## K

### k – economics

#### Reducing life to existing economic markers disavows the really-existing labor such as care and nurturing which aren’t given an economic valuation. Such a masculine measure of economics epistemically guarantees their predictions are false while sustaining exploitation and violence against women.

Roberts 15

(Adrienne Roberts is Lecturer in International Politics at the University of Manchester. (2015) Gender, Financial Deepening and the Production of Embodied Finance: Towards a Critical Feminist Analysis, Global Society, 29:1, 107-127, DOI: 10.1080/13600826.2014.975189, JKS)

Theorising Finance as Gendered and Embodied The centrality of bodies to economic processes is a basic ontological premise that underpins the great majority of feminist economics and feminist International Political Economy (IPE), though this is often implicit rather than explicit. Drawing on fem- inist and historical materialist scholarship, we can identify three theoretical entry points, or premises, that are useful for thinking about both the inherently embodied nature of finance and the specific ways in which TBF agendas work to produce, or at times to disappear, bodies. The first premise is that all economies, including financial economies, are constituted by productive and reproductive labour, including the labour associated with biological reproduction. Insofar as many of the projects associ- ated with TBF remove from view the vast amounts of labour linked to social reproduction, they intensify the demands placed on women as workers and nurturers. The second premise is that we are witnessing the increasing “financialisation of social reproduction”, which is contributing to the commodification of women’s bodily capacities as they are projected as “untapped resources” in need of exploitation by (Western) capital. The third premise is that financial deepening contributes to the differential production of bodies, which includes the production of differences between bodies that stem from the differential valuation of their labour (the valuation of paid above unpaid, productive above reproductive, etc.). The production of differ- ence also takes shape here through processes that work to ostensibly erase the bodies of financial consumers in the Global North (i.e. through “abstract” assessments of risk) while actively producing financial consumers in the Global South as “people of the body” who make good investments precisely because of their association with maternalism. I will elaborate each of these in turn. (1) Economies are constituted by productive and reproductive labour, including the labour associated with biological reproduction. The first theoretical entry point is based on the observation first made by socialist feminists in the 1970s and 1980s that the economy is constituted by the social relations of labour that are involved in the production and exchange of commod- ities and the meeting of human needs on a daily and generational basis.8 These latter forms of labour are now more commonly described as “social reproduction”, which has a distinctly embodied dimension as it includes the work associated with: (a) biological reproduction (including social constructions of motherhood); (b) the reproduction, socialisation and education of the labour force; and (c) the reproduc- tion and provisioning of care.9 This work is linked to historically specific ideals regarding the gendered division of labour that feminise the (paid and unpaid) work of social reproduction and contribute to its devaluation.10 Given that finance is deeply connected to other forms of production and exchange, it should also be seen as structurally linked to labouring bodies, as well as to the mothering and caring bodies that together perform the productive and reproductive labour underpinning accumulation in capitalist societies. Most mainstream economics would reject this view of finance, as finance tends to be treated as an objective (and pseudo-scientific) tool that is used to allocate assets and liabilities across time. Bodies, as bearers of productive and reproductive labour, do not generally appear at all, though an abstract figure of homo oeconomicus does figure into the analysis. In this andocentric model, homo oeconomicus is presumed to represent all people, appearing as both disembodied and socially disembedded. Feminist economists have called this the “separative-self model”, as it abstracts the utility-maximizing rational actor away from all other social forms and leaves little to no room for considering non-maximizing behaviour and motivations (i.e., love, nurture, altruism, etc.).11 Yet, in the process of removing the material body from economic analysis, it simultaneously works to devalue the bodies of those tradition- ally associated with “non-rational” and “emotional” behaviour, which have historically included the poor, women and non-European “others”.12 What is particularly interesting when using this lens to look at the gender dis- courses of TBF is that while it tends to adhere to a neoclassical view of markets as coordinating mechanisms that are fundamentally disembodied and gender- neutral, it also draws on a historically constructed view of female economic actors as mothering and nurturing. That is, the body reappears here as women’s higher aversion to risk and greater likelihood to invest in their children is natura- lised, and implicitly linked to their (socio-)biological role as mothers. Yet, as I will further evidence in the third section, this does not lead the proponents of TBF to see markets as inherently gendered, but rather, gender continues to be externalised from broader economic processes. (2) The “financialisation of social reproduction” is rendering women’s bodies particularly susceptible to processes of commodification and exploitation A second theoretical entry point for thinking about the relationship between finance, gender and bodies has been opened up by recent writing on what we might refer to as “the financialisation of social reproduction”, by which I mean the mediation of social reproduction through financial markets and interest- paying financial transactions.13 For instance, it has been well documented in the academic and policy literature that finance has become increasingly important in mediating the social relations of housing (i.e. through privatised and securitised mortgage financing), forms of consumption (i.e. by using credit cards to pay for food), education (i.e. though student loans and, in the US, loans to pay for all levels of schooling), security in old age (i.e. through the privatisation of pension plans), and so on.14 In one of the clearest theoretical engagements with this trend, Bryan, Martin and Rafferty point out that the linking of financial circuits of accumulation to the reproduction of labour—though interest payments made on credit used to buy the commodities necessary for reproduction and other means—is helping to reconstitute labour as a form of capital.15 Although very little of this literature deploys a gender analysis or uses a frame- work of social reproduction per se, it is important in offering empirical evidence regarding the ways in which social reproduction, which has always been structu- rally linked to the accumulation of capital, is increasingly being structurally linked to finance. Given women’s positioning at the crossroads of production and social reproduction, it is therefore rather unsurprising that women’s bodies are increasingly being framed as “untapped resources” that offer potential profits to financial and other firms.

#### Mainstream economics is structured by Homo economicus, which is dependent on detached and gendered notions of economic agency

Hagengruber 16

(Ruth, University of Paderborn, Springer International Publishing Switzerland 2016 171 M.C. Amoretti and N. Vassallo (eds.), Meta-Philosophical Reflection on Feminist Philosophies of Science, Boston Studies in the Philosophy and History of Science 317, DOI 10.1007/978-3-319-26348-9\_10, JKS)

The science of economics conceptualizes itself as a value-free and universal methodical approach used to describe self-interested actions by the agents in a market, which is defined as a place for the exchange of goods. The description of this process does not need to include values or evaluative standpoints, however it does not deny that economic agency is restricted and shaped by normative topics. A Jewish society differs from the action parameters of a Moslem society, this from a Buddhist, a Confucian and a Christian one, and so on. Science itself is not bothered by these preconditions. For the different societies it is true that women are not equally present, neither as producers of economic output nor as economic agents. Women are excluded as agents in the market and thus excluded from the relevant positioning of their interests (Strassmann 1997: viii). The sheer fact that women are not visible within the different economic realms is not problematized within the systems themselves. The fact of their absence and the inferior valuation of their contribution to the Gross National Products worldwide is taken to be a result of their lack of participation and a consequence of women’s role in society, stereotyping them into activities which are not regarded as being a part of economic productivity. Nonetheless, the rational economic agent is perceived to be gender-neutral (Ferber and Nelson 2003; Strassmann 1993; Justman 1996). The homo oeconomicus is a preference-selecting person, an autonomous individual acting in abstract circumstances, “in society without being influenced by society,” and acting in an “ideal market” without realizing the ostracisms and segregations that shape this market (Nelson 1995). Although economic science claims that the homo oeconomicus is a universal model of economic action, it regards the predicates of autonomy and context-free action capacity as particularly masculine and is convinced that these concepts are justifiably dominant over culturally feminine predicates, like interde- pendency, interconnectivity and concreteness. Albeit the economic man is predi- cated as a universal one, it is a particular identity, built upon exploitation and discrimination (Barker and Kuiper 2003: 9). Cultural organization has placed one at the market place, the other in the house. Often these two kinds of activities are presented as being opposite. When they are designed to be complementary, this is not relevant for the market. The assumption of perfect competition in the market turns out to be irrelevant for the comple- mentary activities of the gendered production endeavors. On the contrary, the market is a male segregation locus, supported by women and caregivers, who provide important labor to support the productivity in the market (Waring 1988: 14). Mainstream economics presents itself as a result of abstract, free and independent individual actions and ignores the fact that its categories depend on the cultural contexts and social norms which comprise a nation, with religion shaping the determining conditions and traits on the paths which economics has developed and has not overcome but confirmed. It ignores the fact that its knowledge belongs to epistemic communities (Strassmann 1993; Longino 1993; Nelson 1993). Preference economics has disregarded important elements that influence the eco- nomic process, shape preferences and thus lead to a tautology of self-confirming effectiveness (Hagengruber 2000). Elementary economic principles that should guarantee the transparency of action, equal access to the market, preference for the best, are ignored and even contradicted by this practice. These kinds of social patterns are realized in preference and utility-functions and deepen the traps of cultural backgrounds. Choice theory is built upon tautology and a consequentialist attitude (Dunleavy 1991; Seiz 1999). This way, economic actions perpetuate segregation habits, allowing the maximum benefit from this kind of oppression and segregation (McCloskey 1998). Stating that these kinds of values enter into eco- nomic analysis, as every choice is the expression of personal value, the value judgments in all aspects of economics must be considered (van Staveren 2007). There are elementary parts in economic theory which are inherently qualitative. Economics, like any science, is referring to social constructions that shape its theory (Nelson 1995). The aim of feminist research on economic concepts is thus to identify these social and cultural constructions that privilege male interpretations of economic issues, identifying where these forms of dominance and subjection tend to devaluate women in the economic realm (Power 2004). The market is dependent on provisioning activities which are not part of itself. These are gendered social activities, performed mostly in favor of the male of the house and performed by the females. The sex-segregating labor implies the per- formance of domestic work, care work, subsistence work such as that of the male dependent worker, with unpaid or lower paid labor and even “voluntary” work, often connected to personal and emotional interaction. This social provisional work —although necessary and also acknowledged as such—has presented a challenge to mainstream economics as the traditional image of the economic man is shaped as the autonomous and self-interested individual. Consequently, the thus constituted homo economics negated this provisional work as a market relevant action, as neoclassic economics did in demarcation to classic and ancient economics. Although provisional labor is a substantial and necessary part of every market participation and participant, it is excluded as fact-relevant labor and not counted as a relevant input for the homo oeconomicus to present himself in the market.

### Blockchain Links

#### Blockchain algorithmically encodes assumptions of universal, disembodied, self-interested rationality and renders infrastructural caring labor invisible. So called “beneficial” applications of blockchain inextricable from the patriarchal context from which they emerge -- “utopianism” applies *more* to the turns than the alt.

Allon 18 – (Fiona, Money after Blockchain: Gold, Decentralised Politics and the New Libertarianism, Australian Feminist Studies, 33:96, 223-243, DOI: 10.1080/08164649.2018.1517245)//gcd

With distributed ledger technologies such as blockchain now considered to be central to a new ‘smart social contract’ it is worth recalling Pateman’s (1989) work on the ‘sexual contract’. Pateman questioned the supposed universality of the social contract in liberal representative democracy and the ‘rights’ it guaranteed to all citizens, showing instead its tacit patriarchal character and history. The abstract, universalised category of the individual that appears so prominently in liberalism and its libertarian variations was, she suggested, always already gendered male, unable to be fully disentangled from the values of the patriarchal political tradition in which it first appeared. Pateman pointed to the patriarchal character of a number of ostensibly universal categories (the ‘individual’, ‘civil society’, ‘the public’) – a critique that is invaluable for thinking beyond the abstract individual invoked by blockchain-based technologies and the politically neutral and ‘trustless’ democratic order they supposedly constitute. The specific subjectivity that has actually been algorithmically predetermined by such systems reflects, all too often, an autonomous individual motivated solely by self-interest. Blockchain start-ups, as O’Dwyer (2015) notes, frequently proceed from ‘a perspective that already presumes a neoliberal subject and an economic mode of governance in the face of social/and or political problems’. Ultimately, developing payment systems that are beyond state authority does little to deconstruct or transform gendered forms of social power that underpin the body politic and its monetary and financial systems. The hyperindividualist, hypermasculinist rhetoric that can be found in cryptocurrency markets confirms that simply removing the state’s presence from a set of economic processes that have been transposed into a new technical register does not automatically challenge other more long-standing structural inequalities or systems of power. Moreover, the libertarian, anti-statist ideologies that animate much interest in the potential of distributed ledger technologies to produce an alternative economic order are far from anti-capitalist. To the contrary, the blockchain is frequently discussed in utopian terms as the next stage in an evolutionary history of capitalism, one that is, without the encumbrance of the state, now vastly more advanced and efficient (Golumbia 2016; Redshaw 2017; Swartz 2017). At the same time, blockchain-based technologies can also support alternative forms of cooperative organisation shaped not by the abstract, universalised sameness foundational to civil society and the state but by very specific agendas attuned to articulating particular forms of difference traditionally excluded by liberal modernity and not currently recognised or validated by mainstream political and economic systems. Blockchain experiments with ‘programmable money’, or money designed with specific attributes such as purpose, expiry date and community of approved use, likewise challenge centralised state-based structures of money creation and the increasingly anachronistic understanding of money simply as a means of transferring value. Initiatives such as FairCoop and the Economic Space Agency moreover seek to develop what Massumi (2017, 39) describes as ‘collective economies based on notions of the common rather than private property’, strategically using the distributed computing potential of blockchain to create different forms of social and political organisation and cooperation.12 Although distributed ledger technology can clearly be taken in very different directions, a number of problems arise simply because of the way in which the technology is commonly conceptualised. In contrast to the familiar maxim that money is a social relation, much of the discussion about blockchain focuses on the way in which the technology turns this idea upside down and inside out, removing social relations, politics, trust, faith etc. and delegating these functions to the network itself. In this sense, as Zimmer (2017, 312) argues, ‘Bitcoin is anti-social in the most materialist sense: it seeks to engineer away the problem of the social in currency’. However, this kind of analysis misses the day-to-day reality of the cryptocurrency and simply, as Dodd (2018, 45) points out, ‘replicates the ideology behind it’. This is an important point. For although Bitcoin may indeed be ‘anti-social’ from one perspective, it cannot avoid being resolutely embedded in and animated by sociality in every dimension of its socio-technical manifestation. Technical systems may well try to erase social relations but they inevitably reproduce the context that governs their development and constitution. And as Dodd shows, contrary to the claims of distributed governance and decentralisation, in its actual operation the system displays a high degree of political hierarchy, social structure and centralisation, ‘massively favouring those with more processing power’ (2018, 46). The blockchain therefore not only reproduces, but also in many instances intensifies inequities of wealth, power and privilege. Contrary to the dis-intermediation called for by the original Bitcoin white paper, transactions have become re-centralised in a number of ways, particularly through wallets and exchanges. But perhaps the greatest irony is that the overriding interest in Bitcoin is now not so much as money but as a speculative financial asset, in other words, as property (Swartz 2018, 644). And as a financial asset (or store of value), Bitcoin, as Dodd (2018, 44) points out, ‘has the potential not only to rival but to surpass gold’. Middle class families (just like the Mandibles) want to secure their future financial security through the accumulation of both bitcoin and bullion. Since the financial crisis, there has been renewed interest in the gold standard, and in gold as an investment. This has tracked alongside curiosity about cryptocurrencies for similar wealth creation opportunities, with both kinds of ‘assets’ promising to provide certainty, stability and security in a hostile and untrustworthy world. Not coincidentally, both gold and Bitcoin vending machines are now appearing in major cities around the world. In this way, white normativity, middle class property and fantasies of stable, fundamental value interlock yet again. Conclusion In ‘Ledgers and Law in the Blockchain’, Quinn du Pont and Bill Maurer suggest that blockchain systems force a reappraisal of two of the basic apparatuses of modernity: the ledger and the contract, devices which ‘have worked in tandem to structure and interpellate human relationships creating “Man” [sic] itself’ (2015, 4). Du Pont and Mauer argue that, essentially, the blockchain continues an ancient function, that of record-keeping and managing uncertainty. And as their short history of other similar, older technologies demonstrates, the social contexts in which these apparatuses arise are never entirely erased from the technology but rather get fully inscribed in it. Although du Pont and Maurer do not specifically mention gender, other than indirectly through their pointed scare quotes, it is worth highlighting here that this social context is also unavoidably gendered, a messy, complicated part of the social system which also gets embedded and reproduced. The blockchain is without a doubt a novel technology that has the capacity to transform the way we use money and engage in contractual relations. But the implementation of new technologies is never just a technical question that takes place within a vacuum; it is resolutely social and political. Blockchain futurists rarely acknowledge the ‘infrastructural care work’ that goes on behind the scenes, the often invisible, boring and gendered work of developing and maintaining technological systems, testing software and writing code, the ‘everyday mundane work that maintains these infrastructures day after day’ (Swartz 2017, 101). Market mechanisms, similarly, do not appear spontaneously, as if out of thin air, but emerge within and are dependent on resources, materials, money, regulations and dense layers of social, institutional and political negotiation that comprise their hidden histories. Financial institutions, banks and large corporations have recognised the distributed ledger technology as a profitable way of moving value around the financial system at fast-speeds and with lower costs, and are investing large sums of money to develop applications that suit their interests. Activist groups, meanwhile, are using the technology to develop peer-to-peer sharing economies. In both instances there is a somewhat utopian faith in the ability of technology to override deeply entrenched structural inequalities and obdurate forms of social power. But can they be so easily eliminated and will the future be able to so seamlessly disentangle itself from the past? ‘Digital metallism’ (Maurer, Nelms, and Swartz 2013) illustrates that even the most radical dreams of futurity are often built on the most conservative of materials, in this instance, gold, that most conservative of metals. In some ways, Hayek’s vision has actually come to fruition, as there are now hundreds of cryptocurrencies in circulation. The banking industry is investigating the possibility of developing cryptocurrencies as viable forms of state currencies, central bank cryptocurrencies (CBCCs). This paradoxical development foregrounds the fundamental question of whether decentralisation in a technical system necessarily results in the decentralisation of power in ways that are expected (O’Dwyer 2017; Reijers and Coeckelbergh 2018). More to the point, given the new libertarianism of contemporary platform capitalism, a completely decentralised future may not necessarily be the one to want. The discursive practices that attend representations of gold invariably take very specific gendered and racialised forms. Whenever metallic analogies are drawn for blockchainbased cryptocurrencies such as Bitcoin, and whenever their use is associated with claims to the stability of value long represented by gold, this gendered and racialised history is inevitably reproduced. At a time when uncertainty is the general horizon of social and economic life, blockchain technologies promise a new algorithmically-based form of verifiable certainty, permanently rendered in cryptographic code. By providing new ways to exchange value directly between two or more parties, without the mediation of the state or other intermediaries, these technologies can support alternative forms of (non-patriarchal) social and political organisation. However, not only do libertarian fantasies of non-negotiable stable value return with such visions of technological certainty, it is an illusion to think that the abstract, pseudo-anonymous individual coded by algorithmic technologies can be completely free of gendered forms of social power or politically neutral. Gendered social contexts are inscribed in these technologies and can never be fully erased from their use. With the blockchain intersectional factors such as gender, race and class may be irrelevant for establishing one’s transactional identity, potentially removing the kinds of discrimination that have attended the money forms of the past. But, at the same time, an equally longstanding feature of such money forms, the model of the atomised competitive individual, often remains intransigently at the basis of blockchain systems.

### Environment link/Extinction RC

#### Environmental management is underpinned by patriarchal relations to nature. The very concept of environmental extinction is intrinsic to gendered conceptions of humanity and conservation.

Mitchell 15

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Extinction and mass extinction are complex phenomena that entangle multiple dimensions of life, ethics, politics, economics and art. But how do they relate to gender and sexuality? A few months ago, I was asked to write a chapter for a textbook on gender and nature that would address this question. This was a welcome and stimulating challenge, which gave me the opportunity to dig more deeply into the crossings between feminism, gender studies, queer theory and studies of extinction – fields which are connected in multiple, sometimes not-so-obvious ways. In many ways, this is a project of bridging, extending and teasing out resonances between literatures. Decades of eco-feminisms, feminist environmentalisms and environmental feminisms have produced rich discussions on the relationships between gender sexuality and the ecosphere. However, with the notable exception of Claire Colebrook, very few scholars of gender and queer theory have engaged directly with extinction. The concept does appear in eco-feminist works, but it is almost always invoked rhetorically, as an opaque worst case scenario used to underscore the enormity of destructive power structures and relations. In these discourses (like many others), the concept of extinction is something of a black box, and it most often treated as a non sequitur: it is assumed to mean “the death of every member of a species”, and there is rarely discussion of its many other dimensions, relations and implications. At the same time, emerging work in the humanities on extinction and mass extinction holds great potential for exploring the links between gender, sexuality, survival and extinction that can be nurtured further. Reflecting on the connections between these fields is not only a promising way of theorising extinction in a more robust and plural way, but it can also contribute to feminist, gender and queer scholarship in rich ways. To this end, I’ve tried to tease out some of the most potent intersections between these fields, bringing them into direct confrontation with extinction, and with existing modes of response to it. Here are a few of the nodes that I think have great potential for further development. Feminist critiques of neo-liberal conservation One of the most integral arguments within ecological feminisms is that patriarchal, extractive logics underpin the destruction of ‘nature’. Carolyn Merchant popularized this argument by tracing the roots of the current ecological crisis to the scientific revolution and the rise of capitalism in the early modern period of European history. For Merchant, the transition from a belief system in which the Earth was understood to be a living ‘mother’ to one in which it was refigured as a passive female body removed constraints on destructive activity. From this perspective, the logics and resulting cultures of extractive patriarchy underpin destructive relations between humans and the Earth. Subsequently, authors such as Kay Warren and Val Plumwood have argued that the converse is also true. That is, that the separation of ‘man’ and ‘Earth’ entrenches relations of superiority, subordination and instrumentality that have helped to sustain oppressive gender categories – along with other exclusive categories such as race and species (see the work of Greta Gaard on this subject). These arguments provide an important basis for critiquing dominant political framings of and responses to extinction and prospect of mass extinction, in particular neoliberal logics of conservation. They suggest that the androcentric, extractive logics that gave rise to early capitalism undergird human activities that may lead to extinction. Yet, as Sian Sullivan’s excellent work attests to, the very same logics of accumulation, extraction and financialization are central to contemporary conservation efforts. In fact, since the inception of the term ‘biodiversity’ in the late 1980s, conservationists have sought to incentivize the protection of diverse life forms by emphasizing their resource value. In these discourses, even non-monetary forms of value – for instance, spiritual, scientific or aesthetic value – are treated as dwindling resources. Conservation, in this context, is framed as a means of accumulating, securing and managing capital in the hopes of a future profit. This logic has become particularly pronounced in discourses of ‘ecosystems services’, which attempt to re-evaluate ecosystems in terms of the ‘free’ services they provide to economies, and incentivise forms of development based on leveraging this ‘capital’. Ecological feminist arguments focus attention on the cultures, norms and logics that underpin destructive human activity. They also historicize the convergence of the rise of capitalist economic organization, modern patriarchy, the separation of ‘humans’ and ‘nature’ and cultural frameworks that produce the destruction of ecosystems. This line of analysis helps to identify how neoliberal forms of conservation that understand ‘biodiversity’ in terms of capital and resources, in the nature of creative/destructive flows of capital, propel the exact same forces they resist. As a result, extinction is becoming an important propellor of neo-liberal capitalism. So, existing discourses and practices around extinction and the ‘management’ of biodiversity need to be understood as being enfolded in the processes of capitalism, sometimes quite literally. Emerging financial instruments such as ‘biodiversity banking’ and biodiversity derivatives epitomize this framing, but it is also reflected in the broader language and political economy of conservation. By highlighting the historicity, continuities and transformations of the central logics of capitalism and its embeddedness in relations of hierarchy, feminist critiques have an important role to play in re-thinking dominant frames of extinction and the commodification of biodiversity.

### Leadership Link

#### “Global leadership” is code for masculine protection. The aff is the benevolent masculine protector who attempts to save feminized groups from insecurity, which requires women to forfeit autonomy to gain protection.

Young 03

(Iris Marion, Department of Political Science University of Chicago, The Logic of Masculinist Protection: Reflections on the Current Security State, Signs: Journal of Women in Culture and Society 2003, vol. 29, no. 1], pgs 4-5, JKS)

The logic of masculinist protection contrasts with a model of masculinity assumed by much feminist theory, of masculinity as self-consciously dominative. On the male domination model, masculine men wish to mas- ter women sexually for the sake of their own gratification and to have the pleasures of domination. They bond with other men in comradely male settings that give them specific benefits from which they exclude women, and they harass women in order to enforce this exclusion and maintain their superiority (MacKinnon 1987; May 1998, chaps. 4–6).¶ This image of the selfish, aggressive, dominative man who desires sexual capture of women corresponds to much about male-dominated institutions and the behavior of many men within them. For my purposes in this essay, however, it is important to recall another apparently more benign image of masculinity, one more associated with ideas of chivalry. In this latter image, real men are neither selfish nor do they seek to enslave or overpower others for the sake of enhancing themselves. Instead, the gallantly masculine man is loving and self-sacrificing, especially in relation to women. He faces the world’s difficulties and dangers in order to shield women from harm and allow them to pursue elevating and decorative arts. The role of this courageous, responsible, and virtuous man is that of a protector.¶ The “good” man is one who keeps vigilant watch over the safety of his family and readily risks himself in the face of threats from the outside in order to protect the subordinate members of his household. The logic of masculinist protection, then, includes the image of the selfish aggressor who wishes to invade the lord’s property and sexually conquer his women. These are the bad men. Good men can only appear in their goodness if we assume that lurking outside the warm familial walls are aggressors who wish to attack them. The dominative masculinity in this way constitutes protective masculinity as its other. The world out there is heartless and uncivilized, and the movements and motives of the men in it are unpredictable and difficult to discern. The protector must therefore take all precautions against these threats, remain watchful and suspicious, and be ready to fight and sacrifice for the sake of his ones (Elshtain 1987, 1992). Masculine protection is needed to make a home a haven.¶ Central to the logic of masculinist protection is the subordinate relation of those in the protected position. In return for male protection, the woman concedes critical distance from decision-making autonomy. When the household lives under a threat, there cannot be divided wills andS I G N S Autumn 2003 ❙ 5¶ arguments about who will do what, or what is the best course of action. The head of the household should decide what measures are necessary for the security of the people and property, and he gives the orders that they must follow if they and their relations are to remain safe. As Stiehm puts it: “The protector cannot achieve status simply through his accom- plishment, then. Because he has dependents he is as socially connected as one who is dependent. He is expected to provide for others. Often a protector tries to get help from and also control the lives of those he protects—in order to ‘better protect’ them” (1982, 372).¶ Feminine subordination, in this logic, does not constitute submission to a violent and overbearing bully. The feminine woman, rather, on this construction, adores her protector and happily defers to his judgment in return for the promise of security that he offers. She looks up to him with gratitude for his manliness and admiration for his willingness to face the dangers of the world for her sake. That he finds her worthy of such risks gives substance to her self. It is only fitting that she should minister to his needs and obey his dictates.¶ Hobbes is the great theorist of political power founded on a need and desire for protection. He depicts a state of nature in which people live in small families where all believe some of the others envy them and desire to enlarge themselves by stealing from or conquering them. As a conse- quence, everyone in this state of nature must live in a state of fear and insecurity, even when not immediately under attack. Households must live with the knowledge that outsiders might wish to attack them, espe- cially if they appear weak and vulnerable, so each must construct defensive fortresses and be on watch. It is only sensible, moreover, to conduct preemptive strikes against those who might wish to attack and to try to weaken them. But each knows that the others are likely to make defensive raids, which only adds to fear and insecurity. In Hobbes’s state of nature some people may be motivated by simple greed and desire for conquest and domination. In this state of nature everyone has reason to feel in- secure, however, not because all have these dominative motives but be- cause he or she is uncertain about who does and each person understands his or her own vulnerability.

### Extinction Link

#### The panic over potential threats to the nation is a form of masculine futurity which allows reproductive bodies to be regulated. Claims of utilitarianism justify the endless sacrifice of reproductive freedom in the name of the “greatest good.”

Petersen 15

(Kristin Petersen B.A., University of Southern California 2003 M.A. New York University 2008, A dissertation submitted to the Faculty of the James T. Laney School of Graduate Studies of Emory University in partial fulfillment of the requirements for the degree of Doctor of Philosophy in Women’s, Gender, and Sexuality Studies, The Logic of Futurity: Reproduction, Cultural Eugenics, and Contingencies of Women’s Citizenship in the Contemporary United States, Proquest, JKS)

Cultural theorist Ruth McElroy suggests, “Women’s belonging to nations is indissoluble from their reproductive biology” (325). For all that motherhood may be conceived as a private choice occurring in the supposedly private sphere, reproduction and motherhood are nonetheless public and political as well, and thoroughly entangled with women’s status as members of their nation. By virtue of their reproduction (or even lack thereof!), women can be constructed in cultural narratives and political scripts as contributors to society or threats to the national good, caretakers of the future who merit protection and support or wayward parents who must be disciplined back into the national fold, national maternal ideals or outsiders within. The state’s identification of and response to women as reproducers reflects the continuous processes of the politics of belonging, which “involve not only the maintenance and reproduction of the boundaries of the community of belonging by the hegemonic political powers...but also by their contestation, challenge and resistance by other political agents” (Yuval-Davis 20). We see these politics of belonging manifested not only discursively, but also in the policies and laws that protect or privilege some mothers and not others, some children, but not all. When anthropologists Faye Ginsburg and Rayna Rapp ask, “who defines the body of the nation into which the next generation is recruited? Who is considered to be in that national body, who is out of it?” (3), therefore, there is no one answer; rather, this is the question perpetually being asked and answered by political discourse and practice infused with the logic of futurity. The hopes and fears of the present political moment and the imaginative desires for the future are thus continually projected upon the bodies of women and their procreative capacities. Futurity, I suggest in this project, as a possibly inevitable perspective or worldview, allows for the state to focus on women as reproductive beings in a way that it does not for men. Following from Foucault’s explication of biopower, the modern state takes an interest in the workings and ostensible health of its populations, creating new knowledges and indices for the normal as it counts up the characteristics of its citizenry and sets goals for demographic management. While Foucault tends not to focus on the reproductive elements of the state’s biopolitical interest—for instance, the setting of ideal rates of fertility, health expectations for women and children, creation of access to the medical, economic, and social resources needed for reproduction—these are, I would argue, operations of the state that have potential for tremendous impacts upon women particularly. The other biopolitical interests of the state—appropriate number of workers, manageable immigration rates, proper ratio of elderly to young, and so on—are also all implicated in the procreative behaviors of women, which would seem to intensify the state’s interest in them. Brought into the broader framework of women’s political status and national belonging, reproduction in this context seems poised to function as an axis upon which the dispensation of women’s citizenship can pivot, with particular regard to her racial, economic, and social demographic and the state’s assessment of her (and her children’s) value to the national future. Penelope Deutscher suggests that through the emergence of biopower: Women would later assume a status as a reproductive threshold of the future and health of nations, populations and peoples. But the condition for this role for women and maternal reproductivity was the very possibility of reproduction being associated with a shifting field of possible substances, telos, outcomes and obligations: the overall good, the general happiness, the future of the nation, the health of the nation, the competitiveness of the nation, the future of the people, individual flourishing or freedom, individual rights, domestic happiness, the family unit as building block of the nation, the transmission of the bloodline, the family name, transmission of property or family or genealogical transmission, reproduction of the labour force, etc. That reproduction be plausibly thought of in such terms at all was a precondition of it becoming associated with women’s role as threshold of futurity. (Deutscher 129) The state’s biopolitical management of women’s reproduction may thus allow it to approach women primarily as reproductive beings, an essentalist or even utilitarian collapse that may make it easier to intervene upon their bodies and perhaps reflects a deeply ingrained discomfort with the notion that women have tremendous potential power to impact the composition of the future. In this project, I am proposing a framework of futurity that is in operation, characterized by discursive and eugenic aspects, that uses women as the vehicle for future world-building and nation-making. This futurity aims to enact particular visions of the future via changes in the present, particularly through the management of women’s reproduction in the present such that the future population comports with present desires. When this futurity framework is picked up by the state in its various capacities, I suggest there are significant consequences for women’s citizenship as women because they are so intrinsically linked in the cultural and political imaginary with reproduction. In the process of grappling with these concepts, this project asks how the logic of futurity functions to organize the terms of women’s social or political belonging in reproductive terms. How does the state pick up and extend this logic to women, and how might that impact the meaningfulness of women’s citizenship or national belonging? Does the logic of futurity, the constant pressure of the forward vision combined with the imaginative limitations of the present, insist upon women’s citizenship being or becoming something fundamentally different from men’s by virtue of reproductive capacity and association? Exploring these questions brings this project into several disciplinary contexts, including feminist theory and philosophy, political theory, disability theory (eugenics), and even the sphere of economics. In connecting these concepts to ongoing conversations about women and citizenship in the contemporary United States, this project is ultimately working to tie together disparate fields and illuminate how they interact with respect to a model of futurity that I theorize as containing discursive and eugenic aspects. It may be that state-based discourses and practices related to women’s reproduction and citizenship are not so much causes as they are effects of the logic of futurity.

### Impact – gender violence

#### Gender violence should be understood as being constitutive of the hegemonic projects that underwrite the affirmative.

Nayak and Suchland 06

(Meghana Nayak & Jennifer Suchland, Pace University and Southwestern University, (2006) Gender Violence And Hegemonic Projects, International Feminist Journal of Politics, 8:4, 467-485, DOI: 10.1080/14616740600945024, JKS)

For the purposes of this project, we define gender violence as systematic, institutionalized and/or programmatic violence (sexual, physical, psychological) that operates through the constructs of gender and often at the intersection of sexuality, race and national identity. Gender violence comprises the acts and practices that systematically target a person, group or community in order to dictate what ‘men’ and ‘women’ are supposed to be and to discipline marginalized communities or any other perceived threats to dominant political structures and practices. In addition, we fundamentally conceive of ‘gender violence’ as a contested concept that may only represent specific practices and experiences. While certain behaviors or practices are commonly associated with gender violence (such as violence against some women) we do not claim that it is a ‘ready’ category. It is not a static or non-normative category particularly since naming certain experiences/practices as examples of gender violence may in fact delimit those experiences. We want to de-naturalize the category of gender violence to show how dominant representations are imbricated in national and global politics and exist at the intersections of racial, class and international politics. Similarly, in the context of this Special Issue, we understand hegemonic projects as constituted through systematic power relationships that privilege certain ways of knowing, being and acting and that give voice to only certain people’s experiences and agendas in the realm of families, communities and political entities. The processes, practices and discourses that demarcate a hegemonic project are not homogeneous, uncontested or settled. Because sociopolitical forces of actors participate in normalizing power relationships they can potentially pose different ways of knowing, being and acting that could rupture and reshape those relationships. Thus, hegemonic projects are not free-floating monolithic phenomena but rather contextually specific and historically produced, defining the realm of political possibilities. We situate our understanding of hegemony within the context of critical theorists such as Roxanne Doty (1996) and Ernesto Laclau and Chantal Mouffe (2001). As distinct from narrow (neo)realist understandings of hege- mony as a preponderance of resources or Gramscian understandings of how the ruling class maintains its position of power, these critical theorists see hegemony as the discursive linkage of particular ideas (Doty 1996: 8): The hegemonic dimension of global politics is inextricably linked to representational practices ... Hegemony involves the very production of categories of identity and the society of which they are a part. Hegemonic practices . . . seek to create the fixedness of meaning that . . . is ultimately impossible. For example, current hegemonic practices of neoliberalism and neocolonialism circumscribe what democracy and rights are supposed to look like in terms of their appropriate forms and definitions, the legitimate actions taken in the name of democracy and rights as well as the parameters of justice and political participation. In this way, hegemonic actors (political elites and privileged acti- vists for example) deflect criticism by feigning neutrality or ubiquity and, as we argue, require and shape discourses and practices of gender violence. While there may be identifiable actors, this does not mean that domination is sufficiently challenged by ‘cutting off the oppressor’s head’ because of how domi- nation is imbricated in interpersonal, local, global, cultural, economic and social dynamics. As noted above, gender violence accomplishes certain things and fixes particular meanings and practices. Given that hegemonic pro- jects also attempt to create a particular world of meaning and being, both gender violence and hegemonic projects can help each other ‘succeed’. Although it is not only the epistemic that generates hegemonic projects, we pay particular attention in this Special Issue to the hegemonic projects of ‘the state’. We do not conceive of the state as an actor but rather as an idea or what Pierre Bourdieu (1994) calls a ‘bureaucratic field’ that wields symbolic power and centralizes power. It is possible that the principal hegemonic project of the modern world is the project of ‘the state’. Our predominant focus on the state as a hegemonic project, then, is not to affirm state-centrism but to acknowledge that the state is still a central organizing political category of our lives. The politics of opposition, categories of identity and contemporary forms of dom- ination work through the state in many ways. Our focus is on hegemonic pro- jects – such as economic development (and its proxy neoliberalism), women’s rights activism, nation-building and national security – that are implicitly executed in the name of ‘the state’. These issues of gender, violence and power have been dealt with to some extent in feminist IR scholarship on the issues of gender, violence and power. Whereas traditional IR theory often views power as an ability to leverage material resources to get others to do what is not in their interests, feminists have exposed the gendered context of power thereby revealing more nuanced dimensions of hegemonic projects such as nationalism, militarism and globalization. The militarization of daily life when states promote military apparatuses as the solution for stability, security and development, the use of rape as a tool of war and the disproportionate effects of violence on particular women are three examples of a gendered conception of power (Enloe 2000; Jacobs, Jacobson and Marchbank 2000; Giles and Hyndman 2004). Feminist understandings of power have also exposed how gender is used to legitimize the operations of hegemonic projects. One example is the use of gendered conceptions of ‘protecting family and nation’ to promote military operations; another is the gender hierarchy that grounds, enables or cements the separation of public and private spheres (Peterson and Runyan 1998). While the issue of gender violence is indeed more prominent now because of the growth of feminist IR theory, we want to push for a further examination of the constitutive role gender violence plays in hegemonic projects. The scholar- ship on gender violence in IR certainly shows how hegemonic projects, such as nationalism or war, are deeply gendered and thus result in violence against women. But, while this vantage point is critical and often gets at the construction of gender, this framework generally only sees gender violence as primar- ily an example of hegemonic projects – one effect of power through the register of gender, rather than as contested, productive and coterminous with power. If we, as feminist theorists, respond to the obsessive focus on war in the mainstream IR field by documenting power relationships in terms of ‘Man’ over ‘Woman’/State over Citizen, we may inadvertently reaffirm understandings of violence as a ‘tool’ for particular goals of power. We acknowledge that power itself is an understudied political concept, par- ticularly regarding the multiple and layered forms that it takes. It would be easy to set up the realist, masculinist conceptualization of power as a ‘straw- person’ against which to posit the importance of feminist scholarship. However, we are pushing for feminist intervention in various discussions of power, whether it takes the form of compulsory control over others, indirect control via institutions and rules, structural ‘constitution of social capacities and interests of actors in direct relation’, particularly in terms of ‘producing social positions of capital and labor’, or ‘the socially diffuse production of sub- jectivity in systems of meaning and signification’ (Barnett and Duvall 2005: 3–4). Therefore, building on the work of feminist challenges to traditional IR views on power and of feminist scholarship on the gendered effects and pro- duction of various forms of power, we seek more nuanced understandings on this topic through the examination of the relationship between hegemony, gender and violence. It is often the case that the very contours of what constitutes gender violence in feminist IR scholarship are drawn by the issue of ‘violence against women’. Keck and Sikkink (1998) rightly explain how a transnational advocacy network actively developed the ‘violence against women’ frame, coalescing several campaigns worldwide into a platform that gets at the politics of pain which disproportionately targets women. The approach has raised awareness, galvanized support, given rise to much professional and political activity and enabled women’s groups to secure funding. But these political goals may have been secured at a certain cost. In the first place, the ‘violence against women’ approach relies on representational understandings of gender violence. In other words, the focus on violence against women also potentially ignores vio- lence against men and against groups in ways that are gendered, raced and internationalized. For example, feminist IR scholars invoke the presumably disproportionate targeting of women during conflict in ways that emphasize particular gendered effects of conflict and the masculinized state; the general effect is the lack of due attention to what it means to ‘make’ gender through violence or to the way codes of masculinity negatively affect men. Second, we also note that responses to gender violence, in many ways more so than any other political category, have sanctified racism, imperialism and Orientalism among feminists and critical theorists. For example, the obsession with ‘Islamism’ as the explanation par excellence for gender troubles around the world as well as the romanticization and infantilization of indigenous and/or marginalized women, belie feminist concerns about hierarchy (Nayak 2006; Shepherd 2006). Feminists participate in these problematic dis- cussions about gender violence when we presume that the only reason a woman may die elsewhere is because of her (monolithically) oppressive culture in contrast to the choices and freedom of women in the West. Ironically, it may be such limited understandings of gender violence that unintentionally keep the topic of gender on the sidelines of political science. If gender violence is just an effect of power and does not substantively contri- bute to how we understand the operations of power, then the issues that gender violence raises may be dismissed as ‘women’s issues’ rather than instrumental to knowledge in political science. This dynamic also increases the ghettoi- zation of feminist IR scholarship and scholars (cf. Weber 1994).1 The current lacuna in IR scholarship on hegemony as well as on gender violence is not accidental but rather signals the production of knowledge in this field. Work on gender violence is not predominant in political science or the IR field pre- cisely because it is conceived as ‘just’ violence against women. In other words, in order to further our understandings of violence, we must interrogate gender violence as constitutive of power, and to understand power, we must go beyond current understandings that see ‘it’ in terms of tools or phenomena that act on gender. And, as we do so, we simultaneously ask why the questions we examine in this Special Issue are left on the margins of scholarship. Thus, we come to the following: why does our argument that gender violence is more than a case study of the effects of hegemony and, rather, is constitutive of hegemonic projects, matter? By re-orienting the relationship between gender violence and hegemonic projects we challenge the ‘natural- ness’ of the category of gender violence and assert it as constitutive of the productive forces of hegemonic projects. This framework provides a fresh and critical approach to understanding hegemonic projects and the construction of difference(s). We reference the work of postcolonial and critical race feminists who explain how neocolonial and neoimperial state formations are productive of and reliant upon gendered and racialized conceptualizations of citizens, immigrants and of ‘us/them’ dichotomies (McClintock 1995; Chatterjee and Jeganathan 2000; Stoler 2002). Postcolonial theory also explains how a fix- ation on violence ‘over there’ sidesteps how power works via international hierarchy (Chowdhry and Nair 2002). Similarly, we also believe that gender violence, rather than simply a result of war or culture, is vital and pivotal to the possibility of political violence and hegemony in the first place. Recent critical feminist engagements with international political economy (IPE) have also shown how the exploitation of women, and particularly women of color, is not simply an unintended consequence of global capitalism. Rather, the advancement of global capitalism under the dominant ideological ration- ale of neoliberalism depends on women’s secondary gendered status and global class hierarchy (Mies 1998; Peterson 2003; Agathangelou 2004). Drawing on these important literatures, we seek with this Special Issue to push the connections between gender violence and hegemonic projects beyond the ‘effects of power’ view towards an understanding that places the constitutive function of gender violence at the forefront.

### Impact – Care

#### The devaluation of care cannot be solved without an ontological critique of “rational economic man.” Hierarchical dualisms between reason/emotion, masculine/feminine, objective/subjective produce an inherently gender-oppressive world.

Julie **NELSON** Global Development and Environment @ Tufts **‘3** “Once More With Feeling: Feminist Economics and the Ontological Question” *Feminist Economics* 9 (1) p. 109-111

Ontological questions concern how we envision the nature of reality. In recent issues of this Journal, economist and critical realist Tony Lawson (1999) urged feminist economists to engage with ontology, while feminist philosopher Sandra Harding (1999), in reply, argued that for strategic reasons feminists may find arguments at the level of epistemology (the nature of knowledge) more advantageous. The purpose of the present essay is to present a case for feminist consideration of the ontological question and give the outlines of a feminist-process approach that I believe may hold the most promise.

Practicing feminist economists may wonder why, in their work-a-day lives, they should bother with what seems an esoteric issue. With real-world disadvantages suffered by women pressing hard for our attention, philosophical speculation may seem like an unaffordable luxury, if not a downright distraction. I believe that while excessive philosophizing in obscure jargon may indeed be detrimental, one’s thinking is in fact rooted in ontological beliefs. These beliefs may only be implicitly held, in the form of vague and perhaps conflicting impressions about how the world works. Standard neoclassical economics is based on a view of the world as a closed system of laws and mechanisms, populated by atomistic agents, value free, and of a shape and quality which can be usefully probed with our tools of mathematical theory and econometrics. Feminists, by contrast, believe it is necessary to change oppressive and unjust structures. Implicitly, then, we interpret the world as open, interrelated, and flexible – a world in which the standpoints chosen and the actions taken matter in some fundamental way. For their part, critical realists offer, in philosophical language, an ontology that they claim includes openness and emancipatory impulses. I will argue, however, that the approach of the critical realists is inadequate in that, like more standard approaches, it persists – in an important area – in privileging reason, abstraction, and precision over emotion, particularity, and what is vaguely known.

Some feminists have recently explored the phenomena of emotional work and caring labor (e.g. Susan Himmelweit 1995), noting that these are “undervalued” relative to other activities. My argument is that such undervaluing is not only a matter of social and economic power (though of course it is that, too), but it is also a branch off a larger problem of cultural understanding. Unless “emotion” – and, indeed, “value” itself – are present in the core of what we believe about how the world works, care and emotion will never overcome their low status as mere add-ons. My hope is that this digging around the ontological roots can contribute to more fruitful caring about dependents, the disempowered, and the environment.

ONE FEMINIST CRITIQUE

One strain of the feminist critique of mainstream neoclassical economics (characterized by Marianne Ferber and Julie Nelson 1993), coheres around the idea that Western notions of the self, the world, knowledge, and science have, since the time of the Enlightenment, been built on hierarchical dualisms which are also inscribed into gender relations. Reason, detachment, independence, certainty, clarity, eternals, and order, for example, are culturally associated with masculinity as well as with traditional science, while emotion, connection, interdependence, fallibility, vagueness, changeableness, and chaos have been pushed away as the feminine-associated “other.” The sharp distinction between positive and normative analysis similarly rests on a split between a material world that is assumed to be spiritless and a (possible) realm of meaning that is assumed to be bodiless. This feminist critique of economic methodology, then, springs not from ad hoc dissatisfaction with various aspects, but from a deep analysis of the social, historical, and psychosexual meanings the traditional image of science holds for its participants. The idea that the universe may be open, in some ways fundamentally unpredictable, and intrinsically purposive – in contrast to being a closed system, ultimately distillable into formulae, controllable, and fundamentally indifferent – is not simply a reasonable alternative ontology that can be carefully weighed for its logical implications and neutrally evaluated for its relative merit. As Harding writes, “it requires a great deal more than just ‘clear thinking’ to dislodge . . . ontologies from their status as obvious” (1999: 130). The idea of an open universe feels fundamentally scary for those who sense that not only their status as scientists set above the objects they study, but also their safety vis-à-vis chaos, their “manhood” (whether actual, or, in the case of female scientists, symbolic), and their very own distinct selfhood are threatened unless they can keep the living, novel, relational aspects of nature safely at bay.

Feminists who delve into the historical, social, emotional, and psychosexual dynamics that have kept women suppressed and oppressed have found a complex of dualistic, hierarchical belief patterns that manifest themselves not only in the social realm, but also in intellectual (and religious and artistic) endeavors. Historically, well-reasoned criticisms of neoclassical economics – targeting its unrealistic assumptions, narrow methodology, over-formalism, false detachment, etc. – have been legion, as any perusal of a bibliographic database will show. Also historically, they have generally failed to alter the mainstream ideas of the discipline. Yet the present feminist analysis does not simply add to this legion of critiques; it suggests, at a basic emotional and motivational level, that such critique is suppressed because it is feared. It points out how reasonableness is taking a back seat to emotional reaction, in this drama. This feminist analysis takes us back to the territory of critique of Enlightenment dualisms once more but this time with feeling.

#### Care deficits create systemic economic crises – capitalism free-rides on undervaluing social reproduction.

Fraser 2016 - Nancy Fraser, Ph.D CUNY, Henry A. and Louise Loeb Professor of Philosophy and Politics and at the New School for Social Research in New York, “Contradictions of Capital and Care”, https://newleftreview.org/II/100/nancy-fraser-contradictions-of-capital-and-care#\_edn1

My claim is that every form of capitalist society harbours a deep-seated social-reproductive ‘crisis tendency’ or contradiction: on the one hand, social reproduction is a condition of possibility for sustained capital accumulation; on the other, capitalism’s orientation to unlimited accumulation tends to destabilize the very processes of social reproduction on which it relies. This social-reproductive contradiction of capitalism lies at the root of the so-called crisis of care. Although inherent in capitalism as such, it assumes a different and distinctive guise in every historically specific form of capitalist society—in the liberal, competitive capitalism of the 19th century; in the state-managed capitalism of the postwar era; and in the financialized neoliberal capitalism of our time. The care deficits we experience today are the form this contradiction takes in this third, most recent phase of capitalist development. To develop this thesis, I first propose an account of the social contradiction of capitalism as such, in its general form. Second, I sketch an account of its historical unfolding in the two earlier phases of capitalist development. Finally, I suggest a reading of today’s ‘care deficits’ as expressions of capitalism’s social contradiction in its current, financialized phase.

Free-riding on the life-world

Most analysts of the contemporary crisis focus on contradictions internal to the capitalist economic system. At its heart, they claim, lies a built-in tendency to self-destabilization, which expresses itself periodically in economic crises. This view is right, as far as it goes; but it fails to provide a full picture of capitalism’s inherent crisis tendencies. Adopting an economistic perspective, it understands capitalism too narrowly, as an economic system simpliciter. In contrast, I shall assume an expanded understanding of capitalism, encompassing both its official economy and the latter’s ‘non-economic’ background conditions. Such a view permits us to conceptualize, and to criticize, capitalism’s full range of crisis tendencies, including those centred on social reproduction. My argument is that capitalism’s economic subsystem depends on social reproductive activities external to it, which form one of its background conditions of possibility. Other background conditions include the governance functions performed by public powers and the availability of nature as a source of ‘productive inputs’ and a ‘sink’ for production’s waste. [3] Here, however, I will focus on the way that the capitalist economy relies on—one might say, free rides on—activities of provisioning, care-giving and interaction that produce and maintain social bonds, although it accords them no monetized value and treats them as if they were free. Variously called ‘care’, ‘affective labour’ or ‘subjectivation’, such activity forms capitalism’s human subjects, sustaining them as embodied natural beings, while also constituting them as social beings, forming their habitus and the cultural ethos in which they move. The work of birthing and socializing the young is central to this process, as is caring for the old, maintaining households, building communities and sustaining the shared meanings, affective dispositions and horizons of value that underpin social cooperation. In capitalist societies much, though not all, of this activity goes on outside the market—in homes, neighbourhoods, civil-society associations, informal networks and public institutions, such as schools; and relatively little of it takes the form of wage labour. Non-waged social-reproductive activity is necessary to the existence of waged work, the accumulation of surplus value and the functioning of capitalism

as such. None of those things could exist in the absence of housework, child-rearing, schooling, affective care and a host of other activities which serve to produce new generations of workers and replenish existing ones, as well as to maintain social bonds and shared understandings. Social reproduction is an indispensable background condition for the possibility of economic production in a capitalist society. [4] From at least the industrial era, however, capitalist societies have separated the work of social reproduction from that of economic production. Associating the first with women and the second with men, they have remunerated ‘reproductive’ activities in the coin of ‘love’ and ‘virtue’, while compensating ‘productive work’ in that of money. In this way, capitalist societies created an institutional basis for new, modern forms of women’s subordination. Splitting off reproductive labour from the larger universe of human activities, in which women’s work previously held a recognized place, they relegated it to a newly institutionalized ‘domestic sphere’ where its social importance was obscured. And in this new world, where money became a primary medium of power, its being unpaid sealed the matter: those who do this work are structurally subordinate to those who earn cash wages, even as their work supplies a necessary precondition for wage labour—and even as it also becomes saturated with and mystified by new, domestic ideals of femininity. In general, then, capitalist societies separate social reproduction from economic production, associating the first with women, and obscuring its importance and value. Paradoxically, however, they make their official economies dependent on the very same processes of social reproduction whose value they disavow. This peculiar relation of separation-cum-dependence-cum-disavowal is an inherent source of instability: on the one hand, capitalist economic production is not self-sustaining, but relies on social reproduction; on the other, its drive to unlimited accumulation threatens to destabilize the very reproductive processes and capacities that capital—and the rest of us—need. The effect over time, as we shall see, can be to jeopardize the necessary social conditions of the capitalist economy. Here, in effect, is a ‘social contradiction’ inherent in the deep structure of capitalist society. Like the economic contradictions that Marxists have stressed, this one, too, grounds a crisis tendency. In this case, however, the contradiction is not located ‘inside’ the capitalist economy but at the border that simultaneously separates and connects production and reproduction. Neither intra-economic nor intra-domestic, it is a contradiction between those two constitutive elements of capitalist society. Often, of course, this contradiction is muted, and the associated crisis tendency remains obscured. It becomes acute, however, when capital’s drive to expanded accumulation becomes unmoored from its social bases and turns against them. In that case, the logic of economic production overrides that of social reproduction, destabilizing the very processes on which capital depends—compromising the social capacities, both domestic and public, that are needed to sustain accumulation over the long term. Destroying its own conditions of possibility, capital’s accumulation dynamic effectively eats its own tail

### Alternative/FWK

#### The alternative is feminist economics. This centers social reproduction, rather than utility maximization, to understand how gender underwrites every facet of the economy.

Barker 13

(Drucilla K. Barker- Professor in the Department of Anthropology and Director of Women’s & Gender Studies at the University of South Carolina, Feminist economics as a theory and method, Chapter 2 in Handbook of Research on Gender and Economic Life, Edited by Deborah M. Digart- The Richard Stockton College of New Jersey, USA, and Tonia L. Warnecke- Rollins College, USA, Published by Edward Elgar Publishing Limited, 2013, JKS)

Feminist economics is a pluralistic and sometimes interdisciplinary knowledge project that works toward a transformation of economics. This transformation entails critically examining the dimensions of gender, race, ethnicity, caste, and class embedded and naturalized in economics unmodified. Although much of what I have to say will also apply to the institutionalist and Marxist approaches to women’s economic issues, I will couch this section in terms of what is commonly referred to as neoclassical or mainstream economics. for most economists and lay people, neoclassical economics *is* economics.1 in this version of economics, the economy is seen as an entity comprised of rational economic agents. These individuals maximize their utility subject to the constraints placed on them, prices, incomes, and in more complex models, time. Formal mathematical models trace the consequences of the decisions made by consumers and firms. These consequences are determined at the margin by comparing the marginal, or incremental, benefits and costs. Equilibrium prices and quantities for commodities and for factors of production are determined by the intersections of their respective supply and demand functions and any imbalance between demand and supply exerts pressures on prices to adjust to new market-clearing levels. In the absence of market imperfections, the price system will result in an economically efficient allocation of resources. The epistemological aspects of the neoclassical approach are characterized by a commitment to the notion that adherence to a rigidly prescribed ‘scientific’ methodology based on the concepts of self-interested individualism, contractual exchange, and constrained optimization results in unbiased economic science. Mathematical modeling is at the center of the project because that is where the claim to science lies. As Gerard debreu put it in his 1990 Presidential address to the American economic association meeting, ‘a global view of an economy that wants to take into account the large number of its commodities, the equally large number of its prices, the multitude of its agents and their interactions requires a mathematical model’ (1991, p. 3). Feminist economists have been critical of the assumption of self-interested individualism and the lack of any interactions, except those organized according to the principles of self-interested contractual exchange, because these assumptions excluded considerations of the dependent children, the elderly, and the infirm (see strassmann, 1993; folbre, 1995; folbre and nelson, 2000). Using gender as an analytical category, feminist economists show that unquestioned and unexamined masculinist values are deeply embedded in both theoretical and empirical economic scholarship. Absent feminist analyses, economics rationalizes and naturalizes existing social hierarchies based on gender, race, ethnicity, and sexuality. Although this is especially true of issues germane to women’s lives such as labor market segregation and the wage gap, the feminization of poverty, and the provision of domestic labor, it is no less true of issues such as international trade and macroeconomics. All economic phenomena are likely to have asymmetric impacts on women and men since they occupy different social locations. Much of feminist economics can be categorized as feminist empiricism, a type of feminist science practice that has its origins in the work of feminist scholars in biology and related life sciences.2 Scholars recognized that standard answers to many questions involving sex and gender reflected a distinct androcentric and/or sexist bias (Harding, 1986). For proponents of this approach, the problem is not science, but rather that researchers are simply not doing good science. In this case, mainstream economists are not doing good economics. Androcentric biases and blind adherence to the ideologies of free markets can be eliminated if the economics community would seriously examine their implicit assumptions and values. This would lead to better economic practice in the sense of being less biased and more objective. Feminist economists and the inclusion of women and other underrepresented groups are necessary to this endeavor because they are the ones most likely to notice the gendered asymmetric effects of economic theories and policies that are hidden by conventional theorizing. A popular radio show in the Us, MarketPlace, provides an excellent example of the problems using purely abstract models peopled by rational economic agents rather than people differentiated by various categories of social difference. in an episode, one of the freakonomics bloggers, stephen dubner (2012), made a compelling case for sending plastic flowers rather than real flowers for mothers day.3 The host of the show, kai Ryssdal, demonstrated his feminist sensibilities immediately by revealing, in a sort of ‘man to man’ way, that he left this particular task to his wife. but, never mind. The point is that Dubner made an excellent case, based on neoclassical microeconomic principles, that sending real flowers was simply not a ‘green’ thing to do after the costs and benefits of transportation and storage were taken into account. I agree completely. As Dubner pointed out, nearly all cut flowers are imported from the equatorial parts of the world and the carbon footprint associated with this particular type of international trade is enormous. What he left out, though, was any consideration of the workers who planted, weeded, and cut the flowers. They are mainly young women and due to the use of pesticides and fungicides the work is terribly dangerous to their long-term health. In Dubner’s cost–benefit analysis these costs to the workers were simply not important. I would argue that it was precisely because they are women in the global south that they remained invisible. This is just one example of why we still need ‘economics modified’ – feminist economics. Feminism provides the conceptual framework that allows feminist economists to reveal the androcentric, classist, racist, and heterosexist values that have shaped economics (barker, 2005a). It also allows us to put the work that women do at the center of the analysis rather than at the margin. Feminist economics is about people and so gender, race, ethnicity, caste, sexuality, and class matter. Domestic labor is recognized as real work that is essential to the reproduction of the labor force. Its value can be accounted for and when it is, estimates show it is equivalent to approximately 33 percent of GDP (cloud and Garrett, 1996). Moreover, women bear a disproportionate share of the burden of domestic labor. Rachel krantz-kent (2009) found that in the 2003–07 time period women spent an average of 10.8 hours more per week doing unpaid household work than did men. Feminist economics also interrogates, among other things, questions about the social devaluation of work associated with women, the feminization of the labor force both nationally and internationally, the race and gender wage gap, and the importance of caring labor (barker and feiner, 2004).

#### You should prefer the research process of the alternative over their moralizing “but WHAT do you DO tho??” The aff’s failure to actively engage feminist scholarship is a form of sanctioned ignorance that results in masculine error replication.

Hawkesworth 10

(Mary Hawkesworth is Professor and Chair of Women’s and Gender Studies and a member of the Graduate Faculty in Political Science at Rutgers University., (2010) Policy discourse as sanctioned ignorance: theorizing the erasure of feminist knowledge, Critical Policy Studies, 3:3-4, 268-289, DOI: 10.1080/19460171003619691, JKS)

Feminist accounts of objectivity offer rich resources for identifying, understanding, and rectifying error. Given the advantages of analytical strategies that dispel the myth of the given, probe the tacit presuppositions of dominant discourses, challenge the naturali- zation of oppressive relations, engage difference and plurality, and avoid reductive expla- nations, one might well ask why these analytic tactics have not gained wider purchase within dominant academic disciplines, which embrace a conception of science as critical, non-dogmatic, committed to falsification, and open to correction through intersubjective contestation. Feminist attunement to the politics of knowledge suggests an answer to this question which challenges the openness of mainstream approaches to systematic critique. Few mainstream scholars read feminist work. Even fewer PhD-granting institutions offer courses that incorporate feminist scholarship or require familiarity with feminist methodology in qualifying examinations. Mainstream scholars refusal to engage feminist scholarship individually and collectively violates the norms of scientific inquiry that they purportedly embrace, norms that require engagement with conjectures, refutations, and counterevidence (Popper 1972a, 1972b, Lakatos 1970). Far from rooting out distortion and error, bias is replicated as erroneous accounts of the world are accredited. In this way, whether wittingly or unwittingly, mainstream scholars reproduce and legitimate particular modes of raced and gendered power. In marked contrast to their claims of neutral, objective inquiry, mainstream scholars are complicit in fostering a mode of evidence blindness better understood as sanctioned ignorance. Indeed, precisely because of mistaken notions of value-neutral inquiry, they insulate certain power hierarchies from investigation. In his essay on ‘The Uses and Disadvantages of History’, Nietzsche (1983, p. 76) offered an explanation of this mode of intellectual complicity with sanctioned ignorance: ‘It requires a great deal of strength to be able to live and to forget the extent to which to live and to be unjust is one and the same thing.’ In contrast to an ‘inability to perceive’, Nietzsche suggests that evidence blindness may involve an active process of forgetting, social amnesia as a protective camouflage that confers strength. Nietzsche’s insight is richly evocative of disciplinary dynamics in mainstream knowledge production. By assuring themselves that they offer neutral descriptions and explanations of empirical events, mainstream scholars insulate themselves from recognition of modes of injustice embedded in their own research technologies, while affording themselves a means to for- get the injustice constitutive of life. Erasure of feminist knowledge within mainstream studies of politics and policy, then, may be part of the infrastructure of forgetting, sanctioned ignorance that masks and perpetuates constitutive power relations. To the extent that this is the case, social amnesia should not be allowed to masquerade as scientific knowledge.

## Advantage – Blockchain

### Expertise – 1NC/1NR

#### No enforcement. Blockchain makes identification and remediation of anticompetitive practices technologically impossible.

Lika Kapanadze and Nika Sergia, New Visions University, ’21, “The Challenges of Blockchain Technology to Antitrust Law” https://openscience.ge/bitstream/1/2670/1/Lika%20Kapanadze%20%20Samagistro.pdf

7. Effectiveness of Antitrust Law

Anticompetitive practices that violate antitrust laws are usually detected and then stopped and sanctioned by the public authorities. However, doing so in relation to the blockchain technology is tricky, as identities of the perpetrators are anonymous, it is impossible to determine the relevant jurisdiction and remedy the anticompetitive practices due to the immutability of the blockchain.

Antitrust authorities have no ability to detect anticompetitive practices as well as the identification of users who engage in those practices, due to the privacy and pseudonymity of the users.98 If new technologies develop, that enable tracking such practices and perpetrators by the public authorities, it would significantly affect the cornerstone “values” of the blockchain and change the nature of it. Therefore, it is highly unlikely, to implement such technologies on the blockchain. Besides, inherent nature of the blockchain creates a real barrier to antitrust enforcement authorities to remedy, delete or stop anticompetitive practices, since the network is distributed, and no one is in control, but at the same time everybody is, except for the authorities themselves.99 Even if authorities will have a power to track the practices and determine the identities of the perpetrators, they will not be able to stop such practices. Immutability of blockchain ensures, that platform will continue to function (as long as the people who interact with it pay the transaction fees charged by miners who support the blockchain) and there is no server to shut down the blockchain, even if authorities impose strict regulation or penalties on the original parties who developed or promoted such blockchain.100 In other words, if anticompetitive practices are implemented on a blockchain and public authorities detect them, authorities will not be able to stop it and blockchain will continue to perform the transactions.

Anonymity of the parties creates another challenge as well - business transactions on the blockchain are encrypted and location of the transacting users (and thus, legal entities behind the users) is completely unknown, making it impossible to determine the relevant jurisdiction.101 In contradiction with blockchains, determining the jurisdiction on the internet is simple and it is based on internationally recognized jurisdiction principles (territorial jurisdiction, effective jurisdiction, personal jurisdiction, passive personal jurisdiction, protective jurisdiction, and universal jurisdiction), namely, each internet user is subject to national legal regime, where they decide to create content and enable it online.102 In technical terms, every computer or device that goes on the internet needs its own IP address and the main central authority, the Internet Corporation for Assigned Names and Numbers, manages and controls assigning and distributing such IP addresses and domain registrations in the regions and continents, making it easy to detect parties ’locations on the basis of the registrations of IP Addresses.103 In case of blockchain, the data storage is virtually everywhere making it impossible to determine jurisdiction on the blockchain and its transactions.104 In traditional law, and in absence of any agreement stating otherwise, blockchain disputes would be normally settled by state courts, but in this digital economy not only it is impossible to determine the jurisdiction, but also there is no technical necessity for the stakeholders to be attached to any jurisdiction at all.105 For that reason, self-regulation of the market participant may play an important role, one part of which could be dispute settlement by an arbitral tribunal, and other part of which could be compliance of blockchains with a potentially unwieldy number of legal and regulatory regimes and settle disputes in courts.106 The success of the former approach solely depends on the enforcement. The states retain certain control over private arbitration with recognition and enforcement procedures, and as jurisdiction on the blockchain is not recognized by any state jurisdiction, it would be difficult to have the awards enforced.107 The latter approach is also unclear, as the transactions may occur simultaneously in a few different places, which again makes it nearly impossible to determine the competent jurisdiction and even if jurisdiction were to be determined, state courts would not be able to decide any dispute fast enough compared to the rapidly proceeding blockchain applications without having any technological expertise to sufficiently understand the mechanism of blockchains

8. “Law is Code” Paradigm

As demonstrated in the previous chapter, there are no effective ways to apply antitrust law to the blockchain, and almost every measure used before seems to be extreme and drastic in the context of blockchain, jeopardizing the blockchain technology and its true nature. Considering above, it appears necessary to code and integrate legal requirements into the technology itself - this is the concept of “law is code.”108

#### Their own author agrees – the plan is only one part of a massive proposal. Anonymity is the death of antitrust.

Thibault Shrepel ’19 Collusion by Blockchain and Smart Contracts, 33 Harv. J.L. & Tech. 1 (2019),

Answers to these questions are necessary because blockchain must be free from monopolization, abuses of dominance, and collusive agreements to produce the maximum good. Answering these questions requires an in-depth analysis of two pillars. The first is substantive. Blockchain challenges law enforcement by making it possible to im-plement illegal practices more efficiently with the help of smart contracts. The contours of what the technology allows must therefore be precisely defined. The second is procedural. Blockchain challenges the law’s enforceability because of its technical characteristics. Blockchain is pseudonymous and immutable, which creates issues regarding the detection of practices as well as the identification of perpetrators. I will address these two pillars by studying the birth of collusive agreements through blockchain, their life, and their deat

#### Even if the tech *did* exist, humans aren’t capable of using it and regulators cant understand it because of bounded rationality.

Daryl Lim, Professor of Law @ University of Illinois at Chicago, '21 "Can Computational Antitrust Succeed?" Stanford Computational Antitrust. Vol. 1 2021.

Reflecting on computational antitrust, Eleanor Fox noted that “[w]hen you talk about data, you also have to talk about values . . . And assumptions.”66 Fox touches on a fundamental obstacle to the success of computational antitrust. Humans are not designed to process vast amounts of quantitative data, a problem the economic literature calls “bounded rationality.”67 They rely on heuristics such as ideology to navigate the world, shaped by personal experiences, beliefs, and biology.68 When humans code, their coding is not value-neutral, and biases may seep into the algorithmic code, filtering into training data and the weights judges may assign to the algorithm.69 Algorithms will likely be path-dependent, as Tom Nachbar observed, “based on decisions made in previous iterations of the program— prompting a cascading search for purpose.”70

Of course, training datasets themselves may contain biases and lead to unfair and legally erroneous decisions. For example, a case from the 1970s would likely have been decided on Chicago School’s terms, weighing potential losses to dynamic efficiency more than the intervention’s potential gains.71 Earlier cases may be more Neo-Brandeisian by comparison, favoring small businesses because of a political preference for atomism over economic efficiency.72 Moreover, the training data may identify the criteria for evaluation and replicate the problems as we advance if based on bad theories. This problem is all the more systemic in reinforcement learning, where the reward may be a biased identification, generating even more bias over time, raising the risk of what Nachbar labeled “snowballing unfairness.”73

Andrew Selbst expressed concern that using AI in adjudication exchanges one problem-bounded rationality for another: the inability to oversee or understand how AI decides completely.74 Sophisticated algorithms are too complicated to be read and evaluated even by data scientists and software engineers.75 Moreover, the massive scale of datasets makes it hard to scrutinize their contents and perpetuate algorithmic bias thoroughly.76

#### This is magnified by courts being generalists – 2ac “expertise” arg goes NEG.

Rowell, 17 – Professor and University Scholar at the University of Illinois College of Law (Arden, ARTICLE: ENVIRONMENTAL LAWMAKING WITHIN FEDERAL AGENCIES AND WITHOUT JUDICIAL REVIEW, 32 J. Land Use & Envtl. Law 567)

II. ENVIRONMENTAL RESISTANCE TO JUDICIAL CONTROL

Building on a long tradition in administrative law, Walker and other authors in this Symposium have noted the high level of deference that courts generally afford agencies when they are acting within the zone of their expertise--a deference that amounts to a kind of "Chevron space" for regulating without judicial interference. n9 Here, I want to build on that general background to suggest [\*570] that, where the injuries an agency is managing are environmental in nature, the agency often enjoys a "bonus" to the level of discretion it can exercise--an extra-large "space" that extends even beyond the normal "Chevron space" for regulating without judicial interference. This bonus space for supplemental environmental discretion comes from the nature of environmental injuries, which tend to be dispersed, causally complex, and nonhuman--and thus particularly difficult to manage through the judicial system, for reasons summarized below. The practical result is to provide additional insulation from judicial review--or a greater "space without courts"--for agencies managing environmental injury.

Courts are generalists; the greater the expertise needed to trace causality, and the greater the burden of technical information needed to trace multiple causes and multiple effects, the greater courts stand at an institutional and informational disadvantage to agencies, and the more willing they are to defer. n10 Of course expertise is a traditional justification for agency involvement in any type of administrative law, and concurrently a functional limit on the judicial role. n11 Yet for environmental law, this complexity interacts with its other features: particularly, with the fact that its impacts are often distant in space and time, and that they may be nonhuman in character, despite having potentially important implications for human populations.

U.S. courts adjudicate "cases and controversies," a fundamental institutional role traceable to the Constitution, and embodied most strikingly in the judicial doctrine of standing. n12 To establish standing, courts require plaintiffs to satisfy each element of a three-prong [\*571] test: (1) that the plaintiff has suffered a concrete and particularized injury in fact that is actual or imminent; (2) that the injury is fairly traceable to the action of the defendant; and (3) that it is likely, and not just speculative, that the injury will be redressed by a favorable decision by the court. n13 Plaintiffs unable to establish any of these elements are barred from bringing a judicial claim, regardless of the substance of that claim--even if the statute explicitly grants the plaintiff a statutory right to sue, as many environmental statutes do. n14 This functionally excludes plaintiffs who experience a general injury rather than a particularized one; who have experienced a probabilistic injury, or expect a future injury, rather than a concrete or imminent injury; who are unable to trace the causal chain of harm; or who cannot show that the harm experienced is remediable by courts.

Consider the classic Lujan v. Defenders of Wildlife as a case in point. n15 In the case, which concerned the extraterritorial reach of the Endangered Species Act, the Supreme Court failed even to reach the question of whether the Department of the Interior had acted within its discretion. In light of a probabilistic injury accruing indirectly to foreign endangered nonhuman animals, even a sophisticated environmental group was unable to effectively establish standing to challenge the agency action. Because even the most skeptical of judicial review standards will not overturn an agency action if there is no standing, the standard of deference offered to the agency thus became immaterial. As a result, the agency in Lujan had--as environmental agencies often do--functional discretion that stretches beyond even the permissive bounds of Chevron deference.

This does not mean that plaintiffs claiming environmental injury will always be excluded from a courtroom on the basis of standing; n17 while environmental injuries may tend to be dispersed across time and space, causally complex, and nonhuman in character, not all injuries are equally these things. That said, modern [\*572] standing doctrine categorically excludes exactly those types of injuries that are most characteristic of environmental injury: n18 injuries that tend to be spatially dispersed across a population and/or that tend to occur in the future rather than immediately will struggle to establish concrete and particularized injury in fact; injuries for which causal proof is too complicated or challenging to establish, even where causation does exist, will struggle to establish that an impact is fairly traceable to the actions of the defendant; and injuries for which the primary damage is to nonhuman plants, animals, or ecosystems will struggle to establish redressibility--and injuries that combine these qualities will struggle on all three prongs.

In sum, agency decisions regarding environmental injury enjoy even greater insulation from judicial review than non-environmental decisions, because the agency gets not only the benefit of general discretion, but also the "bonus space" from protections afforded by the fact that dispersed, causally-complex, and nonhuman injuries are often functionally excluded from judicial review. Agencies administering environmental law thus enjoy an unusually broad--and significantly court-less--policy space in which to make substantive decisions. This means that the dynamic Walker notes for general agencies--that their internal decisionmaking processes increase in substantive importance as discretion broadens n19--applies with heightened force to environmental contexts, where agency discretion is unusually expansive.

### Private Blockchains – 1NC/1NR

#### Private blockchains circumvent – impossible to verify theory of granularity without permitting regulators into the chain.

Pat Treacy, Senior Partner, Bristows LLP, and Alex Latham, Trainee Solicitor, Bristows LLP, ’20, “Blockchain and competition law” European Competition Law Review https://www.bristows.com/app/uploads/2021/01/2020.12-ECLR-Blockchain-and-competition-law.pdf

Blockchains can be public (permissionless) or private (permissioned). A public blockchain can be used by anyone and its participants are anonymoussave for unique user identifiers. Any user can add blocks to the chain and can transact with other users at will. By contrast, private blockchains are operated in a similar way as private servers currently: a defined set of host users have access and authority to control all aspects of the chain. Private blockchains have the potential to lead to entrenchment of power within a blockchain system, as a select group of people can effectively act as gatekeepers because of the restricted access to digital keys.

“Open” in this sense refers to the open-source nature of the underlying code upon which the blockchain is built. Open-source blockchains allow for coders with the requisite level of skill to make changes to the chain, shifting certain parameters and presenting alternatives to the current rules which govern its operation.

2.3 Consensus algorithms and forking

Blockchains use consensus algorithms so that everyone can trust the state of the ledger. In essence, these are a set of rules that apply to everyone, with certain pre-conditions governing the mechanism for how blocks are added to the chain. Arguably the most well-known consensus algorithm is Proof-of-work (PoW), the algorithm used in the cryptocurrency Bitcoin.4 This involves special nodes in the system known as “miners” who compete against each other to solve a computationally expensive mathematical challenge. In Bitcoin, minerslisten for broadcasts of transactions that should be added to the blockchain. They then aggregate these broadcasts into a block of transactions which is combined (“hashed”) with the solution to a complicated cryptographic puzzle. The global network of miners are trying to solve the next step in the puzzle so that it can be used to verify (“frank”) the last set of transactions that have taken place across the Bitcoin network. If the miner solves the cryptographic puzzle first, then the miner broadcasts the new block across the network and is rewarded with newly minted Bitcoin.5,6

In Bitcoin’s case, the system is set up so that on average the global computing power presently engaged in mining will find a new solution (and so can create a new block recording the latest transactions) every 10 minutes.7,8 As computational power increases, the network will dynamically adjust the difficulty of the challenge to ensure that the block time remains constant. Controls like the one illustrated above have divided opinion and with open-source blockchains dissenting programmers have the power to alter the code and change the rules of the consensus algorithm, imposing new, more favourable conditions. This creates a fork in the chain (see fig.1) asthe new version will no longer be compatible with the previous chain and will not receive the necessary software updates.

Some more well-known incidences of this are the offshoots of Bitcoin; Bitcoin Cash and Bitcoin Gold which split in August 20179 and October 201710 respectively. Participants could easily convert currency for both of these forks, initially one Bitcoin equalled one of the new unitsso there were low switching costsin both cases.

3. The new regime – power structures within blockchain

Before exploring how competition law maps onto blockchain technologies it is first sensible to investigate where power may collect within such a system and the potential creation of concentrated areas of power that could pose a threat to competition.

3.1 Founders and core developers

Blockchain founders and core developers are the original designers of the software and are responsible for implementing the rules of the blockchain as they are originally laid down.11 Once live, public blockchains are evolving and consensus driven systemsso core developers remain influential only through reputation and understanding of the technology. As a computer-based network technology driven by software, blockchain is not a static creation and will require updates in the forms of new software releases. One operational risk of blockchain isthat only a few people truly understand how thissoftware works. Whilst founders and core developers no longer have active control over the blockchain, those using the technology must place their trust in this small group of individuals with the expertise to make desirable policy choices and implement them accurately into the underlying code.12

Large public blockchains are, therefore, in effect operated by an amorphous group of ever-shifting members with no one definitively in charge. Historically, updates to blockchain have been made voluntarily by a small group of skilled individuals invested in the underlying decentralised ethos of the technology. The dispersed nature of those making the updates means that when core developers feel there needs to be a change in the underlying software (i.e. modifying the block time or total number of Bitcoin) there must be a consensus in developers (and subsequently a consensus in users) to adopt the technology. The lack of centralised power means that as no one is directly responsible for the code, voluntary core developers may be vulnerable to exploitation and the lack of a guiding force behind most of the technology means that extraneous operators could pay to influence the underlying rules of the chain. Centralised private blockchains have someone in charge of management and repair, whilst this sacrifices a degree of freedom it does mean that risk management and policy decisions are attributable to someone and therefore can be monitored and improved.

3.2 Miners

Competition involving miners is present on a single blockchain (i.e. competition amongst miners) and also across several blockchains in multi-cryptocurrency systems (competition for miners).13 The competition amongst miners on a single blockchain is a fundamental aspect of the mining process.14 It is the competition for the transactional incentive that drives the addition of blocks to the chain and maintainsthe underlying integrity of the blockchain.15 As incentives grow, competition for the reward of appending blocks will increase. The key economic decision taken by miners is how much computational power to invest in search of the reward. From a game theory perspective, the decision to participate as an active miner is dependent on the cost margin between generation of computational power and economic reward gained from appending blocks to the chain. In this theoretical model, mining itself is monopoly-proof, as you cannot exclude a competitor by cutting down costs—profits will always be positive regardless of the margin obtained by other competitors.16 Realistically this does not work as mining is not an independent system, the resource commitment necessary to mine a block, outside systems and transactional costs all play into mining decisions. As blockchain mining has become an increasingly lucrative venture, the energy required to solve the computational puzzles has grown in parallel and competition amongst miners is fierce, with miners now needing specialised hardware to compete effectively and large “mining pools” sharing resources to spread their processing power over networks of miners.17

Mining pools introduce a consolidated aspect into a blockchain’ssupposedly decentralised system.18 As miners have pooled their risk and organised, the computational power and number of mining pools has grown, pools now account for almost 100% of all Bitcoin mining activity. 19

Maintained by a pool manager, who takes a cut from miners’ rewards as a fee, miners participate in a fee contract which apportions how miners’ computational contribution maps onto their final reward. Reassuringly, while some pools have gained significant market share, none of these large pools retained this over time, possibly signalling an economic system with factors that suppress dominance.20 Underlying mining technology may also change the balance of power, application-specific integrated circuits (ASICs) are chips designed for mining a specific cryptocurrency and increase the efficiency of those who use them. If pools can leverage economies of scale to shape the competitive landscape through technology then this may raise significant competition concerns and could lead to a call for mandatory licensing. In a multi-cryptocurrency ecosystem, blockchains are competing against each other for computational power. Large mining pools wield considerable power as they have the potential to make or break a new blockchain by choosing to mine for it. In future, migration of miners across platforms may be subject to significant scrutiny by competition authorities, particularly if certain blockchains are allowed to fail or are deliberately bypassed by an exploitative mining pool (see section 4.1).

3.3 Users

Users generate the transactions that are recorded in the blockchain; the power that they exercise is the decision to participate in the blockchain. Aside from simple supply and demand, such as a greater number of users driving up the value of Bitcoin in relation to fiat currency, the blockchain with the most users will add blocks to the end of the chain more quickly and therefore be more trustworthy. More users can also be leveraged for transaction fees, should these be present on the specific blockchain, and like digital platforms, can add value by developing new compatible programs.21

One user-related dynamic specific to blockchain is how they attract users compared to traditional digital structures.22 Successful digital platforms benefit from network externalities i.e. the usefulness of the service increases as the number of users increases. As Amazon recruits more products to its website, the more useful it becomes to individual consumers. Similarly, as more consumers use Amazon, the more useful the platform becomes for businesses looking to sell products to as many consumers as possible.23 Blockchain scales in an inverse way due to its token offering system.24 Where a blockchain issues tokens to represent a scarce asset, initially there is a high incentive for users to join as they can amass tokens more easily and will be rewarded disproportionately highly for mining efforts. As more users join and the blockchain stabilises with a critical mass of participants, tokens are harder to obtain as there is a larger community of users. In this way blockchains incentivise different patterns of behaviour because of the reversed economic incentives. The blockchain incentive structure prevents entrenchment and promotes early adoption, opening the door to the prospect of shifting power in a competitive marketplace.

As referenced in the previous section, users as well as miners choose whether a blockchain will fork through their choice to follow the new system of rules or to stick with the existing one. The threat of possible forks in the chain, coupled with the low switching cost, means that there should be competitive pressure from users and miners on open-source blockchainsto efficiently manage the interests of the various nodes active in its ecosystem.

3.4 Other forces

The increasing computational power of mining pools necessarily leads to an arms race where any addition of power which raises the global processing power imposes a negative effect on other pools as the blockchain compensates by raising the difficulty of the problem being solved.25 This arms race of mining has a real world cost due to the vast reserves of energy now needing to be consumed—at the moment aggregate electricity devoted to Bitcoin mining alone exceeds 70 TWh per year, roughly the annual energy consumed by Chile in 2018.26 This may give rise to issues involving the underlying energy companies, it is not beyond the realms of possibility that we could see arrangements between energy companies and mining pools, possibly with built in blockchain related remuneration structures. Energy costs may also be driving the geographic location of mining activity, with some 70% now understood to be taking place in China because of the low local cost of the dedicated ASIC processors and of electricity. 27

Considerations arising from all the above could give rise to a whole host ofsubsidisation orstate aid arguments which competition authorities must be alive to. Another future point to consider is the concern surrounding some cryptocurrencies, namely bitcoin, regarding the deflationary aspect of the currency due to itsfinite supply. As mentioned atFN6, Bitcoin isin effect a finite resource. As the reward miners gain for processing the 10 min ledger chunks of transactions diminishes, the existing system of decentralised validation will no longer function and with no centralised authority to step in, alternative solutions must be found. One mooted solution is that transaction fees can be introduced which eventually rise to a level sufficient to keep mining profitable. The structure and quantum of these transaction fees may raise future competition law concerns.

4 Direct interaction with competition law Those involved in blockchain technology will have potential interactions with both arts 101 and 102 of the TFEU. The technology presents a number of issues including: the potential for information sharing and co-ordination; possible abuse of dominance; and the difficulty of applying current legal presumptions to blockchain.

4.1 Horizontal information exchange

As explained above, the essence of blockchain technology is that it provides a decentralised ledger, accessible to all in the network. Coupled with the anonymous nature of blockchain, this presents a tempting opportunity for firms to collude.28 If competitors within a market use a single blockchain then it provides an opening for an art.10129 arrangement or what some have called “cartel management for groups that don’t trust each other”.30 It has been suggested that the transparency and trust derived from the operation of a cartel via a specific blockchain with identifiable users presents the opportunity for firms to identify deviations by cartel participants and punish them using smart contracts, or to identify on which terms collusion is most suitable.31

If market-wide blockchains are set up then the potential for unmonitored tacit co-ordination may increase. As blockchain is still at its core merely a record of ownership, some have suggested that a pragmatic effects-based approach is preferable.32 The potential for anti-competitive effects depends on the quality and type of data stored on the blockchain, as well as the market structure of the industry using the technology. Use of a blockchain itself can be competition-neutral, it is the abuse of the technology that leads to monitoring and information sharing. As such, any effects based analysis will need to weigh the potential benefits of the technology against its potential for collusion. Adding a regulatory node into the chain to observe and collect information, especially for private blockchains, may be the answer. Anothersolution could be ex ante regulation that institutes compulsory regulatory involvement in protocol design (the underlying rules of a blockchain) and could enable agenciesto retain accessto certain encrypted information broadcasted to participants.33

Given that blockchain technology is built on consensus and information sharing, if anti-competitive collusion is identified, it will also be very hard for undertakings to avoid “decisive influence”34 decisions against them as all undertakingsinvolved in the chain were party to the same data, any “public distancing”35 will also be technically complex.36 It is also plausible that third party operators of a blockchain used to disseminate sensitive information may be subject to “hub and spoke”37 claims against them.

The case of UnitedCorp v Bitmain38 in the US gives us a window into another possible collusive practice, one akin to more familiar litigation involving market manipulation. In December 2018 UnitedCorp, a diversified technology company,sued Bitmain, the largest Bitcoin mining pool, over an alleged anti-competitive scheme. UnitedCorp alleged that a number of investors and mining pools colluded to support a specific fork of bitcoin over an alternative and as a consequence caused the price of the forks to fall, causing damage to UnitedCorp’s investments. This draws obvious parallels with litigation concerning uneconomic bids from energy traders or false quotes from LIBOR traders that caused those markets to artificially deviate from their economic fundamentals. Whilst the case did not progress, it raises interesting questions around the concept of harm39 and the difficulty of proving a practice is anti-competitive in a complex blockchain ecosystem.40

4.2 Vertical information exchange

Where a blockchain consists of vertically related parties, applications such as smart contracts give rise to concerns that an upstream undertaking may maliciously use the chain to regulate its downstream buyers. Automated contracts or shared access to data may facilitate practices such as resale price maintenance or selective distribution systems, a particularly relevant issue post-Ping & Coty. 41

One strategy to combat this may be to separate usage of the blockchain into distinct groups, for instance, users and record keepers or buyers and sellers, in order to prevent access to the aggregate-activity information that drives the behaviour.

42 Separation methods like this compromise the core decentralised nature of blockchain and set the stage for the centralisation v decentralisation debate regulators and industry must have if blockchains are to be widely implemented.

4.3 Dominance

One major issue regarding dominance will be the approach to assessing how the operation of a blockchain could give rise to dominance. There are several metrics that could be used to assess this; number of users, recorded transactions, market power, participation of key industry players and governance structures will all inform the approach that competition enforcement agenciestake.43 If a blockchain is deemed to be a necessary service or is classified as dominant with regard to the factors above then art.102 TFEU44 could bite.

It is important at this point to return to the distinction between private and public blockchains. Many of the problems that may arise from dominance do not apply to the latter. Exclusionary abuses like “refusal to deal” require gatekeeping built in to the underlying code of the blockchain and are therefore irreconcilable with the “public” aspect. Tying and predatory pricing models are also difficult to implement due to the decentralised consensus model, if software updates with additional obligations or higher transaction fees were implemented then they would only be adopted if users controlling 51% of the global processing power were convinced to implement them. In a predatory pricing model this would require a blockchain to first lower its fees to attract users and then somehow convince the 51% to agree voluntarily to adopt a price increase. Similarly, due to low switching costs across blockchains, exploitative abuses are unlikely, as any exploitative behaviour would lead to migration of users across to a different blockchain. Discriminatory abuses covered under art.102(c) could occur, however, as everyone has access to the record of transactions, any such abuses would be visible to all and instantly detectable.4

The potential for abuse grows considerably if a private blockchain becomes truly essential. If a blockchain requiring permission to enter became “indispensable for competing in a market”46 then this bringsrefusal to access issues to the fore.47 Many of the abuses listed above could arise in the context of private blockchains in the same way that they may apply to dominant technology companies at the moment. Access to data is a topic being explored by many agencies at the moment and the suspicion surrounding Big Tech is an indication of how authorities might view private permissioned blockchains that monitor and store data whilst still retaining centralised control. In the case of dominant blockchains, one remedy open to competition authorities might be to introduce mandatory forks. This would involve the authority creating an alternative competing blockchain that forked off the existing dominant chain, analogous to a forced break up of companies. This approach would not be without its challenges as the fork would require different parties to co-ordinate in their uptake of the new technology in order for it to become competitive.

Public open blockchains present a problem for law enforcement due to the evidentiary quality of the records held within them. In conventional record keeping, records have a physical signature and date and are placed in proximity to other records like them, this means that the perpetrator of an act is identified as soon as the practice is recognised. With blockchain determining the genuineness of the author, and therefore the legal entity to pursue, enforcement is challenging as there is no explicit and stable link between a transacting user and a real world legal entity.

48 There have been efforts to implement tracking services on large blockchains,49 however, asisthe case with the many digital technologies, clandestine techniques can often develop in concert or faster than the efforts to detect them.50 Furthermore, blockchain platforms cannot simply be closed or shut down as the decentralised nature of blockchain means that there is no central entity to target and therefore enforceable remedies are challenging.

Current techniques are not completely defunct; if users who transact know each other’s identity in real life then they can whistleblow to agencies if they are being subjected to an anti-competitive practice and then directly identify the entity behind the transactions. Another solution may be to directly implement legal requirements into the code of the blockchain itself.51 Whilst lawmakers will wish to be careful to avoid stifling the nascent technology, built-in regulation would provide a channel into the blockchain through which the law can act. Any such system would need to be fair, and may involve legal or tax advantages to induce core developers to include regulatory mechanisms, butsuch a proposal does provide one example of how authorities can penetrate the barriers that blockchain currently presents.

6. Conclusion

Blockchain is a revolutionary technology with the potential to radically transform how users of digital commerce transact with each other. Prompted by its potential to circumvent traditional enforcement methods, some may see this as a chance to implement the sort of ex-ante regulation that some think should have been applied to the current digital giants before they grew into the colossi of today. Conversely, it is also vitally important to safeguard innovation and prevent the law from stifling this transformative technology.

This article has highlighted some of the aspects of the blockchain ecosystem which are of interest from a competition law perspective. The decentralised nature of public blockchains leaves core developers vulnerable to exploitation and the lack of a guiding force behind most of the technology means that extraneous operators could pay to influence the underlying rules of the chain. Mining pools represent the greatest threat as potential silos of power. However, as yet, the top pools seem unable to maintain their market share over time. This may change if certain mining technology becomes essential and is owned by a single pool or, perhaps less likely, if pools strike anti-competitive deals with energy providers. Regarding information exchange, collusion remains a significant issue for all types of blockchain given the shared nature of the data within the system. The ability to have certainty of transaction across a clandestine private network potentially presents a golden opportunity for cartel collaboration and therefore opens the door to misuse. Whilst public blockchains are less likely to give rise to an abuse of dominance, private blockchains present many of the same issues that agencies are faced with today in other contexts. The counter-point is that the centralised power present in these private blockchains would make it easier to include mandatory regulatory nodes,software updates and monitoring if regulation were thought appropriate, and also much easier to enforce a competition law regime if necessary. Whose remit this would fall under remains to be seen, it is possible that units like the UK’s new digital markets task force52 will take up the challenge. However, with the level of specialist knowledge required, agencies may need dedicated blockchain units to truly tackle these issues.

#### Major companies will exclusively use private blockchains, and will claim IP to prevent regulators from policing them. The aff does nothing.

Ryan C. Thomas and Peter Julian, Partners @ Jones Day, ’20,“BLOCKCHAIN TECHNOLOGY: A FUTURE ANTITRUST TARGET?” The Journal of the Antitrust, UCL and Privacy Section of the California Lawyers Association Vol 30, No. 2 Fall 2020

In a “permissioned” (or private) blockchain, an administrator decides which nodes can join the network—the blockchain can be “open” to the public or only to the nodes that have the administrator’s permission.49 Private blockchains are likely to have fewer participants, greater potential for information sharing among participants, and less visibility into transactions from outside the blockchain.50 As a consequence, they are the architecture that large companies may most often use to interact with suppliers, customers, or other partners.51 In this respect, private blockchains lose many of the hallmarks of the original form of the blockchain technology, namely a radically open system in which any user can make verifiable pseudonymous transactions and see a history of all past transactions.52 Private blockchain networks in particular can spawn antitrust concerns, given the potential lack of transparency around competitor interactions. Unlike public blockchains, private distributed ledgers:53

• Have an owner who controls or delegates membership, mining rights and rewards, and maintains the shared ledger, including potentially the right to override, edit, or delete the entries on the blockchain.

• Have an owner or designated participants who are responsible for resolving discrepancies, often outside of a proof-of-work system. For example, the consensus mechanism to validate transactions may be “proof of stake” in which a node’s power to validate a transaction depends on its economic “stake” in the particular blockchain network. The idea is that with a larger stake the node will not approve transactions that would undermine the ledger’s integrity.

• Have a limited membership, often without user anonymity, in which participants can match user identifiers to real-world entities.

• Host data that are not readable or writable by the public; consequently the information exchanged cannot be reviewed by nonmembers who lack access. These attributes often make private blockchains more attractive for business applications. Private blockchains also can scale significantly better than public blockchains because they can use less computationally intensive consensus mechanisms. Likewise, private blockchains are often better suited for regulated industries that must follow mandated processes, such as “Know Your Customer” anti-money laundering and antiterrorism regulations that require customers to prove their identity.54

## Advantage – FTC

### Spyware – 1NR

#### U.S. uses spyware – proves our exceptionalism links on the critique page, BUT also means the U.S. can never effectively set global rules for spyware because we look super hypocritical, FTC’s not gonna prosecute *the army*.

Cora Currier and Morgan Marquis-Boire 15. “LEAKED DOCUMENTS SHOW FBI, DEA AND U.S. ARMY BUYING ITALIAN SPYWARE”. The Intercept. Jul 16 2015. https://theintercept.com/2015/07/06/hacking-team-spyware-fbi/

The FBI, Drug Enforcement Administration and U.S. Army have all bought controversial software that allows users to take remote control of suspects’ computers, recording their calls, emails, keystrokes and even activating their cameras, according to internal documents hacked from the software’s Italian manufacturer.

The company, Hacking Team, has also been aggressively marketing the software to other U.S. law enforcement and intelligence agencies, demonstrating their products to district attorneys in New York, San Bernardino, California, and Maricopa, Arizona; and multi-agency task forces like the Metropolitan Bureau of Investigation in Florida and California’s Regional Enforcement Allied Computer Team. (We do not use this product nor are we currently considering a proposal from the vendor/manufacturer to purchase it,” Jerry Cobb, a spokesperson for the Maricopa County Attorney’s Office said.)

The company was also in conversation with various other agencies, including the CIA, the Pentagon’s Criminal Investigative Service, the New York Police Department, and Immigrations and Customs Enforcement.