Kostanai regions and Shymkent demonstrated positive dynamics in all major macro indicators in January-September. The west Kazakhstan region achieved the lowest indicators.

The Prime Minister set forward an agenda to increase growth rates, diversify the economy, attract investment and create jobs. Providing support for non-resource exports and entrepreneurship as well as the vaccination campaign coverage are also priority tasks.

# Off

## T

### 2AC T Subsets

#### The private sector includes subsets---refers to many different actors.

Waler and Hofstetter 16 (Katharina Walker is Advisor for vocational skills development and Helvetas’ youth focal person. Sonja Hofstetter joined Swisscontact in Cambodia in July 2016. She is the Quality Assurance Manager and Deputy Team Leader of the Skills Development Programme. “ Study on Agricultural Technical and Vocational Education and Training (ATVET) in Developing Countries” Federal Department of Foreign Affairs FDFA, Swiss Agency for Development and Cooperation SDC, Global Programme Food Security, 25.1.2016, <https://www.shareweb.ch/site/Agriculture-and-Food-Security/focusareas/Documents/ras_capex_ATVET_Study_2016.pdf> , date accessed 7/19/21)

In many developing countries, the private sector1 [[BEGIN FOOTNOTE 1]] 1 The private sector is not perceived as a homogenous mass even though the terminology might suggest this to be the case. In this study, the term “private sector” is used to circumscribe the various actors such as small and medium sized companies, large companies, sectorial associations, business associations, chambers of commerce, etc.[[END FOOTNOTE 1]] faces challenges in finding adequately skilled employees. This also holds true for sectors linked to agriculture, e.g. processing, distribution, marketing, etc. The development of ATVET from a purely productivity-oriented approach to provide broader and more specialised skills sets along agricultural value chains is likely to raise the interest of private sector actors. This incentive can result in a stronger and more sustainable financial and conceptual engagement of employers in ATVET.

#### ‘Antitrust law’ includes IP

Thompson Hine N.D. [Thompson Hine LLP, a full-service business law firm, “Intellectual Property & Antitrust.” https://www.thompsonhine.com/services/intellectual-property-antitrust]

Antitrust and IP, however, are often at odds. IP can create or protect market positions while antitrust law is often hostile to the exercise of market power. Increasingly enforcement agencies and private plaintiffs have alleged that some IP arrangements restrain competition in violation of the antitrust laws. The FTC and Antitrust Division have specially targeted intellectual property licenses by pharmaceutical companies as a subject of enhanced scrutiny under the Hart-Scott-Rodino Act. We have had significant experience in intellectual property licensing and standard setting, particularly in questions arising by reason of antitrust laws that have application to the licensing of intellectual property rights. We also litigate and counsel clients regarding patent misuse, bad faith intellectual property enforcement, the acquisition and/or licensing of patents and other intellectual property and the competitive implications of settling intellectual property disputes.

#### ‘By’ only requires anticompetitive practices resulting from private sector action.

Michigan Court of Appeals 10 (SAWYER, J. Opinion in DEQ. v. Worth Twp., 808 N.W.2d 260, 289 Mich. App. 414 (Ct. App. 2010). Google scholar caselaw. Date accessed 7/23/21).

Second, we look to the meaning of the phrase "by the municipality." This phrase is key because it answers plaintiffs' contention that MCL 324.3109(2) imposes responsibility for a discharge on a municipality without regard to the source of the discharge. That is, plaintiffs argue that any discharge of raw sewage within a municipality constitutes prima facie evidence of a violation by the municipality even if the municipality is not the source of the discharge. We disagree. The word "by" has many meanings. For its meaning as a nonlegal term, we look to a layman's dictionary rather than a legal one. Horace v. City of Pontiac, 456 Mich. 744, 756, 575 N.W.2d 762 (1998). We find these definitions from the Random House Webster's College Dictionary (1997) to be particularly helpful: "10. through the agency of" and "12. as a result or on the basis of[.]" Thus, MCL 324.3109(2) imposes responsibility on the municipality not when the violation merely occurs within the boundaries 264\*264 of the municipality, but when the violation occurs "through the agency of" the municipality or "as a result" of the municipality, that is to say, when it is the actions of the municipality that lead to the discharge.

#### The includes particulars

Random House 6 (Unabridged Dictionary, <http://dictionary.reference.com/browse/the>)

(used, esp. before a noun, with a specifying or particularizing effect, as opposed to the indefinite or generalizing force of the indefinite article *a* or *an*): the book you gave me; Come into the house

#### It’s broad

Legal Career Path ND [https://legalcareerpath.com/antitrust-law/]

Antitrust law is the broad category of federal and state laws that are meant to keep business operating honest and fairly. Antitrust laws regulate the way companies do business. The goal is to level the playing the field in the free market and prevent businesses from having too much power. For the purposes of antitrust law, a trust is a large group of businesses that work together or combine in order to form a monopoly or control the market. Major antitrust legislation in the United States includes the Interstate Commerce Act of 1887, the Sherman Act of 1890, the Clayton Act of 1914 and the Federal Trade Commission Act of 1914.

What do antitrust laws do?

Antitrust laws ban companies from taking certain actions in order to develop monopolies. They ban what some people see as deceptive trade practices that companies might want to use in order to try and outperform the competition. To put it another way, antitrust laws prevent companies from using dirty poker in order to stay ahead of the competition.

### 2AC – Prohibit

#### Prohibit means hinder or preclude – prefer court interps

Prelogar 20 [Elizabeth, Acting Solicitor General of United States. “ZIMMIAN TABB, PETITIONER v. UNITED STATES OF AMERICA”. https://www.supremecourt.gov/DocketPDF/20/20-579/169149/20210216195252075\_20-579%20Tabb.pdf]

Application Note 1’s interpretation of the career offender guideline as including drug conspiracies is firmly grounded in the guideline’s text. The key term is “prohibits.” Unlike an adjacent provision stating that a “crime of violence \* \* \* is murder” or a list of other specified offenses, Sentencing Guidelines § 4B1.2(a)(2) (emphasis added), the definition of “controlled substance offense” extends to any felony offense that “prohibits the manufacture, import, export, distribution, or dispensing of a controlled substance,” id. § 4B1.2(b) (emphasis added). Although the term “prohibit” can mean “forbid by authority or command,” it can also mean “prevent from doing or accomplishing something.” Webster’s Third New International Dictionary of the English Language Unabridged 1813 (1986). In that sense, the term is synonymous with “hinder” or “preclude.” See, e.g., Black’s Law Dictionary 1465 (11th ed. 2019) (defining “prohibit” to mean “forbid by xlaw” or “prevent, preclude, or severely hinder”). Application Note 1 confirms that Section 4B1.2(b) uses the term “prohibit” in the latter sense. As the Eleventh Circuit recognized in United States v. Lange, 11 862 F.3d 1290, cert. denied, 138 S. Ct. 488 (2017), after reviewing the two accepted senses of “prohibit” noted above, see id. at 1295, Application Note 1 indicates that “‘[c]ontrolled substance offense’ cannot mean only offenses that forbid conduct outright, but must also include related inchoate offenses that aim toward that conduct.” Ibid. The court observed that “a ban on conspiring to manufacture drugs hinders manufacture even though it will ban conduct that is not itself manufacturing.” Ibid.; cf. United States v. Vea-Gonzales, 999 F.2d 1326, 1330 (9th Cir. 1993) (“The guideline refers to violations of laws prohibiting the manufacture, import, export, distribution, or dispensing of drugs. Aiding and abetting, conspiracy, and attempt are all violations of those laws.”).

#### Rule of reason expands the scope of antitrust law AND per se requirement kills aff writing

Arthur 2K [Thomas, Professor of Law, Emory University. “A WORKABLE RULE OF REASON: A LESS AMBITIOUS ANTITRUST ROLE FOR THE FEDERAL COURTS”. https://www-jstor-org.libproxy.berkeley.edu/stable/pdf/40843475.pdf?refreqid=excelsior%3A25f0b9cb22d54ee602c500267d180aff]

Apparently, judges and juries were free to bless any restraint that struck them as "reasonable." Not surprisingly, plaintiffs, especially private ones, sought to force their claims into the per se pigeonholes. If they suc- ceeded, they won; if not, in most cases they gave up. As a result, the per se rules dominated antitrust litigation for over three decades and almostcompletely eclipsed the rule of reason.68

The third development was the most significant. The New Deal and Warren Courts used Justice Hughes's "constitutional" approach69 to extend the scope of the Sherman Act far beyond the evils that provoked its passage and that dominated the cases of the first fifty years. Antitrust changed fundamentally in this period from the original "negative (liter- ally 'anti-trust') approach," to a far more ambitious "positive ('maintain- ing competition')" role.70 The New Deal and Warren Courts wrote a mixture of populist sentiments and structuralist industrial organizationtheory into the law.

Reasonable scholars still dispute the merits of the particular rules adopted by those Courts. My point is that the issues raised by the new regulation, especially of mergers and vertical restraints, were too complex to be resolved effectively and consistently by bright-line rules and, consid- ering the institutional limits of courts,72 perhaps by any legal standard. This was a task which, if it undertaken at all, should have been left to an administrative body, such as the FTC.73

The per se rules for horizontal price fixing and market division enabled the Justice Department to prosecute cartels effectively and removed the most significant threat of false negatives. In the rest of antitrust, however, application of the "first generation" of per se rules produced an increasingly intolerable level of false positives, i.e., mistaken condemnations of productive transactions, especially in private litigation unregulated by prosecutorial discretion. This, in turn, provoked stringent criticism of antitrust rules in the academy, the profession, and the business commu- nity.74 Toward the end of this period, lower courts increasingly engaged in a formalistic characterization process to avoid what these criticisms were revealing to be false positives, with the ironic result that the per se rules, designed to bring certainty to the law, resulted in more uncertainty.

#### Floor/ceiling---‘expanding the scope’ automatically meets the floor.

Prewitt ’2k [James K., Phillip R. Garrison, Robert S. Barney; July 27; Judges on the Missouri Court of Appeals, writing Per Curiam; Westlaw, “Little Portion Franciscan Sisters, Inc. v. Boatright,” 26 S.W.3d 443]

In so concluding, we note that the preposition “by” is defined as “[w]ith the use of; through,” “[t]o the extent of,” or “[t]hrough the agency or action of.” THE AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE (1978). The same source states that a synonym for “by” is “through” and that the preposition “by” indicates the agency or means by which something is accomplished. WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY (1976) defines “by” as “through the means or instrumentality of,” “through the direct agency of,” “through the medium of,” or “through the work or operation of,” and that it is “used as a function word to indicate something that forms an accompanying setting or condition ... or that constitutes a manner ... often with an added sense of means.” For the ballot proposition to have had the meaning espoused by Defendants, the voter would have had to ignore the important word “by.” To do so is to ignore the plain and ordinary reading of the words used.

#### **Anticompetitive practices are strategies that have anticompetitive effects**

Wells 16 – Executive Notes Editor, Washington University Global Studies Law Review, J.D., Washington University in St. Louis

Todd Wells, “Exploring the Space for Antitrust Law in the Race for Space Exploration,” Washington University Global Studies Law Review, Vol. 15, 2016, LexisNexis

Antitrust law attempts to fight anti-competitive actions. "Anticompetitive practices refer to a wide range of business practices in which a firm or group of firms may engage in order to restrict inter-firm competition to maintain or increase their relative market position and profits without necessarily providing goods and services at a lower cost or of higher quality." The Organization for Economic Cooperation and Development, Glossary of Statistical Terms, Anticompetitive Practices http://stats.oecd.org.proxy.library.georgetown.edu/glossary/detail.asp?ID=3145. Obviously, with such a broad definition of anticompetitive practices, many types of actions can fall under the regulation of anticompetitive law. This can cover forms of collusion, price fixing, bid rigging, bid suppression, complementary bidding, bid rotation, subcontracting, and market divisions. Price Fixing, Bid Rigging, and Market Allocation Schemes: What They Are and What to Look For, U.S. Dep't of Justice, http://www.justice.gov/atr/ public/guidelines/211578.htm. An even broader approach would put patents under antitrust law. "All of these developments, in Congress and the Courts, are in the spirit of harmonizing patent and antitrust law, generally in the direction of subsuming patent law under antitrust law. From the perspective of providing clarity and certainty for those who are the targets of patent and antitrust suits, harmonization has much appeal." Robin Feldman, Patent and Antitrust: Differing Shades of Meaning,13 Va. J.L. & Tech. 1, 7 (2008).

## Death Cult

### 2AC – Death Cult

#### Reps aren’t deterministic. Proven by teams reading heg good and the security K on the other side.

Shim 14 [David Shim is Assistant Professor at the Department of International Relations and International Organization of the University of Groningen. “Visual Politics and North Korea: Seeing is believing.”]

Imagery can enact powerful effects, since political actors are almost always pressed to take action when confronted with images of atrocity and human suffering resultant from wars, famines and natural disasters. Usually, humanitarian emergencies are conveyed through media representations, which indicate the important role of images in producing emergency situations as (global) events (Benthall 1993; Campbell 2003b; Lisle 2009; Moeller 1999; Postman 1987). Debbie Lisle (2009: 148) maintains that, 'we see that the objects, issues and events we usually study [. . .] do not even exist without the media [.. .] to express them’. As a consequence, visual images have political and ethical consequences as a result of their role in shaping private and public ways of seeing (Bleiker. Kay 2007). This is because how people come to know, think about and respond to developments in the world is deeply entangled with how these developments are made visible to them.

Visual representations participate in the processes of how people situate themselves in space and time, because seeing involves accumulating and ordering information in order to be able to construct knowledge of people, places and events. For example, the remembrance of such events as the Vietnam War, the terrorist attacks of 11 September 2001 or the torture in Abu Ghraib prison cannot be separated from the ways in which these events have been represented in films, TV and photography (Bleiker 2009; Campbell/Shapiro 2007; Moller2007). The visibility of these events can help to set the conditions for specific forms of political action. The current war in Afghanistan serves as an example of this. Another is the nexus of hunger images and relief operations. Vision and visuality thus become part and parcel of political dynamics, also revealing the ethical dimension of imagery, as it affects the ways in which people interact with each other.

However, particular representations do not automatically lead to particular responses as, for instance, proponents of the so-called 'CNN effect’ would argue (for an overview of the debates among academic, media and policy-making circles on the 'CNN effect', see Gilboa 2005; see also. Dauber 2001; Eisensee/ Stromberg 2007; Livingston/Eachus 1995; O'Loughlin 2010; Perlmutter 1998, 2005; Robinson 1999, 20011. There is no causal relationship between a specific image and a political intervention, in which a dependent variable (the image) would explain the outcome of an independent one (the act). David Perlmutter (1998: I), for instance, explicitly challenges, as he calls it, the 'visual determinism' of images, which dominates political and public opinion. Referring to findings based on public surveys, he argues that the formation of opinions by individuals depends not on images but on their idiosyncratic predispositions and values (see also, Domke et al. 2002; Perlmutter 2005).

Yet, it should also be noted that visuals function as unquestioned referents in international politics when underlining the necessity of such specific policy practices as sanctions, deterrents and/or military cooperation. A good example of this is satellite imagery, which plays a pivotal role in the surveillance and assessment of missile or nuclear proliferation activities by so-called ‘rogue states’ like Iran and North Korea. Regarded as providing compelling evidence about the stage of development of nuclear facilities or about the collaboration between suspect states, satellite images point to a nexus between visuality, knowledge and international politics wherein this way of seeing consequently enables governments to make legitimate statements, draw conclusions and take informed political action. In sum, the visual provides the foundation for knowledge generation and, in doing so, bestows political responses with legitimacy (cf. Möller 2007). A now famous case-in-point is Colin Powell’s PowerPoint presentation at the United Nations Security Council in February 2003. In the briefing, the then US Secretary of State showed satellite images that allegedly proved the existence of Iraqi ‘Weapons of Mass Destruction’. What was remarkable about Powell’s presentation was that the visual emerged as the primary referent for the US government’s casus belli, which, in the words of MacDonald et al. (2010: 7–8), disclosed the fact that the ‘logic of geopolitical reason is now inseparable from its visual representation’ (see also, Campbell 2007c; Der Derian 2001).

The causal theory of the ‘CNN effect’, or what Perlmutter (1998: 1) has called above ‘visual determinism’, misconceives of how the visual recasts the political realm itself (Hansen 2011). Rather than asking whether an image caused an intervention, it should be asked instead how the visual has been involved in structuring the understandings of legitimate action, and how visual representations of different policy options affect particular security practices (Williams 2003: 527). For instance, many scholars have shown that images can provoke particularly emotive responses (Bleiker/Hutchison 2008; Crawford 2000; Hariman/Lucaites 2007; Mercer 2006; Ross 2006). Just one example of the (deliberate) evocation of an emotional reaction is the numerous fundraising campaigns that have been run by different humanitarian aid organizations over the years, in which imagery plays an essential role (Bell/Carens 2004; Dogra 2007; Manzo 2008).

#### Death impacts good.

* Anticipating nuclear extinction breeds empathy and entangled care. Distancing ourselves from considering extinction reifies detached elitism.

Offord, 17—Faculty of Humanities, School of Humanities Research and Graduate Studies, Bentley Campus (Baden, “BEYOND OUR NUCLEAR ENTANGLEMENT,” Angelaki, 22:3, 17-25, dml) [ableist language modifications denoted by brackets]

You are steered towards overwhelming and inexplicable pain when you consider the nuclear entanglement that the species Homo sapiens finds itself in. This is because the fact of living in the nuclear age presents an existential, aesthetic, ethical and psychological challenge that defines human consciousness. Although an immanent threat and ever-present danger to the very existence of the human species, living with the possibility of nuclear war has infiltrated the matrix of modernity so profoundly as to paralyse [shut down] our mind-set to respond adequately. We have chosen to ignore the facts at the heart of the nuclear program with its dangerous algorithm; we have chosen to live with the capacity and possibility of a collective, pervasive and even planetary-scale suicide; and the techno-industrial-national powers that claim there is “no immediate danger” ad infinitum.8

This has led to one of the key logics of modernity's insanity. As Harari writes: “Nuclear weapons have turned war between superpowers into a mad act of collective suicide, and therefore forced the most powerful nations on earth to find alternative and peaceful ways to resolve conflicts.”9 This is the nuclear algorithm at work, a methodology of madness. In revisiting Jacques Derrida in “No Apocalypse, Not Now (Full Speed Ahead, Seven Missiles, Seven Missives),”10 who described nuclear war as a “non-event,” it is clear that the pathology of the “non-event” remains as active as ever even in the time of Donald Trump and Kim Jong-un with their stichomythic nuclear posturing.

The question of our times is whether we have an equal or more compelling capacity and willingness to end this impoverished but ever-present logic of pain and uncertainty. How not simply to bring about disarmament, but to go beyond this politically charged, as well as mythological and psychological nuclear algorithm? How to find love amidst the nuclear entanglement; the antidote to this entanglement? Is it possible to end the pathology of power that exists with nuclear capacity? Sadly, the last lines of Nitin Sawhney's “Broken Skin” underscore this entanglement:

Just 5 miles from India's nuclear test site

Children play in the shade of the village water tank

Here in the Rajasthan desert people say

They're proud their country showed their nuclear capability.11

As an activist scholar working in the fields of human rights and cultural studies, responding to the nuclear algorithm is an imperative. Your politics, ethics and scholarship are indivisible in this cause. An acute sense of care for the world, informed by pacifist and non-violent, de-colonialist approaches to knowledge and practice, pervades your concern. You are aware that there are other ways of knowing than those you are familiar and credentialed with. You are aware that you are complicit in the prisons that you choose to live inside,12 and that there is no such thing as an innocent bystander. You use your scholarship to shake up the world from its paralysis, abjection and amnesia; to unsettle the epistemic and structural violence that is ubiquitous to neoliberalism and its machinery; to create dialogic and learning spaces for the work of critical human rights and critical justice to take place. All this, and to enable an ethics of intervention through understanding what is at the very heart of the critical human rights impulse, creating a “dialogue for being, because I am not without the other.”13

Furthermore, as a critical human rights advocate living in a nuclear armed world, your challenge is to reconceptualise the human community as Ashis Nandy has argued, to see how we can learn to co-exist with others in conviviality and also learn to co-survive with the non-human, even to flourish. A dialogue for being requires a leap into a human rights frame that includes a deep ecological dimension, where the planet itself is inherently involved as a participant in its future. This requires scholarship that “thinks like a mountain.”14 A critical human rights approach understands that it cannot be simply human-centric. It requires a nuanced and arresting clarity to present perspectives on co-existence and co-survival that are from human and non-human viewpoints.15

Ultimately, you realise that your struggle is not confined to declarations, treaties, legislation, and law, though they have their role. It must go further to produce “creative intellectual exchange

that might release new ethical energies for mutually assured survival.”16 Taking an anti-nuclear stance and enabling a post-nuclear activism demands a revolution within the field of human rights work. Recognising the entanglement of nuclearism with the Anthropocene, for one thing, requires a profound shift in focus from the human-centric to a more-than-human co-survival. It also requires a fundamental shift in understanding our human culture, in which the very epistemic and rational acts of sundering from co-survival with the planet and environment takes place. In the end, you realise, as Raimon Panikkar has articulated, “it is not realistic to toil for peace if we do not proceed to a disarmament of the bellicose culture in which we live.”17 Or, as Geshe Lhakdor suggests, there must be “inner disarmament for external disarmament.”18 In this sense, it is within the cultural arena, our human society, where the entanglement of subjective meaning making, nature and politics occurs, that we need to disarm.

It is 1982, and you are reading Jonathan Schell's The Fate of the Earth on a Sydney bus. Sleeping has not been easy over the past few nights as you reluctantly but compulsively read about the consequences of nuclear war. For some critics, Schell's account is high polemic, but for you it is more like Rabindranath Tagore: it expresses the suffering we make for ourselves. What you find noteworthy is that although Schell's scenario of widespread destruction of the planet through nuclear weaponry, of immeasurable harm to the bio-sphere through radiation, is powerfully laid out, the horror and scale of nuclear obliteration also seems surreal and far away as the bus makes its way through the suburban streets.

A few years later, you read a statement from an interview with Paul Tibbets, the pilot of “Enola Gay,” the plane that bombed Hiroshima. He says, “The morality of dropping that bomb was not my business.”19 This abstraction from moral responsibility – the denial of the implications on human life and the consequences of engagement through the machinery of war – together with the sweeping amnesia that came afterwards from thinking about the bombing of Hiroshima, are what make you become an environmental and human rights activist. You realise that what makes the nuclear algorithm work involves a politically engineered and deeply embedded insecurity-based recipe to elide the nuclear threat from everyday life. The spectre of nuclear obliteration, like the idea of human rights, can appear abstract and distant, not our everyday business. You realise that within this recipe is the creation of a moral tyranny of distance, an abnegation of myself with the other. One of modernity's greatest and earliest achievements was the mediation of the self with the world. How this became a project assisted and shaped through the military-industrial-technological-capitalist complex is fraught and hard to untangle. But as a critical human rights scholar you have come to see through that complex, and you put energies into challenging that tyranny of distance, to activate a politics, ethics and scholarship that recognises the other as integral to yourself. Ultimately, even, to see that the other is also within.20

## States

### 2AC – States – New

#### CP is preempted – federal and state lockout are equivalent

Samp 14—Richard A. Samp, Chief Counsel, Washington Legal Foundation (“The Role of State Antitrust Law in the Aftermath of *Actavis*,” *Minnesota Journal of Law, Science & Technology*, Vol. 15, No. 1, Article 14, https://scholarship.law.umn.edu/cgi/viewcontent.cgi?article=1062&context=mjlst)

As noted above, there is precedent for a finding that state antitrust law is preempted to the extent that it conflicts with the policy underlying a federal statute.76 Moreover, in the context of patent law, federal courts have not hesitated to preempt state laws that the courts deem to stand as an obstacle to accomplishing Congress’s objectives (i.e., encouraging efforts to develop new and useful products).77 To the extent that any portions of Actavis’s holding can be deemed to reflect the Court’s perception of Congress’s new-product-development objectives, a state law is preempted if it is inconsistent with that holding and seeks to impose a greater degree of antitrust liability on the parties to a reverse payment settlement.

Actavis’s treatment of settlements involving a compromise entry date appears to meet that description. Actavis held that federal antitrust liability could not arise from a settlement in which the generic manufacturer agrees not compete for a number of years and in return is rewarded with an exclusive license to market its product several years in advance of the patent’s expiration date.78 Accordingly, states are not permitted to impose antitrust liability under similar circumstances because doing so would upset the balance that, according to Actavis, Congress sought to achieve between antitrust and patent law.

## Futarchic Gov CP

### 2AC – Futarchic Gov CP Michigan

#### Should doesn’t mean certain

Encarta 5 [Encarta World English Dictionary. 2005. http://encarta.msn.com/encnet/features/dictionary/DictionaryResults.aspx?refid=1861735294]

expressing conditions or consequences: used to express the conditionality of an occurrence and suggest it is not a given, or to indicate the consequence of something that might happen ( used in conditional clauses )

#### Futarchy fails

Cowen 8 [Tyler, Professor and Economist from George Mason. <https://www.telegraph.co.uk/environment/?xml=/earth/2008/08/18/scibetting118.xml>. Quoted from Robin Hanson’s blog, https://www.overcomingbias.com/2008/08/cowen-dises-fut.html]

From a recent Telegraph article:

Professor Tyler Cowen, also of George Mason University, thinks that the problem of bad governance is far too complex to be solved simply by making predictions of how policy decisions may or may not turn out. "I don’t agree with the futarchy idea," he says. "The record of prediction markets is a strong one, but I wouldn’t want to use them to run an entire government.

## Common Law

### 2AC – Common Law CP

#### Perm---do the CP---it implicitly amends the antitrust laws.

David L. Foster 80, Willkie Farr & Gallagher, “Brief of Amici Curiae the Duplan Corporation and Others in Support of Respondents,” TEXAS INDUSTRIES, INC., Petitioner, v. RADCLIFF MATERIALS, INC., et al., Respondents, 1980 WL 339352, WestLaw

II.

Claim Reduction Overturns Long Established Rules of Antitrust Law.

A. Claim Reduction Is Prohibited by Section 4 of the Clayton Act and, If Adopted, Would Effectively Amend It.

The basic statutory command of the antitrust laws on which all treble damage actions are based is section 4 of the Clayton Act, 15 U.S.C. § 15. Section 4 provides in pertinent part that:

Any person who shall be injured in his business or property by reason of any thing forbidden in the antitrust laws may sue therefor in any district court of the United States . . . and shall recover threefold the damages by him sustained, and the cost of suit, including a reasonable attorney's fee.

Claim reduction offends the command of section 4 by depriving a plaintiff of the recovery to which he is statutorily entitled: three times the actual damage he suffered as a result of the antitrust violation. This occurs because, under a rule of claim reduction, a portion of a plaintiff's claim is extinguished if he settles with any defendant. Thus, \*9 under such a rule, a settlement with any defendant would preclude the plaintiff from exercising its right to satisfy fully the balance of his claim against the other joint defendants. Flintkote Co. v. Lysfjord, 246 F.2d 368, 398 (9th Cir.), cert. denied, 355 U.S. 835 (1957); Hydrolevel Corp. v. American Society of Mechanical Engineers, Inc., 1980-81 Trade Cas. (CCH) ¶ 63,651 (2d Cir. 1980).

This is demonstrated by a simple example. Assume that a plaintiff is damaged in the amount of $50,000 as a result of an illegal price fixing conspiracy among three conspirators. Under section 4, the plaintiff is statutorily entitled to a treble damage judgment in the amount of $150,000. If the plaintiff settles with one of the defendants prior to trial for $10,000, his rights under section 4 are preserved because he may continue to prosecute his action against the remaining defendants for the full amount of his injury. If the plaintiff succeeds in establishing that he was injured in the amount of $50,000, that amount will be trebled and, under existing law, the $10,000 settlement amount will then be deducted. Flintkote Co. v. Lysfjord, supra; Hydrolevel Corp. v. American Society of Mechanical Engineers, Inc., supra. Thus, the plaintiff will recover the $150,000 to which he is entitled under section 4: $140,000 from the non-settling defendants and $10,000 from the settling defendant.

Claim reduction, however, ignores the plaintiffs' rights under section 4 by arbitrarily reducing the claim against the remaining defendants in a manner which may be unforeseeable at the time of the settlement. If the per capita method of claim reduction proposed by Petitioner is ultimately adopted, the plaintiff in the above example would lose one-third of his claim as a result of his $10,000 settlement. Thus, under this form of claim reduction, his maximum recovery would be $110,000 despite the fact that \*10 he is entitled under section 4 to recover $150,000. Alternatively, his recovery might be measured (and reduced) by an assessment of relative culpability of the defendants, or their respective participation in transactions in suit, or on some other basis. This result is plainly prohibited under section 4 and, if sanctioned, would implicitly amend the statute.

#### The CP’s impossible---courts literally don’t have this power.

--italics in original

Sasha Volokh 15, Assistant Professor, Emory Law School, Contributor at the Volokh Conspiracy, “Federal common law: it’s actually everywhere!,” The Washington Post, 8/28/15, https://www.washingtonpost.com/news/volokh-conspiracy/wp/2015/08/28/federal-common-law-its-actually-everywhere/

The Sherman Act provides a good illustration of this inherent-vs.-delegated distinction. Later, I’ll discuss a different ground for the validity of the Sherman Act: that, by incorporating a well-defined pre-existing common law tort, it delegates to courts no more than the inherent statutory-interpretation power that they already have. But can I justify the Sherman Act the way I just justified the Alien Tort Statute—by placing it within an area involving “uniquely federal interests,” where courts already have a federal common-lawmaking power? Clearly, I won’t be able to justify antitrust delegation using the general argument that courts have an unlimited power to fill out any congressional delegated regime. But can I make a specific argument that antitrust implicates uniquely federal interests?

The Supreme Court’s discussion in Texas Industries, Inc. v. Radcliff Materials, Inc. suggests that I can’t: antitrust just isn’t unique enough. In Texas Industries, a defendant in an antitrust lawsuit filed a third-party complaint against his alleged co-conspirators, seeking contribution from them if he was held liable. The Court noted that the antitrust statutes didn’t expressly establish a right of contribution; nor could the Court find such a right in the legislative history. Because Congress didn’t create such a right, “[i]f any right to contribution exists, its source must be federal common law.” The Court had previously recognized a right to contribution in admiralty, but admiralty is one of the recognized areas of federal interest. By contrast:

[A] treble-damages action remains a private suit involving the rights and obligations of private parties. Admittedly, there is a federal interest in the sense that vindication of rights arising out of these congressional enactments supplements federal enforcement and fulfills the objects of the statutory scheme. Notwithstanding that nexus, contribution among antitrust wrongdoers does not involve the duties of the Federal Government, the distribution of powers in our federal system, or *matters necessarily subject to federal control even in the absence of statutory authority*. In short, contribution does not implicate “uniquely federal interests” of the kind that oblige courts to formulate federal common law.

Note the sentence I’ve italicized, referring explicitly to the courts’ statute-independent powers. The Court went on to discuss the courts’ statute-dependent power in antitrust: Congress has “vested jurisdiction in the federal courts and empowered them to create governing rules of law” in the area of substantive antitrust. “It does not necessarily follow,

however, that Congress intended to give courts as wide discretion in formulating remedies to enforce the provisions of the Sherman Act or the kind of relief sought through contribution.” And, consulting the legislative history of the remedial sections of the Sherman Act, the Court concluded that no such congressional intent appeared.

So there’s neither an inherent, statute-independent power to create an antitrust right of contribution (i.e., it can’t be justified by an enclave), nor a delegated, statute-dependent power (i.e., it can’t be justified by statutory interpretation). Whether the statute-dependent power to create antitrust rules is truly valid is something I’ll discuss in a later section. But for purposes of this section—where we check whether the statute is valid under the Inherent-Powers Corollary because it falls within a “uniquely federal interests” enclave—we focus single-minded on the statute-independent power, and find it lacking.

#### That means court stripping wrecks solvency AND the net benefit

Peter Appel 11, associate professor at the University of Georgia School of Law, “Climate change: Why Congressional efforts to hobble the EPA may result in a lot more environmental regulation,” Slate Magazine, 2-10-2011, https://slate.com/news-and-politics/2011/02/climate-change-congressional-efforts-to-hobble-the-epa-may-result-in-a-lot-more-environmental-regulation.html

To be sure, Barrasso's bill (unlike the Upton/Inhofe draft) attacks the litigation strategy directly. It provides that "[n]o cause of action, whether based on common law or civil tort (including nuisance) or any other legal or equitable theory, may be brought or maintained, and no liability, money damages, or injunctive relief arising from such an action may be imposed" for global climate change. This provision would appear to wipe out all climate change-related lawsuits, ever, whether they are premised on federal or state common law, eliminating lawsuits like AEP v. Connecticut as well as all state lawsuits. This wholesale erasure of future litigation undoubtedly pleases the anti-lawyer crowd, but it also completely undermines any commitment to the states being allowed to experiment with new laws and address climate change through their own legal systems. Of course, fealty to an abstract concept such as federalism often disappears in the face of a policy (such as same-sex marriage) that an advocate of federalism may hate more than an imbalance in state/federal relations.

The argument that the new Clean Air Act regulations have displaced federal common law is but one in the arsenal that the Obama administration and the private petitioners have advanced in court to kill the AEP case. Nevertheless, the displacement argument will likely have appeal to Justice Anthony Kennedy, a key member of the majority in the Massachusetts v. EPA case, because it means that someone's regulating GHGs. If Kennedy is not persuaded to dismiss AEP, then the lower court decision will likely stand. (The court will have only eight members participating; Justice Sotomayor was a member of the 2nd Circuit panel in the case below and is therefore recused. An even split of the court affirms the pro-environmentalist decision below.) Upton and Inhofe are clear that they want the federal courts to butt out of the global climate-change debate; they filed an amicus brief in AEP telling the court just that. Short of working on a true comprehensive regulatory scheme for GHGs such as a cap-and-trade system or carbon tax, however, congressional Republicans would be better off leaving EPA's rules alone for now if they want to avoid what may be an even more invasive fate: regulation by federal injunction.

## Politics

### 2AC—Politics—BBB

#### Manchin will punt it to next year AND thumpers.

Hans Nichols 11/10, Political Reporter for Axios, former Pentagon Correspondent for NBC News, Former International and White House Correspondent for Bloomberg News, “Manchin may delay Biden social spending plan over inflation,” Axios, 11/10/21, https://www.axios.com/manchin-chill-bbb-6b58cd70-6c07-40f9-af4e-c944a7b3a39d.html

Red-hot inflation data validates the instinct of Sen. Joe Manchin (D-W.Va.) to punt President Biden’s Build Back Better agenda until next year — potentially killing a quick deal on the $1.75 trillion package, people familiar with the matter tell Axios.

Why it matters: The data released Wednesday set the president and White House staff scrambling. Slowing down work on the massive tax-and-spending plan is against the fervent desire of the administration and House progressives.

With a limited number of legislative days left in the year, Manchin is content to focus on the issues that need to be addressed, Axios is told.

They include funding the government, raising the debt ceiling and passing the National Defense Authorization Act.

Manchin, like a group of House moderates, also wants to see a Congressional Budget Office analysis of the true cost of each of Biden’s proposed programs, as well as the tax proposals to fund them.

The big picture: Progressives have long worried that after centrists got their $1.2 trillion bipartisan infrastructure bill, they'd find excuses not to move on the budget reconciliation package.

It includes billions to expand the social safety net and fight climate change, among other Democratic priorities.

Business groups also are stepping up their attacks on the package, warning congressional Democrats about its overall costs, potential effects on inflation and $800 billion in corporate tax increases.

Manchin still hasn't agreed to the specifics of Biden's plan

to spend $555 billion to combat climate change.

Senate Majority Leader Chuck Schumer convened a call today with senators who participated in COP26, where they discussed how climate provisions in both bills were well received in Glasgow.

During the call, the senators also strategized about how to get Manchin to agree to Biden's climate provisions — a recognition they have more work to do.

Driving the news: Prices rose 0.9% from last month for an annual inflation rate of 6.2%, according to the Bureau of Labor Statistics.

The president labeled it "worrisome, even though wages are going up."

He told a crowd in Baltimore: "[O]n the good side, we're seeing the highest growth rate in decades, the fastest decrease in unemployment ... since 1950."

White House chief of staff Ron Klain tried to couch Biden's spending plan as a long-term strategy to lower inflation.

"What it does is it makes sure that our federal spending meets the things that families really need: bringing down the cost of child care, bringing down the cost of drugs, bringing down the cost of elder care, bringing down the cost of preschool, cutting taxes for middle-class families," he told CNN's Jake Tapper:

Between the lines: Manchin has been warning about inflation since the summer.

He's argued Congress should take a “strategic pause” on the bigger package until Congress had more time to assess the effects of the nearly $5 trillion COVID stimulus spending in 2020 and earlier this year.

His statements on Wednesday amounted to an I-told-you-so.

“By all accounts, the threat posed by record inflation to the American people is not ‘transitory’ and is instead getting worse,” Manchin said. “From the grocery store to the gas pump, Americans know the inflation tax is real and D.C. can no longer ignore the economic pain Americans feel every day.”

**Lawmakers will compartmentalize conflict on separate issues**

**Pergram 18** (Chad Pergram, Congressional reporter. “Amid Kavanaugh cacophony, Congress forges bipartisan agreements on key issues”. October 13, 2018. <https://www.foxnews.com/politics/amid-kavanaugh-cacophony-congress-forges-bipartisan-agreements-on-key-issues>)

Step back from the Kavanaugh cacophony. Examine what lawmakers from both parties in both chambers accomplished in September and early October, with virtually zero fanfare. **Amid** the **turmoil**, Congress approved the first revamp of national aviation policy in years. The Senate approved the final version of the legislation 93-6. This came after a staggering six extensions due to bickering and disagreement. Then, Congress approved a sweeping, bipartisan measure to combat opioid abuse. The House okayed the package 393-8. The Senate adopted the measure 98-1. And, there was no government shutdown. The House and Senate came to terms on two bipartisan bills which funded five of the 12 annual spending bills which operate the government. The sides agreed to latch an additional measure to one of the spending plans to fund the remaining seven areas of federal spending through December 7. President Trump briefly threatened to force a government shutdown if lawmakers didn’t include money for his border wall in the plan. But the President ultimately punted that battle until December. Democrats praised Republicans for keeping conservative “poison pill” riders out of the appropriations bills. That decision drew Democratic support for the measures. The Senate approved a bipartisan **water and infrastructure** package. McConnell hailed the **bipartisanship** which descended upon the Senate – **even as the senators fought over Kavanaugh**. Nearly **in the same breath**,

McConnell derided boisterous, anti-Kavanaugh protesters outside the Capitol as a “mob.” McConnell insisted this week he needed the Senate to clear a slate of 15 conservative judges to lower courts before he could cut senators loose for the midterm elections. McConnell and Schumer appeared at loggerheads. McConnell’s goal was clear: extract the confirmation of these nominees – or tether to Washington vulnerable Democratic senators from battleground states to keep them off the campaign trail. Schumer knew McConnell would ultimately prevail on the nominees after the midterms. So the New York Democrat accepted McConnell’s ransom, permitting the Senate vote on a slate of nominees on Thursday night. Schumer also extracted a concession from McConnell: send senators home until November 13th. One may wonder how lawmakers can find themselves in an **imbroglio** over a major issue like Kavanaugh – **yet forge major bipartisan accords on other**. Frankly, that’s just politics. Politics always elicits strange bedfellows. Successful lawmakers know they should **compartmentalize their disputes**. The enemy today may be your best ally tomorrow.

#### Aff is bipartisan and popular

Muris 17 [Timothy, Foundation Professor of Law at George Mason University’s Antonin Scalia Law School and Senior Counsel at Sidley Austin LLP. “Bipartisan Patent Reform and Competition Policy”. May 2017. https://www.aei.org/wp-content/uploads/2017/05/Bipartisan-Patent-Reform-and-Competition-Policy.pdf]

Finally, I have outlined how antitrust law can assist contract and patent law in limiting holdup. Under Republicans and Democrats, the antitrust agencies have pursued anticompetitive conduct. Despite disagreement on particular cases and on the underlying theory under which cases should proceed, there is widespread agreement on the importance of the issue and its suitability as an appropriate subject for antitrust enforcement. Further attention to patent holdup in the Trump administration is warranted and would continue the bipartisan focus on this vital issue.

#### No nuke terror – people like Allison are hacks

* Two decades of threats haven’t panned out
* Too many things can go wrong:

Getting trusted collaborators

Stealing and transporting guarded material

Getting the top technicians in the world

No ability to test

Skilled detonation crew

All that while attracting zero attention

* Weapons have safety devices, are stored in pieces in different places
* Terrorists are like Bond villains that scheme instead of accomplishing anything
* Most attacks are bombs which don’t even work

Mueller and Stewart 10/29/18 [John Mueller is Woody Hayes Senior Research Scientist, Mershon Center for International Security Studies, and adjunct professor of Political Science, at Ohio State University. He is also a Senior Fellow at the Cato Institute in Washington. Mark G. Stewart is Professor of Civil Engineering and Director of the Centre for Infrastructure Performance and Reliability at The University of Newcastle in Australia. Terrorism and Bathtubs: Comparing and Assessing the Risks. October 29, 2018. https://www.tandfonline.com/doi/abs/10.1080/09546553.2018.1530662?journalCode=ftpv20]

However, there is of course no guarantee that things will remain that way, and the 9/11 attacks inspired the remarkable extrapolation that, because the terrorists were successful with box cutters, they might soon be able to turn out weapons of mass destruction— particularly nuclear ones—and then detonate them in an American city. For example, in his influential 2004 book, Nuclear Terrorism, Harvard’s Graham Allison relayed his “considered judgment” that “on the current path, a nuclear terrorist attack on America in the decade ahead is more likely than not.”11 Allison has had a great deal of company in his alarming pronouncements. In 2007, the distinguished physicist Richard Garwin put the likelihood of a nuclear explosion on an American or European city by terrorist or other means at 20 percent per year, which would work out to 91 percent over the eleven-year period to 2018.12

Allison’s time is up, and so is Garwin’s. These off-repeated warnings have proven to be empty. And it is important to point out that not only have terrorists failed to go nuclear, but as William Langewiesche, who has assessed the process in detail, put it in 2007, “The best information is that no one has gotten anywhere near this. I mean, if you look carefully and practically at this process, you see that it is an enormous undertaking full of risks for the would-be terrorists.”13 That process requires trusting corrupted foreign collaborators and other criminals, obtaining and transporting highly guarded material, setting up a machine shop staffed with top scientists and technicians, and rolling the heavy, cumbersome, and untested finished product into position to be detonated by a skilled crew, all the while attracting no attention from outsiders.

Nor have terrorist groups been able to steal existing nuclear weapons—characteristically burdened with multiple safety devices and often stored in pieces at separate secure locales

—from existing arsenals as was once much feared. And they certainly have not been able to cajole leaders in nuclear states to palm one off to them—though a war inflicting more death than Hiroshima and Nagasaki combined was launched against Iraq in 2003 in major part under the spell of fantasies about such a handover.14

More generally, the actual terrorist “adversaries” in the West scarcely deserve accolades for either dedication or prowess. It is true, of course, that sometimes even incompetents can get lucky, but such instances, however tragic, are rare. For the most part, terrorists in the United States are a confused, inadequate, incompetent, blundering, and gullible bunch, only occasionally able to get their act together. Most seem to be far better at frenetic and often self-deluded scheming than at actual execution. A summary assessment by RAND’s Brian Jenkins is apt: “their numbers remain small, their determination limp, and their competence poor.”15 And much the same holds for Europe and the rest of the developed world.16 Also working against terrorist success in the West is the fact that almost all are amateurs: they have never before tried to do something like this. Unlike criminals they have not been able to develop street smarts.

Except perhaps for the use of vehicles to deliver mayhem (though this idea is by no means new in the history of terrorism), there has been remarkably little innovation in terrorist weaponry or methodology since 9/11.17 Like their predecessors, they have continued to rely on bombs (many of which fail to detonate or do much damage) and bullets.18

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### Case

#### No offense - the era of liberalist interventionism is over in favor of realism

Posner 9/3 [Eric, professor at the University of Chicago Law School. “America's Return to Realism”. 9/3/21. https://www.project-syndicate.org/commentary/america-return-to-foreign-policy-realism-by-eric-posner-2021-09]

CHICAGO – US President Joe Biden’s speech defending the withdrawal from Afghanistan announced a decisive break with a tradition of foreign-policy idealism that began with Woodrow Wilson and reached its apex in the 1990s. While that tradition has often been called “liberal internationalism,” it also was the dominant view on the right by the end of the Cold War. The United States, according to liberal internationalists, should use military force as well as its economic power to compel other countries to embrace liberal democracy and uphold human rights.

Both in conception and in practice, American idealism rejected the Westphalian international system, in which states are forbidden to intervene in others’ internal affairs, and peace results from maintaining a balance of power. Wilson sought to replace this system with universal principles of justice, administered by international institutions. During World War II, Franklin D. Roosevelt revived these ideals in the Atlantic Charter of 1941, which declared self-determination, democracy, and human rights to be war goals.

But during the Cold War, the US pursued a resolutely “realist” foreign policy that focused on national interest and propped up or tolerated dictatorships as long as they opposed the Soviet Union. The two rivals had little use for international institutions or universal ideals except for propaganda purposes, instead using regional arrangements to knit together their allies. It was Europe that, in the 1970s, tried to advance human rights and assume a position of moral leadership to distinguish itself from the goliaths to its east and west.

America’s commitment to human rights began at a moment of weakness. In the wake of the military and moral disaster of Vietnam, President Jimmy Carter and the US Congress sought to infuse American foreign policy with a moral center and reached for the language of human rights. President Ronald Reagan saw human rights as a convenient rhetorical cudgel for clobbering the Soviet Union. But both presidents continued to support dictatorships that served US security interests, and neither used military force to advance humanitarian ideals. The era of US-led humanitarian intervention would have to await the end of the Cold War.

The rhetoric outstripped the reality, but reality did change. As the sole global hegemon, the US embarked on a large number of wars, big and small, involving a confusing mélange of hard-nosed security interests and idealistic rhetoric. In Panama, Somalia, Yugoslavia (twice), Iraq (twice), Libya, Afghanistan, and elsewhere, the US launched military interventions on both national-security and humanitarian grounds.

The nonintervention in the Rwandan genocide of 1994 may have been the most consequential (non)event of this period, because it was reinterpreted with the benefit of hindsight as a missed opportunity to use military force to save hundreds of thousands of lives. The debacle was used to justify the wars in Afghanistan and Iraq, and to urge US military intervention in Sudan in the early 2000s, which President George W. Bush’s administration wisely resisted, despite mass killings that amounted to another genocide.

All of this led to an extraordinary burst of interest in international law and legal institutions. Multiple international tribunals were created, leading to the establishment of a permanent International Criminal Court. Human rights treaties and institutions were revived and strengthened. Principles of humanitarian intervention were advanced, including the now-forgotten “responsibility to protect.” Every Western university nowadays has a human rights center of some sort that is a testament to the idealism of that era.

It was already clear that President Donald Trump repudiated this tradition of humanitarian or quasi-humanitarian military intervention, but Biden’s forceful renunciation of it is somewhat surprising. In his speech, he repeatedly emphasized the importance of identifying and defending America’s “vital national interest.” The word “national” is key, and Biden wasn’t subtle:

“If we had been attacked on September 11, 2001, from Yemen instead of Afghanistan, would we have ever gone to war in Afghanistan? Even though the Taliban controlled Afghanistan in the year 2001? I believe the honest answer is no. That’s because we had no vital interest in Afghanistan other than to prevent an attack on America’s homeland and our friends. And that’s true today.”

America had no vital interest in introducing democracy to Afghanistan, in helping women escape a medieval theological regime, in educating children, or in helping to prevent another civil war. His decision to withdraw from Afghanistan was

“about ending an era of major military operations to remake other countries. We saw a mission of counterterrorism in Afghanistan, getting the terrorists to stop the attacks, morph into a counterinsurgency, nation-building, trying to create a democratic, cohesive, and united Afghanistan. Something that has never been done over many centuries of Afghan’s [sic] history. Moving on from that mindset and those kind of large-scale troop deployments will make us stronger and more effective and safer at home.”

Biden also did say that human rights will remain “the center of our foreign policy,” and that economic tools and moral suasion can be used to advance them. This claim is in tension with his declaration that “vital national interests” should determine military intervention. Why wouldn’t vital national interests determine nonmilitary forms of intervention as well? Clearly, the role of human rights and other moral ideals in US foreign policy has been downgraded. The only question is whether the rhetoric will be toned town to match the new reality.

Of course, it was never very clear that US governments were actually motivated by humanitarian considerations. Critics often found more nefarious motives. Future historians may well argue that US foreign policy in the 1990s and 2000s was simply advancing a very ambitious vision of the national interest: America required all countries to adopt American ideals and institutions so that none would want to act against America. Or they might say that, like any empire, the US lacked the patience and wisdom to maintain a consistent stance in its treatment of its peripheries.

In any case, idealism is not actually so idealistic when a country has enough power, and the only thing that is clear now is that America doesn’t. Resistance to its post-Cold War nation-building goals took the form of international terrorism. China and Russia did not obediently embrace democracy. And much of the rest of the world has reverted to various forms of nationalism and authoritarianism.

#### Heg decline triggers US lash-out

**Beckley 12** [“China’s Century Why America’s Edge Will Endure” research fellow in the International Security Program at Harvard Kennedy School’s Belfer Center for Science and International Affairs He will become an assistant professor of political science at Tufts University in the fall of 2012, http://belfercenter.ksg.harvard.edu/files/Chinas\_Century.pdf]

One danger is that declinism could prompt **trade conflicts** and immigration restrictions. The results of this study suggest that the United States beneªts immensely from the free ºow of goods, services, and people around the globe; this is what allows American corporations to specialize in high-value activities, exploit innovations created elsewhere, and lure the brightest minds to the United States, all while reducing the price of goods for U.S. consumers. Characterizing China’s export expansion as a loss for the United States is not just bad economics; it blazes a trail for jingoistic and protectionist policies. It would be tragically ironic if Americans reacted to false prophecies of decline by cutting themselves off from a potentially vital source of American power.

Another danger is that declinism may impair foreign policy decisionmaking. If top government officials come to believe that China is overtaking the United States, they are likely to react in one of two ways, both of which are potentially disastrous.

The first is that policymakers may imagine the United States faces a closing “window of opportunity” and should take action “while it still enjoys preponderance and not wait until the diffusion of power has already made international politics more competitive and unpredictable.”158 This belief may spurpositive action, but it also invites parochial thinking, reckless behavior, and **preventive war**.159 As Robert Gilpin and others have shown, “[H]egemonic struggles have most frequently been triggered by fears of ultimate decline and the perceived erosion of power.”160 By fanning such fears, declinists may inadvertently promote the type of violent overreaction that they seek to prevent.

#### U.S. heg is sustainable – neg authors are wrong

Carla Norloff 18, Associate Professor in the Department of Political Science at the University of Toronto, PhD in International Relations from the Graduate Institute of International Studies, Hegemony and inequality: Trump and the liberal playbook, January 2018, International Affairs, Volume 94, Issue 1, <https://academic.oup.com/ia/article/94/1/63/4762707>

LIO = Liberal International Order

The second relevant theoretical approach is grounded in Waltzian realism. According to this approach, states should pursue their national interest defined narrowly, responding to threats that affect them directly. The doctrine of restraint, also called selective engagement, sees the maintenance of long-term hegemony as exceedingly costly and futile, breeding resentment and requiring rivals to be defeated and outcompeted in a continuous effort to thwart attempts at balancing. Balancing occurs when states seek to reduce the military power of exceptionally dominant states. The tendency for states to balance power is a hard systemic law, which no state can escape, and which guarantees that a unipolar distribution of power will eventually become bipolar or multipolar. Academic advocates of selective engagement approve of Trump's call for a more restrained foreign policy while distancing themselves from his other ideas.44 They believe America's postwar grand strategy spills too much blood and treasure and carries high opportunity costs,45 and that the United States should instead pursue a strategy of offshore balancing, refocusing policies around a narrow definition of the national interest limited to preserving regional hegemony in the western hemisphere and preventing the rise of regional hegemons.46 They consider US security interests to be at stake in three areas—Europe, east Asia and the Persian Gulf—with only east Asia requiring significant onshore engagement.47 Broadly agreeing with Trump, they say allies have to learn how to fend for themselves, and that the US should introduce uncertainty about forthcoming military support.48 In order to improve the plight of fellow Americans, the United States should reorientate public policy around domestic goals, giving up some international goals. For proponents of these arguments, America's international commitments clash with its domestic commitments.¶ Three flawed assumptions¶ Three features of the LIO emerge as problematic from these two perspectives. First, other countries free-ride on US political and economic leadership. Second, there are fundamental trade-offs between America's military and economic capability: US security commitments are responsible for US economic decline. Third, there are fundamental trade-offs between America's international and domestic posture. On the basis of this analysis, to promote America's national interest, the grand strategy supporting the LIO should be replaced with strategic restraint; the US should stop bearing a disproportionate share of the costs associated with solving global problems and let others take care of themselves, restricting US involvement to protecting vital security interests, defending the homeland and preventing the emergence of a regional hegemon.¶ However, the three assumptions underlying this analysis, and criticisms of the LIO, mischaracterize America's liberal dilemma. The first questionable assumption is that international cooperation resembles a public goods problem whereby the US, as the largest state, bears disproportionate costs while free-riding allies reap disproportionate benefits. Second, the negative repercussions of US security commitments for US economic strength are rarely balanced against the full benefits of US security commitments to the United States itself. Third, the assumption that there is an international–domestic trade-off and that whatever resources have been ‘squandered’ on international engagement can readily be diverted to the pursuit of productive, welfare-enhancing, domestic goals grossly understates both US benefits from the LIO and the risks attached to dismantling ‘selected’ parts of the LIO.49¶ When international cooperation is cast as a public goods dilemma, it is easy to come to the conclusion that the hegemon is in a disadvantageous position. But the public goods analogy does not adequately capture the essence of international cooperation, because few issues are characterized by the properties that define public goods—non-rivalry and non-exclusion.50 Rather, the hegemon provides a mix of public and private goods, or imperfect public goods.51 Despite these recognized flaws, and much scholarship to the contrary, the public goods version of HST remains influential.¶ Rejecting the ‘exploited hegemon’ version of HST, several scholars point to the ways in which the hegemon is positionally primed to benefit disproportionately from underwriting the LIO.52 They argue that public goods provision offers more opportunities than constraints, and, while they recognize that free-riding is a possible threat to the hegemon's long-term rule,53 they emphasize the ways in which the hegemon can use its dominance to internalize positive externalities and externalize negative externalities.54 As long as the hegemon is not providing pure public goods, the distribution of gains will not necessarily favour other states. And as long as the distribution of gains does not favour other states, providing an open economy does not necessarily compromise the hegemon's security interests or its position of dominance.55¶ The founders of HST, Robert Gilpin and Stephen Krasner, believed that hegemonic orders were particularly robust during the hegemon's ascendancy, and therefore worried greatly about the future of US hegemony and the LIO as the US underwent relative decline in the 1970s and 1980s.¶ Contemporary scholars, on the other hand, emphasize the cyclical property of postwar hegemony, seeing the United States as capable of reversing phases of decline by using different levers of power to avoid absolute decline.56 They see different forms of power interacting favourably for the hegemon, with financial dominance reinforcing commercial dominance, commercial dominance facilitating financial dominance, and security dominance boosting both commercial and financial dominance.57¶ Since the 1980s, IR scholars have tended to view the United States as militarily strong yet economically weak, a development hastened with the rise of China and other emerging economies in the third millennium.58 But even today, after many rounds of decline (and ascent), the United States has no peer competitor either militarily or economically. Commercially robust but financially vulnerable, China ranks as the world's third largest military power after Russia and the United States. While Russia's military continues to be the US military's principal rival, it is not as potent as it was under the Soviet Union. And while Russia's economy is not as debilitated as it was under the Soviet Union, it continues to be frail. Japan and Germany, two of America's principal allies, are economically strong, but militarily weak.¶ As figures 1 and 2 reveal, the United States has sustained its economic lead throughout the postwar era, boasting the world's first economy with an unrivalled capacity for economic output, an impressive commercial record and an unsurpassed financial position. US economic performance is grossly underrated. First, as shown in figure 1, which displays US GDP, trade and company size, US GDP is still roughly a quarter of global GDP (just below the dotted 25 per cent line). Declinists take the considerable fall in America's postwar share of global GDP as a sign of weakness. But it is unrealistic to think that the United States would continue to command a third of global GDP as it did immediately after the Second World War—particularly since much of the observed decline was the result of deliberate efforts by the United States to bolster its allies in western Europe and east Asia through the Marshall Plan and other initiatives.59 What is rather remarkable is that, even with the rise of non-allies such as China, America's share of world GDP has stabilized around a quarter and continues to be nearly twice as large as China's share. Second, as also shown in figure 1, US commercial capability aggregated into its combined share of world exports and imports—trade—is slightly higher than China's. But exports and imports are not the best way to measure commercial prowess, because the contemporary web of production globalizes manufacturing. Owing to global supply chains, imported final goods include intermediate inputs and technology produced and developed in the United States that do not show up as exports but nonetheless provide American jobs and income. And when exporting final goods, US firms depend on low trade barriers to import low-cost intermediate inputs. The United States' ability to spread production worldwide has been accompanied by long-term rising trends in numbers of foreign affiliates, value added and net income, generating significant profits for the United States.60 As shown in figure 1, the aggregate value of US companies far exceeds that of any other country.¶ Figure 1:¶ Great Power production and commercial capability, 2016¶ View largeDownload slide¶ Great Power production and commercial capability, 2016¶ Figure 2:¶ Great Power financial and military capability, 2016¶ View largeDownload slide¶ Great Power financial and military capability, 2016¶ Third, few assessments compare the relative financial capabilities of Great Powers. Studies often favour narrow definitions of financial power over broader assessments. Some focus on the relative size of US financial markets, some on financial networks, some on reserve currency issuance, but few provide an aggregate picture.61 These incomplete portrayals lead to gross underestimation of US financial power.62 As shown in figure 2, US financial markets account for slightly more than a quarter of the global total, and US reserve currency provision far surpasses that of any other state or states, and that of the eurozone.¶ Fourth, as also demonstrated in figure 2, the United States is the world's most formidable military power, its capabilities far exceeding those of any other nation. Taking into account front-line capabilities on the ground, on the sea and in the air, as well as the capacity for reconnaissance, strategic transport and communication to project power, the United States has no rival.63¶ The United States' multidimensional power base clearly puts it in a class above rival powers. Yet its privileged position in the international system is even greater than what these snapshot barometers indicate, because significant synergies exist between the various dimensions.64¶ US security dominance supports US commercial and monetary dominance, and its commercial and monetary dominance are mutually supportive. First, by providing security guarantees, stabilizing hot-spots and securing sea lanes, the United States ensures that international trade and finance can occur without disruption. This is of great value to the United States itself because, as the world's single largest economy, it has a high stake in guaranteeing stable economic relations. Second, propping up the financial realm, America's vast security network provides incentives for allies to continue supporting the dollar's role as the number one global currency.65 Third, the dollar's global role gives the United States the capacity to borrow at exceptionally low rates, providing it with extraordinary macroeconomic flexibility to ease balance of payments adjustments, particularly trade adjustments.66 Fourth, America's commercial position bolsters the dollar's global role by facilitating trade adjustment as governments, particularly in emerging markets, continue to finance US deficits by holding dollar assets in the hope of gaining continued access to US markets.67¶ ‘America first’ promises to touch all of these areas, overhauling longstanding US policies in the security, commercial and monetary spheres. But its real menace lies in its potential for sparking drastic changes by overturning policies in just one sphere. If the United States ceases to defend allies, and reduces its commitment to secure the international environment, cross-border trade and investment will operate in a more uncertain setting. While it is impossible to predict which policy is most likely to unleash an unfavourable chain of events, a hypothetical example can be used to illustrate the presumptive cascade. If we assume the United States follows through with significant commercial retreat, then we should expect monetary consequences. With the United States ceasing to account for a significant portion of international trade, official and private investors will increasingly hold alternative currencies for reserves and payment. If the diversification out of dollars is substantial, the dollar could gradually lose its centrality in the monetary order, complicating the adjustment of US trade imbalances. Balance of payments difficulties could very well ricochet back in the monetary sphere, with a crisis of confidence over trade imbalances triggering a run on the dollar. With the dollar under pressure, its international role for governments and private actors could come into question. If the dollar is no longer widely used for reserves and payments, US financial markets will lose importance relative to other financial markets. A diminished role for US financial markets implies lower demand for US assets, raising US borrowing costs. And the loss of US borrowing privileges will have security ramifications, since financing US military power will become more expensive.68 With these developments, America's slippage in the ranks of Great Powers will be assured.¶ The real liberal dilemma¶ President Trump misidentifies the nature of the redistribution problem confronting America, misinterpreting unequal internal redistribution as unequal external redistribution. The liberal dilemma is not that the LIO distributes gains unfavourably to the United States, but that not everyone in the United States wins because US domestic policies have not kept pace with global economic integration. Economic globalization can deepen domestic inequality. Import competition causes some sectors to shrink, and workers employed in contracting sectors may not be fully absorbed in expanding sectors. Neo-classical trade theory predicts that economic activity will increase in the sector using the country's abundant factor since its reward will increase relative to that of the scarce factor.69 In the case of an advanced capital-abundant country such as the United States, this means that the reward to capital will increase relative to labour. Financial globalization has even more acute effects on the distribution of income, further raising the reward to capital relative to labour.70 However, since suspending international economic exchange reduces national welfare gains, countries are better off expanding the pie, and compensating losers with the higher gains available from economic globalization. The United States needs to bring back ‘embedded liberalism’ to redistribute benefits from openness through greater safeguards and labour adjustment programmes, including trade adjustment, so that the LIO can begin to work for all Americans.71¶ Dissatisfaction with the international distribution of income is, however, insufficient to explain the backlash against globalization. President Trump correctly identified the liberal dilemma inside the United States as the clash between liberal ideals and the preservation of a racial hierarchy which put ‘white America first’—a contradiction which has resulted in a racial and educational divide at the ballot box.72 To fully understand waning American support for the LIO, one must look to the unravelling of America's liberal identity as a principal cause of the less secure domestic foundations of the LIO. Some elements of America's liberal identity, such as ‘political democracy, constitutional government, individual rights [and] private property based economic systems’, remain intact. However, other elements, such as ‘toleration of diversity in non-civic areas of ethnicity and religion’ are in jeopardy.73 In fomenting an ‘us and them’ division between Americans and foreigners alleged to be exploiting the United States, and by stoking an internal division between Americans of different ethnicities and faiths, Trump unveiled an international and domestic hierarchy that some thought no longer existed. How did these factors intermingle with income inequality in the 2016 US elections?¶ The extent of inequality in the United States¶ Income inequality in the United States has increased since the late 1960s. By 2015, the top 5 per cent earned 28 times as much, and the top 20 per cent 16 times as much, as the lowest 20 per cent of Americans. This share has risen over time irrespective of the incumbent president's party affiliation, as shown in figure 3, which traces this development back to the late 1970s. Below I use mean income data from the US Census Bureau to discern the effect of income inequality on different ethnic groups. Ideally, this analysis would be performed using median income data, but this is not consistently available across all measures of interest.74¶ Figure 3:¶ Income inequality between the top and bottom income earners in the United States, 1978–2016¶ View largeDownload slide¶ Income inequality between the top and bottom income earners in the United States, 1978–2016¶ Concerns about income may have loomed large in the 2016 presidential elections. It could be, for instance, that by 2016 income inequality in the United States had reached a tipping point, a level that Americans were no longer prepared to tolerate. The only vote margin—that is, the difference in percentage of votes between Republicans and Democrats—that was consistently and substantially different from those in the 2008 and 2012 elections was the margin for those earning less than US$50,000 a year. Although this group—arguably the most affected by the widening income gap—still supported the Democratic candidate overall (though to a lesser extent than in the two previous elections), the margin between the Democratic and Republican votes narrowed to 12 points from 22 points in 2008 and 2012. The margins for higher-income groups were not as wide, nor were they significantly different from the levels recorded in the 2008 and 2012 elections. In an anti-establishment election, factors other than income, such as Clinton's ‘elitism’, might have been a liability. But the unfavourable opinion of Clinton (81 per cent) was less strong among those who voted for Trump than disapproval of former President Obama (89 per cent).75 It is, however, possible that dissatisfaction with Clinton was greater within the group earning under US$50,000.¶ While income did matter in the 2016 election, it was not, on its own, the most important predictor of the outcome. As shown in figures 4 and 5, income did play a role, but primarily as it intersected with other factors, particularly education and colour.76 In the following paragraphs I consider the income growth of non-college-educated whites relative to college-educated whites; and the absolute income (including income growth) of non-college-educated whites relative to the overall non-college-educated population.¶ Figure 4:¶ Income growth among US citizens with education below college degree level, 1998–2016¶ View largeDownload slide¶ Income growth among US citizens with education below college degree level, 1998–2016¶ Figure 5:¶ Income growth among US citizens with education above college degree level, 1998–2016¶ View largeDownload slide¶ Income growth among US citizens with education above college degree level, 1998–2016¶ In 2016, white voters without a college degree voted for Trump (66 per cent) with much higher percentages than in 2012 (61 per cent) and 2008 (58 per cent), and with much higher margins (see figure 4). But white voters without a college degree (both those with and those without a high school diploma) supported Trump despite experiencing greater income growth during the full span of Obama's presidency than any other white group defined by educational level. Their income expansion was also stronger than any other education group during Obama's second term (2012–2016). However, during Obama's first term (2008–2012), their income did not grow as fast as that of white Americans with advanced degrees, although they did better than those with an associate (i.e. two-year college) degree or bachelor's degree. Despite stronger income development than college-educated income earners, whites without a college degree voted for Trump with a 37-point margin, whereas whites with a college degree favoured Trump with only a 3-point margin. Although these numbers suggest that something other than income explains Trump's victory, it could still be that the higher margins for white voters without college degrees reflect discontent with low real incomes.¶ If low real incomes explain Trump's support among white voters without college degrees, we should find general support for Trump among voters with low real incomes. However, since 1998 the mean income of whites without college degrees has always been higher than the mean income of all those without college degrees. If their income remained higher, was their income growth slower? During the full length of Obama's presidency, and during his first term, whites without a college degree experienced higher growth than all income earners without a college degree. Only during Obama's second term did the mean income of whites without a college degree underperform the income of all earners without a college degree. The growth differential between the two groups during this period,77 however, is quite small, for both those with and those without a high school diploma: the mean income of workers without a high school diploma increased by 13.41 per cent, compared to 12.99 per cent growth for whites without a high school diploma. The mean income of all workers with a high school diploma increased by 5.73 per cent; of whites with a high-school diploma, by 5.60 per cent. It is noteworthy that during Obama's second term the overall mean income of all earners with a college degree increased less than for whites with a college degree. The biggest difference was for whites with an advanced degree, who earned US$1,394 a year less than the mean income of all recipients of advanced degrees. Yet despite slower income growth, white college graduates were disinclined to vote Republican in the 2016 elections (see figure 5).¶ If dissatisfaction with income played a role in explaining why white voters without a college degree endorsed Trump, the only evidence for it is the relatively lower income growth of white earners without college degrees compared to all earners without college degrees between 2012 and 2015. Disaggregating the income differential for non-college-educated whites, those without a high-school diploma experienced 0.43 per cent lower income growth, and those with a diploma 0.13 per cent lower income growth, than all non-college-educated earners within the corresponding educational group. It is highly unlikely that these small percentage differences explain why whites without a college degree favoured Trump with a 37-point margin whereas all earners without a college degree favoured Trump with only a 7-point margin.¶ If income mattered only in conjunction with education and colour in the 2016 elections, income might have been more decisive in distressed regions. One of the biggest surprises in the 2016 presidential election was how the Democrats lost the ‘blue wall’ states in the ‘Rust Belt’—Pennsylvania in the north-east; Iowa, Wisconsin, Michigan and Ohio in the mid-west. The Democrats also lost Florida in the south, a traditionally Republican state, which Obama won in 2008 and 2012.¶ Declining employment and income are said to have contributed to support for Trump in conventionally Democratic states. But there are several problems with this explanation. While the decline in the mid-west is real, it has been in the making for a very long time. During the Obama years, specifically between 2008 and 2016, income in the mid-west rose more sharply than in all other regions. During Obama's second term, both white and overall income growth was stronger in the mid-west than in any other region. Yet the Republican vote exceeded the Democratic vote in the mid-west by the second-highest margin of any region (see figure 6). Moreover, during the same period, income growth for whites was higher than for all ethnic groups combined; and yet whites in the mid-west voted Republican by a margin of 20 points, compared to a margin of 5 points for the region overall. However, during Obama's second term, white income growth in the mid-west was lower than in all other regions except for the west. Overall income growth was worse in the mid-west than in all other regions. Yet the white margin in favour of Trump was stronger in the mid-west (20 points) than in the west (5 points), and the overall margin in favour of Trump in the mid-west (5 points) was considerably lower than for whites in the mid-west (20 points).¶ Figure 6:¶ Income growth by region and race, 1998–2015¶ View largeDownload slide¶ Income growth by region and race, 1998–2015¶ Given the higher proportion of whites in the mid-west (76 per cent) than nationally (61 per cent), and the higher number of voters in the region aged over 25 years without a college degree (71 per cent) than nationally (55 per cent),78 it is likely that factors of education, colour and income combine to explain the level of support for Trump in 2016.¶ In the 2016 election, racial polarization, as measured by the difference between white and non-white preferences for Trump, was highest in the south, second to highest in the mid-west and north-east, and lowest in the west. These cleavages were most apparent in the south and mid-west. White voters were aligned with Trump in the south (67 per cent) and the mid-west (57 per cent), non-white voters with Clinton in the south (77 per cent) and mid-west (75 per cent).¶ Racially differentiated voting patterns do not necessarily mean that voting is racially motivated. It could be that whites are generally more cons ervative on a range of issues and that their views were therefore better aligned with the policies espoused by the Republican than the Democratic candidate. Yet that would not explain why so many white college-educated voters fled the Republican presidential nominee in 2016 (see figure 5). Rather, there exists some evidence that racist attitudes encouraged a portion of the white electorate to align with Trump. For example, 80 per cent of white evangelical Christians supported Trump.79 Their vote is important because although they account for a lower share of the population today (17 per cent) than in 2008 (21 per cent), they still account for 26 per cent of the vote because a lot of them turn out to vote.80 Their high proportion of the vote suggests that racism might have been a relevant issue. In the months before the elections, a non-partisan study by the American Values Atlas revealed that white evangelicals were less likely to perceive discrimination against blacks, with only 36 per cent saying blacks were discriminated against ‘a lot’, compared to the national average of 57 per cent.81¶ Trump and the liberal playbook¶ In 2016, socio-cultural fissures within the United States played a critical role in the election of the presidential candidate most disparaging of the LIO. Trump's call to put America ‘first’ internationally, and white Christians ‘first’ domestically, resonated with non-college-educated white voters who saw their historic privileges fading. Not all grievances were racially motivated; certainly, some poorer non-college-educated whites compared their present situation unfavourably with the rosier circumstances of their families' past.82¶ The relationship between education and race was first noted over seven decades ago. Gunnar Myrdal's 1944 book An American dilemma was famously cited in the Supreme Court decision in Brown v. Board of Education (1954), and helped desegregate education in the United States by demonstrating that education could not be separate but equal for blacks.83 Myrdal went further, calling for an ‘educational offensive against racial intolerance’ and the forging of an ‘American creed’, a civic culture with equal rights for all Americans, to overcome the contradiction between American liberal ideals and the reality of racial discrimination.84¶ Since then, great progress has been made. Blacks, and other minorities, in the United States are equal before the law and have equal political rights, and greater social and economic opportunities, than before. Education has no doubt played a significant role in reducing explicit racist behaviour or individual racism, that is, ‘overt acts by individuals, which cause death, injury or the violent destruction of property’.85 But discrimination is a problem beyond what most people would recognize as specific instances of racist behaviour. Institutional racism is a ‘less overt, far more subtle, less identifiable’ form of racism, which ‘originates in the operation of established and respected forces in society’.86 The concept of white privilege is the flip side of institutional racism and refers to the unearned benefits enjoyed as a result of being white.87 The concept is not intended to mean that every white person is ‘privileged’ or that no other form of privilege exists. It is intended to expose the existence of an implicit racial hierarchy in society and the political, economic and legal inequality which it reproduces.88 Attempts to attenuate white privilege are met with suspicion and opposition by those who benefit from it. For example, today a majority of white Americans (55 per cent) believe they are discriminated against, and nearly half of them (26 per cent) attribute this to US ‘laws and government policies’.89 Whites who believe they face institutional racism are unlikely to see a difference between policies designed to reduce unmerited privileges and policies that reduce merited privileges. They are also unlikely to appreciate how restrictive the scope for affirmative action is. For example, in the case of university admissions policies, quotas have been unconstitutional since the 1978 Supreme Court decision in Regents of the University of California v. Bakke. Many states even forbid the use of race in admissions procedures. Where states do permit the use of race, it may be used only as one criterion in promoting diversity, and only if all other methods fail, as laid down in the 2013 Supreme Court decision in Fisher v. University of Texas.¶ The political scientist and public intellectual Walter Russell Mead has explained the 2016 election outcome as a ‘Jacksonian revolt’ in which many ‘white Americans find themselves in a society that talks constantly about the importance of identity, that values ethnic authenticity, that offers economic benefits and social advantages based on identity—for everybody but them’.90 Another political scientist, Mark Lilla, proposes an end to identity politics as a way to secure broader support for liberal policies.91 I agree with Mead that identity politics cannot be unilateral, and I agree with Lilla that the American habit of categorizing individuals according to essentialist criteria is contrary to liberal principles. But I am not sure either of them would agree that there has been an essentialist identity politics in the United States, going back at least to the eighteenth century, constructed around the primacy of a white American identity of European Christian descent. Reactions against this unspoken identity politics lay beneath claims of institutional racism long before Trump gave voice to a ‘white America first’ policy at home.¶ College-educated white Americans are more likely to recognize the advantages attached to being white (47 per cent) than white Americans without college degrees (17 per cent).92 A possible reason for this is that higher education fosters liberal attitudes, and provides exposure to different ethnic groups, limiting blatant forms of racism.93 But even though college-educated whites are less inclined to vote for their privilege, and more prepared to see their privilege, there is plenty of room in the liberal playbook for race-based discrimination. There's a playbook in force that liberals are supposed to follow. The playbook prescribes responses to different forms of racism, and these responses tend to be outraged responses. When no colleague or friend is threatened by charges of racism, the playbook works. But the playbook can also be a trap leading to bad decisions because discriminatory practices often implicate someone's colleague, friend, family or wider community. The trap is especially pernicious in higher education, where people tend to overestimate their liberal inclinations, and where opportunities, support and intellectual attribution are largely network-based.94 It is therefore unsurprising that a higher percentage of college-educated blacks (55 per cent) say they have been disadvantaged by their race than non-college-educated blacks (29 per cent). An even higher percentage of all blacks (81 per cent) who at some point attended college say they were treated differently because of their race: perhaps an overlooked factor in the reasons why blacks are less likely to finish college.95¶ In addition to the different experiences and beliefs about race to which education gives rise, a partisan divide exists, with Republicans (43 per cent) more likely than Democrats (27 per cent) to say whites, rather than blacks, experience a lot of discrimination.96 Only 37 per cent of Republicans (against 76 per cent of Democrats) say racism is a problem.97 Attitudes towards blacks also extend to other groups. From the 2016 exit polls, we know that Trump voters were more likely to support a wall along the Mexican border (85 per cent) than Clinton voters (10 per cent), to support deportation of illegal immigrants (83 per cent vs 14 per cent) and view immigration as the most pressing problem for the country (64 per cent vs 33 per cent).98¶ Overall, the evidence presented in this article suggests not only that education and race were strong predictors of the 2016 presidential vote, but that racism was a contributing factor.¶ Summary and conclusion¶ Trump did not create angst about America's dominant position in the world, or about white America's dominant position vis-à-vis other ethnic groups, but he tapped into these two currents more unabashedly than any other presidential candidate in postwar history. This article deconstructs ‘America first’ into two components, an international component and a domestic component, which share common symptoms (lost greatness) and common remedies (redistribution).¶ In the first two sections of this article, I discussed the international component, and how ‘America first’ threatens to undermine the LIO. I showed how ‘America first’ reflects concerns about American decline and American overextension in three areas: the security, trade and monetary spheres. A common theme in this narrative is how the United States is being exploited by other countries, and how disengaging from the LIO presents a better path forward. In the security area, the world should no longer count on the US to act as global policeman or to tolerate unfair burden-sharing within security alliances. In trade, the US will no longer stand by as other countries free-ride on America's openness. In the monetary realm, the dollar's global role is not as good as gold. While Trump's views on the LIO are quite idiosyncratic, and have yet to be fully implemented, declinists and proponents of retrenchment share certain aspects of this outlook.¶ In opposition to this perspective, I have provided broad-based metrics demonstrating that the United States remains by a long way the leading state in the world today, and argued that it would be a lot worse off under alternatives to the LIO than it has been in the postwar era and is today. A counterfactual setting, where the United States does not provide international security, would be a more uncertain and more economically fragile one, with more limited commerce and investment. A United States of America in which the commercial and financial playing field, including the dollar's role, no longer spans the globe, but is domestically confined, will reduce US prosperity and geopolitical reach. Yet there is a growing sense, correctly identified by President Trump, that America's global engagement is not benefiting all Americans.

#### Only relevant link is from a wako and concludes innovation is key

Yudkowsky, 13—co-founder and research fellow at the Machine Intelligence Research Institute, celebrated Harry Potter fanfiction author (Eliezer, “Do Earths with slower economic growth have a better chance at FAI?,” <http://lesswrong.com/lw/hoz/do_earths_with_slower_economic_growth_have_a/>, dml) [(U)FAI=(Un)Friendly AI]

But suppose my main-line projection is correct and the "probability of an OK outcome" / "astronomical benefit" scenario essentially comes down to a race between Friendly AI and unFriendly AI. So far as I can tell, the most likely reason we wouldn't get Friendly AI is the total serial research depth required to develop and implement a strong-enough theory of stable self-improvement with a possible side order of failing to solve the goal transfer problem. Relative to UFAI, FAI work seems like it would be mathier and more insight-based, where UFAI can more easily cobble together lots of pieces. This means that UFAI parallelizes better than FAI. UFAI also probably benefits from brute-force computing power more than FAI. Both of these imply, so far as I can tell, that slower economic growth is good news for FAI; it lengthens the deadline to UFAI and gives us more time to get the job done. I have sometimes thought half-jokingly and half-anthropically that I ought to try to find investment scenarios based on a continued Great Stagnation and an indefinite Great Recession where the whole developed world slowly goes the way of Spain, because these scenarios would account for a majority of surviving Everett branches.

Roughly, it seems to me like higher economic growth speeds up time and this is not a good thing. I wish I had more time, not less, in which to work on FAI; I would prefer worlds in which this research can proceed at a relatively less frenzied pace and still succeed, worlds in which the default timelines to UFAI terminate in 2055 instead of 2035.

### CP

#### Expand the scope can be done by DOJ and in courts

Rogers 79 [C. Paul, Assistant Professor of Law, Loyola University of Chicago. Member of the Pennsylvania Bar. “Decision to Prosecute: Organization and Public Policy in the Antitrust Division”. October 1979. https://scholarship.law.vanderbilt.edu/cgi/viewcontent.cgi?article=3036&context=vlr]

Similarly, the division's prosecutorial self-concept may limit the reach of policy and its exercise of discretion. The staff views itself as professional, not political, and strives to maintain its image as the "cream" of the profession." As prosecutors, the staff believes they should take their cases as given, based upon the evidence of illegality at hand.1 They do not want to bring cases which might embarrass them in court and harm their reputations. The eagerness to prosecute is thus tempered by the reality of litigation. The institution of policy or "theory" cases faces the same constraints since the criteria upon which the decision to prosecute rests remains legalistic.

According to Professor Weaver, however, these limitations do not intimate that the division is unprogressive. The prosecutors indeed attempt to expand the scope of antitrust law to new situations which are deemed anticompetitive, but such expansion is undertaken in practice only if the chain of command is convinced that the legal argument is sound and is supported by sufficient evidence for ultimate success.

#### Warming doesn’t trigger extinction

* peer-reviewed journal shows IPCC exaggeration
* history proves resilience
* no extinction- warming under Paris goals
* rock breaking strategy could offset warming

IBD 18 [Investors Business Daily, Citing Study from Peer reviewed journal by Lewis and Curry, “Here's One Global Warming Study Nobody Wants You To See”, 4/25/18, https://www.investors.com/politics/editorials/global-warming-computer-models-co2-emissions/]

Settled Science: A new study published in a peer-reviewed journal finds that climate models exaggerate the global warming from CO2 emissions by as much as 45%. If these findings hold true, it's huge news. No wonder the mainstream press is ignoring it.

In the study, authors Nic Lewis and Judith Curry looked at actual temperature records and compared them with climate change computer models. What they found is that the planet has shown itself to be far less sensitive to increases in CO2 than the climate models say. As a result, they say, the planet will warm less than the models predict, even if we continue pumping CO2 into the atmosphere.

As Lewis explains: "Our results imply that, for any future emissions scenario, future warming is likely to be substantially lower than the central computer model-simulated level projected by the (United Nations Intergovernmental Panel on Climate Change), and highly unlikely to exceed that level.

How much lower? Lewis and Curry say that their findings show temperature increases will be 30%-45% lower than the climate models say. If they are right, then there's little to worry about, even if we don't drastically reduce CO2 emissions.

The planet will warm from human activity, but not nearly enough to cause the sort of end-of-the-world calamities we keep hearing about. In fact, the resulting warming would be below the target set at the Paris agreement.

This would be tremendously good news.

The fact that the Lewis and Curry study appears in the peer-reviewed American Meteorological Society's Journal of Climate lends credibility to their findings. This is the same journal, after all, that recently published widely covered studies saying the Sahara has been growing and the climate boundary in central U.S. has shifted 140 miles to the east because of global warming.

The Lewis and Curry findings come after another study, published in the prestigious journal Nature, that found the long-held view that a doubling of CO2 would boost global temperatures as much as 4.5 degrees Celsius was wrong**.** The most temperatures would likely climb is 3.4 degrees.

It also follows a study published in Science, which found that rocks contain vast amounts of nitrogen that plants could use to grow and absorb more CO2, potentially offsetting at least some of the effects of CO2 emissions and reducing future temperature increases.