# 1nc – round the eighth – emory planless

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### t – usfg

#### Topical affirmatives must defend that the United States federal government should substantially increase prohibitions on anticompetitive business practices by the private sector by at least expanding the scope of its core antitrust laws.

#### The affirmative is not topical. “United States federal government” means the three branches of the central government – the affirmative does not advocate action by the USFG.

Organisation OECD for Economic Co-operation and Development Council ’87 “United States,” *The Control and Management of Government Expenditure*, p. 179]

1. Political and organisational structure of government

The United States of America is a federal republic consisting of 50 states. States have their own constitutions and within each State there are at least two additional levels of government, generally designated as counties and cities, towns or villages. The relationships between different levels of government are complex and varied (see Section B for more information).

The Federal Government is composed of **three branches**: the legislative branch, the executive branch, and the judicial branch. Budgetary decisionmaking is shared primarily by the legislative and executive branches. The general structure of these two branches relative to budget formulation and execution is as follows.

#### The Sherman, Clayton, and FTC act are the core antitrust laws.

Gibbs ‘ND [Gibbs Law Group; “The Sherman Antitrust Act”; https://www.classlawgroup.com/antitrust/federal-laws/sherman-act/; AS]

The Sherman Antitrust Act is one of three core federal antitrust laws, along with the Clayton Antitrust Act and the Federal Trade Commission Act.

#### Prohibitions are laws.

Dictionary.com ‘ND [Dictionary.com; “Prohibition” https://www.dictionary.com/browse/prohibition; AS]

a law or decree that forbids.

#### Their interpretation explodes predictable limits – non-topical advocacies encourage the affirmative to dodge negative strategies, which are all based on a predictable reading of the resolution. The negative requires pre-round research in order to stand a chance against the affirmative’s infinite preparation and use of traditional standards of debate such as permutations – including their affirmative makes negative research an impossibility, even if we have “ground” to debate them. It greenlights any methodology or orientation that is tangentially related to the topic – negative preparation requires in depth case negatives.

#### Two impacts:

#### Procedural fairness – debate is a game and we are all here to win – debate is a competitive activity and requires game values to function – this is the largest impact – we have all chosen to spend our weekend here in order to compete. Their interpretation justifies Emory reading a new K aff every debate.

#### Clash – you should privilege debate over different political paradigms over endorsing any one political paradigm – unflinching commitments ignore the complexity and partiality of any political theory. Promoting clash is key to interrogate complex issues, problematize solutions, and actualize any benefits of debate

#### Proven by Emory’s strategic choice in this debate – they disclosed new and read a K aff to win. It turns any claims they will make about efficiency or drive to productivity – they broke this aff to maximize returns.

### k – markets

#### Conflating capitalism and competitive markets buys into neoliberal ideology that markets are intrinsically self-regulating. Markets are important tools for a democratic political economy. The neoliberals turned debates about hierarchy versus democracy into a debate about the market versus the state.

Johanna **BOCKMAN** Sociology @ George Mason **’11** *Markets in the name of socialism: the left-wing origins of neoliberalism* p. 2-6

In general, scholars have presented three accounts of how economists developed and spread neoliberalism. Each assumes that economists have always taken a side either for the state or for the market and thus that every economist can be located on a state–market axis. The first account focuses on individual right-wing economists, most significantly Milton Friedman and Friedrich von Hayek, who developed radical free market ideas that form the core of neoliberalism. A strategic network of right-wing think tanks, associations like the Mont Pelerin Society, and foundations like that of the Scaife family packaged these neoliberal ideas and used them worldwide to attack any state role in the economy, from regulation to Keynesianism to central planning (Bourdieu and Wacquant 1999; Campbell 1998; Centeno 1998; Cockett 1995; Hartwell 1995; Har- vey 2005; Kelly 1997; Klein 2007; Mirowski and Plehwe 2009; Smith 1993; Valdés 1995; Yergin and Stanislaw 1998).3 In her Shock Doctrine, Naomi Klein (2007) argues that Milton Friedman and other neoclassical economists took advantage of economic crises to realize this radical free market package as shock therapy, which produced “disaster capitalism” worldwide.

A second type of account suggests that neoclassical economics, with its free market models, acts as a kind of neoliberal Trojan horse (Aligica and Evans 2009; Biglaiser 2002; Kogut and Macpherson 2007).4 In his A Brief History of Neoliberalism, David Harvey (2005) brilliantly describes neoliberalism as a political project to restore the power of economic elites after the successes of the left in 1960s, but he conflates neoliberalism and neoclassical economics.5 Ronald Reagan and Margaret Thatcher came to power with a mandate to realize this political project, bringing it together with a separate “utopian project” to realize right-wing economists’ vision of free market capitalism that masked the political project. According to many authors, this neoliberal vision is based on neoclassical economics, in opposition to Marxism. Harvey writes:

The neoliberal label signaled their [these economists’] adherence to those free market principles of neoclassical economics that had emerged in the second half of the nine- teenth century (thanks to the work of Alfred Marshall, William Stanley Jevons, and Leon Walras) to displace the classical theories of Adam Smith, David Ricardo, and, of course, Karl Marx. (2005: 20)

Harvey finds the core of neoliberalism in neoclassical economics with its “free market principles.” Sociologists Campbell and Pedersen similarly argue that “a deep, taken-for-granted belief in neoclassical economics” forms the core of neoliberalism (2001: 5). Scott Sernau represents a more generally held view:

Many nations around the world were discovering the ideas of free trade and free markets. The intellectual basis for this approach comes from neoclassical economics. This approach is sometimes termed neoliberalism . . . Thus neoliberalism is the eco- nomic philosophy of American political conservatives . . . On the international level, the IMF and the World Bank champion their own form of neoclassical economics. (2010: 39–40)

Neoclassical economics, many observers agree, has played a fundamental role in the rise of neoliberalism worldwide. The conversion of much of the world to neoclassical economic thinking, according to these accounts, led to support for neoliberalism and thus undermined socialism, which did indeed suffer a cataclysmic decline from the late 1980s.

The third type of account points to economists with American neo- classical training who gained powerful positions in international financial institutions, such as the World Bank and the IMF, which impose neo- liberal ideas on countries around the globe and support the formation of neoliberal advocates worldwide (Babb 2001; Dezalay and Garth 2002; Henisz, Zelner, and Guillén 2005; Orenstein 2008).6 Economists within these institutions and their worldwide network of advocates successfully replaced state-led development with neoliberal free market policies. These three arguments work nicely together to demonstrate how economists’ ideological project worked in parallel with business elites’ political project to reorganize capitalism and reestablish their own power (Blyth 2002; Harvey 2005; Klein 2007).

This manuscript builds on, but also criticizes, these three types of ac- counts by revealing the socialist origins of neoliberalism. The right-wing, capitalist origins of neoliberalism have been clearly demonstrated. Observers have noted that not only right-wing leaders, such as Pinochet in Chile and Fujimori in Peru, but also socialists, such as those in Western Eu- rope and Latin America, implemented neoliberal policies (Bourdieu and Grass 2002; Mudge 2008; Sader 2008). To understand this, I argue that we should not conflate neoliberalism and neoclassical economics, we should not assume that neoclassical economics is a capitalist science or ideology, and, most importantly, we should go beyond the state–market axis.

I define neoliberalism as a set of ideas about how to organize markets, states, enterprises, and populations, which shape government policies.7 These policies include deregulation, liberalization of trade and capital flows, anti-inflationary stabilization, and privatization of state enterprises. My understanding of the debates in Eastern Europe and about Eastern Europe in the early 1990s informs this definition.8 The most striking characteristic of neoliberalism has been its advocacy of free, unfettered competitive markets, or in the words of Joseph Stiglitz its “market fun- damentalism” (2003: 74).9 According to neoliberal ideology, competitive markets and prices, free from political intervention or bureaucratic in- terests, could and should take over state functions. Competitive market prices could guide governance more effectively and more justly than the state could. At the same time, neoliberals call for a strong or even au- thoritarian state to protect private property, as well as to create private property and markets.10 Neoliberalism also privileges the power of man- agers and owners and attacks the rights or potential rights of employees (Harvey 2005). There is a distinct lack of concern among neoliberals about the inefficiencies and concentrations of power within large corporations (Mirowski 2009: 438). Finally, Milton Friedman, Friedrich von Hayek, and other neoliberals also had a commitment to capitalism, a kind of capitalism with the qualities listed above: free markets, authoritarian yet small states, and hierarchical firms controlled by managers and owners, rather than by workers. In sum, neoliberalism avidly supports all of the following:

1. competitive markets

2. smaller, authoritarian states

3. hierarchical firms, management, and owners

4. capitalism

Someone who supports only one of these elements, even competitive markets but not the others, is not necessarily neoliberal.

This fourfold definition avoids the common assumption that economists are either pro-state or promarket. As Timothy Mitchell (1990) argues, elites “enframe” the world into dichotomies, constructing a seemingly dualistic world—Soviet socialism versus Western free market capitalism, for instance—to bolster their own authority. The state–market dichotomy obscures the nature of economics and elite power. This dichotomy easily blurs into other dichotomies: between socialism and capitalism, between central planning and the market, between Keynesianism and monetarism, between Latin American structuralist economics and American neoliberalism, and between Marxism and neoclassical economics. As a result, arguments about the state almost effortlessly become a mishmash of arguments about socialism, central planning, Keynesianism, Latin American economic structuralism, and neoclassical economics. In contrast, I have found that neoclassical economists, in their professional writing, do not focus on whether they are for or against the competitive market; rather, they use markets, central planning, socialism, and neoclassical econom- ics simultaneously as analytical tools and sometimes as normative models. They have also been more concerned about another axis altogether: hierarchy and democracy. For example, some neoclassical economists advocated markets and rejected state planning in the name of economic democracy and communism.

Thus, these economists criticized state socialism and state capitalism, as well as corporations, with the goal of ending worker exploitation and creating a new form of socialism. Another set of neoclas- sical economists also advocated markets but assumed hierarchical firms and an authoritarian state. The state–market axis used in public discourse hides a very different conversation going on within professional economics.

My approach complements, but also deviates from, Foucauldian studies of neoliberalism. In his lectures at the Collège de France in 1978 and 1979, Michel Foucault (2008) discussed neoliberalism as a form of governmentality. Those following Foucault understand neoliberal gov- ernmentality as seeking to manage populations by shaping individuals as governable, self-disciplined, enterprising subjectivities—thus engineering their souls—and by governing them from a distance, not though direct intervention by state agents, but by calculation, guidance, and incentives (Ong 2006; Rose 1996: 1999). Using this approach in his study of Czecho- slovak technocrats, Gil Eyal (2003) has demonstrated that neoliberalism also emerged independently from capitalism and out of Eastern European socialism. Eyal has suggested that neoliberalism is not necessarily capitalist but rather is an art of governance possible under a variety of economic systems. By highlighting the ways that state, market, and expert power were fused in a new neoliberal configuration during socialism, Eyal pro- ductively avoids assuming that economists have always taken a side ei- ther for the state or for the market. Yet, while the Foucauldian approach has produced many insights into neoliberalism, it collapses alternatives to neoliberalism, including socialisms, into neoliberalism as simply other examples of engineering the soul. To understand the views of neoclassical economists more generally, one must move beyond the state–market axis to recognize the variety of socialisms that neoclassical economists have explored since the nineteenth century.

In the United States and now around the world, neoclassical eco- nomics represents the mainstream of the economics discipline. Neoclas- sical economics differs from heterodox economics, including Marxism, evolutionary economics, and the Austrian School after the Second World War, which this book only briefly discusses. Keynesians, libertarian and monetarist Chicago School economists like Milton Friedman, and many Eastern European socialists all practiced this neoclassical economics, while Friedrich von Hayek and the Austrian School abandoned this practice after the Second World War. Neoclassical pioneer and Keynesian Paul Samuel- son acknowledged this view: “Economists do agree on much in any situ- ation” (1983: 5). For example, in regards to Milton Friedman, Samuelson continued, “I could disagree 180o with his policy conclusion and yet con- cur in diagnosis of the empirical observations and inferred probabilities” (1983: 5–6).11 Therefore, to understand neoliberalism, we must separate neoliberalism and neoclassical economics and leave behind the common assumption that neoclassical economics is a science of capitalism.

#### Competitive markets are a potential tool of socialism. Focus on the structure of firms supports decentralization and more democratic control.

Johanna **BOCKMAN** Sociology @ George Mason **’11** *Markets in the name of socialis: the left-wing origins of neoliberalism* p. 6-9

William Stanley Jevons in England, Carl Menger in Austria, and Léon Walras in Switzerland are generally credited with simultaneously discovering neoclassical economics in the 1870s.12 Neoclassical economists moved beyond the classical view that the value of goods is based on the objective costs of their production (the labor theory of value) to the neoclassical view that value is subjective or perceived, that the individual agent—an individual or a firm—judges the utility or usefulness of certain goods or services. This shift to a subjective understanding of value and prices in the 1870s created what became known as the Marginalist Revolution be- cause neoclassical economists began to study individual agents’ behavior at the margins, such as the additional satisfaction a consumer gains from each extra (or marginal) unit of consumption. This is why neoclassical economics is often referred to as “marginalism.”13 While not all neoclassical economists used mathematics, such marginalist understandings of economic behavior allowed economists to apply calculus, theorems, and metaphors from physics to the field of economics, which seemed to promise a new scientific foundation based on the regularities of the mechani- cal world (Mirowski 1989).14 Neoclassical economists also studied how markets coordinate agents in some regular way, thus allowing economists to describe and predict collective action. These economists assumed that markets (individually and collectively) have at least one equilibrium state in which prices encourage the most efficient production, distribution, and consumption. Neoclassical economics was not immediately popular among economists but became the mainstream by the Second World War (Bernstein 2001; Howey 1989; Yonay 1998). In sum, neoclassical economics is characterized by the study of individual agents, subjective values and prices, marginal calculation, collective action through markets, and market equilibrium.15

Neoliberalism can be said to have socialist origins for three reasons: Economists use socialist models to create new knowledge; these socialist models allowed for a professional dialogue among neoclassical economists in the socialist East and the capitalist West; and neoliberalism incorpo- rates the knowledge created in this transnational dialogue about social- ism. I explain each of these points in the following paragraphs.

First, while the language of individuals, markets, and prices suggests a capitalist perspective on the economy, socialism in fact plays a foundational role in neoclassical economics. Because some neoclassical economists have played a central role in promoting and implementing neoliberal polices, this suggests that neoliberalism has socialist origins. Neoclassical founders created mathematical models of the entire economy and showed that freely competitive markets produced optimal results in production, distribution, and consumption. Unexpectedly, by the 1890s, neoclassical economists also discovered that the competitive market economy was mathematically identical to the centrally planning economy. An economist could, therefore, take the mathematical models of the market and, rather than predicting how a free market might act, the economist could solve the equations and figure out the best prices and quantities without a market. Economists developed models of a “socialist state” with a central planner and state ownership of the means of production to develop new neoclassical theories and tools. As a result, both the pure competitive market and centrally planned socialism sit together at the center of neoclassical economics, no matter the politics of an economist. The methodological centrality of socialism to neoclassical economics informs neoliberalism. Today, neoclassical economists still regularly use models of a social- ist state to develop their theories. Former head of the China division at the International Monetary Fund and current advisor to the Indian govern- ment Eswar Prasad recently stated, “We economists think that a benevo- lent dictator—a benevolent dictator with a heart in the right place—could actually do a lot of good” (Kestenbaum 2010). Prasad does not voice some eccentric view. A benevolent dictator, more usually called “the social plan- ner,” appears throughout mainstream economic writing. The Chicago School (for example, Becker, Murphy, and Grossman 2006) and the ratio- nal expectations school (Hansen and Sargent [1994] 1996; Kydland and Prescott 1982; Lucas 1972; Lucas and Prescott 1971),16 as well as the more left-leaning market failure school (Dasgupta and Stiglitz 1980a,b), base their models on a hypothesized social planner.17 According to economists, the social planner is an imaginary benevolent representative for all of soci- ety. This planner has complete information about costs and preferences.18 With perfect knowledge and certainty, the social planner chooses, for ex- ample, production activities to maximize consumption. In this way, the social planner seeks to maximize social welfare for all members of society. The economist then evaluates the results of a new policy or institution in comparison with the results obtained by the social planner, which serve as a benchmark. As this book shows, the social planner is the socialist state as imagined in the 1890s. Mainstream economists, no matter their political persuasion, mobilized state socialist models to study all economic systems and policies.

Neoliberalism appears as disembedded liberalism, as a commitment to unfettered markets (Blyth 2002), when, in fact, institutions are always the object of debate. If we understand institutions as taken for granted social patterns, then markets and planning should also be considered institutions, but I have found that neoclassical economists think about markets and planning differently from other institutions. On the surface, some economists present a narrow interpretation of neoclassical economics that markets and any necessary institutions would spring up like mushrooms when the state retreated from the economy. Alternatively, Eastern Euro- pean conservatives also offered a narrow view of neoclassical economics, which instead argued that central planning and any necessary institutions would spring up like mushrooms when markets disappeared. Markets and a centrally planned socialist state exist at the core of neoclassical econom- ics and thus embody these narrow views. However, narrow interpretations merely take the existing institutions as given (Horvat 1961, 2). Neoclassical economists continually talk about institutions required for the successful functioning of these core elements, the market or the centrally planned socialist state.

Neoclassical economists claim that both competitive markets and central planning require either (1) hierarchical, authoritarian institutions or (2) decentralized, egalitarian, democratic institutions. For example, economists David Lipton and Jeffrey Sachs argued for the necessity of hierarchical institutions, such as large (often foreign) corporations that have the funds to buy state-owned firms, for the eradication of worker self-management and ownership due to their supposed inefficiencies, and for a strong state to enforce massive redistribution of resources. In con- trast, some socialist economists in Germany and England in the early part of the twentieth century optimistically thought that socialist institutions would make the economy actually resemble the ideal neoclassical models of the free market. These institutions included state or social ownership of certain parts of the economy, worker ownership of firms, workers’ self- management, cooperative ownership, and various forms of democracy, as well as antimonopoly laws and company autonomy, that would make free markets, as well as efficient and just socialism, possible. Thus, an economist like Joseph Stiglitz has been equally committed to competitive markets and to economic democracy. In the eyes of neoclassical economists, this was not a mix of systems, a little bit of socialism mixed with a little bit of capitalism, like some image of Keynesianism. Rather, these economists sought a fully competitive market and socialism. The fact that neoclassical economists speak so positively about markets confuses outsiders into thinking that they are necessarily neoliberal.

#### We should reject the binary treatment of care and competition. The military-industrial complex exemplifies the corruption of cooperation, not competition. This turns the case.

Julie **NELSON** Global Development and Environment @ Tufts **’10** “Care Ethics and Markets: A View from Feminist Economics” GLOBAL DEVELOPMENT AND ENVIRONMENT INSTITUTE WORKING PAPER NO. 10-02 p. 15-16

Competition and Cooperation

In order to keep this in mind, it may be helpful to deconstruct dichotomous thinking about competition versus cooperation. Competition refers to trying to do as well as or better at something than someone else, while cooperation refers to coordinating activities with someone else in a joint effort. The usual view is that one precludes the other, and that market-oriented capitalism is all about competition. Instead, thinking about them as complementary phenomena that each have both positive and negative aspects, may be more helpful, as illustrated in Figure 4.

Table

Description automatically generated

Competition can have positive aspects because—as economists are right to point out—it can give people incentives to be creative, hard-working, and look for ways to produce things more cheaply. Of course, the form of the competition makes a big difference. Innovation in the form of creating a new cure for disease can increase human welfare, while innovation in the form of new opaque and deceptive financial instruments decreases it. Cutting costs through increased energy efficiency is generally a good thing, while cutting them by cutting the wages of the poorest workers in a "race to the bottom" is not. But what this leads back to is exactly the point that ethics—ethics of honesty, and ethics of caring about the wellbeing of flesh-and-blood human beings—cannot be avoided in economic life. Competition is not "structurally," by its nature, good or bad: It is good or bad as we make it.

While cooperation tends to carry positive connotations of harmony and helpfulness in working for the social good, it is important to note that cooperation can also have bad consequences. In economic life, it can take the form of collusion and exclusive deals among companies, which are the very things that undermine the healthy aspects of market competition. Too-close cooperation between businesses and government gives us the military-industrial complex, as well as Congressional actions that exclusively serve Wall Street constituencies. As in life in general, when "the social good" is defined over too narrow a social group, cooperation means the solidarity of "insider" groups who may serve themselves at the expense of "outsider" groups. Feminist and civil rights activists had to struggle for decades, for example, to crack the highly cooperative white-male-solidarity behaviors that prevailed among employers and union leaders, in order to allow women and minorities the chance to compete for jobs.

The positive complementarity between competition and cooperation arises because, as pointed out above, a spirit of cooperation between buyers and sellers, and between businesses and governments, is just as necessary as competition for successful market functioning. But neither competition nor cooperation on its own, or any naïve mix of the two, is "structurally" good. The devil is in the details, and only specific, applied ethical evaluation can help us judge economic phenomena as more or less worthy of approbation.

#### Pragmatic economic decision-making should be privileged over radical purism – adapting welfare state institutions key to any rhetorically viable radical economic project.

Julie **NELSON** Global Development and Environment @ Tufts **‘6** *Economics for Humans* p. 124-127

A Way Forward

I don’t expect mainstream scholars in the social sciences and philosophy to lead the way toward a more adequate understanding of the relations among economics, ethics, and care. Academe just has too much inertia. While I’d love to have it otherwise, I strongly suspect that ten years from now many beginning economics students will still be taught that the economy is a wonderful machine.5 I suspect that many beginning sociology or philosophy students will still be instilled with a fear of the presumably inherently dehumanizing effects of monetized exchange.6 Instead, I believe that it will be people on the ground, working in business management or doing the work of care, who will be most helpful in breaking down the petrified eighteenth- century image of the economic machine. I hope that, over time, more scholars and popular writers will support the project, shifting public opinion toward a new and more responsible view.

A lesson from history may be useful here, too. In the late 18 oos, at the start of the Progressive Era in U. S. politics, the battle lines seemed clearly drawn. On the one hand, the “robber barons” of capitalism—the owners of big steel, big oil, and the like—built huge fortunes in the unregulated, free-wheeling capitalist markets of the time. Meanwhile, the industrial workers-—some of them children—worked fourteen to sixteen hours a day in unhealthy, oppressive conditions. It would seem that the workers would be poised to respond to the Marxist call, “workers of the world, unite!” Yet the guiding philosophy of the Progressive Era was that the interests of capital and labor did not have to be seen as strictly opposed. We owe many things we take for granted today, such as labor laws, regulations on financial markets, programs such as Social Security and unemployment insurance, and food and drug inspections to innovations made during that era.The programs themselves were generally designed using input from all the interested parties. Commissions including representatives from industry, labor, consumer groups, and government agencies were set up to work out solutions to the worst problems afflicting the industrial economy of the time.

Institutional economists, of whom the most famous was John R. Commons of the University of Wisconsin, played a role in spreading this pragmatic approach in the early decades of the twentieth century. Commons and his colleagues were not guided by any grand theory that gave them answers in advance of actual investigations. Their methods relied heavily on looking at the specific nature of particular industries and problems, gathering information on what sorts of solutions had been tried elsewhere, and seeking the input of concerned parties. Not surprisingly, such a pragmatic approach was looked at suspiciously by mechanically minded purists on both sides. On one side, radical Marxists objected that it merely made an inherently oppressive system a little more bearable by throwing more crumbs to the workers. On the other side, champions of capitalist wealth creation grumbled that the government “interference” created by Progressive policies put an unnecessary drag on free-market forces.

Now, in the early twenty-first century, it is time to retrench. Some of the old Progressive policies, designed for the industries and families of their era, don’t fit our situation so well anymore. We need new social responses to deal with new issues. Ecological issues weren’t on the radar screen yet, back then. Care was assigned, unpaid, to women in the home when the Progressives designed their policies. But right-wing purists are now threatening to roll back many of the Progressive Era programs entirely and put nothing in their place.They spout ideologically inspired neoliberal, promarket policies that prescribe deregulation and privatization in all spheres. Marxism has meanwhile all but lost its teeth as a critique of this, as disappointing results in communist countries have made radical theory a mostly academic exercise. While the policies created by the old Progressives are no longer entirely adequate for today’s society and economy, I think we can learn a great deal from their methods. “What are the greatest causes of harm in today’s society?” and “How can we work together to correct them?” are the right questions to ask. The response to one kind of mechanical purism need not be the opposite variety of mechanical purism. We can recognize that the health of living, vital economies depends on our ethical decision making and our willingness to support relationships of care and respect. If we want a world of social justice, ecological sustainability, and care for those who need it, I hope we will, like the Progressives of old, put our efforts toward the pragmatic and challenging project of making real-world economies work for human benefit. Our bodies and souls depend on it.

### k ­– property

#### Antitrust is necessary to a just property regime. Only recognizing interdependency that is filtered through autonomy ensures that their utopia does not fall into domination.

Dagan 21 – Israeli lawyer, currently Stewart and Judy Colton Professor of Legal Theory at Tel Aviv University and formerly the Justin D'Atri Visiting Professor at Columbia Law School (Hanoch, "Liberal Property for Skeptics, Part 1," LPE Project, <https://lpeproject.org/blog/liberal-property-for-skeptics-part-1/> 2-3-2021)//gcd

This is why, for liberal property, facing the trajectory of excessive market power (Britton-Purdy & Grewal’s category B) requires antitrust law to go well beyond its existing focus on consumer welfare maximization. A genuinely liberal antitrust law should follow the Brandeisian legacy by decentralizing economic power as a means of decentralizing authority, targeting all concentrations of private authority and capital accumulation (71).

Similarly, it may well be the case that the book’s brief reference to the proper limits of the authority of corporate directors and controlling shareholders (70) and the more extended discussion of employers’ proper authority (195-28) do not, or not always, suffice to address the predicament of disempowered workers (category A). In certain contexts, the German model of codetermination seems a particularly inviting starting point for rethinking the workplace (310 n.140). Furthermore, nothing in the core commitments of liberal property requires that workers would have, as the current default prescribes, no share in the production’s surplus value (299 n.7). Liberal property can accommodate the possibility – frequently pressed on me by my colleague Roy Kreitner – of substituting this default with a different one.

Finally, Britton-Purdy & Grewal correctly insist that the devastating contingency of self-destruction cannot be properly confronted without addressing their category C of insidious “political feedback.” This point is part of a broader critique, regarding “the artificiality of trying to think about the economy without thinking at the same time about the state, and in equally basic terms.” I will take on – and largely accept – this broader proposition in the second part of my response. At this point, it is enough to concede their more specific claim, which made me regret for not including in the book some text on political money. Fortunately, I have discussed this matter [elsewhere](https://www.liebertpub.com/doi/pdfplus/10.1089/elj.2009.0040), so a few sentences may suffice here.

Money indeed corrupts our politics. But the idea that this is necessarily the case does not follow. Because preferences (alongside with reasons, of course) are relevant to politics, money can play a legitimate role in politics if, but only if, it reliably expresses the intensity of citizens’ preferences. A genuinely liberal regime would design a mechanism that converts money into a valid form of communicating citizens’ preferences and their relative intensity.

For such a “clearinghouse of money for political causes” to properly deal with the threat of corrupting political feedback, it must not apply only in political campaigns (on which the current regulation solely focuses). Rather, it must encompass all forms of spending and giving money for political causes, namely, it should equally apply to the regulation of interest group lobbying. To perform its task, the clearinghouse would readjust the size of political donations and expenditures so as to offset the artificial augmentation of these preferences due to the diminishing marginal utility of money. It would further use the money thus collected from the better-off in order to match every dollar spent by the worse-off with some money that can offset the reverse effect, namely, ensure that even small amounts spent by the poor on political causes will still reflect their more intense preferences.

Taken together, liberal property’s substitution of the hegemony of Blackstonian ownership with a multiplicity of property types that are all properly limited by its inherently relational conception of autonomy, its subscription to Brandeisian antitrust policy, and its reform programs as per the authority of owners of the means of production and per political money, suggest a third, and final response to Britton-Purdy & Grewal. Rather than pitting private property against state property, A Liberal Theory of Property seeks to change the terms of the debate by reconstructing the meaning (or, rather, the meanings) of private property. In other words, as [Pistor](https://lpeproject.org/blog/liberal-property-law-vs-capitalism/) observes, the liberal property ideal offers “a third way between capitalism and socialism as we know them.”

Yuille is not worried about the sustainability of the autonomy-enhancing ideal of liberal property, but rather about the ideal of autonomy itself. Indeed, for Yuille, the problem is my “deep commitment to autonomy,” which – even in my “rehabilitated” version – is “a myth,” and a dangerous one at that.

Autonomy is a myth, she argues, because the human condition is not one of self-determination. Following [Martha Albertson Fineman’s “vulnerability theory,”](https://digitalcommons.law.yale.edu/yjlf/vol20/iss1/2/) Yuille insists that we are always, under all circumstances, subject to the vagaries of the world and are always co-determining and co-authoring, so that “dependence and reliance (the vulnerability)” is the “universal and constant human condition.” Because autonomy is neither real nor “realizable,” this myth of autonomy is not only false but also pernicious: it “obscures the mutually constitutive interplay among law, economy, and society,” and thus “fuels the fetish that imagines markets as some neutral, natural space.”

Therefore, Yuille warns readers from being seduced by autonomy’s “self-indulgent appeal” and risk coopting with property’s “core curriculum,” which “advances a neoliberal political/neoclassical economic ideologies and values as the only possibilities.” Instead, with Albertson Fineman, she claims that there is “only one response to the physical, mental, metaphysical, and institutional fact of universal constant vulnerability: resilience.” We must “become embedded in, and interdependent on, social relationships and institutions that produce the resources that allow people to deal with their vulnerability.”

Yuille does not specifically say what she expects from a law that supports such resilience. But she resists, I assume, any legal regime that facilitates or even tolerates the abuse of people’s vulnerability. Therefore, she must agree to the significance of liberal property’s first and third pillars, in which (respectively), owners’ private authority – the source of nonowners’ vulnerability – is carefully circumscribed, so that it does not go beyond its contribution to self-determination, and it furthermore complies with the prescriptions of relational justice so as to ensure that ownership does not offend the maxim of reciprocal respect for self-determination (20). Yuille probably also endorses liberal property’s background regime, discussed earlier and elaborated in tomorrow’s post, which arguably produces the resources that “allow people to deal with their vulnerability.”

So what else may be missing so as to justify rendering liberal property a pariah? Maybe Yuille detects no difficulty in its prescriptions, but only in its autonomy-enhancing aspiration; the “myth” as she repeatedly calls it. The difficulty cannot be with the (deeply misguided) association of liberalism and its ideal of autonomy with an independence-based atomism. Yuille recognizes that I firmly reject atomism. My account of liberal property subscribes to a radically different vision: of self-determination – both individual and collective – which is premised on the deep interdependence of our practical affairs (123). The reason why she perceives what I see as an ideal to be a myth may thus be that she rejects my commitment to begin and end the normative analysis with individual people and their rights.

This is a commitment I still urge her to endorse. To be sure, as I write in A Liberal Theory of Property (43, 53), people are partly constituted by their participation in a community and by their relationship with other members. They cannot be the sole authors of their lives, and their autonomy is indeed constrained by social and cultural embeddedness. That is the human predicament. But people must nonetheless be entitled to remain the ultimate navigators of their own self-determination (isn’t this what one means when saying that they should be able to deal with their vulnerabilities?). And they should be entitled to occasionally take a critical perspective on their communities and even their identities, or else we end up silencing critique of, and celebrating embeddedness in, oppressive settings. If these propositions are as obvious as I take them to be, it follows that the inevitable constraints on people’s autonomy need not be celebrated, nor need the value of limiting them while expanding their rights for self-determination be disparaged.

Exactly because, as Yuille correctly argues, property law assigns power in relationships of inevitable interdependence and thus “ranks and positions” people in society, “draws their horizons of possibilities,” and “steers their agency” – property law must be autonomy-enhancing. In other words, the main jurisprudential claim of A Liberal Theory of Property – that both property and the market are legal constructs, which are ultimately accountable to considerations of justice and legitimacy (13-16, 181-82) – prompts its core normative thesis: property law must proactively expand people’s opportunities for individual and collective self-determination while restricting options of interpersonal domination (67-78). Liberal property cannot undertake this task on its own. A background regime, which will be the focus of the second part of my reply, is indispensable for its viability. Our existential interdependence also explains why I will embrace [Dyal-Chand’s](https://lpeproject.org/blog/property-collectivity-and-restraint/) and [Pistor](https://lpeproject.org/blog/liberal-property-law-vs-capitalism/)’s responses that highlight the robustness of this collectivist regime. But the same reasons that underlie my reply to Yuille explain why I hope to convince Dyal-Chand that this regime must not “prioritize the collective over the individual,” but rather be ultimately accountable to individual people – all people – and their rights to self-determination.

#### Our alternative is to affirm sustainable property. Property rights are non-anthropocentric but a simplistic rejection of them makes egalitarian socio-economic transformation impossible

Degens 21 – reseacher at the faculty of social sciences at Hamburg university (Philipp, “Towards Sustainable Property? Exploring the Entanglement of Ownership and Sustainability.” Social Science Information, vol. 60, no. 2, June 2021, pp. 209–229, doi:10.1177/05390184211011437)

There does exist, however, an alternative vision, in which property is more directly enmeshed with ecological sustainability. Here, environmental obligations are not perceived as obligations towards other members of society or future generations, but towards the ecological environment for its own sake. In this regard, some jurisprudence scholars have for long advanced the postulation that the concept of the relation between humans and nature has to be reassessed. Freyfogle, for example, demands a declaration of interdependence as ‘a pronouncement in our scheme of ownership norms that all components of nature are connected to all other components and that all users of nature are partners and co-fiduciaries’ (1993: 1290). He thus postulates a new imaginary of ownership that overcomes the overly individualistic heritage of 18th century thought and reinvigorates a sense of common belonging to nature. Such an imaginary affirms, for example, that trees should have standing (Stone, 1972). The underlying legal imaginary builds on the idea of granting rights to nature. It rests on an attempt to overcome anthropocentric jurisprudence and to include more-than-humans (Graham et al., 2017; on the nature/culture distinction see Adloff and Hilbrich in this volume). In a sense, the struggle for rights of nature can be seen as conflicts about if and how to encode sustainability or habitability issues into law. From a perspective on private property, granting rights to nature implies putting restrictions on existing property titles. The current debate on whether agricultural land use should be restricted in a way that helps to preserve biodiversity (Busse, 2019) might serve as another example. Constraints on agricultural land use could be imposed, tying ownership rights to land to the enforcement of environmental protection measures such as the preservation of biodiversity. For the present purpose, I am not concerned with how such schemes or the granting of rights to nature might be implemented, how stewardship could be organized, and what problems would emerge. More modestly, I simply seek to draw attention to the underlying trajectory of transformation that rests on restricting property rights over environmental resources via the recognition of genuine rights of nature. This imaginary is transformative in the sense that it rejects or at least scrutinizes the strict dualism between nature and society. Arguably, however, it also entails an element of modernization: the particular idea to reconfigure the human-nature relation builds on the further extension of the scope of basic Western legal categories, not so much on a transformation of the concept of modern subjective rights as such (for such a critique, see Menke, 2020). It thus resembles an expansion of rights, understood as an element of progress in modernity (Wagner, 2018). Conclusion The futures of sustainability are entangled with the way ownership is organized and property rights are modeled. As shown, influential imaginaries of property-sustainability relations vary in how they conceive the two respective concepts. Following Adloff and Neckel (2019), trajectories of sustainability might be differentiated into modernization, transformation, and control. Property imaginaries differ according to their social-theoretical underpinning (e.g. atomist or relational) and largely corresponding notions of exclusive control over things or relational bundle of rights. These notions, in turn, relate to understandings of limitations to property being external or internal. Analyzing the entanglements, I associated two different sustainable private property imaginaries with the trajectory of modernization. One is largely consistent with neoclassical economic thought and postulates an extension of the domain of property via the creation of new property titles that are adversely linked to the costs of pollution. Property, here, is essentially a right to exclude that can be bought and sold on the market. At the same time, this imaginary entails an element of control, insofar as a restrictive political regulation is utilized to limit (i.e. exercise control) harm done to the atmosphere. A second conception of sustainable private property focuses on limitations and stricter boundaries of property rights. Such restrictions in the form of social and environmental obligations are either conceived of as being external or internal to property. This depends on the underlying concept of property, as well as on the value that is attributed to nature. Environmental obligations in an anthropocentric worldview are justified by the harm that unrestricted control of property causes to human society. In a more radical view, nature is valued intrinsically, and obligations are justified because they are detrimental to nature per se. As reminded above, I identified two basic imaginaries of property that are linked to jurisprudence thought, the absolute and the bundle view (18th/19th vs. 20th century). They are connected to the opposition between atomist and relational accounts of social life which, broadly speaking, respectively perceive boundaries as being external or internal. By and large, from a pragmatist perspective, the two imaginaries might be regarded as expressions of different ‘orders of appropriation’, namely of a neoliberal and a socialliberal order, respectively (Davies, 2012). The two imaginaries also loosely correlate with differences between economic and sociological as well as anthropological views. Chris Hann observes that anthropology lost its focus on property issues in the post-colonial decades, at a time when the emerging law and economics approach laid ‘the foundations for a dogmatic revival of the standard liberal model’ (2007: 293). This standard liberal approach analyses property law in terms of efficiency and thus is blind to justice as a value of law on its own (Pistor, 2020; Pistor and De Schutter, 2016; Wesche and Rosa, 2018). It is, therefore, time to rethink ownership and property within the social sciences beyond the narrow law and economics approach.6 In fact, I have shown that the conflicting accounts on property are not equally suitable as analytical perspectives to assess the complex dimensions of property. On a conceptual level, I suggest that the bundle metaphor offers a suitable basis to explore ownership and property from a sociological perspective. This view and its application in institutionalist theory are better able to grasp the empirical variety of ownership forms than alternative traditions that focus on a core of exclusivity and absolute power. The bundle metaphor shifts focus to a complex set of relations, entailing rights and obligations. It asks which ac

tors holds what rights, and which obligations incur to whom. A simplistic view of private or public property is rejected insofar as the plurality of bundle sticks and their specific configuration is taken into account. Whereas an atomist view perceives property as a relation between a person and a thing (the person’s dominium), the bundle view directly reveals its social nature. It focuses on the social relations regarding things owned. In the view presented here, ‘full ownership’ in the sense that a person holds exclusive power over a thing as property, reflects simply one imaginary of property out of several – and this plurality partly owes to property’s fluidity and ambiguity. Property’s malleability makes it an intriguing case for the study of the futures of sustainability. Any trajectory towards sustainability implies a reassessment of how property and sustainability are or should be enmeshed. Since property law is not stable, but changes over time, it offers opportunities to be reshaped for sustainability purposes. For policy makers dedicated to sustainable development and international climate agreements, one important task seems to be to shape or restrict property rights in a way that includes environmental protection. I suggest that such debates constitute a fruitful case to study the role of property imaginaries in the futures of sustainability, and more indepth research seems valuable. However, identifying and exploring imaginaries does not imply that they are equally likely to be put into praxis or pushed forward as measures to achieve sustainability. On the contrary, their performative capacities – at least partly – rest on powerful actors that actively engage in their legal and economic enforcement. My analysis is limited in the sense that I have treated imaginaries as if they were more or less powerful on their own, as if the struggle over which imaginaries frame actual political practice was all about their respective ideal persuasiveness. However, there is of course a significant power component in the dominance of some imaginaries over others. Also, the focus on property necessarily entails a sort of neglect of other relevant fields (e.g. corporate law, international law, etc.) that make the integration of sustainability goals into property theory so challenging. In order to illustrate the sustainability-property connection, I have drawn on examples that are associated, by and large, with a sustainable modernization of the economy. Another task would be to analyze more deeply property conceptions in sustainability trajectories that aim to fundamentally transform economy and society (as it is, arguably, visible in the idea of rights to nature and various indigenous cosmological views and their property imaginaries), or that rely on exclusive control of damages at least for particular groups. Whereas I focused on the role of private property, other forms of public or communal property are equally relevant. It is up to further, empirical research to analyze how various actors struggle to implement their imaginaries of sustainable property, as well as to assess both intended and non-intended effects of politics and legal and economic practices that aim to achieve sustainability via property regimes.

### da ­– growth

#### Economic strength caps global war.

Dr. Michael F. Oppenheimer 21, Clinical Professor at the Center for Global Affairs at New York University, Senior Consulting Fellow for Scenario Planning at the International Institute for Strategic Studies, Former Executive Vice President at The Futures Group, Member of the Council on Foreign Relations, The Foreign Policy Roundtable at the Carnegie Council on Ethics and International Affairs, and The American Council on Germany, “The Turbulent Future of International Relations”, in The Future of Global Affairs: Managing Discontinuity, Disruption and Destruction, Ed. Ankersen and Sidhu, p. 23-30

Four structural forces will shape the future of International Relations: globalization (but without liberal rules, institutions, and leadership)1; multipolarity (the end of American hegemony and wider distribution of power among states and non-states2); the strengthening of distinctive, national and subnational identities, as persistent cultural differences are accentuated by the disruptive effects of Western style globalization (what Samuel Huntington called the “non-westernization of IR”3); and secular economic stagnation, a product of longer term global decline in birth rates combined with aging populations.4 These structural forces do not determine everything. Environmental events, global health challenges, internal political developments, policy mistakes, technology breakthroughs or failures, will intersect with structure to define our future. But these four structural forces will impact the way states behave, in the capacity of great powers to manage their differences, and to act collectively to settle, rather than exploit, the inevitable shocks of the next decade.

Some of these structural forces could be managed to promote prosperity and avoid war. Multipolarity (inherently more prone to conflict than other configurations of power, given coordination problems)5 plus globalization can work in a world of prosperity, convergent values, and effective conflict management. The Congress of Vienna system achieved relative peace in Europe over a hundred-year period through informal cooperation among multiple states sharing a fear of populist revolution. It ended decisively in 1914. Contemporary neoliberal institutionalists, such as John Ikenberry, accept multipolarity as our likely future, but are confident that globalization with liberal characteristics can be sustained without American hegemony, arguing that liberal values and practices have been fully accepted by states, global institutions, and private actors as imperative for growth and political legitimacy.6 Divergent values plus multipolarity can work, though at significantly lower levels of economic growth-in an autarchic world of isolated units, a world envisioned by the advocates of decoupling, including the current American president. 7 Divergent values plus globalization can be managed by hegemonic power, exemplified by the decade of the 1990s, when the Washington Consensus, imposed by American leverage exerted through the IMF and other U.S. dominated institutions, overrode national differences, but with real costs to those states undergoing “structural adjustment programs,”8 and ultimately at the cost of global growth, as states—especially in Asia—increased their savings to self insure against future financial crises.9

But all four forces operating simultaneously will produce a future of increasing internal polarization and cross border conflict, diminished economic growth and poverty alleviation, weakened global institutions and norms of behavior, and reduced collective capacity to confront emerging challenges of global warming, accelerating technology change, nuclear weapons innovation and proliferation. As in any effective scenario, this future is clearly visible to any keen observer. We have only to abolish wishful thinking and believe our own eyes.10

Secular Stagnation

This unbrave new world has been emerging for some time, as US power has declined relative to other states, especially China, global liberalism has failed to deliver on its promises, and totalitarian capitalism has proven effective in leveraging globalization for economic growth and political legitimacy while exploiting technology and the state’s coercive powers to maintain internal political control. But this new era was jumpstarted by the world financial crisis of 2007, which revealed the bankruptcy of unregulated market capitalism, weakened faith in US leadership, exacerbated economic deprivation and inequality around the world, ignited growing populism, and undermined international liberal institutions. The skewed distribution of wealth experienced in most developed countries, politically tolerated in periods of growth, became intolerable as growth rates declined. A combination of aging populations, accelerating technology, and global populism/nationalism promises to make this growth decline very difficult to reverse. What Larry Summers and other international political economists have come to call “secular stagnation” increases the likelihood that illiberal globalization, multipolarity, and rising nationalism will define our future. Summers11 has argued that the world is entering a long period of diminishing economic growth. He suggests that secular stagnation “may be the defining macroeconomic challenge of our times.” Julius Probst, in his recent assessment of Summers’ ideas, explains:

…rich countries are ageing as birth rates decline and people live longer. This has pushed down real interest rates because investors think these trends will mean they will make lower returns from investing in future, making them more willing to accept a lower return on government debt as a result.

Other factors that make investors similarly pessimistic include rising global inequality and the slowdown in productivity growth…

This decline in real interest rates matters because economists believe that to overcome an economic downturn, a central bank must drive down the real interest rate to a certain level to encourage more spending and investment… Because real interest rates are so low, Summers and his supporters believe that the rate required to reach full employment is so far into negative territory that it is effectively impossible.

…in the long run, more immigration might be a vital part of curing secular stagnation. Summers also heavily prescribes increased government spending, arguing that it might actually be more prudent than cutting back – especially if the money is spent on infrastructure, education and research and development.

Of course, governments in Europe and the US are instead trying to shut their doors to migrants. And austerity policies have taken their toll on infrastructure and public research. This looks set to ensure that the next recession will be particularly nasty when it comes… Unless governments change course radically, we could be in for a sobering period ahead.12

The rise of nationalism/populism is both cause and effect of this economic outlook. Lower growth will make every aspect of the liberal order more difficult to resuscitate post-Trump. Domestic politics will become more polarized and dysfunctional, as competition for diminishing resources intensifies. International collaboration, ad hoc or through institutions, will become politically toxic. Protectionism, in its multiple forms, will make economic recovery from “secular stagnation” a heavy lift, and the liberal hegemonic leadership and strong institutions that limited the damage of previous downturns, will be unavailable. A clear demonstration of this negative feedback loop is the economic damage being inflicted on the world by Trump’s trade war with China, which— despite the so-called phase one agreement—has predictably escalated from negotiating tactic to imbedded reality, with no end in sight. In a world already suffering from inadequate investment, the uncertainties generated by this confrontation will further curb the investments essential for future growth. Another demonstration of the intersection of structural forces is how populist-motivated controls on immigration (always a weakness in the hyper-globalization narrative) deprives developed countries of Summers’ recommended policy response to secular stagnation, which in a more open world would be a win-win for rich and poor countries alike, increasing wage rates and remittance revenues for the developing countries, replenishing the labor supply for rich countries experiencing low birth rates.

Illiberal Globalization

Economic weakness and rising nationalism (along with multipolarity) will not end globalization, but will profoundly alter its character and greatly reduce its economic and political benefits. Liberal global institutions, under American hegemony, have served multiple purposes, enabling states to improve the quality of international relations and more fully satisfy the needs of their citizens, and provide companies with the legal and institutional stability necessary to manage the inherent risks of global investment. But under present and future conditions these institutions will become the battlegrounds—and the victims—of geopolitical competition. The Trump Administration’s frontal attack on multilateralism is but the final nail in the coffin of the Bretton Woods system in trade and finance, which has been in slow but accelerating decline since the end of the Cold War. Future American leadership may embrace renewed collaboration in global trade and finance, macroeconomic management, environmental sustainability and the like, but repairing the damage requires the heroic assumption that America’s own identity has not been fundamentally altered by the Trump era (four years or eight matters here), and by the internal and global forces that enabled his rise. The fact will remain that a sizeable portion of the American electorate, and a monolithically pro- Trump Republican Party, is committed to an illiberal future. And even if the effects are transitory, the causes of weakening global collaboration are structural, not subject to the efforts of some hypothetical future US liberal leadership. It is clear that the US has lost respect among its rivals, and trust among its allies. While its economic and military capacity is still greatly superior to all others, its political dysfunction has diminished its ability to convert this wealth into effective power.13 It will furthermore operate in a future system of diffusing material power, diverging economic and political governance approaches, and rising nationalism. Trump has promoted these forces, but did not invent them, and future US Administrations will struggle to cope with them.

What will illiberal globalization look like? Consider recent events. The instruments of globalization have been weaponized by strong states in pursuit of their geopolitical objectives. This has turned the liberal argument on behalf of globalization on its head. Instead of interdependence as an unstoppable force pushing states toward collaboration and convergence around market-friendly domestic policies, states are exploiting interdependence to inflict harm on their adversaries, and even on their allies. The increasing interaction across national boundaries that globalization entails, now produces not harmonization and cooperation, but friction and escalating trade and investment disputes.14 The Trump Administration is in the lead here, but it is not alone. Trade and investment friction with China is the most obvious and damaging example, precipitated by China’s long failure to conform to the World Trade Organization (WTO) principles, now escalated by President Trump into a trade and currency war disturbingly reminiscent of the 1930s that Bretton Woods was designed to prevent. Financial sanctions against Iran, in violation of US obligations in the Joint Comprehensive Plan Of Action (JCPOA), is another example of the rule of law succumbing to geopolitical competition. Though more mercantilist in intent than geopolitical, US tariffs on steel and aluminum, and their threatened use in automotives, aimed at the EU, Canada, and Japan,15 are equally destructive of the liberal system and of future economic growth, imposed as they are by the author of that system, and will spread to others. And indeed, Japan has used export controls in its escalating conflict with South Korea16 (as did China in imposing controls on rare earth,17 and as the US has done as part of its trade war with China). Inward foreign direct investment restrictions are spreading. The vitality of the WTO is being sapped by its inability to complete the Doha Round, by the proliferation of bilateral and regional agreements, and now by the Trump Administration’s hold on appointments to WTO judicial panels. It should not surprise anyone if, during a second term, Trump formally withdrew the US from the WTO. At a minimum it will become a “dead letter regime.”18

As such measures gain traction, it will become clear to states—and to companies—that a global trading system more responsive to raw power than to law entails escalating risk and diminishing benefits. This will be the end of economic globalization, and its many benefits, as we know it. It represents nothing less than the subordination of economic globalization, a system which many thought obeyed its own logic, to an international politics of zero-sum power competition among multiple actors with divergent interests and values. The costs will be significant: Bloomberg Economics estimates that the cost in lost US GDP in 2019- dollar terms from the trade war with China has reached $134 billion to date and will rise to a total of $316 billion by the end of 2020.19 Economically, the just-in-time, maximally efficient world of global supply chains, driving down costs, incentivizing innovation, spreading investment, integrating new countries and populations into the global system, is being Balkanized. Bilateral and regional deals are proliferating, while global, nondiscriminatory trade agreements are at an end.

Economies of scale will shrink, incentivizing less investment, increasing costs and prices, compromising growth, marginalizing countries whose growth and poverty reduction depended on participation in global supply chains. A world already suffering from excess savings (in the corporate sector, among mostly Asian countries) will respond to heightened risk and uncertainty with further retrenchment. The problem is perfectly captured by Tim Boyle, CEO of Columbia Sportswear, whose supply chain runs through China, reacting to yet another ratcheting up of US tariffs on Chinese imports, most recently on consumer goods:

We move stuff around to take advantage of inexpensive labor. That’s why we’re in Bangladesh. That’s why we’re looking at Africa. We’re putting investment capital to work, to get a return for our shareholders. So, when we make a wager on investment, this is not Vegas. We have to have a reasonable expectation we can get a return. That’s predicated on the rule of law: where can we expect the laws to be enforced, and for the foreseeable future, the rules will be in place? That’s what America used to be.20

The international political effects will be equally damaging. The four structural forces act on each other to produce the more dangerous, less prosperous world projected here. Illiberal globalization represents geopolitical conflict by (at first) physically non-kinetic means. It arises from intensifying competition among powerful states with divergent interests and identities, but in its effects drives down growth and fuels increased nationalism/populism, which further contributes to conflict. Twenty-first-century protectionism represents bottom-up forces arising from economic disruption. But it is also a top-down phenomenon, representing a strategic effort by political leadership to reduce the constraints of interdependence on freedom of geopolitical action, in effect a precursor and enabler of war. This is the disturbing hypothesis of Daniel Drezner, argued in an important May 2019 piece in Reason, titled “Will Today’s Global Trade Wars Lead to World War Three,”21 which examines the pre- World War I period of heightened trade conflict, its contribution to the disaster that followed, and its parallels to the present:

Before the First World War started, powers great and small took a variety of steps to thwart the globalization of the 19th century. Each of these steps made it easier for the key combatants to conceive of a general war. We are beginning to see a similar approach to the globalization of the 21st century. One by one, the economic constraints on military aggression are eroding. And too many have forgotten—or never knew—how this played out a century ago.

…In many ways, 19th century globalization was a victim of its own success. Reduced tariffs and transport costs flooded Europe with inexpensive grains from Russia and the United States. The incomes of landowners in these countries suffered a serious hit, and the Long Depression that ran from 1873 until 1896 generated pressure on European governments to protect against cheap imports.

…The primary lesson to draw from the years before 1914 is not that economic interdependence was a weak constraint on military conflict. It is that, even in a globalized economy, governments can take protectionist actions to reduce their interdependence in anticipation of future wars. In retrospect, the 30 years of tariff hikes, trade wars, and currency conflicts that preceded 1914 were harbingers of the devastation to come. European governments did not necessarily want to ignite a war among the great powers. By reducing their interdependence, however, they made that option conceivable.

…the backlash to globalization that preceded the Great War seems to be reprised in the current moment. Indeed, there are ways in which the current moment is scarier than the pre-1914 era. Back then, the world’s hegemon, the United Kingdom, acted as a brake on economic closure. In 2019, the United States is the protectionist with its foot on the accelerator. The constraints of Sino-American interdependence—what economist Larry Summers once called “the financial balance of terror”—no longer look so binding. And there are far too many hot spots—the Korean peninsula, the South China Sea, Taiwan—where the kindling seems awfully dry.

#### And is sustainable.

Morrison 21

(Roy Morrison is Managing Partner of Renewable Sun Partners. He was founding Director Office for Sustainability SNHU. He is the author of 'Sustainability Sutra' and has recently released another book The New Green Republic, 5-1-21, "Ecological markets and capitalism in the 21st century," Wall Street International, <https://wsimag.com/economy-and-politics/65615-ecological-markets-and-capitalism-in-the-21st-century>, JKS)

Ecological opportunity not self-destruction looms

Global transformation guided by ecological economic growth and social and ecological justice means an enormous reduction in pollution, depletion and ecological damage, and an enormous increase in sustainable economic activity and wealth. The goal is to build a global ecological civilization that is democratic, sustainable, peaceful and just. A sustainable economy can both reduce pollution by an order of magnitude, and, at the same time, be an order of magnitude larger. What matters is the quality and consequences of economic growth in terms of ecological and social consequences. What we do and how we do it is what matters. We can, for example, eliminate fossil fuel and nuclear fission pollution by renewables and by fusion power. To build the global sustainable infrastructure for not just energy, but for industry, agriculture, aquaculture, forestry means trillions of dollars in productive investment. The 21st and 22nd centuries can, in retrospect, be viewed as the time of a great transformation from industrial to ecological civilization, the era of the great rebuilding. A prosperous and sustainable global civilization of 9 billion people must be built around the twin pillars of ecological economics and social and ecological justice. We must have both or we will have neither. Humanity has become a world-shaping self-conscious participant in the fundamental co-evolutionary process of sustainability where the ecosphere responds to all influences in ways that improve conditions that supports the prospects for all life. This is what has enabled the ecosphere to respond to periodic mass extinctions and once again thrive. The challenge for humanity is to successfully pursue a healing response to ecological excess before geophysical climate forces foreclose our options leading to irresistible collapse. Eventually, the ecosphere will successfully respond to dramatic anthropogenic climate change. The Eocene thermal maximum of 56 million years ago was driven by enormous global volcanism raising carbon dioxide concentrations to levels that melted all the ice and made the arctic subtropical in hothouse earth. This eventually led to the growth of enormous mats of tiny Azolla in the warm Arctic Ocean that returned atmospheric carbon dioxide and the climate to levels that transformed hothouse earth into a temperate climate. The planet will take care of itself without us. The choice we face is to respond now to the threat of climate change before unleashing geophysical forces that will persist for hundreds of thousands of years of hothouse earth.

Fundamental change is already in motion

Fundamental change, even in the midst of a global pandemic, is already in motion. In parallel with the Paris accords, plans from Boris Johnson, Joe Biden, Xi Jinping are pouring forth for the elimination of energy sector carbon pollution by 2035 and net-zero carbon emissions by 2050. In 2020, in the U.S., for example, renewable energy generation already exceeded that of uncompetitive coal. Morgan Stanley predicts that U.S. coal generation will be eliminated by 2033. The Deloitte Renewable Energy Prospects for 2021 projects “further expansion into new technologies, including advanced batteries and other forms of storage, offshore wind, and green hydrogen technology... especially as green hydrogen production and storage, move toward commercialization, we may see more power-to-x projects to store, convert, and reconvert surplus solar and wind power into carbon-neutral fuels and chemicals.” As a renewable developer, I am working on projects to build utility-scale solar arrays connected directly to transmission lines combined with energy storage flow batteries able to provide grid voltage and frequency control as well as peak power resources. The next step is the solar energy to power onsite electrolyzers turning water into green hydrogen powering on-site combustion turbines responding to peak grid demand. This will provide power for electric car fast charging, for steel electric arc furnaces, and for concrete electrolysis. MIT’s Department of Material Science and Engineering using electrolysis has developed a new way to produce clinker for Portland cement. Cement production amounts to 8% of global carbon dioxide emissions. This is just the start, not just for eliminating carbon pollution, but to remove and sequester gigatons of carbon from the atmosphere and ocean to return global atmospheric carbon dioxide toward preindustrial levels of under 300 parts per million. A sustainable economy will mean the sale of digitized information on a renewably powered global grid in an infinity of forms from data, designs, entertainment, code for nMRA vaccines for human diseases, 3D printing programs using sustainable inputs for customized products, and software for ever-improving robotic workers and self-driving cars. This enormous emerging productive power unleashed raises fundamental questions about the need for a fair share of the social product through mechanisms such as a Basic Income or Negative Income tax and full employment job-sharing where layoffs without pay are the last, not the first choice. Enormous profits are forthcoming from industrialism transformed into zero pollution zero waste ecological systems where are outputs become inputs in additional processes. The fruits of this unparalleled productive capacity and wealth production must be fairly shared through an intelligent and democratic balance between rights and responsibilities.

## case

### case – 1nc

#### We can’t cede antitrust, it has enormous emotional power to help shape policy debates. Their criticisms rely on totalizing essentializations, but antitrust isn’t a monolith.

Teachout, JD, 14

(Zephyr, Law@Fordham, Corporate Rules and Political Rules: Antitrust As Campaign Finance Reform Fordham Law Legal Studies Research Paper No. 2384182)

What this history shows is that antitrust is a fundamentally indeterminate concept —there is no “isness” of what antitrust is. It is, in the framework of sociologist Raymond Williams, a “keyword,” a culturally important word with an overlapping set of meanings whose meaning is fundamentally unresolved, and whose use, then, can lead to confusion in debate—but whose use also signifies a great deal about the general orientation of the user.25 These words, like “culture,” or “popular” or “democracy” or “corruption” are powerful in part because they are not precisely defined, yet carry enormous emotional power. Antitrust is not as widespread as those words, but is a word without a precise bounding that has different meanings in different communities. Each community will make different claims of authority to the right to name it—some more explicit than others. Consider the different senses, or meanings, of the word “antitrust.” First, there is the meaning applied to a cluster of statutes that were passed in the late 19th century, and the amendments to those statutes. In this sense, antitrust is nothing more than those statutes. Note that even at its most narrow, it applies to a cluster of ideas that is not theoretically limited by a totally consistent story—it is more historically bounded— there is no precise rule to test whether the amendments or additions were or were not “antitrust.” Second there is the meaning applied to the interpretation of those statutes over time—in this sense, antitrust “is” what courts have said it is, and in particular, what courts have said it “is” in recent history. Within the legal academy, this is what is usually meant by “what antitrust is,”—it is what the courts have said it is. Third, there is the sense that antitrust is what the author of a particular view of antitrust says it is, in explicit grammatical appropriation of a term—typically in reference to the cluster of statutes mentioned above, but not necessarily. This is the sense in which different schools of antitrust thought in the 60s-80s explicitly appropriated the “isness” of antitrust to their own views. To use this model applied to a series of scholars, each of whom have written extensively about antitrust: Professor James Brock might say, “antitrust calls for a dispersion of power,” Professor Fred McChesney might say, “Antitrust is economic regulation,” or Professor Herbert Hovencamp might say, “Antitrust is a moral, not an economic enterprise,” and Robert Bork might say, “Antitrust is about improving allocative efficiency without impairing productive efficiency.” Although they technically acknowledge that they are making a tiny leap between the “is” and the “ought,” so many scholars make this leap, that it can become part of the grammar of the debate to make that leap, such that the normative claims about what antitrust “should” be are debated in the language of disagreements about what antitrust “is.” There is a final meaning, however, to the word antitrust, that is much less specific, and much more related to its role in the public grammar used around economic power. In this final sense, the word “antitrust” stands for the government’s power to break up companies when they become too big. As the great historian Richard Hofstedeter has described it, antitrust was originally a movement, that later became an area of expertise—in this sense of the word, antitrust invokes that movement.26 This meaning also has a relationship to the cluster of statutes and their amendments, but it is a different relationship—it is not so much one of interpreting the statutes, but of remembering instances of the statutes’ operation as part of the national myth. The breakup of Ma Bell, or Standard Oil, are remembered as instances of antitrust, where governmental power took on concentrated economic power and broke it up. This popular meaning may not reach every corner of the country—there are doubtless a substantial fraction of the population for which the term antitrust means nothing at all—but it does reach a substantial part of the educated lay audience who perhaps learned about Standard Oil through a middle-school textbook, and think, therefore, of Standard Oil’s breakup as an instance of a larger theme of breakups, just as one thinks of, say, an elm tree, as an instance of the larger theme of trees. This last meaning has real cultural power, even though its pedigree is more narrative and impressionistic than logical. This last meaning was on display in the aftermath of the last financial crisis, as people turned to “antitrust”, or “ersatz antitrust,” as Yale Professor Jonathan Macey called, in an effort to think about breaking up the banks.27 Why did Macey call it “ersatz antitrust?” instead of coming up with something new. According to his own writing, he recognizes that this isn’t typical antitrust and it may be too much to bear but that he is proposing a new statute anyway, so it would be a new meaning.28 These are good responses, but what he doesn’t say, and why we don’t resist that termination, is that he likely calls it antitrust—insists on that meaning despite understanding that it is against the meaning of those in the field—because in American culture there is a deep emotional and imaginative connection to antitrust that wouldn’t exist were he simply to propose breaking up the banks, but not calling it antitrust. Macey was not alone. In the wake of the financial crises there were dozens of academic articles examining whether existing antitrust law could do anything in response to the crisis—all concluding that it couldn’t do much—but all responding to a common impulse borne not of existing antitrust doctrine, or even old antitrust doctrine, but a sense that antitrust must have something to say when we are talking about “Too Big To Fail.” This insistence is warranted for the additional reason that we have no other words for this kind of activity, governmental breakup (for whatever reason) of concentrated economic power. And without the noun, the summary word for this cluster of kinds of activity, it can become as if this is not a tool one can call on—without a name it can start to cease to exist as a solution. It is related to the idea of “separation of powers,” but separation of powers includes so much more as well, so it is not exclusively that. Federalism deals with similar issues of decentralization but is so clearly, like separation of powers, a governmental term. One could use a term like “economic democracy,’ but that is overly imbued with a particular politics, and does not assume decentralization of economic power as a goal—it could instead lead to greater nationalization. The goal is Madisonian, but coining a new phrase, like “Madisonian economics,” can actually distract from the political task. Within antitrust, there is a deep existing vein of thought political power. This idea finds itself in John Sherman, in Robert Taft, in Learned Hand, Donald Turner and others. It finds itself in legislative proposals that have framed themselves as antitrust proposals. The arguments of this paper do not depend upon it being called antitrust, of course. Nor, theoretically, do they depend upon the rules about company size being called “political rules.” Yet in each instance, the naming has a function of setting up disciplines and sets of practice. The grammar of the public policy area matters. In the next few Parts, I move a long way from this discussion of the structure and grammar of law, and its relationship to politics and economics. In the conclusion I return again and tie the parts together. that already existed in Sherman, Taft, and Brandeis, as discussed supra. The antitrust notion this paper engages is not tied to any individual economic theories, but can co-exist with several. A concept without a name is a concept on the verge of extinction.29 Arguably, the takeover of the definition of antitrust by the law and economics scholars of the Chicago School was one of their more important ideological victories, because it severed the relationship between the public meaning of antitrust and its legal meaning. Antitrust postChicago school means “consumer welfare” for lawyers, and “breaking up behemoths” for non-lawyers. This means that at the least the educated lay public believes that a set of laws exist to solve problems of excessive size, when in fact no set of laws exist. Moreover, when new laws are proposed (like Professor Macey’s) they are inevitably greeted with an instinctive reply that they are “not antitrust.” They belong, instead, in the unnamed category. After disemboweling antitrust of its political content, a second move has followed—renaming antitrust “competition law.” In effect, the concept of political antitrust then goes extinct within the academy. Therefore, when this paper attempts to structure political corporations with the name “antitrust,” it does so very self-consciously. Naming of the idea of breaking up big companies, and limiting other companies, as “antitrust,” is an explicitly political move, an open effort to recast the boundaries of a term in a different sense. It creates a rhetorical space to discuss a whole variety of responses that are currently homeless and on the verge of exile, or actually exiled from our political imagination. However political it may be, it is not arbitrary—rather it taps into one of the goals behind the existing antitrust statues—the preference for a society with decentralized economic power, and the fear that excessive size leads to excessive and distorting.

#### Don’t *homogenize* antitrust.

Paul ‘22

Sanjukta Paul - Assistant Professor of Law, Romano Stancroff Research Scholar, Wayne State University - J.D., Yale Law School - From the article: “A Democratic Vision for Antitrust” - From the Journal – Dissent - Published by University of Pennsylvania Press - Volume 69, Number 1, Winter 2022, pp. 56-62 (Article) – modified for language that may offend - available via Project Muse

Last spring, prominent Big Tech critic Lina Khan became the new chair of the Federal Trade Commission (FTC)—an appointment widely ~~seen as~~ (considered) a coup for progressive reform. In her confirmation hearing, she characterized the agency’s overarching goal in terms of “fair competition.” This choice of emphasis is significant for understanding the antitrust reform project of which Khan is a leader. At its core, the project is a policy paradigm aimed at creating fair markets—markets characterized by socially beneficial competition, fair prices, and decent wages.

While both proponents and detractors of this reform project sometimes conflate competition policy with the goal of maximizing economic competition for its own sake, in reality, competition law has always assessed economic rivalry and coordination in relation to broader social ends. For a long time, that assessment has been obscured—not to mention insufficiently tethered to the original goals of federal antitrust law. The reform project aims to reorient the use of antitrust in expressly egalitarian and democratic directions.

For decades, competition law and policy have been dominated by the neoclassical law and economics paradigm, which claims that visible market design and coordination interfere with competitive dynamics that would otherwise lead to an efficient allocation of social resources, and thus to the maximization of social welfare. While recent shifts in mainstream economic thinking have led to more discussion of imperfect competition, particularly in labor markets, the “market failures” and power imbalances that justify interventions are on this view still essentially special cases. Moreover, this idealized picture of markets still obscures certain forms of background coordination—especially the often hierarchical and extractive coordination that happens within business firms—while treating other coordination mechanisms as exceptional, with the potential to distort ideal market outcomes.

Conventionally organized business firms are just one of the many means we have to coordinate economic activity; others include labor unions, producers’ cooperatives, and public price boards, to take just a few examples. Because competition law makes ground-up decisions about many forms of economic coordination, and influences the regulatory stance toward others, antitrust reforms hold the potential to affect a broad set of economic policies.

We should not act as if putatively neutral, technocratic appeals to idealized competition can replace moral and political choices about economic life. Nor, however, should we treat actual competition as inherently tainted by its association with neoclassical theory. Channeled appropriately, competition is healthy rivalry: it encourages technological and operational innovations that can have broad social benefits, and it represents an important check on arbitrary bureaucratic power by preserving outside options for workers, consumers, and businesses. Channeled inappropriately, competition can lead to the destructive undermining of rivals (in contrast to constructive outperformance), overwhelm socially valuable independent enterprises, and destroy existing market settlements characterized by fair prices and decent wages. There is no universal logic of competition for policymakers to apply, either dark or redemptive: it is legal, social, and political choices (almost) all the way down.

To move from principles to some specifics, we can ~~look at~~ (consider) the approach the reform project might take in three policy areas: policing corporate mergers and acquisitions, accommodating horizontal and bottom-up economic coordination, and re-regulating the law of vertical restraints. *These* reforms, which are mutually reinforcing, all have the power to help build a more equal and democratic legal organization of the economy.

#### More than 50% of economic activity is not capitalist – the discourse of capitalist dominance is self-fulfilling.

J.K. **GIBSON-GRAHAM** (Julie Graham Geography @ Amherst & Katherine Gibson Inst. of Culture & Society Western Sydney) **‘6** *The End of Capitalism As We Knew It 10th Anniversary Edition*  p. xi-xv

A politics of language: diverse economies/community economies

As we argued in chapter 5 of The End of Capitalism, any contemporary economic politics confronts an existing object: an economy produced, through particular modes of representation and calculation, as a bounded sphere "whose internal mechanisms and exchanges separate it from other social processes" (Mitchell 2007). This economy is not simply an ideological concept susceptible to intellectual debunking, but a materialization that participates in organizing the practices and processes that surround it, while at the same time being organized and maintained by them. A project of instituting a different economy must restore this obdurate positivity to its negative grounding. It must, in Laclau's terms (1990), produce a "dislocation," enabling a recognition that "other economies are possible." Something outside the given configuration of being must offer itself as an element or ingredient for a new political project of configuring. For us this dislocating element has been an economic language that cannot be subsumed to existing ways of thinking economy, and instead signals the ever-present possibility of remaking economy in alternative terms. The conceptual resources for different languages of economy are abundantly available. Alongside the hegemonic discourse of economy, many counterdiscourses have arisen from alternative traditions of economic thought (for example, classical political economy, feminist economics, economic anthropology, geography, and sociology) and from workingclass, third-world, and social and community movements (for example, the feminist, socialist, cooperative, and local sustainability movements).4 Yet while there exists a substantial understanding of the extent and nature of economic difference, what does not exist is a way of convening this knowledge to destabilize the received wisdom of capitalist dominance and unleash the creative forces and subjects of economic experimentation. Our intervention has been to propose a language of the diverse econ of social studies of economy since The End of Capitalism wasof social studies of economy since The End of Capitalism was published. published. to perform different economies.5 The language of the diverse economy widens the identity of the economy to include all of those practices excluded or marginalized by the theory and presumption of capitalist hegemony. The objective is not to produce a finished and coherent template that maps the economy "as it really is" and presents (to the converted or suggestible) a ready-made "alternative economy." Rather, our hope is to disarm and dislocate the naturalized dominance of the capitalist economy and make a space for new economic becomings—ones that we will need to work to produce. If we can recognize a diverse economy, we can begin to imagine and create diverse organizations and practices as powerful constituents of an enlivened noncapitalist politics of place. We began constructing our language by surveying a variety of economic traditions and languages and conceptualizing three differentiated practices:6

•different kinds of transaction and ways of negotiating (in)commensurability;

•different types of labor and ways of compensating it; and

•different forms of economic enterprise and ways of producing, appropriating, and distributing surplus.

![Table

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Our current representation of what we have called the diverse economy is shown in Figure I.I. In this figure, what is often seen as the economy, that is, formal markets, wage labor, and capitalist enterprise, is merely one set of cells in a complex field of economic relations that sustain livelihoods in regions around the world. Realizing that in both rich and poor countries the bottom two-thirds of the diagram accounts for well over 50 percent of economic activity, we cannot help but be struck by the discursive violence enacted through familiar references to "capitalist" economies and societies.

Considering for a moment just the market-oriented enterprises in the right-hand column of Figure I.I, we recognize in the bottom cell the presence of commodity-producing enterprises of a noncapitalist sort. This should not be surprising—commodities are just goods and services produced for a market; they can be produced in a variety of exploitative or nonexploitative noncapitalist organizations. On the exploitative side, slave modes of producing and appropriating surplus where workers lack freedom of contract are arguably growing—for example, in the United States prison system and in the sex and domestic service industries worldwide (Bales 1999). In addition, feudal surplus appropriation via payments of rent goes on in tenant farming and in many household-based businesses (Kayatekin 2001). But there are also nonexploitative forms of surplus appropriation in the noncapitalist cell: consider the large population of self-employed or independent producers who appropriate and distribute the wealth they produce, and the growing number of collectives and cooperatives that jointly appropriate their surplus and distribute it in ways decided on by the collective membership.

Moving up one cell, we are reminded that difference within the category of capitalist enterprise is as important as the differences between enterprise forms or class processes. Increasingly "alternative" capitalist firms distinguish themselves from their mainstream capitalist counterparts in that part of their production process, their product, or their appropriated surplus is oriented toward environmentally friendly or socially responsible activity. State capitalist enterprises employ wage labor and appropriate surplus but have the potential to produce public goods and distribute surplus funds to public benefit. Nonprofit enterprises similarly employ wage laborers and appropriate their surplus, but by law they are not allowed to retain or distribute profits. Like other capitalist enterprises, these different forms of organization are scattered over the economic landscape. In this representation, no system or unified economy covers the social space and thus necessarily dominates other forms of economy.

Elaborating a vision of the "diverse economy" is one of our strategic moves against the subordination of local subjects to the discourse of (capitalist economic) globalization. Each of our action research projects starts with an inventory by community researchers of local economic practices and organizations that modifies and expands Figure I.I. This process yields a wider field of economic possibility and a revaluation of the local economy in terms of economic resources (as opposed to economic deficiencies) available for projects of economic invention. Representing the diverse economy is a deconstructive process that displaces the binary hierarchies of market/nonmarket and capitalism/noncapitalism, turning singular generalities into multiple particularities, and yielding a radically heterogeneous economic landscape in preparation for the next phase of the projects—the construction of "community economies" in place. In the terms of our language politics, this constructive process entails (1) articulation, or making links among the different activities and enterprises of a diverse economy, and (2) resignification, or convening these activities/enterprises under the signifier of the "community economy." As a practice of development, constructing a community economy is an ethical project of acknowledging relationships and making connections, rather than a technical project of activating generic logics of growth.

Unlike the proliferative fullness of the diverse economy, the community economy is an emptiness—as it has to be, if the project of building it is to be political, experimental, open, and democratic.7 A community economy is an ethical and political space of decision, not a geographic or social commonality, and community is its outcome rather than a ground. The practice of the community economy is a fluid process of continual resignification, discarding any fantasy that there is a perfect community economy that lies outside of negotiation, struggle, uncertainty, ambivalence, and disappointment, discarding the notion that there's a blueprint that tells us what to do and how to "be communal." Indeed, it is a recognition that there's no way not to be communal, not to be implicated with one another, that recalls us to the political task of "building a community economy."

#### Pursuit of antimarket purity dooms alternative to irrelevancy – alienates potential allies and assumes non-market economics wouldn’t oppress.

Julie **NELSON** Global Development and Environment @ Tufts **‘6** *Economics for Humans* p. 37-40

Problems with the Market-Critic Prescriptions

At the end of the last chapter, I brought up evidence of poverty and corporate abuses that raise questions about the adequacy of the probusiness, free-market prescription for curing social ills. Do the prescriptions of the market critics for “small is beautiful/’“government to the rescue,” or “separate spheres” solutions give us grounds for more hope?

The “small is beautiful” prescription contains, of course, some truth. It is true that acting ethically is a more complicated process the larger and more complex the level of organization involved. Likewise, the “government to the rescue” advocates make some good points. It is easier for any one company to do the right thing if there is public pressure on all companies to do the right thing, and a government regulation can be a good tool for applying such pressure. On an even larger scale, international public agreements may be the only hope for addressing global climate change issues. These are far too big for any one nation, let alone one company, to take on. And there is some truth in the “separate spheres” view. There are some social welfare problems for which private, market solutions don’t work. Care for people who are poor and ill or otherwise needy cannot be provided on a purely market basis. The funds have to come from somewhere other than the “consumers” of the services. Public or private nonprofit allocations of money are necessary.

But while the values held in high regard by market critics are praiseworthy, and the prescriptions contain partial truths, I find the prescribed solutions lacking when held up to criteria of realism and effectiveness. Sometimes the proposed solutions could cause real damage.

A first problem is that these views tend to assume not only that the market sphere is driven exclusively by self-interest, but that self-interest is exclusive to the market sphere. They often seem to assume that if an organization is small, or nonprofit, or governmental, then non-self-interested motivations can be trusted to take over. We should consider the evidence on this.

Families, for example, are very small nonprofit organizations, presumably governed by interests of love and intimacy (as in the Victorian image).The newspaper reminds us daily, however, that families can also be characterized by domination and abuse, even violence. Sometimes being in a small-scale organization just means being under the thumb of a small-scale oppressor.

Community organizing is a great way to bring a group together to work on issues of social concern and to create opportunities for activism. Community organizing was very effective in South Boston in the 1970s, for instance, when big community demonstrations were organized to fight racial integration of the local public schools. Sometimes community groups carry out agendas of racism. And it is not uncommon for community activists motivated by not-in-my-backyard sentiments to try to push undesirable projects off on some other community. Communities, like individuals, can act in purely self-interested ways.

Nonprofit and religious organizations can bring people together to work for goals other than profit.The Boston diocese of the Catholic Church, for example, is legally not allowed to be motivated by profit. It was the maintenance of its own institutional hierarchies and reputation that motivated it to quietly move priests who sexually abused children from one parish to another, thereby supplying the abusers with fresh victims. Nonprofit institutions—even those ostensibly concerned with maintaining moral and spiritual values—are not immune to evil.

In an era of suspicious elections, campaign finance fiascos, and powerful lobbyists, one has to be naive in the extreme to believe that governments can be trusted to automatically or naturally work for the common good.

Appeals to small communities, nonprofits, or governments to take over economic activities “in the public interest” seem to me to bring in a deus ex machina solution.Yes, it would be nice if it worked. But how do we know that those selfish motivations critics assume drive the market are not also going to show up in families, community organizations, nonprofits, and the state?

A second problem with these views is that they largely pull the rug out from under their own noble drives. Because money and power are associated with greed and oppression, money and power are treated as inherently morally suspect. People who possess these, such as corporate executives who might be willing to engage in ethical discussion (if given the chance), are labeled as the evil “them,” separated by a large gulf from the moral “us.” Thus, potential allies and power bases are eliminated. This aversion to money and power has, I believe, been especially damaging to the sectors of the economy in which hands-on care is provided to children, the sick, and the elderly. Remember this poster: “It will be a great day when the schools have all the money they need and the air force has to hold a bake sale to buy a bomber”? How true. But the antimoney ideology reinforces exactly the bake-sale, nickel-and-dime mentality for human services that that poster decried. The damage this attitude has inflicted on caring work will be taken up further when I look at issues of money and motivations in chapter 4. A third problem is that, even if the prescriptions given by market critics were viable once put in place, there would still remain the problem of getting there. The massive promarket tide now flooding the United States and global institutions presents an intimidating reality check. The “small is beautiful” view tells us that we must have a massive economic restructuring— the thorough destruction of large corporations as a form of economic organization—before we can really be human in our economic lives. This would require a gargantuan change— larger, perhaps, than the Industrial Revolution and the rise and fall of Communism combined. If, on the other hand, we hope to be rescued by the rise of powerful, purely public-spirited interventionist governments, the current political climate makes it look like we may be waiting a very long time. Every step toward wresting control away from those with money and power will, market critics correctly perceive, be resisted by those with money and power.

Some people enjoy tilting at the economic machine—or at windmills, like Don Quixote in his hopeless crusades. In fact, I admire the spirit of people who keep to their praiseworthy, treasured values against all odds. But what if the futures envisioned by market critics, visions that tend to seesaw between the utopian and apocalyptic, are not the only options? What if the proposed solutions are unsatisfactory because the market critics have, unfortunately, combined good values with erroneous “facts” about what an economy is?

#### The aff causes backlash, causes environmental destruction, and transition wars.

Karlsson 21 – (Rasmus, "Learning in the Anthropocene" Soc. Sci. 10, no. 6: 233. <https://doi.org/10.3390/socsci10060233> 18 June 2021)// gcd

Unpacking this argument, it is perhaps useful to first recognize that, stable as the Holocene may have seemed from a human perspective, life was always vulnerable to a number of cosmic risks, such as bolide collisions, risks that only advanced technologies can mitigate. Similarly, the Black Death of the 14th century should serve as a powerful reminder of the extreme vulnerability of pre-industrial societies at a microbiological level. Nevertheless, it is reasonable to think of the Holocene as providing a relatively stable baseline against which the ecological effects of technological interventions could hypothetically be evaluated. With most human activities being distinctively local, nature would for the most part “bounce back” (even if the deforestation of the Mediterranean basin during the Roman period is an example of that not always being the case) while larger geophysical processes, such as the carbon cycle, remained entirely beyond human intentional control. Even if there has been some debate about what influence human activities had on the preindustrial climate (Ruddiman 2007), anthropogenic forcing was in any case both marginal and gradual. All this changed with the onset of the Great Acceleration by which humans came to overwhelm the great forces of nature, causing untold damage to fragile ecosystems and habitats everywhere, forever altering the trajectory of life on the planet (Steffen et al. 2011b). In a grander perspective, humanity may one day become an interplanetary species and thus instrumental in safeguarding the long-term existence of biological life, but for the moment, its impact is ethically dubious at best as the glaciers melt, the oceans fill up with plastics, and vast number of species are driven to extinction. Faced with these grim realities, it is of course not surprising that the first impulse is to seek to restore some kind primordial harmony and restrain human activities. Yet, it is important to acknowledge that, even if their aggregate impact may have been within the pattern of Holocene variability, pre-modern Western agricultural societies were hardly “sustainable” in any meaningful sense. Experiencing permanent scarcity, violent conflict was endemic (Gat 2013), and as much as some contemporary academics like to attribute all evils to “capitalism” (Malm 2016), pre-capitalist societies exhibited no shortage of religious intolerance and other forms of social domination. It is thus not surprising that some have argued the need to reverse the civilizational arc further yet and return to a preliterate hunter-gather existence (Zerzan 2008) even if this, obviously, has very little to do with existing political realities and social formations. Under Holocene conditions, the short-term human tragedy may have been the same, but it did not undermine the long-term ability of the planet to support life. In a world of eight billion people, already accumulated emissions in the atmosphere have committed the planet to significant warming under the coming centuries, with an increasing probability that committed warming already exceeds the 1.5-degree target of the Paris Agreement even if all fossil-fuel emissions were to stop today (Mauritsen and Pincus 2017). This means that sustained negative emissions, presumably in combination with SRM, will most likely be needed just to stabilize global temperatures, not to mentioning countering the flow of future emissions. According to the Intergovernmental Panel on Climate Change (IPCC), assuming that all the pledges submitted under the Paris Agreement are fulfilled, limiting warming to 1.5 degrees will still require negative emissions in the range of 100—1000 gigatons of CO2 (Hilaire et al. 2019, p. 190). The removal of carbon dioxide at gigaton scales from the atmosphere will presumably require the existence of an advanced industrial society since low-tech options, such as afforestation, will be of limited use (Gundersen et al. 2021; Seddon et al. 2020), especially in a future of competing land-uses. It is against this backdrop of worsening climate harms that the limits of “precaution”, at least as conventionally understood, become apparent. While degrowth advocates tend to insist that behavioral change, even explicitly betting on a “social miracle” (Kallis 2019, p. 195), is always preferable to any technological risk-taking (Heikkurinen 2018), that overlooks both the scope of the sustainability challenge and the lack of public consent to any sufficiently radical political project (Buch-Hansen 2018). While there may be growing willingness to pay for, say, an electric vehicle (Hulshof and Mulder 2020), giving up private automobile use altogether is obviously a different animal, to say nothing about a more fundamental rematerialization of the economy (Hausknost 2020). Again, the problem is one in which change either (a) remains marginal yet ecologically insufficient or (b) becomes sufficiently radical yet provokes a strong political counterreaction. A similar dynamic can be expected to play out at the international level where countries that remain committed to growth would quickly gain a military advantage. To make matters worse, there is also a temporal element to this dynamic since any regime of frugality and localism would have to be policed indefinitely in order to prevent new unsustainable patterns of development from re-emerging later on. All this begs the obvious question, if the political and economic enforcement of the planetary boundaries are fraught with such political and social difficulties, would it not be better to instead try to transcend them through technological innovation? Surprisingly, any high-energy future would most likely be subject to many of the same motivational and psychological constraints that hinder a low-energy future. While history shows that existing nuclear technologies could in theory displace all fossil fuels and meet the most stringent climate targets (Qvist and Brook 2015), it seems extremely unlikely, to put it mildly, that thousands of new reactors will be built over the course of the coming decades in response to climate change. Outside the world of abstract computer modelling, real world psychological and cultural inertia tends to ensure that political decision-making, at least for the most part, gravitates to what is considered “reasonable” and “common sense”—such as medium emissions electricity grids in which wind and solar are backed by biomass and gas—rather than what any utilitarian optimization scenario may suggest. Even if the global benefits of climate stabilization would be immense, the standards by which local nuclear risks are assessed, as clearly illustrated by the Fukushima accident which led to a worldwide retreat from nuclear energy despite only causing one confirmed death (which, though obviously regrettable, has to be put in relation to the hundred and thousands of people dying every year from the use of fossil fuels), underscores the uneven distribution of perceived local risks versus global benefits and the associated problem of socio-political learning across spatial scales. Almost two decades ago, Ingolfur Blühdorn identified “simulative eco-politics” as a key strategy by which liberal democracies reconcile an ever-heightened rhetoric of environmental crisis with their simultaneous defense of the core principles of consumer capitalism (Blühdorn 2007). Since then, declarations that we only have “ten years to save the planet” have proliferated, and so have seemingly bold investments in renewable energy, most recently in the form of US President Joseph Biden’s USD 2.25 trillion climate and infrastructure plan. Still, without a meaningful commitment to either radical innovation or effective degrowth, it is difficult to see how the deployment of yet more wind turbines or the building of new highways will in any way be qualitatively different from what Blühdorn pertinently described as sustaining “what is known to be unsustainable” (Blühdorn 2007, p. 253). However, all is not lost in lieu of more authentic forms of eco-politics. Independent of political interventions, accelerating technological change, in particular with regard to computing and intelligent machine labor, may one day make large-scale precision manipulation of the physical world possible in ways that may solve many problems that today seem intractable (Dorr 2016). Similarly, breakthroughs in synthetic biology may hold the key to environmentally benign biofuels and carbon utilization technologies. Yet, all such progress remains hypothetical and uncertain for now. Given what is at stake, there is an obvious danger in submitting to naïve technological optimism. What is less commonly recognized is that naïve optimism with regard to the prospects of behavioral change may be equally dangerous. While late-capitalist affluence has enabled many postmaterial identities and behaviors, such as bicycling, hobby farming, and other forms of emancipatory self-expression, a collapsing economy could quickly lead to a reversal back to survivalist values, traditional hierarchical forms of domination, and violence (

Quilley 2011, p. 77). As such, it is far from obvious what actions would actually take the world as a whole closer to long-term sustainability. If sustainability could be achieved by a relatively modest reduction in consumption rates or behavioral changes, such as a ban on all leisure flights, then there would be a strong moral case for embracing degrowth. Yet, recognizing how farreaching measures in terms of population control and consumption restrictions that would be needed, the case quickly becomes more ambiguous. While traditional environmentalism may suggest that retreating from the global economy and adopting a low-tech lifestyle would increase resilience (Alexander and Yacoumis 2018), it may do very much the opposite by further fragmenting global efforts and slowing the pace of technological innovation. Without an orderly and functioning world trade system, local resources scarcities would be exacerbated, as seen most recently with the different disruptions to vaccine supply chains. In essence, given the lack of a stable Holocene baseline to revert to, it becomes more difficult to distinguish proactionary “risk-taking” from “precaution”, especially as many ecosystems have already been damaged beyond natural recovery. In this context, it is noteworthy that many of the technologies that can be expected to be most crucial for managing a period of prolonged overshoot (such as next-generation nuclear, engineering biology, large-scale carbon capture and SRM) are also ones that traditional environmentalism is most strongly opposed to. 3. Finding Indicators From the vantage point of the far-future, at least the kind depicted in the fictional universe of Star Trek, human evolution is a fairly straightforward affair along an Enlightenment trajectory by which ever greater instrumental capacity is matched by similar leaps in psychological maturity and expanding circles of moral concern. With the risk of sounding Panglossian, one may argue that the waning of interstate war in general and the fact that there has not been any major nuclear exchange in particular, does vindicate such an optimistic reading of history. While there will always be ups and downs, as long as the most disastrous outcomes are avoided, there will still be room for learning and gradual political accommodation. Taking such a longer view, it would nevertheless be strange if development was simply linear, that former oppressors would just accept moral responsibility or that calls for gender or racial justice would not lead to self-reinforcing cycles of conservative backlash and increasingly polarizing claims. Still, over the last couple of centuries, there is little doubt that human civilization has advanced significantly, both technologically and ethically (Pinker 2011), at least from a liberal and secular perspective. However, unless one subscribes to teleology, there is nothing inexorable with this development and, it may be that the ecological, social, and political obstacles are simply too great to ever allow for the creation of a Wellsian borderless world (Pedersen 2015) that would allow everyone to live a life free from material want and political domination. On the other hand, much environmental discourse tends to rush ahead in the opposite direction and treat the c limate crisis as ultimate evidence of humanity’s fallen nature when the counter-factual case, that it would be possible for a technological civilization to emerge without at some point endangering its biophysical foundations, would presumably be much less plausible. From an astrobiological perspective, it is easy to imagine how the atmospheric chemistry of a different planet would be more volatile and thus more vulnerable to the effects of industrial processes (Haqq-Misra and Baum 2009), leaving a shorter time window for mitigation. Nick Bostrom has explored this possibility of greater climate sensitivity further in his “vulnerable world hypothesis” (Bostrom 2019) and it begs to reason that mitigation efforts would be more focused in such a world. However, since climate response times are longer and sensitivity less pronounced, climate mitigation policies have become mired in culture and media politics (Newman et al. 2018) but also a statist logic (Karlsson 2018) by which it has become more important for states to focus on their own marginal emission reductions in the present rather than asking what technologies would be needed to stabilize the climate in a future where all people can live a modern life.

# 2NC

## Markets K

### AT ‘Competition’ Links

#### There is no rotten core to competition, as organizing the market through collective power can create socially beneficial power distribution. But, abdicating law as a tool for democratic control of market structure in favor of abstraction opens space for Chicago School 2.0 logic.

Paul 21 – (Sanjukta, Charting the Reform Path (September 27, 2021). Michigan Law Review, 2021, Available at SSRN: <https://ssrn.com/abstract=3931868> or [http://dx.doi.org/10.2139/ssrn.3931868](https://dx.doi.org/10.2139/ssrn.3931868))//gcd

In this view, real-world economic competition, channeled in socially beneficial ways, is a crucial element of a healthy economy that, at its best, spurs innovation and technological efficiency, and encourages us all to do our best. It ensures that both consumers and workers have reasonable outside options, creating a check on bureaucratic power. The existence of competition, in the sense of numerosity of decision-makers, also ensures some level of power distribution in the economy— though it is not sufficient to do so on its own. Block and Harris’ volume affirms these important values by encouraging a focus on market concentration, on oppressive contractual terms of various sorts, and on non-compete agreements and collusion among employers to suppress wages or limit worker mobility. But while competition is an important element of a healthy economy, it can never be the primary organizing principle for an economy. Instead, those organizing principles are supplied by us, collectively, in good part through our representative lawmakers. We can make different choices about the organizing principles, but we cannot choose to abdicate decision-making about how to structure markets altogether. The key is that law as a whole, and antitrust law itself, already makes decisions about what forms of economic coordination it will permit, prohibit, discourage, or encourage.78 It also makes decisions about the terms on which competition will proceed:79 will firms compete by aspiring to quality, technical efficiency, and being good to their customers and workers? Or will they compete by gobbling up other firms, by dominating counterparties and subjecting them to extractive contracts, and by imposing sweatshop wages and working conditions? There is no escaping these choices. Status quo antitrust law encourages economic coordination through powerful firms that are largely unaccountable to the public and are minimally constrained in their ability to impose terms on others. If we are going to replace that status quo with something else, we have to replace it with alternate, more democratic forms of economic coordination, and with fair competition—not just with competition in the abstract, and not just with limited or conditional democratic coordination as a “second best” to perfect competition. Inequality and the Labor Market is a valuable contribution to the rapidly evolving conversation about competition, labor markets, and antitrust. It is important to note that the analytical frameworks I have described in this Review are sometimes messy and overlapping; moreover, much of this overlap is likely to persist even in case of the methodological shifts I have tried to motivate here. Even now, there are some who theorize labor markets in terms of imperfect competition who also espouse or at least have sympathy for a legal-institutionalist or moral economy view of markets,80 while others may not. Constructing a new sort of law and economics is not an overnight project. Both tributaries of this interdisciplinary project are essential to it: one tending to emphasize the legal rules and institutional structures that form markets, the other tending to emphasize identifiable, emergent patterns of market dynamics that may arise across types of markets. The suggestion I make here is simply to caution against prematurely taking the precepts of neoclassical economic theory as primary, and as a stable and independent basis from which to derive the rules of law. Instead, I suggest that we re-center law within “law and economics.” The abstract ideal of competitive markets will not organize a market or an economy on its own. It will always invite tacit, ad hoc policy preferences—whether those preferences tend egalitarian and democratic, or inegalitarian and hierarchical—that cannot really be derived from its abstractions. Building an egalitarian and democratic policy program on top of this ideal is tempting because of its generality, its apparent neutrality, and its current epistemic prestige. But logically speaking, there is ultimately no avoiding institutional specificity and direct engagement with moral values, even if doing so requires bucking an intellectual paradigm that can seem inescapable. We may as well get to the task sooner than later.

#### Role of the intellectual is a cop-out – we need to pragmatically test genealogical diagnoses and the effectiveness of solutions.

Hub ZWART Philosophy @ Nijmegen **‘**2 in Pragmatist Ethics for a Technological Culture eds. Keulartz et al. p. 38-40

In order words, Foucault's philosophy may be regarded as "French pragmatism" in the sense that it refrains from justifying itself by appealing to "foundations". But there are important differences as well. Rather than looking for tools that may help us to find solutions to certain problems, Foucault's philosophy tends to focus on the way we, under certain conditions, experience and articulate our "problems" as well as our "solutions". His tools allow us to come up with a diagnosis, rather than a solution. They are, in other words, closer to "screening" than to "treatment". And this is the kind of pragmatism I would refer too as philosophical rather than technical. Unlike philosophers who, as philosophers, can perhaps afford to reflect on chronic or acute problem situations from such a distance, most individuals will ask themselves how precisely they ought to handle the problems with which they are confronted. What should we, as moral agents or subjects, do in a certain situation? How are we to act? To put it differently: is a philosophy that restricts itself to a more or less "diagnostic" form of reflection and refuses to be of real assistance to troubled subjects, is such a philosophy of any relevance when dealing with contemporary issues - rather than with, for example, investigations into the history of ethics, medicine, or science? This is indeed a difficult question. In Foucault's case, it is never easy to understand precisely how his philosophical studies are linked to the choices and statements he made regarding the present, in interviews and other more informal genres, often of a radical nature. Yet, a connection can be discerned. By studying the conditions that allow certain problems and solutions, as well as certain principles and concepts to emerge, we may become more aware of the factors that actually guide our thoughts and actions in the present. And this may prepare us for making our own concrete choices with regard to the present (for example concerning political issues or personal quandaries), although these choices are never determined by our philosophical principles, nor can they be deduced from them or warranted by them. But if we accept this, there is still another problem to be dealt with. A concept like biopolitics is not a theoretical concept, as we have seen, at least not in the sense that it is well defined and ready to be applied to concrete situations. Rather it is a tool that allows us to perceive and structure the situation at hand in a certain manner. It may be helpful and effective, it may "work", but the functionality of our concepts does not imply that their validity is verified by "the facts". Rather, our concepts determine what we will regard and accept as "fact" and as "verification". For indeed, in the course of history, several forms of verification have emerged. The test for the usefulness of our concepts is, rather, a pragmatic one. We might, for example, try to use "biopolitics" rather than "practices of freedom" as a tool to analyze the present. It even seems appropriate to do so. Are we not experiencing the realization (at least in certain respects) of the biopolitical phantasies explored by Aldous Huxley in his novel Brave New World? Or, to use another one of Foucault's concepts, namely "panoptism": does not the Information Revolution constitute a realization (at least in certain respects) of the panoptico-phobic phantasies explored by George Orwell in his novel Nineteen Eighty-Four? Is Big Brother not already screening our electronic messages, monitoring our virtual explorations, and redefining our sense of time and space? In short, is Foucault's decision to replace concepts like "biopolitics" and "panopticism", which he used as his favorite philosophical tools in the seventies, by concepts like "practices of freedom" and "technologies of the self", which he relied on in his later work, not a very arbitrary one? I do not think so. Rather, this decision exemplifies the experimental nature of his writing. In his famous Introduction to the second part of The history of sexuality he explains how he had tried to frame his analysis of the discourse on sexual experience in terms of discipline and power. While doing so, however, it became clear to him that another, more basic, more urgent issue had to be addressed and that another, self-critical question had to be raised, namely: why is it that we so eagerly experience ourselves as subjects whose sexual desires are being repressed? What are the conditions that induce us to formulate this chronic complaint? What is it that keeps us from practicing and exploring our desires in an experimental manner? Tools like biopower and panoptism no longer proved useful or functional to answer these questions. But it is of course admissible to disagree. And should we disagree, let nothing keep us from trying to use these tools, to adhere to these concepts in analyzing the present ourselves.