# 1nc – texas round six

## off

### labor law cp

#### The United States federal government should implement a regulatory sharing arrangement between antitrust agencies and labor agencies and adopt a structuralist approach to labor regulation that prioritizes equitable bargaining power for college athletes.

#### Adopting a structuralist approach to labor law expands protections for bargaining and realigns the labor-capital relationship

Hafiz 21 – Hiba Hafiz, Assistant Professor of Law at Boston College Law School, “Structural Labor Rights,” *Michigan Law Review*, 2021, 119 MICH. L. REV. 651

[ULP = unfair labor practice]

Finally, the Board should tailor both its ULP determinations and its section 8 remedies to ensure equal bargaining power between workers and employers. Under an equal bargaining power analysis, the Board could draw on social scientific theory and research to more accurately align the structural relationship between labor and capital. Specifically, the Board should only find a ULP where conduct tips the scales in favor of one party such that, were the parties to enter a collective bargaining negotiation, they would be on unequal footing. To the extent the Board finds that a ULP places one party in a position to hold out longer than the other, it should tailor its remedies to correct for that imbalance.

As discussed, the Board has interpreted section 8 ULPs and exercised its remedial authority in a formalistic way, without analyzing how those interpretations or remedies impact parties' relative bargaining power. Currently, it is a ULP for employers to interfere with, restrain, or coerce employees in their exercise of section 7 rights; to dominate or interfere with a union to form a "company union"; to discriminate or condition employment terms on union membership; to retaliate against employees for filing charges or testifying before the NLRB; and to refuse to bargain collectively with a union that has achieved section 9(a) majority support. 388 Unions commit ULPs if they restrain or coerce employees in their exercise of section 7 rights or their employer in selecting representatives for collective bargaining; cause an employer to discriminate against employees based on union membership; refuse to bargain collectively with an employer as a certified representative of its employees; engage in secondary activity against those who deal with their employer; impose excessive or discriminatory union fees; exact payment from employers for services not to be performed; or engage in certain kinds of recognitional picketing. 389 The Board is generally empowered to prevent persons from engaging in ULPs, issue complaints, determine that a ULP has been committed after a hearing, and petition federal courts to enforce its orders. 390 It is required to prioritize union ULPs of secondary boycotts and recognitional picketing over others and petition a district court to enjoin them. 391

But adopting a social scientific and data-driven approach to ensuring equal bargaining power could dramatically transform existing doctrine to correct power imbalances in labor markets. Recent doctrine on exempting employers from ULPs due to legal determinations of "disloyalty" is illustrative. In a recent case pertinent to the current social-media environment, MikLin Enterprises v. NLRB,3 92 a Jimmy John's franchisee sought an exception for a ULP finding after it fired employees for engaging in consumer-facing poster campaigns against its sick-leave policy. The Eighth Circuit held that the franchisee did not commit a ULP when it discharged the employees for "disloyal" conduct. 393 The facts are telling. The discharged employees had sought paid sick leave and designed and distributed posters on community bulletin boards in their employer's stores. The posters featured two identical images of a Jimmy John's sandwich with text above the first image reading, "Your sandwich made by a healthy Jimmy John's worker," and text above the second reading, "Your sandwich made by a sick Jimmy John's worker," with text below both reading, "Can't tell the difference? That's too bad because Jimmy John's workers don't get paid sick days. Shoot, we can't even call in sick ... We hope your immune system is ready because you're about to take the sandwich test." 394 The posters implied that, because of the employer's sick-leave policy, customers may be exposed to unsafe food because workers would be unable to stay home when ill. The employer then proposed a new sick-leave policy that required employees to find replacements to receive pay, and the workers publicly distributed the same posters with an additional line of text: "Let [the employer] know you want healthy workers making your sandwich!"395 The employer fired six employees and issued written warnings to three workers, claiming the posters resulted in its "bombard[ ment] by phone calls" for around a month.396

The NLRB found that the employer committed a ULP by interfering with employees' right to engage in public communications about ongoing labor disputes and was not entitled to the ULP "disloyalty" exception. Specifically, it found that the posters were "clearly related to the ongoing labor dispute" in that they targeted the employer's paid sick-leave policy as opposed to disparaging the employer or its product.397 Further, because there was no evidence of a malicious motive or employee knowledge that the posters' statements were false or made with "reckless disregard for their truth or falsity," they were not "so disloyal, reckless, or maliciously untrue as to lose the Act's protection." 398 The Eighth Circuit disagreed. It found that the posters made a "disparaging attack upon the quality of the company's product and its business policies" and were "reasonably calculated to harm the company's reputation and reduce its income." 399 Specifically, it held that section 7 does not protect workers' appeals to third parties to improve their working conditions to such an extent that would derogate from employers' rights to fire employees "for cause" under NLRA section 10(c).400 Because the posters were timed with flu season and would likely "outlive ... the labor dispute," the NLRA did "not protect such calculated, devastating attacks."4 1 The court further found that the "disloyalty" ULP exception is available even where employee appeals have a clear nexus to labor disputes.4 2

This decision has been much criticized for its broad extension of the disloyalty exception. 403 Specifically, it has been attacked as conflicting with the NLRA's equal bargaining power purpose because it grants employers the power to characterize a wide range of concerted activity as "disloyal," thus disarming section 7 and removing "from protection those economic weapons that effectively garner public support and threaten to harm the employer's reputation and income."" 4 And the court appeared to functionally reinstate an at-will default rule by allowing termination solely at the employer's discretion-even during union organizing campaigns-by locating the statutory basis of the disloyalty test in section 10(c), which allows "justified," "for-cause" employee discharge based on employers' unilateral determinations. The court did this without any analysis of the union statements' veracity, the statements' impact on the employer's business, the employer's buyer power as a franchisee, extant labor-market restraints (like noncompete provisions), or the impact of broad-strokes regulation of union speech on union bargaining leverage.40 5 Finally, both the Board and the court ignored a critical fact relevant for bargaining-power analysis: the information employees conveyed was accurate and corrected for an information asymmetry that benefited only the employer. The employees, by publicizing health risks that made consumers vulnerable, made the market more efficient by disclosing materially relevant information that enabled more informed choices about where to work and eat. The labor law should be tasked with correcting for such market failures above any vague categorizations of "disloyalty" that permit employer discretion at significant social cost.

Thus, in MikLin, as in other contexts, the court found no employer ULP even as the Board and the courts have been prohibitive when reviewing union ULPs. For example, as I have written elsewhere, workers' secondary activity against "transactional primary" employers-or firms that transact with a direct employer and have market power in that employer's labor or product market-ought to be protected where workers' concerted activity against their direct employer alone would not exert countervailing power against other wage-determining firms.406 Thus, whether those transactional primaries are firms that agree to wage-fixing, no-poaching, or other horizontal restraints with a direct employer or other entities in that employer's supply chain, workers should have an affirmative defense for picketing them just as they would a direct employer.4"7

Labor law is the most important regulatory tool for ensuring that workers exercise countervailing power against employers, 408 and the Board should use its remedial authority to correct unequal bargaining power in its ULP remedies. For example, if employer conduct results in unequal bargaining power, the Board should consider granting workers a default union, default union bargaining, or to the extent a union is in place, a Board order enjoining collective bargaining under NLRB v. Gissel Packing Co.409 And if workers elect to form a union and their employers refuse to bargain on their first contract-the most common impediment to successful collective bargaining '-workers should also be entitled to a Gissel bargaining order and defenses to concerted activity.4" Analysis for determining whether an employer is acting in good faith could be informed by the employer's buyer power, social scientific data on the industry-specific value of incorporating labor as a dynamic input of production, and the NLRA's macroeconomic goals. Similarly, analysis of and remedial options for employer ULPs could be informed by buyer-power determinations and the extent of worker's outside options.

CONCLUSION

This Article reconfigures labor regulation through a structural approach. Where existing law has decentralized tools available to workers to exert countervailing power against employer wage setting, adopting more aggressive interpretations of the NLRA and utilizing more comprehensive remedies to correct for unequal bargaining power will be necessary to rectify the harms that result from employer control over the employment bargain. Integrating social scientific theory, methods, and empirical analyses into the jurisdictional scope of labor law protections, analysis of workers' concerted activity, and sanctionable ULPs will allow better legal tracking of existing labor- market conditions and determinants of labor's share of national income. And it will provide new lines of contestation concerning the rigor, accuracy, and level of substantiation of Board and court labor-market regulation.

#### It’s comparatively more effective than the aff and solves inequality

Hafiz 21 – Hiba Hafiz, Assistant Professor of Law at Boston College Law School, “Structural Labor Rights,” *Michigan Law Review*, 2021, 119 MICH. L. REV. 651

[ULP = unfair labor practice]

A second strand of scholarship has sought to tackle employer power and its resulting wage suppression through the antitrust laws. This recent body of antitrust scholarship has been motivated in part by the failure of existing labor law reform efforts.50 But, as I have addressed elsewhere, workers face significant obstacles to success under existing antitrust doctrine, which generally prioritizes consumer welfare over that of other constituencies, like workers.51 And the singular focus of antitrust enforcers on traditional microeconomic analysis provides limited insight into the complicated bargaining dynamics that determine compensation in labor markets.52 As a result, antitrust scholars readily concede that labor law reform is a necessary complement to antitrust enforcement in correcting for employers' monopsony power and anticompetitive conduct in labor markets.53

This Article builds on and responds to current proposals by arguing for a "structural" approach to labor law itself. By "structural" approach, I mean one that takes into account workers' relative bargaining power as compared to their employers in determining the scope of substantive labor rights and in resolving disputes. A key component of such an approach involves the integration of social scientific advances in the study of market power and bargaining power into the NLRA's administration.54 Because employers' current buyer power strengthens their ability to indefinitely hold out on worker demands in the employment bargain, the "structural" approach seeks to resituate workers to a bargaining position from which they could equally hold out. And it proposes accomplishing that by applying social scientific tools to a reinvigorated analysis of the NLRA's core regulatory components: who counts as "employees" and "employers"; the scope of workers' right to organize, form unions, bargain collectively, and engage in concerted activity; and the scope of workers' and employers' ULPs.55

This proposal does not require overcoming stubborn congressional impasses because it is already baked into the purpose of the labor law. The NLRA's legislative history and policy goals support achieving equal bargaining power, as does the Board's early practice of institutionally aligning research and litigation support with its DER. Reviving attention to this purpose is consistent with the Board and the courts' long-adopted purposivist approach to the NLRA. 56 In the face of unprecedented income inequality, ensuring workers' countervailing power to pervasive employer power is a crucial policy goal, now more than ever. As employers continue to devise new mechanisms to evade legal obligations under labor law, including through workplace restructuring and outsourcing to the "gig" economy, a structural analysis would ensure that legal determinations under the labor law are tethered to labor-market realities that limit workers' leverage over their terms and conditions of work. And ensuring equal bargaining power could complement broader legislative reform efforts if and when Congress moves forward on them.

### advantage cp

#### The United States federal government should:

#### substantially increase progressive taxation and reparations programs for Black Americans;

#### stop “modernization” and education programs in American Samoa;

#### distribute $100k to every college athlete annually, funded by a regressive tax on NCAA universities.

#### Solves the wealth gap orders of magnitude better than the aff.

Vanessa Williamson 20. Senior Fellow - Governance Studies. “Closing the racial wealth gap requires heavy, progressive taxation of wealth”. Brookings. Dec 9 2020. https://www.brookings.edu/research/closing-the-racial-wealth-gap-requires-heavy-progressive-taxation-of-wealth/

Centuries of discrimination and exploitation have left Black Americans much poorer than white Americans. The median white household has a net worth 10 times that of the median Black household. If Black households held a share of the national wealth in proportion to their share of the U.S. population, it would amount to $12.68 trillion in household wealth, rather than the actual sum of $2.54 trillion. The total racial wealth gap, therefore, is $10.14 trillion.

There is a vital and vibrant conversation in America today about reparations programs and other expenditure-based approaches to close the racial wealth gap. These investments are a moral imperative and an urgent economic necessity.

But any program to close to racial wealth gap must grapple with the reality of wealth concentration in contemporary America. The 400 richest American billionaires have more total wealth than all 10 million Black American households combined. Black households have about 3% of all household wealth, while the 400 wealthiest billionaires have 3.5% of all household wealth in the United States. Because wealth in the United States is so highly concentrated, and because the wealthiest Americans are almost exclusively white, the racial wealth gap is also concentrated among the wealthiest families. Indeed, if the wealth gap were completely eliminated for all but the richest 10% of households, the total racial wealth gap would still be more than $8 trillion, 80% of the total wealth gap that exists today.

Any plan to eliminate the total racial wealth gap requires, in addition to a transformative national investment in Black households and communities, a program of heavy and highly progressive taxation aimed at the very wealthiest Americans. A comprehensive agenda to close the racial wealth gap would likely include reforms to income and estate taxation, plus new taxes on wealth and inheritance, buttressed by a substantial investment in enforcement.

### settlerism k

#### Settler colonialism is the permeating structure of the nation-state which requires the elimination of indigenous life and land via the occupation of settlers. The appropriation of land turns Natives into ghosts and chattel slaves into excess labor.

Tuck and Yang 12

(Eve Tuck, Unangax, State University of New York at New Paltz K. Wayne Yang University of California, San Diego, Decolonization is not a metaphor, Decolonization: Indigeneity, Education & Society Vol. 1, No. 1, 2012, pp. 1-40, JKS)

Our intention in this descriptive exercise is not be exhaustive, or even inarguable; instead, we wish to emphasize that (a) decolonization will take a different shape in each of these contexts - though they can overlap - and that (b) neither external nor internal colonialism adequately describe the form of colonialism which operates in the United States or other nation-states in which the colonizer comes to stay. Settler colonialism operates through internal/external colonial modes simultaneously because there is no spatial separation between metropole and colony. For example, in the United States, many Indigenous peoples have been forcibly removed from their homelands onto reservations, indentured, and abducted into state custody, signaling the form of colonization as simultaneously internal (via boarding schools and other biopolitical modes of control) and external (via uranium mining on Indigenous land in the US Southwest and oil extraction on Indigenous land in Alaska) with a frontier (the US military still nicknames all enemy territory “Indian Country”). The horizons of the settler colonial nation-state are total and require a mode of total appropriation of Indigenous life and land, rather than the selective expropriation of profit-producing fragments. Settler colonialism is different from other forms of colonialism in that settlers come with the intention of making a new home on the land, a homemaking that insists on settler sovereignty over all things in their new domain. Thus, relying solely on postcolonial literatures or theories of coloniality that ignore settler colonialism will not help to envision the shape that decolonization must take in settler colonial contexts. Within settler colonialism, the most important concern is land/water/air/subterranean earth (land, for shorthand, in this article.) Land is what is most valuable, contested, required. This is both because the settlers make Indigenous land their new home and source of capital, and also because the disruption of Indigenous relationships to land represents a profound epistemic, ontological, cosmological violence. This violence is not temporally contained in the arrival of the settler but is reasserted each day of occupation. This is why Patrick Wolfe (1999) emphasizes that settler colonialism is a structure and not an event. In the process of settler colonialism, land is remade into property and human relationships to land are restricted to the relationship of the owner to his property. Epistemological, ontological, and cosmological relationships to land are interred, indeed made pre-modern and backward. Made savage. In order for the settlers to make a place their home, they must destroy and disappear the Indigenous peoples that live there. Indigenous peoples are those who have creation stories, not colonization stories, about how we/they came to be in a particular place - indeed how we/they came to be a place. Our/their relationships to land comprise our/their epistemologies, ontologies, and cosmologies. For the settlers, Indigenous peoples are in the way and, in the destruction of Indigenous peoples, Indigenous communities, and over time and through law and policy, Indigenous peoples’ claims to land under settler regimes, land is recast as property and as a resource. Indigenous peoples must be erased, must be made into ghosts (Tuck and Ree, forthcoming). At the same time, settler colonialism involves the subjugation and forced labor of chattel slaves, whose bodies and lives become the property, and who are kept landless. Slavery in settler colonial contexts is distinct from other forms of indenture whereby excess labor is extracted from persons. First, chattels are commodities of labor and therefore it is the slave’s person that is the excess. Second, unlike workers who may aspire to own land, the slave’s very presence on the land is already an excess that must be dis-located. Thus, the slave is a desirable commodity but the person underneath is imprisonable, punishable, and murderable. The violence of keeping/killing the chattel slave makes them deathlike monsters in the settler imagination; they are reconfigured/disfigured as the threat, the razor’s edge of safety and terror. The settler, if known by his actions and how he justifies them, sees himself as holding dominion over the earth and its flora and fauna, as the anthropocentric normal, and as more developed, more human, more deserving than other groups or species. The settler is making a new "home" and that home is rooted in a homesteading worldview where the wild land and wild people were made for his benefit. He can only make his identity as a settler by making the land produce, and produce excessively, because "civilization" is defined as production in excess of the "natural" world (i.e. in excess of the sustainable production already present in the Indigenous world). In order for excess production, he needs excess labor, which he cannot provide himself. The chattel slave serves as that excess labor, labor that can never be paid because payment would have to be in the form of property (land). The settler's wealth is land, or a fungible version of it, and so payment for labor is impossible.6 The settler positions himself as both superior and normal; the settler is natural, whereas the Indigenous inhabitant and the chattel slave are unnatural, even supernatural. Settlers are not immigrants. Immigrants are beholden to the Indigenous laws and epistemologies of the lands they migrate to. Settlers become the law, supplanting Indigenous laws and epistemologies. Therefore, settler nations are not immigrant nations (See also A.J. Barker, 2009). Not unique, the United States, as a settler colonial nation-state, also operates as an empire - utilizing external forms and internal forms of colonization simultaneous to the settler colonial project. This means, and this is perplexing to some, that dispossessed people are brought onto seized Indigenous land through other colonial projects. Other colonial projects include enslavement, as discussed, but also military recruitment, low-wage and high-wage labor recruitment (such as agricultural workers and overseas-trained engineers), and displacement/migration (such as the coerced immigration from nations torn by U.S. wars or devastated by U.S. economic policy). In this set of settler colonial relations, colonial subjects who are displaced by external colonialism, as well as racialized and minoritized by internal colonialism, still occupy and settle stolen Indigenous land. Settlers are diverse, not just of white European descent, and include people of color, even from other colonial contexts. This tightly wound set of conditions and racialized, globalized relations exponentially complicates what is meant by decolonization, and by solidarity, against settler colonial forces. Decolonization in exploitative colonial situations could involve the seizing of imperial wealth by the postcolonial subject. In settler colonial situations, seizing imperial wealth is inextricably tied to settlement and re-invasion. Likewise, the promise of integration and civil rights is predicated on securing a share of a settler-appropriated wealth (as well as expropriated ‘third-world’ wealth). Decolonization in a settler context is fraught because empire, settlement, and internal colony have no spatial separation. Each of these features of settler colonialism in the US context - empire, settlement, and internal colony - make it a site of contradictory decolonial desires7. Decolonization as metaphor allows people to equivocate these contradictory decolonial desires because it turns decolonization into an empty signifier to be filled by any track towards liberation. In reality, the tracks walk all over land/people in settler contexts. Though the details are not fixed or agreed upon, in our view, decolonization in the settler colonial context must involve the repatriation of land simultaneous to the recognition of how land and relations to land have always already been differently understood and enacted; that is, all of the land, and not just symbolically. This is precisely why decolonization is necessarily unsettling, especially across lines of solidarity. “Decolonization never takes place unnoticed” (Fanon, 1963, p. 36). Settler colonialism and its decolonization implicates and unsettles everyone.

#### The aff is symptomatic of the care industry which offers token recognition through the colonial matrix to alleviate settler anxiety and consolidate their social capital. This precludes decolonial politics by continually investing in settler recuperation.

Slater 16

(Lisa Slater, PhD (Sydney University), MA (Sydney University), Questioning Care, Chapter 7 in The Pedagogies of Cultural Studies, edited by Andrew Hickey, Routledge, 2016, JKS)

What worlds do you care for? Donna Haraway (2008) challenges her readers to become curious about the world-making effects of their caring practices. In this chapter I will examine the world-making effects of settler Australians’ care for Indigenous peoples, and more broadly reflect upon pedagogies of care and the production of the contemporary caring subject. Haraway (1988) has long argued for situated knowledges. As much as we live in an interconnected, entangled world, peoples (or as Haraway might prefer, the more-than-human) also live different histories. To care is to make claims on life and the future (and in so doing draw upon particular pasts). In Australia, the art of caring for others or instituting good health and well- being continues to be modeled on settler liberal concepts of what is a good life and a healthy subject-citizen. In contrast, many Indigenous people have called upon settler Australia to recognize and take seriously alternative life worlds and thus to imagine different futures. To do so, we need to ask, what are the world-making effects of our caring stories? Cultural studies prides itself on a commitment to social justice, and I would argue that such an undertaking requires a radical innovation of how we understand and prac- tice care. My intention is to not simply critique modes of caring for others but rather to run a bit of interference on care: to reflect upon what worlds are we caring for, so we might consider what worlds flourish and what worlds are diminished. To generate new political practices and anticolonial styles of care, we need to draw upon alternative genealogies of care. As cultural studies academics, we care, and teach our students, about social justice. Lately, I’ve been speculating about what our students care for. Or perhaps more accurately, I am curious about knowledge politics, which is much more than revealing the politics or working to produce more accurate facts but rather understanding that the “[w]ays of studying and representing things have world-making effects” (Puig de la Bellacasa 2011: 86). The stories we tell about care—knowledge construction and circulation—have material consequences. When I say our students, I mean students of Australian universities, not just my students at the University of Wollongong. Where are we directing their affective force? Over the last few years when teaching undergraduate students, I have been surprised by their self-assured (if not even self-righteous) sense of what social issues are important and deserving of care. But more so, even if they are improvising as knowing, empathetic subjects, they are highly attuned to, and keen to learn, what issues should animate their sympathy and what is the correct response. They know that their care should be directed toward such issues as marriage equality, the environment, poverty, and homelessness, and if I tell them about sweat- shops or the escalating imprisonment rates of Aboriginal people, they will care about that, too. They know not to care is to out oneself as ignorant, or worse a brute or redneck. To care about particular issues is the mark of the civil or the civilized. We might ask, are we in an age of watered-down ethics (Puig de la Bellacasa 2010)? We cultivate awareness and we care about a long list of fashionable issues. Puig de la Bellacasa argues that concern for ethics has become a form of hegemonic thinking. She writes: That we live in the age of ethics is perceivable in an inflationist use of the word: from corporate ethics to everyday ethical living—garbage recycling, fair trade—from international relations to the life sciences, every human practice seems today to cultivate awareness of its ethical component. In most instances interest in the ethical translates in a local or global search for rules, recommendations or resolutions regarding a specific field or profession. (2010: 153) She refers to this as biopolitical morality: forms of power aimed at controlling people’s existence at every level of experience and subjectivity (2010: 155). In an era when the primary role of higher education is to produce work- ers for the knowledge economy, and to secure individual prosperity and social mobility, coupled with the frustration that many academics feel about the lack of student engagement in sociopolitical issues, demonstrations of some form of care and interest seem better than nothing. My concern is that despite our training and commitment to critique, as cultural studies scholars we might be, however inadvertently, conceding to biopolitical morality. However, for many students, Indigenous issues can be some of the trickiest to negotiate. In general students are aware of the socioeconomic disparity between Indigenous and mainstream Australia, and left leaning politicized students are quick to blame past generations and the government. But most sense it’s a mine field, and are wary. My colleagues who teach Indigenous stud- ies (and from my own previous experience) tell me students largely want to learn about ‘dot paintings’ and an ancient culture but do not want to discuss contemporary issues, such as the ongoing impact of colonial and neocolonial practices, because they are considered too political and confronting (terms settler Australians readily apply). Over the years, I have noted the resistances of settler Australian students, which coexist with a particular enthusiasm for so-called ‘traditional’ Aboriginal culture. This cultural dynamic is found in broader Australia, and it is one for which I have developed an intellectual fascination. Of course, not everyone cares about Indigenous people. In Australia, this is only too clear. However, I would argue, concern for Indigenous well-being has become a moral barometer of our time. Thus, settler sensitivity, anxiety, around how to engage with Indigenous issues makes it a productive site for investigating the knowledge politics of care. It would be fair to say, I’ve been doing a lot of thinking about care, worrying at care. In particular my interest is, what I am calling in a crude sociological category, “good white people”: progressive settler Australians who want to engage with Indigenous peoples, cultures, and social issues. In short, care. They, or we, are deeply concerned about the so-called “Indigenous problem”; socioeconomic inequality, poor health, education, and housing, and racism, growing incarceration and suicide rates, the closing of remote communities, the ‘loss’ of culture, and the list could go on. There is a lot to worry about. Overwhelmed, the good white person asks, what can we do? Too often the effect is that ‘we’, settler Australians, imagine that we know what the problem is and, like the government, we must find the solutions (Cowlishaw 2013: 245). What is the cultural relationship? Tony Birch argues pity is the “emotion that drives the relationship between conservative and liberal-minded Australians alike in their dealings with Aboriginal people” (Birch 2014: 41). Largely, I agree. However, I think pity is an expression of good old-fashioned settler anxiety; variously understood as a sense of ille- gitimacy or guilt due to Australia’s colonial past and ongoing white privilege (Gelder and Jacobs 1998). Nonetheless, Aboriginal people are objects for mainstream Australia to worry about but not to take seriously. Good white people care about Indigenous people and culture. We are anxious to get ‘it’ right; our sense of self and belonging depends upon it. But more so, anxiety is an historical subjectivity—a social practice, an activity through which the subject is constituted. Foucault claimed that the study of the genealogy of the modern Western subject needed to be twofold. It is not enough to take into account technologies of domination,1 we also need to consider the active practices of self-constitution, which Foucault calls technologies or care of the self: techniques which permit individuals to effect, by their own means, a certain number of operations on their own bodies, on their own souls, on their own thoughts, on their own conduct, and this in a manner so as to transform themselves, modify themselves, and to attain a certain state of perfection, of happiness, of purity, of supernatural power, and so on. (2005: 214) In a simple sense, care of the self is the work we do to know ourselves, to constitute ourselves as subjects in relation to what one understands as the truth (Foucault 1997: 271). In such a truth, Indigenous people are vulnerable and care is performed through acts of benevolence that welcome Indigenous people into an already determined future. I am arguing that a contemporary practice of self-seeking—care of the self—is the activity of knowing who I am in relation to Indigenous issues and intercultural relations, which offers self-certainty. Of course, these activities do not produce an authentic self, but a certain kind of subjectivity that does particular work in the world, reproducing colonial relations of authority and vulnerability. These are, as Foucault argues: not something invented by the individual himself. They are models that he finds in his culture and are proposed, suggested, imposed upon him by his culture, his society, and his social group. (1997: 291).

#### The premise of their stolen wealth advantage remains wedded to the dispossession of native lands and resources.

Baker 17

(Oliver Baker, PhD Candidate Mellon Fellow American Literary Studies, Democracy, Class, and White Settler Colonialism, Public, Volume 28, Number 55, June 2017, pp. 144-153(10), JKS)

Today, Indianness continues, as Byrd puts it, to “transit U.S. empire” or put into motion, facilitate, and cohere the United States' settler imperial project that reaches around the world.12 It is through Indianness that settlers come to view the lands, resources, and bodies of the earth as spaces and objects of a barren wilderness (terra nullius) freely available for expropriation. The current and future populations living in spaces of the lands and controlling the resources that US settler imperialism attempts to seize or control are, as Byrd explains, made “Indian” or abjected as mindless terrorist-savages whose confrontation with the agents of enclosure is understood not as an attempt to resist and survive colonization, occupation, and genocide, but an irrational attack against society, civilization, humanity, and the forces of modern progress. In short, Indianness is what legitimates the process of primitive accumulation or what David Harvey calls "accumulation by dispossession," which is central to the formation, expansion, and dominance of global finance capitalism. What an understanding, then, of settler colonialism, Indigeneity, and Indianness demonstrates concerning the question of alliance-building among oppressed groups today is that political organizing through the spaces of the democratic commons or the identity of the settler wage labourer supports rather than disrupts the colonization of Indigenous peoples of North America. In the case of the democratic commons, calls for preserving and expanding the public institutions and spaces of liberal democracy in order to cultivate more radical and progressive forms of democracy is a demand not to undo or transform but to uphold the settler colonial state. As Byrd argues, “one reason why a post racial and just democratic society is a lost cause in the United States is that it is always already conceived through the prior disavowed and misremembered colonization of Indigenous lands that cannot be ended by further inclusion or more participation”14 Coulthard echoes this point, showing that “in liberal settler states...the commons' not only belong to somebody...they also deeply inform and sustain Indigenous modes of thought and behavior.”15 While it should be acknowledged that the democratic commons historically has served an important role in cultivating and producing emancipatory modes of analysis and forms of social belonging, such gains have nonetheless always depended upon the colonization of Indigenous peoples. Any defence, then, of the democratic commons today must at the same time defend Indigenous sovereignty. This means rethinking how groups relate in the spaces of the commons in ways that do not perpetuate liberal democracy's colonial project of building public institutions and democratic spaces through the seizure, theft, and colonization of Indigenous lands, bodies, and resources. Class-first models of a renewed workers' movement also risk reproducing colonial dispossession when they fail to recognize that the Indian and the settler wage labourer are structurally distinct categories of oppression. The former is constituted by dispossession through elimination, while the latter is structured by exploitation through hegemony. Even though exploited, settler wage labourers nonetheless come to experience their status in settler colonialism as a place of refuge and protection from dispossession and abjection. The role of the settler state is to ensure and safeguard the settler wage labourer's right not only to possess but not to be dispossessed of property, even if the only property the wage labourer possesses is labour power. In fact, possessing labour power as a commodity to sell on the market indexes the settler wage labourer's right and ability to enter the social contract and find security from the forms of structural exclusion naturalized in the position of the Indian. Such a status explains why, when neoliberal forms of precarious labour and exclusions from waged life increasingly target settler wage labourers, they are felt and represented as abnormal, undeserving, and, more importantly, grievable occurrences. The dispossession of settlers challenges the symbolic and material consistency of settler societies that are premised on dispossessing colonial peoples in order to reward and advantage settlers of all classes. Settler society retains and reproduces its coherence as the promised site of settler sovereignty, possession, and rights by figuring the neoliberal dispossession of settlers as the exception to be overcome if only because Indigenous dispossession remains the norm to be reproduced and repeated. The grievability of neoliberal dispossession, heard today in the refrain that globalization has “abandoned the white working class” depends upon the ungrievability and normalization of Indigenous dispossession that, in the narratives not only of manifest destiny but also the democratic commons and normative socialist futures, is depicted and accepted as a natural, inevitable, and necessary process. One of the limits, then, of calling for solidarity through the political identity of the wage labourer is that, in settler colonialism, what organized settler wage labourers demand is not necessarily an end to exploitation but the freedom, protection, and refuge from structural dispossession and exclusion that are normalized and naturalized in the social and racial ontologies of the Indian. Movements on behalf of settler labourers risk ending in reform rather than revolution precisely because they do not so much seek to confront capital as they seek refuge and protection within and through it.

#### Thus, the only alternative is one of decolonization.

Tuck and Yang 12

(Eve Tuck, Unangax, State University of New York at New Paltz K. Wayne Yang University of California, San Diego, Decolonization is not a metaphor, Decolonization: Indigeneity, Education & Society Vol. 1, No. 1, 2012, pp. 1-40, JKS)

An ethic of incommensurability, which guides moves that unsettle innocence, stands in contrast to aims of reconciliation, which motivate settler moves to innocence. Reconciliation is about rescuing settler normalcy, about rescuing a settler future. Reconciliation is concerned with questions of what will decolonization look like? What will happen after abolition? What will be the consequences of decolonization for the settler? Incommensurability acknowledges that these questions need not, and perhaps cannot, be answered in order for decolonization to exist as a framework. We want to say, first, that decolonization is not obliged to answer those questions - decolonization is not accountable to settlers, or settler futurity. Decolonization is accountable to Indigenous sovereignty and futurity. Still, we acknowledge the questions of those wary participants in Occupy Oakland and other settlers who want to know what decolonization will require of them. The answers are not fully in view and can’t be as long as decolonization remains punctuated by metaphor. The answers will not emerge from friendly understanding, and indeed require a dangerous understanding of uncommonality that un-coalesces coalition politics - moves that may feel very unfriendly. But we will find out the answers as we get there, “in the exact measure that we can discern the movements which give [decolonization] historical form and content” (Fanon, 1963, p. 36). To fully enact an ethic of incommensurability means relinquishing settler futurity, abandoning the hope that settlers may one day be commensurable to Native peoples. It means removing the asterisks, periods, commas, apostrophes, the whereas’s, buts, and conditional clauses that punctuate decolonization and underwrite settler innocence. The Native futures, the lives to be lived once the settler nation is gone - these are the unwritten possibilities made possible by an ethic of incommensurability.

### court politics da

#### The court has taken up a challenge to EPA climate authority under the non-delegation doctrine, but will refrain from a broad decision because of fear of public backlash

Smith 21 – Lexi Smith, former advisor to the Mayor of Boston on climate policy, currently JD candidate at Yale Law School, “Supreme Court to weigh EPA authority to regulate greenhouse pollutants,” 11/7/21, https://yaleclimateconnections.org/2021/11/supreme-court-to-weigh-epa-authority-to-regulate-greenhouse-pollutants/

The Supreme Court agreed to hear a case, West Virginia v. EPA, challenging the Environmental Protection Agency’s authority to regulate greenhouse gases as pollutants.

The case presents an opportunity for the Court to overturn key climate precedents and potentially change the relationship between federal agencies and Congress. The decision could have far-reaching consequences for federal climate policy and perhaps even for federal agencies more broadly.

How did we get here, how far might the Court go, and what consequences might the case have for climate change regulation and executive branch authority?

EPA’s authority to regulate greenhouse gases: Massachusetts v. EPA

In a groundbreaking decision in 2007, the Supreme Court held 5-4 that EPA has authority to regulate greenhouse gases under the Clean Air Act. During the Bush administration, environmentalists petitioned the agency to issue a rule on the regulation of greenhouse gases. The Bush EPA denied the petition, and environmental groups, states, and local governments challenged that decision in court. The Supreme Court’s decision turned on whether greenhouse gases like carbon dioxide fall under the definition of “air pollutants,” which the Clean Air Act authorizes EPA to regulate.

The Court concluded that carbon dioxide and other greenhouse gases are air pollutants under the Clean Air Act’s definition, and also noted that the EPA cannot refuse to regulate greenhouse gases for policy reasons outside the Clean Air Act itself, as the Bush administration had done. The Court ordered EPA to either issue a finding that greenhouse gases are dangerous to the public health and welfare, the first step toward regulation, or to give a reasoned explanation for why greenhouse gases do not meet the threshold of endangerment outlined in the Clean Air Act. The agency ultimately found that greenhouse gases are dangerous to the public health and welfare, which formed the foundation for EPA’s regulation of greenhouse gases.

That Supreme Court’s ruling in Massachusetts v. EPA was a 5-4 decision, and environmental advocates leading up to it were not at all certain that they would win the case. In fact, the case was controversial at the time because many environmentalists worried that it would result in a harmful adverse ruling. The four liberals on the Court in 2007, Justices Souter, Ginsburg, Breyer, and Stevens, were joined by Justice Kennedy to form a majority. But Chief Justice Roberts and Justices Thomas, Scalia, and Alito dissented.

Chief Justice Roberts’s dissent (joined by Justices Scalia, Thomas, and Alito) argued that the states, local governments, and environmental groups challenging the EPA should not have been allowed to sue in the first place because they lacked standing: One requirement of standing is a “concrete and particularized” injury. Chief Justice Roberts argued that harms from climate change affect everyone, so the injury in question was not sufficiently individualized and personal to support a lawsuit.

Justice Scalia’s dissent (joined by Chief Justice Roberts and Justices Thomas and Alito) focused on the Clean Air Act and argued that the Act is meant to address conventional air pollutants that harm human health directly through exposure, such as inhalation. He maintained that the Act was not meant to address the broader issue of climate change, and that greenhouse gases therefore did not fall under the definition of “air pollutants.”

Of course, the Supreme Court’s composition has changed significantly since 2007. With a 6-3 conservative-liberal divide, the conservative dissenters’ objections to Massachusetts v. EPA may now represent the majority view.

The ‘worst case scenario’: What could West Virginia v. EPA bring?

There are reasons to expect that the Court will show restraint when it hears the upcoming challenge to EPA’s authority in the West Virginia v. EPA case. But first, let’s walk through the worst potential outcomes from the perspective of climate advocates.

As suggested above, the Court could overturn its decision in Massachusetts v. EPA and effectively take away EPA’s authority to regulate greenhouse gases. With such a ruling, EPA could no longer issue rules directly regulating greenhouse gas emissions, and past greenhouse gas rules issued under its Clean Air Act authority would be invalid.

Richard Lazarus, a Harvard Law School professor who recently wrote a book about Massachusetts v. EPA, called the Court’s decision to hear West Virginia v. EPA “the equivalent of an earthquake around the country for those who care deeply about the climate issue.”

The consequences of the case could even reach far beyond climate regulation. The case presents an opportunity for the Court to revive the “nondelegation doctrine,” a mostly defunct principle that purported to limit Congress’s authority to delegate legislative power to executive branch agencies. The doctrine comes from Article I of the Constitution, which says that “[a]ll legislative powers herein granted shall be vested in a Congress of the United States.” The Supreme Court has not used the nondelegation doctrine to strike down agency action in more than 80 years.

Implications of enforcing nondelegation doctrine

The practical consequences of enforcing the nondelegation doctrine would debilitate the current system of executive branch rulemaking and regulation, subject to judicial review and congressional oversight. If Congress were to do all the rulemaking currently done by EPA, for instance, environmental regulation would become virtually impossible to enact. Congress in that case would have to make thousands of granular and technical decisions about environmental policy, even though we know it can barely pass major legislation as it is.

More broadly, nondelegation could mean that much of the work done by all federal agencies would have to be done instead by a clearly ill-equipped Congress. Even without current gridlock on Capitol Hill, the sheer volume of policy decisions Congress would have to make would be completely unworkable.

While this outcome sounds unlikely and illogical to those who support federal agency regulation, several of the current Justices at various times have expressed interest in weakening the administrative state and deregulating industry. For them, the nondelegation doctrine may be an attractive principle.

Notably, for instance, in a case called Gundy v. United States in 2019, four of the conservatives (Chief Justice Roberts and Justices Gorsuch, Thomas, and Alito) showed a willingness to revisit the nondelegation doctrine. At that time, Justice Kennedy had retired, and Justice Kavanaugh had not yet been confirmed, so the case was 4-4. With Justices Kavanaugh and Barrett now on the court, there appears to be some chance that reviving the nondelegation doctrine would garner the support of five or even six Justices.

The petitioners – West Virginia and North American Coal Corporation – that brought the appeal in West Virginia v. EPA explicitly suggested that this case could be an opportunity for the Court to reconsider nondelegation: “Nothing in the statute [the Clean Air Act] approaches the clear language Congress must use to assign such vast policymaking authority – assuming, of course, it can delegate enormous powers like these in the first place.”

In short, the worst-case scenario from the perspective of climate action advocates is that the Supreme Court takes away the EPA’s authority to regulate greenhouse gases and also revives the nondelegation doctrine, which would strip most federal agencies of much of their regulatory power.

Reasons for a less sweeping outcome

Let’s now consider some reasons the Court may be unlikely to completely overturn Massachusetts v. EPA or fully embrace the nondelegation doctrine.

First, Chief Justice Roberts, and increasingly Justices Kavanaugh and Gorsuch, appear keenly mindful and protective of the Court’s reputation and legacy. They have tended to look out for the public perception of the Court and avoid decisions that would have provoked especially strong public backlash. Recent examples include upholding the Affordable Care Act and civil rights protections for the LGBT community.

These cautious impulses may be heightened by the looming threat of court reform, which could gain more momentum if a particularly controversial conservative decision were issued. Given the strong public backlash likely to result from a decision taking away EPA authority to regulate greenhouse gases and/or reviving the nondelegation doctrine, the Court may proceed with caution.

#### The plan’s liberal ruling provides breathing room for a conservative decision on non-delegation

Bazelon 15 – Emily Bazelon, staff writer for the New York Times Magazine, Truman Capote Fellow at Yale Law School, “Marriage of Convenience,” 1/27/2015, https://www.nytimes.com/2015/02/01/magazine/marriage-of-convenience.html

More significant, if the court is seen as transcending partisan politics, Roberts will probably have more chances, over time, to accomplish what appears to be his primary long-term goal: to move the court in a more conservative direction on a range of issues. In particular, Roberts's brand of conservatism has manifested itself in two main areas. The first is in decisions that are sympathetic to corporations. A 2013 study found that he had been more likely to side with businesses than any justice in the previous 65 years, except for Samuel Alito. The second is in decisions that are antagonistic toward the idea of taking race into account in shaping law or policy. Roberts has voted repeatedly against affirmative action, writing last year that it was not hard to conclude that racial preferences may ''do more harm than good.'

When Roberts was nominated to be chief justice 10 years ago by President George W. Bush, he exuded calm neutrality at his confirmation hearing, comparing judges to umpires who call balls and strikes. At the end of his first term, he emphasized the importance of the court's ''credibility and legitimacy as an institution,'' in an interview with the George Washington University law professor Jeffrey Rosen.

But in 2010, Roberts supplied the fifth vote for the court's remarkably unpopular ruling in Citizens United. By striking limits that Congress set on campaign spending by corporations, the court was perceived as favoring the interests of the wealthy. The court's approval rating fell 10 percentage points, to barely break even, from 61 percent.

Since then, the court has fared better with the public when it pairs conservative decisions with progressive ones. And same-sex marriage is part of that equation. In 2013, the term ended with a splashy ruling in which five justices -- Roberts not among them -- struck down part of the Defense of Marriage Act, which restricted federal benefits for spouses to male-female couples. This decision came one day after the court gutted a central component of the Voting Rights Act, in a 5-to-4 decision written by Roberts.

#### Domestic U.S. climate regulations are key to avoiding dangerous climate change globally

Friedman 21 – Lisa Friedman, climate and energy reporter for the New York Times, “At Climate Talks, Biden Will Try to Sell American Leadership to Skeptics,” 10/31/21, https://www.nytimes.com/2021/10/31/climate/climate-change-biden-cop26.html

If Mr. Biden lacks a reliable plan for the United States to significantly cut its emissions this decade, it would “send a signal” to other major emitters that America is still not serious, she said. And it would be difficult for Mr. Biden to urge other countries to take more meaningful steps away from fossil fuels, others said.

“Some of these countries are saying, ‘Oh yeah, but look at what you did guys, and now you’re coming back and demanding after you were away for the past four years?’” said Andrea Meza, the environment and energy minister of Costa Rica.

Tensions were already running high ahead of the summit. China, currently the world’s top emitter, announced a new target on Thursday that was supposed to be a more ambitious plan to curb its pollution but is virtually indistinguishable from what it promised six years ago. President Xi Jinping has indicated he will not attend the summit in person, as have presidents of two other top polluting nations, Vladimir V. Putin of Russia and Jair Bolsonaro of Brazil.

Democrats close to President Biden said he is painfully aware that the credibility of the United States is on the line in Glasgow, particularly after a botched withdrawal from Afghanistan this summer and a dust-up with France over a military submarine contract.

Representative Ro Khanna, Democrat of California, met with the president recently to discuss how to salvage Mr. Biden’s legislative climate agenda.

“He indicated that many world leaders like Putin and Xi are questioning the capability of American democracy to deliver, so we need to show them that we can govern,” Mr. Khanna said.

Mr. Biden, who is accompanied in Glasgow by 13 Cabinet members, insists they have a story of success to tell, starting with his decision on his first day on the job to rejoin the 2015 Paris Agreement, an accord of nearly 200 countries to fight climate change, from which Mr. Trump had withdrawn the United States.

Since then, Mr. Biden has taken several steps to cut emissions, including restoring and slightly strengthening auto pollution regulations to levels that existed under President Barack Obama but were weakened by Mr. Trump. He has taken initial steps to allow the development of large-scale wind farms along nearly the entire coastline of the United States, and last month finalized regulations to curb the production and use of potent planet-warming chemicals called hydrofluorocarbons, which are used in air-conditioners and refrigerators.

But Mr. Biden is likely to emphasize the $555 billion that he wants Congress to approve as part of a huge spending bill. The climate provisions would promote wind and solar power, electric vehicles, climate-friendly agriculture and forestry programs, and a host of other clean energy programs. Together, those programs could cut the United States’ emissions up to a quarter from 2005 levels by 2030, analysts say.

That’s about halfway to Mr. Biden’s goal of cutting the country’s emissions 50 to 52 percent below 2005 levels. “We go in with a fact pattern that is pretty remarkable, as well as real momentum,” Ali Zaidi, the deputy White House national climate adviser, told reporters.

Mr. Biden plans to release tough new auto pollution rules designed to compel American automakers to ramp up sales of electric vehicles so that half of all new cars sold in the United States are electric by 2030, up from just 2 percent this year. His top appointees have also promised new restrictions on carbon dioxide emissions from coal and gas-fired power plants. And earlier this year, Biden administration officials said they would roll out a draft rule by September to regulate emissions of methane, a powerful planet-warming gas that leaks from existing oil and natural gas wells.

So far, the administration has not offered drafts of any of those rules. Several administration sources said that delay has been due in part to staff shortages, as well as an effort not to upset any lawmakers before they vote on Mr. Biden’s legislative agenda.

But time is running out. It can take years to complete work on such complex and controversial government policies, and several are likely to face legal challenges. On Friday, the U.S. Supreme Court, which has a conservative majority, said it would review the E.P.A.’s authority to regulate greenhouse gas emissions, potentially complicating Mr. Biden’s plans.

The U.S. track record

For three decades, American politics have complicated global climate efforts.

Former President Bill Clinton, a Democrat, joined the first global effort to tackle climate change, the 1997 Kyoto Protocol. His Republican successor, President George W. Bush, renounced the treaty. Mr. Obama, another Democrat, joined the 2015 Paris Agreement and rolled out dozens of executive orders to help meet his promises to cut emissions. His Republican successor, Mr. Trump, abandoned the accord, repealed more than 100 of Mr. Obama’s regulations and took steps to expand fossil fuel drilling and mining.

Mr. Biden is facing similar resistance. No Republicans in Congress back his current climate effort. Representative Frank Lucas of Oklahoma, the top Republican on the House science committee, said the international community should be skeptical of the Biden administration’s promises. “I think they’ll roll their eyes just as people will continue to do in the United States,” Mr. Lucas said.

The president has also struggled to win over two pivotal players within his own party. Senator Joe Manchin III, Democrat of West Virginia, has been steadfastly opposed to a central feature of Mr. Biden’s climate plan: a program that would have rapidly compelled power plants to switch from burning coal, oil and gas, to using wind, solar and other clean energy. Mr. Manchin’s state is a top coal and gas producer, and he has personal financial ties to the coal industry. He was able to kill the provision. Senator Kyrsten Sinema, Democrat of Arizona, has also withheld her support, saying she wants a more modest spending bill.

Environmental leaders said America’s past inconsistency on climate action makes it more important for Mr. Biden to succeed now.

“The U.S. has had to be dragged kicking and screaming to the climate table and has slowed down action that was needed to tackle the climate crisis,” said Mohamed Adow, director of Power Shift Africa, a Nairobi-based environmental think tank. “That is the legacy Biden has to deal with.”

What’s at stake

Average global temperatures have already risen about 1.1 degrees Celsius (2.7 degrees Fahrenheit), compared with preindustrial levels, locking in an immediate future of rising seas, destructive storms and floods, ferocious fires and more severe drought and heat.

At least 85 percent of the planet’s population has already begun to experience the effects of climate change, according to research published in the journal Nature Climate Change. This summer alone, more than 150 people died in violent flooding in Germany and Belgium. In central China, the worst flooding on record displaced 250,000 people. In Siberia, summer temperatures reached as high as 100 degrees, feeding enormous blazes that thawed what was once permanently frozen ground.

“Clearly, we are in a climate emergency. Clearly, we need to address it,” Patricia Espinosa, head of the U.N. climate agency, said Sunday as she welcomed delegates to Glasgow. “Clearly, we need to support the most vulnerable to cope. To do so successfully, greater ambition is now critical.”

If the planet heats even a half-degree more, it could lead to water and food shortages, mass extinctions of plants and animals, and more deadly heat and storms, scientists say.

#### Unchecked warming causes extinction

Peter Kareiva 18, Ph.D. in ecology and applied mathematics from Cornell University, director of the Institute of the Environment and Sustainability at UCLA, Pritzker Distinguished Professor in Environment & Sustainability at UCLA, et al., September 2018, “Existential risk due to ecosystem collapse: Nature strikes back,” Futures, Vol. 102, p. 39-50

In summary, six of the nine proposed planetary boundaries (phosphorous, nitrogen, biodiversity, land use, atmospheric aerosol loading, and chemical pollution) are unlikely to be associated with existential risks. They all correspond to a degraded environment, but in our assessment do not represent existential risks. However, the three remaining boundaries (climate change, global freshwater cycle, and ocean acidification) do pose existential risks. This is because of intrinsic positive feedback loops, substantial lag times between system change and experiencing the consequences of that change, and the fact these different boundaries interact with one another in ways that yield surprises. In addition, climate, freshwater, and ocean acidification are all directly connected to the provision of food and water, and shortages of food and water can create conflict and social unrest.

Climate change has a long history of disrupting civilizations and sometimes precipitating the collapse of cultures or mass emigrations (McMichael, 2017). For example, the 12th century drought in the North American Southwest is held responsible for the collapse of the Anasazi pueblo culture. More recently, the infamous potato famine of 1846–1849 and the large migration of Irish to the U.S. can be traced to a combination of factors, one of which was climate. Specifically, 1846 was an unusually warm and moist year in Ireland, providing the climatic conditions favorable to the fungus that caused the potato blight. As is so often the case, poor government had a role as well—as the British government forbade the import of grains from outside Britain (imports that could have helped to redress the ravaged potato yields).

Climate change intersects with freshwater resources because it is expected to exacerbate drought and water scarcity, as well as flooding. Climate change can even impair water quality because it is associated with heavy rains that overwhelm sewage treatment facilities, or because it results in higher concentrations of pollutants in groundwater as a result of enhanced evaporation and reduced groundwater recharge. Ample clean water is not a luxury—it is essential for human survival. Consequently, cities, regions and nations that lack clean freshwater are vulnerable to social disruption and disease.

Finally, ocean acidification is linked to climate change because it is driven by CO2 emissions just as global warming is. With close to 20% of the world’s protein coming from oceans (FAO, 2016), the potential for severe impacts due to acidification is obvious. Less obvious, but perhaps more insidious, is the interaction between climate change and the loss of oyster and coral reefs due to acidification. Acidification is known to interfere with oyster reef building and coral reefs. Climate change also increases storm frequency and severity. Coral reefs and oyster reefs provide protection from storm surge because they reduce wave energy (Spalding et al., 2014). If these reefs are lost due to acidification at the same time as storms become more severe and sea level rises, coastal communities will be exposed to unprecedented storm surge—and may be ravaged by recurrent storms.

A key feature of the risk associated with climate change is that mean annual temperature and mean annual rainfall are not the variables of interest. Rather it is extreme episodic events that place nations and entire regions of the world at risk. These extreme events are by definition “rare” (once every hundred years), and changes in their likelihood are challenging to detect because of their rarity, but are exactly the manifestations of climate change that we must get better at anticipating (Diffenbaugh et al., 2017). Society will have a hard time responding to shorter intervals between rare extreme events because in the lifespan of an individual human, a person might experience as few as two or three extreme events. How likely is it that you would notice a change in the interval between events that are separated by decades, especially given that the interval is not regular but varies stochastically? A concrete example of this dilemma can be found in the past and expected future changes in storm-related flooding of New York City. The highly disruptive flooding of New York City associated with Hurricane Sandy represented a flood height that occurred once every 500 years in the 18th century, and that occurs now once every 25 years, but is expected to occur once every 5 years by 2050 (Garner et al., 2017). This change in frequency of extreme floods has profound implications for the measures New York City should take to protect its infrastructure and its population, yet because of the stochastic nature of such events, this shift in flood frequency is an elevated risk that will go unnoticed by most people.

4. The combination of positive feedback loops and societal inertia is fertile ground for global environmental catastrophes.

Humans are remarkably ingenious, and have adapted to crises throughout their history. Our doom has been repeatedly predicted, only to be averted by innovation (Ridley, 2011). However, the many stories of human ingenuity successfully addressing existential risks such as global famine or extreme air pollution represent environmental challenges that are largely linear, have immediate consequences, and operate without positive feedbacks. For example, the fact that food is in short supply does not increase the rate at which humans consume food—thereby increasing the shortage. Similarly, massive air pollution episodes such as the London fog of 1952 that killed 12,000 people did not make future air pollution events more likely. In fact it was just the opposite—the London fog sent such a clear message that Britain quickly enacted pollution control measures (Stradling, 2016). Food shortages, air pollution, water pollution, etc. send immediate signals to society of harm, which then trigger a negative feedback of society seeking to reduce the harm.

In contrast, today’s great environmental crisis of climate change may cause some harm but there are generally long time delays between rising CO2 concentrations and damage to humans. The consequence of these delays are an absence of urgency; thus although 70% of Americans believe global warming is happening, only 40% think it will harm them (http://climatecommunication.yale.edu/visualizations-data/ycom-us-2016/). Secondly, unlike past environmental challenges, the Earth’s climate system is rife with positive feedback loops. In particular, as CO2 increases and the climate warms, that very warming can cause more CO2 release which further increases global warming, and then more CO2, and so on. Table 2 summarizes the best documented positive feedback loops for the Earth’s climate system. These feedbacks can be neatly categorized into carbon cycle, biogeochemical, biogeophysical, cloud, ice-albedo, and water vapor feedbacks. As important as it is to understand these feedbacks individually, it is even more essential to study the interactive nature of these feedbacks. Modeling studies show that when interactions among feedback loops are included, uncertainty increases dramatically and there is a heightened potential for perturbations to be magnified (e.g., Cox, Betts, Jones, Spall, & Totterdell, 2000; Hajima, Tachiiri, Ito, & Kawamiya, 2014; Knutti & Rugenstein, 2015; Rosenfeld, Sherwood, Wood, & Donner, 2014). This produces a wide range of future scenarios.

Positive feedbacks in the carbon cycle involves the enhancement of future carbon contributions to the atmosphere due to some initial increase in atmospheric CO2. This happens because as CO2 accumulates, it reduces the efficiency in which oceans and terrestrial ecosystems sequester carbon, which in return feeds back to exacerbate climate change (Friedlingstein et al., 2001). Warming can also increase the rate at which organic matter decays and carbon is released into the atmosphere, thereby causing more warming (Melillo et al., 2017). Increases in food shortages and lack of water is also of major concern when biogeophysical feedback mechanisms perpetuate drought conditions. The underlying mechanism here is that losses in vegetation increases the surface albedo, which suppresses rainfall, and thus enhances future vegetation loss and more suppression of rainfall—thereby initiating or prolonging a drought (Chamey, Stone, & Quirk, 1975). To top it off, overgrazing depletes the soil, leading to augmented vegetation loss (Anderies, Janssen, & Walker, 2002).

Climate change often also increases the risk of forest fires, as a result of higher temperatures and persistent drought conditions. The expectation is that forest fires will become more frequent and severe with climate warming and drought (Scholze, Knorr, Arnell, & Prentice, 2006), a trend for which we have already seen evidence (Allen et al., 2010). Tragically, the increased severity and risk of Southern California wildfires recently predicted by climate scientists (Jin et al., 2015), was realized in December 2017, with the largest fire in the history of California (the “Thomas fire” that burned 282,000 acres, https://www.vox.com/2017/12/27/16822180/thomas-fire-california-largest-wildfire). This catastrophic fire embodies the sorts of positive feedbacks and interacting factors that could catch humanity off-guard and produce a true apocalyptic event. Record-breaking rains produced an extraordinary flush of new vegetation, that then dried out as record heat waves and dry conditions took hold, coupled with stronger than normal winds, and ignition. Of course the record-fire released CO2 into the atmosphere, thereby contributing to future warming.

Out of all types of feedbacks, water vapor and the ice-albedo feedbacks are the most clearly understood mechanisms. Losses in reflective snow and ice cover drive up surface temperatures, leading to even more melting of snow and ice cover—this is known as the ice-albedo feedback (Curry, Schramm, & Ebert, 1995). As snow and ice continue to melt at a more rapid pace, millions of people may be displaced by flooding risks as a consequence of sea level rise near coastal communities (Biermann & Boas, 2010; Myers, 2002; Nicholls et al., 2011). The water vapor feedback operates when warmer atmospheric conditions strengthen the saturation vapor pressure, which creates a warming effect given water vapor’s strong greenhouse gas properties (Manabe & Wetherald, 1967).

Global warming tends to increase cloud formation because warmer temperatures lead to more evaporation of water into the atmosphere, and warmer temperature also allows the atmosphere to hold more water. The key question is whether this increase in clouds associated with global warming will result in a positive feedback loop (more warming) or a negative feedback loop (less warming). For decades, scientists have sought to answer this question and understand the net role clouds play in future climate projections (Schneider et al., 2017). Clouds are complex because they both have a cooling (reflecting incoming solar radiation) and warming (absorbing incoming solar radiation) effect (Lashof, DeAngelo, Saleska, & Harte, 1997). The type of cloud, altitude, and optical properties combine to determine how these countervailing effects balance out. Although still under debate, it appears that in most circumstances the cloud feedback is likely positive (Boucher et al., 2013). For example, models and observations show that increasing greenhouse gas concentrations reduces the low-level cloud fraction in the Northeast Pacific at decadal time scales. This then has a positive feedback effect and enhances climate warming since less solar radiation is reflected by the atmosphere (Clement, Burgman, & Norris, 2009).

The key lesson from the long list of potentially positive feedbacks and their interactions is that runaway climate change, and runaway perturbations have to be taken as a serious possibility. Table 2 is just a snapshot of the type of feedbacks that have been identified (see Supplementary material for a more thorough explanation of positive feedback loops). However, this list is not exhaustive and the possibility of undiscovered positive feedbacks portends even greater existential risks. The many environmental crises humankind has previously averted (famine, ozone depletion, London fog, water pollution, etc.) were averted because of political will based on solid scientific understanding. We cannot count on complete scientific understanding when it comes to positive feedback loops and climate change.

### ftc da

#### Plan trades off with FTC resources in other areas

Reinhart 21 – Tara Reinhart, head of the Antitrust/Competition Group in Skadden’s Washington, D.C. office, “Lina Khan’s Appointment as FTC Chair Reflects Biden Administration’s Aggressive Stance on Antitrust Enforcement,” 6/18/21, https://www.skadden.com/insights/publications/2021/06/lina-khans-appointment-as-ftc-chair

Second, like all antitrust enforcers, Ms. Khan and the FTC will face resource constraints. Bringing antitrust litigation is an expensive and laborious process, often requiring millions of dollars for expert fees and a large army of FTC staff attorneys and taking many months or even years to accomplish. Typically, the FTC can only litigate a handful of antitrust matters at a time. It seems likely that Congress will provide more funding to the FTC in the current environment, but even with these extra resources, the FTC will still have to pick its cases carefully and cannot challenge every deal or every instance of alleged unlawful conduct.

#### Antitrust resources are key to merger enforcement – that’s key to supply chain resilience

Miller 22 – Sarah Miller, Executive Director and Founder of the American Economic Liberties Project, “To Save Jobs and Slow Inequality, Stop the Merger Frenzy,” January 2022, https://www.economicliberties.us/wp-content/uploads/2022/01/Stop-the-Merger-Frenzy\_Quick-Take\_Final\_1.10.pdf

The creation and preservation of good jobs, the revitalization of small and independent

business, and the promotion of competitive markets are essential to a healthy, resilient, and

just economy. However, COVID-19 and policymakers’ response to it have instead facilitated

a rapid economic restructuring that is exacerbating already extreme levels of corporate

concentration across the economy through a massive increase in mergers.

Policymakers must move quickly to put the brakes on corporate consolidation or risk jeopardizing short- and longer-term efforts to strengthen the American economy. Most immediately, rampant consolidation promises to deliver mass layoffs and further drive down wages in communities around the country if policymakers are unable to adequately intervene.

The merger wave also endangers many Biden administration objectives, from addressing economic inequality and insecurity to strengthening supply chain resiliency, rebalancing bargaining power between labor and employers, and promoting business dynamism and innovation.

A RECORD-BREAKING PACE OF MERGERS AND ACQUISITIONS

Ballooning stock prices have driven up company valuations, resulting in more companies willing to sell at today’s high prices. Corporate buyers, armed with their own high valuations, are on the hunt. Incentivized by cheap capital and huge cash reserves, dealmakers have created an unprecedented merger wave, pushing already overtaxed antitrust enforcement capacity to its limit.

#### Supply chain stability solves emergent catastrophes whose cumulative risk profile outweighs all existential threats.

Piekle ’20 [Roger; Professor of Poli Sci @ UC Boulder; “Catastrophes of the 21st Century” https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=3660542]

Emergent catastrophes

Some catastrophes are difficult to place into historical context because there is really no such relevant context. Among them are financial crises, supply-chain disruption or epidemics. For instance, the table below comes from Supply Chain Digest and shows (as of 2006) a ranking of top ten “supply chain disasters.”6 These are not disasters caused by extreme events like a flood (e.g., Bangkok 2011) or an earthquake (e.g., Honshu) 2011 which then have knock-on effects to global supply chains, as important as these are. These disasters are caused by the failure of a system created by humans which displays some unanticipated behavior for which decision makers were unprepared.

An “emergent” phenomena, according to one useful definition is “a large scale, group behavior of a system, which doesn’t seem to have any clear explanation in terms of the system’s constituent parts” (Darley, 1994; cf. Homer-Dixon et al. 2015). In other words, you cannot describe the behavior of the system as simply the additive consequence of its elements – hence the notion of emergence. Emergent systems are “complex” in the sense that its behaviors are “the result of interactions between a large number of relatively simple parts, cannot be predicted simply from the rules of those underlying interactions” (Darley, 1994). Such interactions can be simulated but not generally predicted.

Due to their inherent unpredictability, emergent phenomena pose a particular challenge for the use of insurance as a tool of management. Insurance requires that risks be, to some quantifiable degree, in the sense of being able to characterize their statistics of occurrence (e.g., Berliner, 1982). Emergent phenomena do not meet this criterion of insurability. This does not necessarily mean that insurance cannot be used as a response tool, but rather that any such reinsurance will probably need the backstop of a residual market (see Weinkle, 2015).

With respect to catastrophic risks, perhaps the ultimate irony is that efforts to quantify risk, as a mechanism of responding to risk, itself can lead to emergent phenomena with its own considerable risks. Consider the role of so-called “risk models” in finance and their role in the global financial crisis. Risk models can be valuable tools in the financial industry because they allow decision makers to evaluate the consequences of their assumptions in a rigorous manner. But there are two significant problems with their use in financial decision making.

One is that risk models break down in times of crisis. Well before the global financial crisis, Daníelsson (2002) observed that “The basic statistical properties of market data are not the same in crisis as they are during stable periods; therefore, most risk models provide very little guidance during crisis periods." The same models that make sophisticated financial instruments possible during normal times are virtually useless during times of crisis. They can also create emergent behaviors in financial markets.

A second problem is that the use of risk models encourages a herd mentality among firms. According to an Inspector General's report from the US Securities and Exchange Commission released September 25, 2008, "In times of market stress, trading dries up and reliable price information is difficult to obtain. Models therefore become relatively more important than market price in times of market stress than in times when markets are liquid and trading actively. Such stressed circumstances force firms to rely more on models and less on markets for pricing and hedging purposes."7 Daníelsson (2002) observes that the wide reliance on risk models to make decisions in a crisis can lead to perverse outcomes if “identical external regulatory risk constraints are imposed, regulatory demands may perversely lead to the amplification of the crisis by reducing liquidity." To have many large institutions making bad decisions with flawed information is not a recipe for financial stability.

Daníelsson (2008) cites a Lehmann Brothers' modeler commenting on model performance during the summer of 2007: "Events that models predicted would happen only once in 10,000 years happened every day for three days." As the financial crisis unfolded, decision makers suffered from having little experience in using the complex risk assessments. This was revealed dramatically during the spring of 2008, when the Financial Times reported that an error in a model used by Moody's, one of the world's most respected and widely utilized source for credit ratings, research and risk analysis, led to a far higher credit rating than was deserved by a particular complex derivative product. Upon learning of the error, Moody's adjusted the model to reflect the ratings error, rather than admit the initial mistake.8 Because no one had any experience with the sophisticated financial product being modeled, the presence of the error in the rating virtually escaped notice in the marketplace. Efficient? Hardly.

Effectively using models of complex, emergent systems usually means treating them as one of many approaches to assessing risk. The Inspector General of the SEC recommended that the SEC be "more skeptical" of risk models and that firms be required to develop "informal plans" for scenarios that may not be found in their models. In other words, they should use models heuristically and not as comprehensive tools for assessing risks. This implies that the appropriate use of any risk model is contingent on the decision environment – useful in ordinary times, risky in times of crisis. The sets a rather high bar for their effective use, as the existence of a crisis may not be readily apparent.

Risk models are an important tool and no doubt here to stay as a fundamental part of our 21st century global financial system. But wisdom will be found in using them effectively. Daníelsson (2008) explained,

“The current crisis took everybody by surprise in spite of all the sophisticated models, all the stress testing, and all the numbers. The financial institutions that are surviving this crisis best are those with the best management, not those who relied on models to do the management's job. Risk models do have a valuable function in the risk management process so long as their limitations are recognized. They are useful in managing the risk in a particular trading desk, but not in capturing the risk of large divisions, not to mention the entire institution. For the supervisors the problem is even more complicated. They are concerned with systemic risk which means aggregating risk across the financial system. Relying on statistical models to produce such risk assessments is folly. We can get the numbers, but the numbers have no meaning.”

The global financial crisis provides a perfect example of emergent risks and the challenges of preparing for them. More broadly, dealing with emergent phenomena requires attention to what is possible, rather than the probabilities of possibilities, and strategies of resilience, robustness and responsiveness.

Extraordinary Catastrophes

The third category of 21st catastrophes considered here are the extraordinary. Those hazards that may or may not be foreseen or foreseeable, but for which we are wholly unprepared, such as an asteroid impact, massive solar storm, or even fantastic scenarios found only in fiction, such as the consequences of contact with alien life. Perhaps surprisingly, such extraordinary hazards have received some attention in recent years.

For instance, Towers Watson has focused on a category of “extreme risks” which it defines as “potential events that are very unlikely to occur but that could have a significant impact on economic growth and asset returns, should they happen.”9 Towers Watson provided a ranking of what it concluded to be the top 15 “extreme” risks, shown below (cf., Smil 2008). In a somewhat similar exercise, Bostrom (2013) focuses on the concept of “existential risk” defined as “one that threatens the premature extinction of Earth-originating intelligent life or the permanent and drastic destruction of its potential for desirable future development.” Included in this category are things like nanotechnology or artificial intelligence run amok, global pandemic, nuclear terrorism and extreme climate change. Sandberg and Bostrom (2008) surveyed experts and arrived at an estimate of a 19% probability that humanity goes extinct before 2100, a number that they caution to take “with a grain of salt.”

Even while taking that “grain of salt” with respect the specific risk probabilities, the potential risks of large magnitude are nonetheless interesting. The experts that they surveyed provided median estimates of the likelihood of >1 million deaths by 2100 for each of the following threats: molecular nanotech weapons (25%), superintelligent AI (10%), engineered pandemic (30%), nuclear war (30%), nanotech accident (5%), natural pandemic (60%), nuclear terrorism (15%).

These values are remarkably high In another, similar exercise in 2015 the Global Challenges Foundation produced a list of 12 risks that threaten humanity.10 They identify risks described as “infinite” meaning that they could pose an existential threat. There are of course less intense scenarios associated with these risks that do not rise to the level of existential. The table below shows these risks, ranked by the number of times that each appears in a 22 different “global challenge” surveys identified in the report.

Climate change is ranked most commonly, appearing in 21 out of the 22 surveys. By contrast, the impact of a near-earth object (asteroid, comet etc.) presents a risk which is straight-forward and over the longer-term, a certainty. However, it appears in less than 2/3 of the risk surveys. NASA explains that the probabilities of a large impact are small (e.g., on average a 100m object is expected to hit the Earth once every 10,000 years) and with proper monitoring, the world would have several years advance notice of such an approaching object.11

The differential focus is highlighted by Bostrom (2013) who observes, “it is striking how little academic attention these issues have received compared to other topics that are less important.” The Global Challenges foundation points to the fact that there are about 100 times as many academic articles on the “dung beetle” as there are to “human extinction.” Bostrom (2013) suggests that one reason for the apparent disparity is that “the biggest existential risks are not amenable to plug-and-play scientific research methodologies.” Most notably, they are not often amenable to meaningful prediction or risk quantification. Further, none of these issues are politicized in the sense that climate change is, which provides a demand for evermore studies to buttress ongoing policy debates. No one is debating the risks of an asteroid impact. Google Scholar allows for a simple, quantitative investigation of the focus of academic attention on extraordinary catastrophes. The graph below shows a simple ratio of articles on “climate change” listed by Google Scholar to articles on “asteroid impact risk,” “global pandemic,” “super volcano,” and “extraterrestrial life.”12 The differential is stark.

### cil cp

The United States federal government should allow college athletes to unionize and negotiate their own salaries by expanding the scope of its interpretive obligations under customary international law.

#### Competes and solves – it renders the same conduct equally unlawful but expands CIL rather than antitrust statute. That signals U.S. adherence to international economic law.

Banks ’12 [Ted; 2012; Scharf President, Compliance & Competition Consultants; Denver Journal of International Law & Policy, “40th Anniversary Edition: The International Law of Antitrust Compliance,” 368]

Introduction

It was not so long ago that the concept of international criminal law was an idea with which lawyers struggled. In 1987, Ved Nanda and M. Cherif Bassiouni put together what may have been the first one-volume compendium of information on antitrust, securities, extradition, tax, and other subjects that made up the developing area of international criminal law. Today, it is well-accepted that there are certain standards of behavior that are the norm in practically all nations, and through national laws and multinational treaties, these principles are entering the realm of customary international law.

Developments in the area of competition law, or antitrust as it is known in some countries, have been particularly dramatic. Countries understand that the encouragement of competition is a key to economic development, and national laws have been enacted where they did not exist before, along with enforcement cooperation agreements among increasing numbers of countries. 1 Enforcement of criminal antitrust laws takes place against both individuals and businesses, 2 and while it is clear that there are situations where business entities must be held responsible for actions of their employees, there are other situations where the intent of the corporation may be contrary to the actions of the employee. Throughout the world, in competition law, as well as in other areas of law, there is a consensus that it is appropriate for companies to adopt compliance and ethics programs to utilize management techniques to foster compliance with law. So, as standards of corporate [\*369] conduct become more universal, they reflect adherence to what is essentially an international law - the international law of competition. At the same time, more national authorities recognize that companies are expected to have compliance programs, and that a bona fide compliance program reflects a corporate intent not to violate the law, and therefore should be a positive factor in how authorities treat such companies, including as a mitigating factor for any penalty that might be imposed based on the ultra vires act by an employee.

It is well accepted that compliance and ethics programs are an expected part of corporate activity, and while no program can always guarantee human behavior, these programs do work to mitigate violations of law. Indeed, it can be said that it is now a standard for companies to have compliance programs or at least some elements of such programs such as codes of conduct. We submit that this growing recognition of the purpose of compliance and ethics programs has reached broad-based acceptance and should now be recognized in the competition law field by the United States and other governments as a standard of international law.

The Concept of Organizational Liability

Under many legal regimes, a corporation cannot be criminally punished for the actions of its employees, and until relatively recently (at least if you consider a century relatively recent), under the common law, a corporation was viewed as a legal fiction, 3 which could not be held liable for the criminal conduct of its employees. In the United States, it was not until 1909, in New York Central & Hudson River Railroad v. United States, 4 that the Supreme Court ruled that because the great majority of business transactions were conducted by corporations, it was time to abandon the "old and exploded doctrine" that a corporation was not indictable. 5 The Court reasoned that, as a matter of public policy, because a corporation could be held civilly liable, criminal liability should also follow. 6

This concept of corporate liability has been extended to the point where the business is often held liable for acts of employees even if the [\*370] company was not aware of the violation, 7 prohibited the conduct that led to the violation, 8 or there was no actual benefit to the corporation through the acts of the employee. 9 So even if none of the three justifications for corporate liability are present, i.e., knowledge, benefit, or authority, corporate liability for the acts of an employee - in addition to the liability of the employee - may still be found. A number of reasons have been given for this approach, but a consistent argument is that this type of liability will have an in terrorem effect on the corporation and force the entity to make certain that employees obey the law. 10 As a practical matter, it also reflects the reality that employees working through a corporation, whether or not their actions are authorized, can cause harm far beyond the abilities of one person. Therefore, according to this line of reasoning, it is appropriate that the entity be punished criminally (and pay civil damages).

The usual rule in the United States and other common law countries is that a corporation is liable for acts of agents and employees acting within the scope of their employment and, in most cases, with the intent to benefit the company. 11 This approach derives from the common law doctrine of respondeat superior, which held that a master is generally liable for the actions of servants, but may escape liability if the servant acts outside the scope of employment (i.e., takes action for [\*371] which there is no actual or apparent authority). 12 The concept of apparent authority, the authority that outsiders would normally assume the agent to possess judging from his or her position in the company and the circumstances surrounding previous instances of conduct, is often the foundation for a finding of corporate liability. 13 Employees are assumed to be acting within the scope of their employment 14 if they are doing acts on the corporation's behalf in the performance of their general line of work. 15 An agent must be "performing acts of the kind which he is authorized to perform, and those acts must be motivated - at least in part - by an intent to benefit the corporation." 16 It is not necessary that the acts actually benefited the corporation, only that they were intended to do so.

The court decisions and statutes that led to these multiple bases for finding enterprise liability grew up in an era where there was recognition of the power of the "faceless" corporation and the need to control its activities. Courts would impute knowledge or intent to the corporation, even where there was no benefit to the enterprise by the wrongful acts of the employee and the activities did not benefit the corporation, although some courts are willing to consider whether the violation was foreseeable. 17 In other situations, liability might be imputed to a corporate officer or director for failure to exert their authority to ensure that the corporation (i.e., acting through employees) did not do wrong. 18

But it is also an inescapable fact of our human existence that people are fallible, and that in some cases people will ignore instructions and do things that they were expressly forbidden to do. By holding a corporation liable for virtually anything that any employee does, a situation of strict liability is created that may, in fact, be outside the scope of many laws that require an intent to violate the law. [\*372] Notwithstanding the desire to control the power of the corporation, there are limits to what it can do. The efforts of the corporation to control the actions of employees are a valid consideration in determining whether the corporation should be held liable for the actions of an employee, as was noted in the instructions to the jury after the trial of Arthur Andersen in connection with the Enron debacle:

If an agent was acting within the scope of his or her employment, the fact that the agent's act was illegal, contrary to the partnership's instructions, or against the partnership's policies does not relieve the partnership of responsibility for the agent's acts. A partnership may be held responsible for the acts its agents performed within the scope of their employment even though the agent's conduct may be contrary to the partnership's actual instructions or contrary to the partnership's stated policies. You may, however, consider the existence of Andersen's policies and instructions, and the diligence of its efforts to enforce any such policies and instructions, in determining whether the firm's agents were acting within the scope of their employment. 19

The key here is "diligence." Was a compliance program something that existed only on paper, 20 or were there indicia of sincerity on the part of the corporation that showed that it legitimately tried to enforce its policy of compliance? The diligence of the corporation in enforcing its policy should be a key factor in determining if it is the kind of program that should entitle the corporation to some measure of mitigation from legal penalties imposed as a result of the actions of an employee that disobeyed the policy. 21

[\*373] Competition law imposes certain standards of behavior that are accepted because of an understanding that society benefits from competition. Therefore, in most cases, cartels are prohibited, as is abuse of market power or dominance. There is a recognition in many areas of law that transparency is beneficial, and thus bribes or secret rebates are prohibited for their disruptive impact on competition, as well as their inherent corruptness.

But how do these standards become accepted? It is not sufficient only to implement national laws and multinational agreements. Enforcement authorities recognize that there must also be private action to enforce policies within corporations and to demonstrate that noncompliance with law will not be tolerated. As will be discussed below, there are benchmarks of what is an "effective" compliance and ethics program that have received broad-based acceptance. Standards of international competition law cannot have their desired impact without international standards and efforts for compliance. Companies need to be able to know that what they do to implement compliance standards does matter so that they will make a diligent effort to prevent cartel behavior from happening. If a company has taken serious action to enforce its standards, such as by discharge of employees who violate the law, 22 this level of corporate compliance, which is expected by enforcement authorities, should be recognized when deciding how to treat corporations, including charging and penalty decisions.

So, there is a combination of factors at work here. Competition law standards are virtually universal in their acceptance. 23 To get those standards to actually be implemented by corporations, there need to be corporate compliance and ethics programs in place. Standards of culpability recognize that factors such as intent, knowledge, and benefit are relevant to findings of corporate liability. A number of countries do specifically encourage compliance and ethics programs, including in the antitrust area. 24 Therefore, this growing, worldwide acceptance, combined with universal necessity, has established an international law not just for antitrust, but for antitrust compliance. The countries that do not formally recognize the value of bona fide compliance programs as relevant to corporate liability, perhaps seduced by the possibility of collecting huge fines from a corporate piggy-bank, are out-of-step with the reality of what is necessary to truly promote the principles of competition law.

#### U.S. commitment prevents the disintegration of international economic law – extinction.

Arcuri ’20 [Alessandra; 2020; Full Professor of Inclusive Global Law and Governance at the Erasmus School of Law, Journal of International Economic Law, “International Economic Law and Disintegration: Beware the Schmittean Moment,” vol. 23]

Introduction

There was a time when national sovereignty was out of fashion. In the nineties, international lawyers were engaged in imaging the global order beyond the nation-state. Theories to make this order possible were proliferating: from Global Administrative Law to global constitutionalism.1 International Economic Law (IEL) played an important role in the journey toward the global order. Our markets could be integrated through an almost brand new organization, the World Trade Organization (WTO). The WTO was created and endowed with a powerful set of new agreements, promoting the harmonization of health and safety law—through the Sanitary and Phytosanitary (SPS) Agreement—and technical regulation—Technical Barriers to Trade (TBT) Agreement—and establishing (relatively uniform) Intellectual Property Rights regimes worldwide (the TRIPS Agreement). The WTO also included a brand new dispute settlement system, considered by many as a manifestation of the rule of law at the international level. Similarly, organizations such as the World Bank and the International Monetary Fund (IMF) were indirectly spreading (de-)regulatory policies throughout the developing world.2 Globalization, nudged by a global technocratic elite, was alive and kicking, back then.

Today we face a crisis of the regime of international economic law and, more broadly, global economic governance. The system appears broken for its incapacity to face some of the most daunting challenges of our time: the widespread and dramatic process of environmental degradation and the unacceptable inequalities between poor and rich. On its face, the phenomenon of far-right populists, partly reflected in Brexit and Trump politics, and spreading across the Atlantic is shaking the system of international economic law, by hailing nationalist policies. The idea that the nation-state may be a desirable source of disintegration of the global (legal) order is gaining traction across the political spectrum. It appears clear that the answer to the legitimacy crisis of the system of international economic law and governance offered by progressives3 resorts also to entrusting the nation state with more political space—a space that allegedly has been unduly constrained by the global economic order.

Not only politicians but also progressive academicians, such as Professor Dani Rodrik, have defended the importance of national sovereignty,4 as one of the necessary paradigms to fix our broken world order. The gist of the reasoning is simple: global institutions went too far in eroding national sovereignty, which is the real basis for democratic liberal regimes. Without the nation-state, environmental, industrial, and redistributive policies cannot be realized. As Rodrik put it: ‘So, I accept that nation-states are a source of disintegration for the global economy.’5

This article critically engages with the idea that the nation-state is a legitimate force of disintegration of the international economic order, with particular attention to trade and investment agreements. There are disparate circumstances, from the realm of food safety regulation to the regulation of capital flows,6 in which it is arguably desirable that domestic institutions (re-)gain more power. Most importantly, the nation-state is today an important site of democracy and, only for that reason, it is worth defending. Yet, in times of raising authoritarianism, it is crucial to reflect on some of the limits of the nation-state and on the necessity to develop alternative paradigms for integrating economies and societies.

This article presents a two-fold critique of the idea that an expansion of national sovereignty is going to achieve a better socio-economic world order per se. The first critique is internal, showing that the nation-state does not possess intrinsic characteristics to facilitate democracy, equality, and sustainability. The second is external and focuses on the necessity to look reflexively at the goals of the system of international economic law, to re-imagine it as capable to address questions of inequality and environmental degradation.

In a more pragmatic fashion, this article posits that more nation-state may be a misleading and possibly dangerous response to today’s daunting challenges. It is misleading in so far as it promises solutions that nation-states alone cannot deliver. It is dangerous in so far as the rhetoric of the nation-state paradoxically facilitates the turn toward an expansion of the ‘rule of exception’ and, eventually, authoritarianism. Above all, in advocating for disintegration through the nation-state, we need to reckon with our haunting past where economic autarchy has been deeply intertwined with the ascent of fascism and Nazism. If today the nation-state may appear as a beacon of democracy, the role of nationalism in generating the nemesis of democracy should not be neglected. In short, and at the risk of oversimplification, ‘America first’ echoes too closely fascist slogans.7

I. A PROGRESSIVE DEFENSE OF THE NATION-STATE AND THE RISK OF A ‘SCHMITTEAN MOMENT’

Let me start by rehashing the two interconnected and equally formidable challenges we are facing today: the question of environmental degradation and the unacceptable level of inequalities whereby a large part of the population in the world lives in poverty (both in developing and developed countries, but still overwhelmingly concentrated in so-called developing countries) vis-à-vis a small elite enjoying incredible wealth. Economic integration that does not deal with these challenges is not only doomed to fail; it is a type of economic integration that we should not aspire to.

It is plausible that Brexit and the disintegrationist economic policy of Trump have been partly enabled by the growing inequalities in the Anglophone nations. It is no brainer that a large fraction of Brexiteers and Trump voters are the ‘left behind.’8 In wealthy countries, the working class often felt left behind by thriving globalization, which has benefited only the elites. The—often labelled—‘populist turn’ rests on the idea that the ‘other’, the ‘foreigner’ has stolen ‘our’ welfare and a more nationalistic policy is needed to protect the losers of the current state of affairs. This is evident from Trump’s slogan ‘Buy American, Hire American.’ It is worrying how this type of nationalism is entrenched in racism and in the othering of the non-American.

However, as mentioned earlier, the case for more nation-state has also been made by ‘progressive’ politicians and intellectuals. Among progressive economists, Dani Rodrik stands out for having defended the nation-state with compelling arguments. Let me quote him at length: ‘When it comes to providing the arrangements that markets rely on, the nation-state remains the only effective actor, the only game in town. Our elites’ and technocrats’ obsession with globalism weakens citizenship where it is most needed—at home—and makes it more difficult to achieve economic prosperity, financial stability, social inclusion, and other desirable objectives.’9 Not only is the nation-state the only game in town, when it comes to issues of redistribution, social security and safety, the nation-state is also desirable because it can deliver institutional diversity which is needed to realize the social contract: ‘Developing nations have different institutional requirements than rich nations. There are, in short, strong arguments against global institutional harmonization.’10 The nation-states can meet different preferences, and ‘[i]nsufficient appreciation of the value of nation-states leads to dead ends.’ Rodrik also concedes that international market liberalization is the offspring of well-functioning nation-states rather than international institutions: ‘Domestic political bargains, more than GATT rules, sustained the openness that came to prevail.’11 Against this background, Rodrik defends ‘economic populism’ in so far as it constitutes a form of resistance to ‘liberal technocrats’ imposing undue restraints on domestic economic policy.12 The rigid focus on price stability in low-inflation environments is a clear example of global or EU-driven policies largely insensitive to the effects on employment and paradoxically even growth.13

Many of Rodrik’s arguments are compelling, such as his critique of the economic profession’s misleading analysis of trade and investment agreements. Some of his reform proposals, such as the strengthening of green industrial policy,14 are arguably desirable. Most crucially, the nation-state may be at present one of the most developed sites of democracy, albeit an imperfect one. When global institutions constrain nation-state policies formed following democratic decision-making, this may legitimately be seen as a threat to democracy. Rodrik’s work has had a wide echo in legal circles, as evidenced by the publication of a book with the goal of reimagining trade and investment law, 15 which is opened by several chapters all commenting—in overwhelmingly positive terms—on Rodrik’s Straight Talks on Trade. The nation-state and, more generally, sovereignty is (re-)gaining traction also among progressive political theorists. In times of economic and existential uncertainties, sovereignty is there to offer protection ‘from unfettered markets and from permanently incumbent austerity’ and it constitutes a ‘refusal of a “liquid society” and of its very solid … inequalities.’16 Some of the most lucid analyses of the current international economic order point at the dramatic consequences of an increase of capitalist power that has incapacitated states to act in defense of its own people.17 The attention on sovereignty is also partly reflected in recently negotiated provisions of new trade and investment agreements, where states are explicitly endowed with a ‘right to regulate.’ Despite the unclear practical implications of such jargon, its symbolic value is unambiguously bearing witness to the shared view that states ought to maintain (or regain) political space. Against this background, Trump’s claims to defend the Ohio steel workers by whatever trade measures it takes may appear more acceptable. Could we then read in this reinvigorated faith in sovereignty a ‘Grotian moment’?18

Without indulging on this question, this article posits that we should beware the ‘risk’ of entering a ‘Schmittean moment’.19 This term is here used to refer to a major shift toward an ideal of unfettered national sovereignty as the chief paradigm to re-orient the international (economic) order. Under such ideal, any international normative benchmark is brushed away by an allegedly more intellectually honest ‘political’ dimension, which can find its realization only in the decisionist state.20 To understand the risk of a ‘Schmittean moment’, it is important to recognize that the move toward more nation-state is partly animated by the legitimate concerns over the existing international legal order; legitimate concerns, which have eloquently been articulated by Schmitt himself.

Carl Schmitt’s work offers a lucid critique of the ‘exclusionary character of liberal universalism.’21 His critique exposes the hypocrisy underpinning many universalisms, most prominently the legal canon of ‘just’ war.22 In fact, it is the very core of the contemporary international legal project that gets questioned: ‘The concept of humanity is an especially useful ideological instrument of imperialist expansion, and in its ethical-humanitarian form, it is a specific vehicle of economic imperialism. Here, one is reminded of a somewhat modified expression of Proudhon’s: whoever invokes humanity wants to cheat.’23 This argument has direct relevance for the domain of international economic law. In an endnote to this claim—discussing the extermination of Indians in North America—Schmitt explains the danger to use certain moral canons as exclusionary devices: ‘As civilization progresses and morality rises, even less harmless things than devouring human flesh could perhaps qualify as deserving to be outlawed in such a manner. Maybe one day, it will be enough if people were unable to pay its debts.’24 This consideration is of extreme actuality in relation to the current international legal order, which seems to have crystallized structures of annihilation of debt states, and their very peoples.25 In decrying how the economical is rescinded by the political, Schmitt unveils the absent ‘presence’ of (mostly American) politics in the economy. In short, Schmitt’s analysis cogently engages with the problem of depoliticization that the international liberal order yields.26 It is at this juncture that the thoughts of Schmitt and Rodrik may intersect. In some sense, Schmitt’s critique resonates with the critique of ‘hyper-globalization’ articulated by Rodrik:27 ‘one type of failure arose from pushing rule making onto supranational domains too far beyond the reach of political debate and control.’28

Before elaborating on this intersection, it is key to rehash some flaws of Schmitt’s analysis. While he has certainly a point in showing how liberal universalism can be used to arbitrarily exert hegemonic power in the name of humanity (and has so been used in such way by the US and other predominantly Western countries), the alternative he implicitly propounds rests on a nostalgia for a mythical past—a golden age based on the jus publicum Europaeum. Regrettably, this age has been golden only for some; the jus publicum Europaeum for all its glory was made of colonial relations, exploitation, and violence. It has also been noted how Schmitt’s historical analysis, which portrays the times of the jus publicum Europaeum as times where war gets domesticated by the modern state eclipses the fact that the ‘development of the modern state apparatus … helped bring about unprecedented capacities for organized state violence, even if such violence was no longer typically unleashed against fellow Europeans.’29 His conception of sovereignty, which finds essential realization only in the ‘unlimited jurisdictional competence’ normalizes the rule of exception. A related trouble with Schmitt’s core normative ideas is the totalizing enemy-friendship antithesis: ‘the distinction of friend and enemy denotes the utmost degree of intensity of a union or separation, of an association or dissociation.’30 This is particular fatal to an ideal of nonviolent international law, as it denies even the aspiration of solidarity beyond borders.31 In other words, Schmitt conceptualization of the international legal order crystallizes nation-state borders in deeper existential structures, leaving no hope for common projects of different communities inhabiting the earth. In exposing the violence of allegedly humanitarian projects, Schmitt is de facto hollowing out the concept humanity, reducing its essence to violence in potentia: ‘the entire life of a human being is a struggle and every human being symbolically a combatant. The friend, enemy, and combat concepts receive their real meaning precisely because they refer to the real possibility of physical killing.’32 In denouncing the hypocrisy of moralism, Schmitt seems to negate the possibility of morality altogether. The Nomos of the earth, starting with the act of appropriation—nehmen (take)—and continuing with dividing the land—nemein (divide)—does not engage with the morality of the first act of appropriation nor with its division. And this is also what Hanna Arendt contests to Schmitt: ‘to remove justice from the content of the law.’33

## case

### framing – 1nc

#### We’re impact turning your death K – it’s evil with our event, both physically and affectively

Finneron-Burns 2017 Elizabeth Finneron-Burns is a Teaching Fellow in Political Theory at Warwick. Elizabeth obtained her DPhil at the University of Oxford in 2016. Prior to that she obtained a BA in Political Studies from Queen's University in Canada and an MSC in Political Theory from the LSE before working for several years as a policy advisor for the government of Ontario. ("What’s wrong with human ?" Canadian Journal of Philosophy, 47:2-3, 327-343, DOI: 10.1080/00455091.2016.1278150)//BPS

2.3. Existing people would endure physical pain and/or painful and/or premature deaths

Thinking about the ways in which human extinction might come about brings to the fore two more reasons it might be wrong. It could, for example, occur if all humans (or at least the critical number needed to be unable to replenish the population, leading to eventual ) underwent a sterilization procedure. Or perhaps it could come about due to anthropogenic climate change or a massive asteroid hitting the Earth and wiping out the species in the same way it did the dinosaurs millions of years ago. Each of these scenarios would involve significant physical and/or non-physical harms to existing people and their interests.

Physically, people might suffer premature and possibly also painful deaths, for example. It is not hard to imagine examples in which the process of could cause premature death. A nuclear winter that killed everyone or even just every woman under the age of 50 is a clear example of such a case. Obviously, some types of premature death themselves cannot be reasons to reject a principle. Every person dies eventually, sometimes earlier than the standard expected lifespan due to accidents or causes like spontaneously occurring incurable cancers. A cause such as disease is not a moral agent and therefore it cannot be wrong if it unavoidably kills a person prematurely.

Scanlon says that the fact that a principle would reduce a person’s well-being gives that person a reason to reject the principle: ‘components of well-being figure prominently as grounds for reasonable rejection’ (Scanlon 1998, 214). However, it is not settled yet whether premature death is a setback to well-being. Some philosophers hold that death is a harm to the person who dies, whilst others argue that it is not.7 I will argue, however, that regardless of who is correct in that debate, being caused to die prematurely can be reason to reject a principle when it fails to show respect to the person as a rational agent.

Scanlon says that recognizing others as rational beings with interests involves seeing reason to preserve life and prevent death: ‘appreciating the value of human life is primarily a matter of seeing human lives as something to be respected, where this involves seeing reasons not to destroy them, reasons to protect them, and reasons to want them to go well’ (Scanlon 1998, 104). The ‘respect for life’ in this case is a respect for the person living, not respect for human life in the abstract. This means that we can sometimes fail to protect human life without acting wrongfully if we still respect the person living. Scanlon gives the example of a person who faces a life of unending and extreme pain such that she wishes to end it by committing suicide. Scanlon does not think that the suicidal person shows a lack of respect for her own life by seeking to end it because the person whose life it is has no reason to want it to go on. This is important to note because it emphasizes the fact that the respect for human life is person-affecting. It is not wrong to murder because of the impersonal disvalue of death in general, but because taking someone’s life without their permission shows disrespect to that person. This supports its inclusion as a reason in the contractualist formula, regardless of what side ends up winning the ‘is death a harm?’ debate because even if death turns out not to harm the person who died, ending their life without their consent shows disrespect to that person.

A person who could reject a principle permitting another to cause his or her premature death presumably does not wish to die at that time, or in that manner. Thus, if they are killed without their consent, their interests have not been taken into account, and they have a reason to reject the principle that allowed their premature death.8 This is as true in the case of death due to as it is for death due to murder.

However, physical pain may also be caused to existing people without killing them, but still resulting in human extinction. Imagine, for example, surgically removing everyone’s reproductive organs in order to prevent the creation of any future people. Another example could be a nuclear bomb that did not kill anyone, but did painfully render them infertile through illness or injury. These would be cases in which physical pain (through surgery or bombs) was inflicted on existing people and the came about as a result of the painful incident rather than through death. Furthermore, one could imagine a situation in which a bomb (for example) killed enough people to cause , but some people remained alive, but in terrible pain from injuries.

It seems uncontroversial that the infliction of physical pain could be a reason to reject a principle. Although Scanlon says that an impact on well-being is not the only reason to reject principles, it plays a significant role, and indeed, most principles are likely to be rejected due to a negative impact on a person’s well-being, physical or otherwise.

It may be queried here whether it is actually the involuntariness of the pain that is grounds for reasonable rejection rather than the physical pain itself because not all pain that a person suffers is involuntary. One can imagine acts that can cause physical pain that are not rejectable — base jumping or life-saving or improving surgery, for example. On the other hand, pushing someone off a cliff or cutting him with a scalpel against his will are clearly rejectable acts. The difference between the two cases is that in the former, the person having the pain inflicted has consented to that pain or risk of pain. My view is that they cannot be separated in these cases and it is involuntary physical pain that is the grounds for reasonable rejection. Thus, the fact that a principle would allow unwanted physical harm gives a person who would be subjected to that harm a reason to reject the principle.

Of course the mere fact that a principle causes involuntary physical harm or premature death is not sufficient to declare that the principle is rejectable — there might be countervailing reasons. In the case of , what countervailing reasons might be offered in favour of the involuntary physical pain/ death-inducing harm? One such reason that might be offered is that humans are a harm to the natural environment and that the world might be a better place if there were no humans in it. It could be that humans might rightfully be considered an all-things-considered hindrance to the world rather than a benefit to it given the fact that we have been largely responsible for the of many species, pollution and, most recently, climate change which have all negatively affected the natural environment in ways we are only just beginning to understand. Thus, the fact that human would improve the natural environment (or at least prevent it from degrading further), is a countervailing reason in favour of to be weighed against the reasons held by humans who would experience physical pain or premature death. However, the good of the environment as described above is by definition not a personal reason. Just like the loss of rational life and civilization, therefore, it cannot be a reason on its own when determining what is wrong and countervail the strong personal reasons to avoid pain/death that is held by the people who would suffer from it.9 Every person existing at the time of the would have a reason to reject that principle on the grounds of the physical pain they are being forced to endure against their will that could not be countervailed by impersonal considerations such as the negative impact humans may have on the earth.

Therefore, a principle that permitted extinction to be accomplished in a way that caused involuntary physical pain or premature death could quite clearly be rejectable by existing people with no relevant countervailing reasons. This means that human that came about in this way would be wrong.

There are of course also additional reasons they could reject a similar principle which I now turn to address in the next section.

2.4. Existing people could endure non-physical harms

I said earlier than the fact in itself that there would not be any future people is an impersonal reason and can therefore not be a reason to reject a principle permitting . However, this impersonal reason could give rise to a personal reason that is admissible. So, the final important reason people might think that human would be wrong is that there could be various deleterious psychological effects that would be endured by existing people having the knowledge that there would be no future generations. There are two main sources of this trauma, both arising from the knowledge that there will be no more people.

The first relates to individual people and the undesired negative effect on well-being that would be experienced by those who would have wanted to have children. Whilst this is by no means universal, it is fair to say that a good proportion of people feel a strong pull towards reproduction and having their lineage continue in some way. Samuel Scheffler describes the pull towards reproduction as a ‘desire for a personalized relationship with the future’ (Scheffler 2012, 31). Reproducing is a widely held desire and the joys of parenthood are ones that many people wish to experience. For these people knowing that they would not have descendants (or that their descendants will endure painful and/or premature deaths) could create a sense of despair and pointlessness of life.

Furthermore, the inability to reproduce and have your own children because of a principle/policy that prevents you (either through bans or physical interventions) would be a significant infringement of what we consider to be a basic right to control what happens to your body. For these reasons, knowing that you will have no descendants could cause significant psychological traumas or harms even if there were no associated physical harm.

The second is a more general, higher level sense of hopelessness or despair that there will be no more humans and that your projects will end with you. Even those who did not feel a strong desire to procreate themselves might feel a sense of hopelessness that any projects or goals they have for the future would not be fulfilled. Many of the projects and goals we work towards during our lifetime are also at least partly future-oriented. Why bother continuing the search for a cure for cancer if either it will not be found within humans’ lifetime, and/or there will be no future people to benefit from it once it is found? Similar projects and goals that might lose their meaning when confronted with include politics, artistic pursuits and even the type of philosophical work with which this paper is concerned. Even more extreme, through the words of the character Theo Faron, P.D. James says in his novel The Children of Men that ‘without the hope of posterity for our race if not for ourselves, without the assurance that we being dead yet live, all pleasures of the mind and senses sometimes seem to me no more than pathetic and crumbling defences shored up against our ruins’ (James 2006, 9).

Even if James’ claim is a bit hyperbolic and all pleasures would not actually be lost, I agree with Scheffler in finding it not implausible that the knowledge that was coming and that there would be no more people would have at least a general depressive effect on people’s motivation and confidence in the value of and joy in their activities (Scheffler 2012, 43). Both sources of psychological harm are personal reasons to reject a principle that permitted human extinction. Existing people could therefore reasonably reject the principle for either of these reasons. Psychological pain and the inability to pursue your personal projects, goals, and aims, are all acceptable reasons for rejecting principles in the contractualist framework. So too are infringements of rights and entitlements that we accept as important for people’s lives. These psychological reasons, then, are also valid reasons to reject principles that permitted or required human .

#### Threat discourse not a sham – supply chain vulnerabilities empirically proven due to COVID, and warming is not a national security-based threat and is backed by overwhelming scientific consensus.

#### Each impact turns slow violence by accelerating resource crises and facilitating more inequality, AND obvi extinction-level events cause suffering and pain.

### wealth gap adv – 1nc

#### Obvi don’t solve the wealth gap – product of economic inequality and restricted access to housing and credit over generations.

#### Aff DS stolen wealth – can’t prevent money from going to coaches, AND can’t rematriate ten billion in stolen wealth over the past few decades.

#### Vague “structural violence” impact card doesn’t get them anything – says it causes millions of deaths each year, which the aff obvi doesn’t solve because it just solves capital deprivation from a minuscule subset of already-rich college athletes.

### samoa adv – 1nc

#### Wolfe proves link to our K, obviously – “elimination is an organizing principal of settler-colonial society” and literally says structure not an event which means individual means of redress don’t solve.

#### Mismatch – internal link cards are about Samoa but last cards are about Hawaii – proves aff doesn’t solve.

#### Alt causes – military presence, lack of statehood, and structural underdevelopment.

# 2NC

### 2NC – FWK Card – Games Playing

#### They make genocide necessary for deliberation – that O/W and T/ offense

Henderson 15 Phil Henderson, “Imagoed communities: the psychosocial space of settler colonialism”, , Settler Colonial Studies, DOI: 10.1080/2201473X.2015.1092194, 2015 //gcd

In a similar manner, Goeman’s work also contains several fragmentary indications of the psychic investments that settler colonialism necessitates. Mark My Words opens with the provocative assertion that Goeman’s project began before she ‘was even cognizant of the power of place and its relationship to colonialism, race, and gender’. 39 While the young Goeman may not have been able to intellectualize the pervasive power of spatiality, she indicates that as an indigenous child she had to ‘learn the constraints and limitations of … socially constructed spaces’ early in life.40 We see here that occupying a subject position distant from centers of power, as an indigenous child, led Goeman to experiences of spatial orders that were discordant. Goeman’s remark reveals that the psychic imperative of spatial power is always already forming the subject and pressing through it. Indeed, Goeman alludes to this in relation to the settler subject when she draws on a quotation from historian Colin Galloway. Galloway writes that ‘perhaps the first pioneers did not come to the West; perhaps they were made in the West’: that is, in the act of colonizing, settling, and (re)spatializing.41 In an almost perfect parallel, Wolfe extracts a remark from an intellectual founder of Israeli settler colonialism, Julius Posner, who wrote that the creation of Israel is a project for Zionists to ‘build and be rebuilt’ in the Holy Land.42 While both these astonishing remarks are left underdeveloped, together they reveal once again, the circuitous motion that is the psychosocial ontology of spatiality. Both Galloway’s and Posner’s observations point toward the fundamental Nietzschean observation that has informed psychoanalysis: that ‘there is no “being” behind doing … “the doer” is merely a fiction added to the deed – the deed is everything’. 43 Perhaps more than any scholar of settler colonialism whom I have discussed thus far, Mark Rifkin studies closely the formation of settler subjects. Settler Common Sense opens with a phenomenological examination of Rifkin’s move into his newly purchased home and how he came to experience the possession of this property as ‘an expansion of self’. To understand this experience, Rifkin began considering the ways in which ‘institutionalized relations of settlement’ contour the everyday lives of their subjects and produce sensations within them.44 These quotidian and banal ways in which settler colonialism enacts and reinforces itself in settlers’ lives are what characterize its operations as a form of ‘common sense’. Rifkin asserts that because of the power structures – legal, political, or otherwise – that settlers have erected, the invasion of indigenous territories by settlers is ‘lived as given, as simply the unmarked, generic conditions of possibility’ for everyday life.45 That is to say, the violence of their presence becomes invisible to settlers. Clearly, this shares a certain degree of affinity with Wolfe’s thesis of invasion-as-structure; however, Rifkin’s observations provide greater explanatory power when faced with the question of how settler colonialism remains obscured to the settler. Rifkin’s model explains that this is because institutions arising from settler colonization establish and enforce their position by ‘directing attention to some things and not others’ and thereby delimit how their subjects experience ‘the space of inhabitance’. 46 That is to say that the power of settler colonial institutions, while oppressive in a multitude of ways, also produces and supports settler ways of perceiving the world. All of these modes of perception operate to ensure that indigenous peoples’ ‘appearance in the present can be experienced as mere oddity’ from settlers’ position.47 While Rifkin’s account of settler common sense relies on a phenomenological framework, it is not entirely dissimilar to the insights offered by the concept of the imago.

### 2NC – AT Law Good/Reformism

#### The political is a structure of feeling

Kotef 20 – (Hagar, “Violent Attachments.” Political Theory, vol. 48, no. 1, Feb. 2020, pp. 4–29, doi:10.1177/0090591719861714)// gcd

In both Butler’s and Berlant’s accounts, violence emerges not as something that threatens identities but as what sustains them; in both, violence therefore also becomes an object of desire, or is at least woven into a desire for other objects; in both, this nexus wherein violence and desire coproduce each other is a function of the particular social conditions that constitute identity (images of the good life in Berlant, heteronormative forms of socialization in Butler). These last three points will be central to the analysis of violent identities that I propose here, with one significant difference. In the above accounts, injury and identity are most often considered from the perspective of those injured—by others, by structures, by a particular construction of identity. In my analysis, however, the optics will be reversed to think of those who generate injury.46 What I propose is a structural reversal that is for now a hypothesis. If subjects emerge via the social conditions in which they are born and that continue to form them as they continue living, and if, as Butler and Berlant argue, we come to desire these conditions even when they are injurious, then we should at least entertain the possibility that sociopolitical conditions that are founded on ongoing violence—such as settlement or colonization—are likely to give rise to a particular mode of attachment to one’s own violence. The desire for violence I seek to pinpoint is a function of the particular structure of the settler state in which one’s very presence, one’s very political identity, is a form of taking the place of someone else—a form of dispossession, removal, domination, ethnic cleansing. There is not an “I,” in the case of the settler, without dispossession, if not elimination, of natives, and so the effort to stabilize identity, to hold on to the “continuity of the subject’s sense of what it means to keep on living and to look forward to being in the world” (to return to Berlant) is inextricable from this violence. The desire here would not be for violence or suffering itself (as in the case of the cruelty model, for example in public lynching) but rather for territory. And yet this attachment to territory is intimately linked to forms of violence that render it one of the conditions of living. Again, recall Shavit’s recognition that “the dirty, filthy work that [was done] enabled my people, myself, my daughter, and my son to live.” A fuller analysis of such desires will have to move between understanding individual settlers and their modes of attachment on the one hand, and on the other, settler communities, in which such “structures of feelings” become more explicitly political. It will also have to move between an analysis of different and shifting political arrangement and what we may call the “ontology of settler colonialism” or what Wolfe would call its structure. What is important to bear in mind is that all these strata are sociohistorical and can vary widely in their implications. Even if we think structurally, on the logic of elimination, on the very presence of the settler as a violent one (this would be the “ontological” dimension), this violence can take many forms, ranging from active genocide to legal discrimination and to genuine efforts of sharing the land. All this is to say, again, that the structural claim does not preclude political work.

### 2NC – AT Progress/Materialism Shapes Imago

#### Progressive moves around a fidelity to law strengthen setttler imago

Henderson 15 Phil Henderson, “Imagoed communities: the psychosocial space of settler colonialism”, , Settler Colonial Studies, DOI: 10.1080/2201473X.2015.1092194, 2015 //gcd

In this way, and perhaps unintentionally, Brown’s work acts as an encore performance to the project of erasing indigenous peoples. In the context of settler colonialism, it is not only walls that establish the spatial imago, but also office buildings, roads, houses, city squares, resource extraction operations, and so on.60 Like the walls Brown considers, all of these obdurately physical structures stabilize settler psyches by producing phantasms of communal permanence and perpetuity that simultaneously screens out indigenous presences and title.61 The homestead, for instance, provides a myth of settler permanence, at once storying the presence of current settlers back several generations and offering evidence for the presumed legitimacy of their claim to ownership through the motif of shaping and being shaped by the land. All this acts to screen out the continuous violence of dispossession that is the condition for the possibility of settler homesteads as such. The imago produced by settler ‘development’ is necessary for the erasure of indigeneity – just as the erasure of indigeneity is necessary for the production of a stable imago. This clustering within the imago of the psyche and the social is the critical element in the production of a subject that reflexively occludes its own involvement in the ongoing dispossession of indigenous peoples. In their report to the Ipperwash Inquiry, the Chippewas of Nawash note that as indigenous sovereignty is nullified in the minds of settlers: a kind of psychological terra nullius is created – the land is now emptied of people who matter and so it does not matter that trap lines are drowned by hydro projects, or hunting grounds clear-cut, or that fishing nets are stolen out of the water.62 At a distance, the duplicity here is quite strange. Lines are drowned, forests are cut, nets are stolen, because settlers know reflexively that they have a right – duty even – to shape the vacant land according to their collective and individual needs. Yet, the very things which they seek to remove should prove the falsity of terra nullius, as they evidence indigenous presence. The settler subject is able to gloss the violence of his actions so easily, however, because he is ultimately the product of, and dependent upon, a series of power relations that actively disappear indigenous peoples as active sovereign bodies. Within the psychosocial order of settler sovereignty, supported by the settler imago, these acts are understood as progressive or represent an adherence to the law, and become unreadable to the settler for what they are: the latest in a series of dispossessive acts.

# 1NR

## Court Politics

### overview – 1nr

#### Warming impact – dropped. Strong administrative state enables climate regulations that prevent worst impacts of 2ºC warming, that’s extinction. Turns the case which was on the other page. Only certain extinction impact so any defense to trade stuff means it outweighs.

#### Outweighs nukes.

Miller-McDonald ’19 [Samuel; January 4; M.A. in Environmental Management from Yale University, B.A. in Human Ecology from College of the Atlantic; The Trouble, “Deathly Salvation,” <https://www.the-trouble.com/content/2019/1/4/deathly-salvation>]

A devastating fact of climate collapse is that there may be a silver lining to the mushroom cloud. First, it should be noted that a nuclear exchange does not inevitably result in apocalyptic loss of life. Nuclear winter—the idea that firestorms would make the earth uninhabitable—is based on shaky science. There’s no reliable model that can determine how many megatons would decimate agriculture or make humans extinct. Nations have already detonated 2,476 nuclear devices.

An exchange that shuts down the global economy but stops short of human extinction may be the only blade realistically likely to cut the carbon knot we’re trapped within. It would decimate existing infrastructures, providing an opportunity to build new energy infrastructure and intervene in the current investments and subsidies keeping fossil fuels alive.

In the near term, emissions would almost certainly rise as militaries are some of the world’s [largest emitters](https://www.nytimes.com/interactive/2017/06/01/climate/us-biggest-carbon-polluter-in-history-will-it-walk-away-from-the-paris-climate-deal.html). Given what we know of human history, though, conflict may be the only way to build the mass social cohesion necessary for undertaking the kind of huge, collective action needed for global sequestration and energy transition. Like the 20th century’s world wars, a nuclear exchange could serve as an economic leveler. It could provide justification for nationalizing energy industries with the interest of shuttering fossil fuel plants and transitioning to renewables and, uh, nuclear energy. It could shock us into reimagining a less suicidal civilization, one that dethrones the death-cult zealots who are currently in power. And it may toss particulates into the atmosphere sufficient to block out some of the solar heat helping to drive global warming. Or it may have the opposite effects. Who knows?

What we do know is that humans can survive and recover from war, probably even a nuclear one. Humans cannot recover from runaway climate change. Nuclear war is not an inevitable extinction event; six degrees of warming is.

### AT: aff bipartisan – 1nr

#### Zero evidence for this. Aff is liberal, pro-union ruling. Dropped thesis that that causes Roberts to flip on EPA ruling.

#### NCAA fights the plan hard!

Witz 20 – Billy Witz, college sports writer for NYT, “A State Skirmish Over N.C.A.A. Amateurism Rules Has Quickly Become a National Battle,” 12/28/20, https://www.nytimes.com/2020/12/28/sports/ncaa-amateurism-rules.html

“This is a huge industry, and with any huge industry, the folks that are receiving and controlling the money are going to protect their interests and protect them hard,” Skinner said. “Regardless of who’s controlling the Senate, there’s going to be incredible pressure to try to get a national bill that, in effect, serves the N.C.A.A. versus students. Everyone who cares about this issue, and wants to make sure that student-athletes are getting a fair shake, needs to monitor it.”

#### NCAA would like to speak to the manager

Trahan 14 – Kevin Trahan, Vice, “The NCAA Is Trying to Hustle Congress for an Antitrust Exemption,” 11/20/14, https://www.vice.com/en/article/vva8mx/the-ncaa-is-trying-to-hustle-congress-for-an-antitrust-exemption

With additional lawsuits looming—including one led by fearsome sports litigator Jeffrey Kessler that essentially seeks free agency for campus athletes—and a so-far successful unionization bid by Northwestern University football players currently under federal review, NCAA amateurism increasingly is running afoul of the law. Yet rather than adjust or eliminate the current rules of the college sports economy (no to salaries, endorsements, booster cash handshakes; yes to all the snacks you can eat!) in order to comply with the federal judiciary and the National Labor Relations Board, the association has a better idea.

Make an end run to Capitol Hill, and try to change the law itself.

According to reports, the NCAA has been exploring the possibility of obtaining a Congressional antitrust exemption, much like the one enjoyed by Major League Baseball. Is that an implicit acknowledgement that the association's policies against athletes receiving any form of compensation blatantly violate antitrust law? Of course. But never mind that. As NCAA president Mark Emmert recently told the Wall Street Journal, a campus amateurism exemption could be a political winner:

NCAA president Mark Emmert acknowledged the discussions about an exemption and said he could envision winning political support for such a move.

An end to amateurism "would be the end of college sports as we know it," Emmert said in a recent interview. "There is strong interest in the American populace to preserve this and anything that destroys it would be met with great resistance."

For the NCAA, an exemption would be nothing short of a Washington bailout, a business model-preserving, status quo-maintaining giveaway akin to what Wall Street received during the financial crisis. As such, the association appears to be putting a lot of its eggs in that basket. Through early August of this year, the NCAA spent $240,000 on lobbying according to Open Secrets, and it spent more in the first half of 2014 than it has ever spent in a single year. Indeed, the non-profit organization that claims to put all of its money back into supporting athletes is on pace to spend $500,000 this year—all to make sure that the people it profits off never pocket a free market cent.

Fortunately for college athletes, the NCAA has almost no chance of getting Congressional help.

Look, it's easy to see why Emmert and other college sports powerbrokers believe otherwise. Generally speaking, the public does not support paying college athletes. The NCAA wants to keep it that way. By reinforcing romantic notions of big-time, big-money college sports as innocent bastions of school spirit and playing for the love the game—untainted by filthy lucre, unless said lucre ends up in University of Alabama football coach Nick Saban's checking account—the association offers the public an emotional carrot; by asserting that allowing players to be paid would result in a college sports doomsday of competitive imbalance, smaller sport cutbacks, and athletes who don't go to class, the NCAA threatens the same public with an apocalyptic stick.

While these arguments can be easily refuted with simple economics, some members of Congress seem to be buying in. When the House of Representatives' Education and the Workforce Committee held a hearing in May on the topic, Rep. Phil Roe (R-Tenn) stood up and proudly exclaimed that paying players was a bad idea because he "just pulled up on my iPad that most schools lose money" on sports. Again, this can be invalidated by simple economics—many schools are trying to enter Division I sports, not leave, and since when do rational businesses expand into money-losing industries?—but the NCAA reps at the hearing just nodded in approval. Ignorance drives their case, particularly when uninformed-yet-prominent speakers such as Roe continue to push the company line.

"I think it's going to be the end of college athletics as we see it," Roe told ABC News.

Besides legislators and lobbyists, the NCAA has allies on and around Capitol Hill to make sure their position is constantly reinforced. Case in point? Baylor University president Ken Starr—the former Solicitor General of the US under President George H.W. Bush, a man best known for leading the endless, largely-pointless federal probe into President Bill Clinton that culminated in MonicaGate—testified on behalf of the association and in favor of amateurism at the above House hearing. Starr is influential in Washington ,and he told the New York Times that he "enjoys the arena." People like him give the NCAA a home field advantage within the halls of Congress, and big state schools and prestigious private institutions carry far more weight with the average Washington politician than athletes' rights advocates such as former University of California, Los Angeles football player Ramogi Huma.

### AT: alsten thumps – 1nr

#### Not a function of unionization, only a risk the plan is more controversial.

#### Alston ruling was narrow- plaintiffs didn’t seek broad relief

Renzetti 21

(Bruno, <https://promarket.org/2021/07/09/ncaa-alston-scotus-antitrust-labor-monopsony/>, 7-9)

The ruling in Alston is indeed significant, but it is fair to say that the Court’s decision is narrow, because the scope of the case was itself limited. The student-athletes did not ask for a broader relief than what was granted at the district court level, but instead just pleaded the Supreme Court to only affirm the previous judgment. In this sense, the decision was limited to the NCAA compensation practices. Reading from Justice Kavanaugh’s concurring opinion, it seems reasonable to expect that the Court will also slash the remaining the residual compensation rules of the NCAA if a case is brought before it: “There are serious questions whether the NCAA’s remaining compensation rules can pass muster under ordinary rule of reason scrutiny. Under the rule of reason, the NCAA must supply a legally valid procompetitive justification for its remaining compensation rules. As I see it, however, the NCAA may lack such a justification.”

#### This means our DA is unique

Medvedovsky, JD, 21

(Konstantin, <https://fedsoc.org/commentary/fedsoc-blog/ncaa-v-alston-and-the-future-of-antitrust>, 7-16)

Importantly, the Court’s decision is limited to the NCAA itself and does not bind the individual conferences in which most teams compete. This means that the Big Ten or SEC could still create their own rules limiting educational expenses available to student athletes without running afoul of the Alston decision. This leaves room for conference-level competition for education-related benefits to players. If a conference adopts a restrictive policy, then the athlete potentially has other options available from another conference. Additionally, the Court did not reach the potentially much larger pot of money available from direct cash salaries or NIL payments. Those issues will likely need to wait for another case or unilateral action from the NCAA. Providing a sneak peek however, Justice Kavanaugh, writing in concurrence, wrote that “the NCAA’s business model would be flatly illegal in almost any other industry in America,” and indicated he would be inclined to look on such restrictions the same as he would other labor price fixing agreements. Additional litigation on this issue seems likely, and the current outcome—that some wages may be paid to athletes, but others may not—is unlikely to be a stable equilibrium. Because of the narrow scope of the current decision however (and contrary to some news reports and social media discussion), the Alston decision is unlikely to mean the end of amateur sports. Consistent with this, shortly after the decision, and just ahead of the passage of a number of state laws allowing players to earn compensation from their NIL, the NCAA announced an interim policy allowing players to monetize from NIL activities. This means athletes can accept endorsements from brands, sell autographs, and otherwise profit from their publicity.

## Trade

### overview – 1nr

#### Supply chain risks outweigh – 1NC evidence says shocks cause non-linear existential risks which cannot be predicted ex ante, collapses coop on climate change, nanotech, and AI – poses an existential risk.

#### Resilient supply chains enable repurposing in a future pandemic – solves disease spread

GTR 21 – Global Trade Review, trade finance media company, “The role of trade finance in the systemic response to supply chain resilience,” 12/8/21, https://www.gtreview.com/supplements/gtr-scf-2021/role-trade-finance-systemic-response-supply-chain-resilience/

The importance of assuring the resilience of “strategic suppliers” – whose inputs are critical to the conduct of trade in a particular supply chain – is increasingly appreciated by senior executives, and was brought into sharp focus during the tragic tsunami in Japan, where disruptions at a single supplier brought an entire supply chain to a halt. Beyond this, the Covid crisis has highlighted the importance of agility and the ability to quickly re-tool, or shift from “brick and mortar” distribution to online sales, and more broadly, to decisively digitise operations and transactions.

Covid-19 has illustrated too that a resilient supply chain can be repurposed in times of crisis, to be responsive to the urgent needs of communities and society. For example, small businesses and global luxury brands have set aside at least some of their sourcing and production capability to manufacture masks and other essential products, for reasons of social responsibility and contribution.

There are concerns that Covid-19 could be the first of a series of pandemics we may face, and at the same time, climate change is commonly cited as an urgent and existential threat, in particular to global freight as sea levels are transformed. Perhaps less intuitively, events over the past five years in particular have shown with striking clarity that it is no longer sufficient for corporates – or their financiers – to think of supply chain resilience as being limited to commercial considerations. Geopolitics such as the US-China trade tensions must enter the discourse around supply chain resilience. Geopolitics and the “national interest” continue to influence company sourcing decisions as well as foreign investment choices. Supplier and country-level concentration risk is now at the heart of supply chain management and financing deliberations, even as practitioners and market observers acknowledge that the outcome will be some form of “re-globalisation” and not a full-scale reversal of globalisation.

#### Future pandemics cause nuclear war

RECNA, Research Center for Nuclear Weapons Abolition, Nagasaki University (RECNA), Asia Pacific Leadership Network (APLN) & Nautilus Institute (2021), ’21, Pandemic Futures and Nuclear Weapon Risks: The Nagasaki 75th Anniversary pandemic-nuclear nexus scenarios final report, Journal for Peace and Nuclear Disarmament, 4:sup1, 6-39, DOI: 10.1080/25751654.2021.1890867

The relationship between pandemics and war is as long as human history. Past pandemics have set the scene for wars by weakening societies, undermining resilience, and exacerbating civil and inter-state conflict. Other disease outbreaks have erupted during wars, in part due to the appalling public health and battlefield conditions resulting from war, in turn sowing the seeds for new conflicts. In the post-Cold War era, pandemics have spread with unprecedented speed due to increased mobility created by globalization, especially between urbanized areas. Although there are positive signs that scientific advances and rapid innovation can help us manage pandemics, it is likely that deadly infectious viruses will be a challenge for years to come. The COVID-19 is the most demonic pandemic threat in modern history. It has erupted at a juncture of other existential global threats, most importantly, accelerating climate change and resurgent nuclear threat-making. The most important issue, therefore, is how the coronavirus (and future pandemics) will increase or decrease the risks associated with these twin threats, climate change effects, and the next use of nuclear weapons in war.5

Today, the nine nuclear weapons arsenals not only can annihilate hundreds of cities, but also cause nuclear winter and mass starvation of a billion or more people, if not the entire human species. Concurrently, climate change is enveloping the planet with more frequent and intense storms, accelerating sea level rise, and advancing rapid ecological change, expressed in unprecedented forest fires across the world. Already stretched to a breaking point in many countries, the current pandemic may overcome resilience to the point of near or actual collapse of social, economic, and political order. In this extraordinary moment, it is timely to reflect on the existence and possible uses of weapons of mass destruction under pandemic conditions – most importantly, nuclear weapons, but also chemical and biological weapons. Moments of extreme crisis and vulnerability can prompt aggressive and counterintuitive actions that in turn may destabilize already precariously balanced threat systems, underpinned by conventional and nuclear weapons, as well as the threat of weaponized chemical and biological technologies. Consequently, the risk of the use of weapons of mass destruction (WMD), especially nuclear weapons, increases at such times, possibly sharply. The COVID-19 pandemic is clearly driving massive, rapid, and unpredictable changes that will redefine every aspect of the human condition, including WMD – just as the world wars of the first half of the 20th century led to a revolution in international affairs and entirely new ways of organizing societies, economies, and international relations, in part based on nuclear weapons and their threatened use. In a world reshaped by pandemics, nuclear weapons – as well as correlated non-nuclear WMD, nuclear alliances, “deterrence” doctrines, operational and declaratory policies, nuclear extended deterrence, organizational practices, and the existential risks posed by retaining these capabilities – are all up for redefinition.

A pandemic has potential to destabilize a nuclear-prone conflict by incapacitating the supreme nuclear commander or commanders who have to issue nuclear strike orders, creating uncertainty as to who is in charge, how to handle nuclear mistakes (such as errors, accidents, technological failures, and entanglement with conventional operations gone awry), and opening a brief opportunity for a first strike at a time when the COVIDinfected state may not be able to retaliate efficiently – or at all – due to leadership confusion. In some nuclear-laden conflicts, a state might use a pandemic as a cover for political or military provocations in the belief that the adversary is distracted and partly disabled by the pandemic, increasing the risk of war in a nuclear-prone conflict. At the same time, a pandemic may lead nuclear armed states to increase the isolation and sanctions against a nuclear adversary, making it even harder to stop the spread of the disease, in turn creating a pandemic reservoir and transmission risk back to the nuclear armed state or its allies.

In principle, the common threat of the pandemic might induce nuclear-armed states to reduce the tension in a nuclear-prone conflict and thereby the risk of nuclear war. It may cause nuclear adversaries or their umbrella states to seek to resolve conflicts in a cooperative and collaborative manner by creating habits of communication, engagement, and mutual learning that come into play in the nuclear-military sphere. For example, militaries may cooperate to control pandemic transmission, including by working together against criminal-terrorist non-state actors that are trafficking people or by joining forces to ensure that a new pathogen is not developed as a bioweapon.

To date, however, the COVID-19 pandemic has increased the isolation of some nuclear-armed states and provided a textbook case of the failure of states to cooperate to overcome the pandemic. Borders have slammed shut, trade shut down, and budgets blown out, creating enormous pressure to focus on immediate domestic priorities. Foreign policies have become markedly more nationalistic. Dependence on nuclear weapons may increase as states seek to buttress a global re-spatialization6 of all dimensions of human interaction at all levels to manage pandemics. The effect of nuclear threats on leaders may make it less likely – or even impossible – to achieve the kind of concert at a global level needed to respond to and administer an effective vaccine, making it harder and even impossible to revert to pre-pandemic international relations. The result is that some states may proliferate their own nuclear weapons, further reinforcing the spiral of conflicts contained by nuclear threat, with cascading effects on the risk of nuclear war.

Developing Pandemic-nuclear Nexus Scenarios

How might the COVID-19 pandemic (and future pandemics) create new opportunities or challenges for governments, civil society, and market actors to reduce nuclear risk and resume nuclear disarmament? And how might those challenges and opportunities emerge in Northeast Asia, in particular?

#### Supply chain resilience key to solve all global threats, including emerging tech and climate change

Ernst 21 – Dieter Ernst, Adjunct Senior Fellow at the East-West Center, “Semiconductor supply chain regulation in the service of geopolitics: Implementation hurdles and collateral damage” 12/6/21, https://www.peaceful-competition.org/pub/vilqdw0u/release/1

New approaches are required to strengthen global cooperation on the governance of new technologies, including AI and Big Data. It is time to take a closer look at the governance of relevant supply chains that shape industry-specific patterns of competition. Supply chain regulation faces a challenge of as yet unknown proportions – the deepening entanglement of geopolitics with trade and innovation policies.

I wrote this paper for one simple reason - to establish a fundamental distinction between managing supply chains to improve resilience and weaponizing supply chains to hinder geopolitical rivals. I believe the former is absolutely necessary to create the scarce public goods needed to fight the pandemic, climate change, and unbearable inequality. However, when geopolitics rather than economics becomes the primary objective, I am concerned that this may disrupt the global innovation system. Driven by the US-China confrontation, supply chain regulation is now increasingly subordinated to national security considerations.

#### Emerging tech risks extinction – management solves

Beckstead 14-- Nick Beckstead, PhD-Rutgers, research fellow at the Future of Humanity Institute at Oxford University, oversees the Open Philanthropy Project’s grantmaking in global catastrophic risk reduction, and Toby Ord, Professor of Moral Philosophy at Oxford University and James Martin Research Fellow at the Future of Humanity Institute. [Managing Existential Risk From Emerging Technologies, Chapter 10 of *Innovation: Managing Risk, Not Avoiding It*, Annual Report of the Government Chief Scientific Adviser, 2014, <https://www.fhi.ox.ac.uk/wp-content/uploads/Managing-existential-risks-from-Emerging-Technologies.pdf>]

Historically, the risks that have arisen from emerging technologies have been small when compared with their benefits. The potential exceptions are unprecedented risks that could threaten large parts of the globe, or even our very survival1. Technology has significantly improved lives in the United Kingdom and the rest of the world. Over the past 150 years, we have become much more prosperous. During this time, the UK average income rose by more than a factor of seven in real terms, much of this driven by improving technology. This increased prosperity has taken millions of people out of absolute poverty and has given everyone many more freedoms in their lives. The past 150 years also saw historically unprecedented improvements in health, with life expectancy in the United Kingdom steadily increasing by two to three years each decade. From a starting point of about 40 years, it has doubled to 80 years2. These improvements are not entirely due to technological advances, of course, but a large fraction of them are. We have seen the cost of goods fall dramatically due to mass production, domestic time freed up via labour saving machines at home, and people connected by automobiles, railroads, airplanes, telephones, television, and the Internet. Health has improved through widespread improvements in sanitation, vaccines, antibiotics, blood transfusions, pharmaceuticals, and surgical techniques. These benefits significantly outweigh many kinds of risks that emerging technologies bring, such as those that could threaten workers in industry, local communities, consumers, or the environment. After all, the dramatic improvements in prosperity and health already include all the economic and health costs of accidents and inadvertent consequences during technological development and deployment, and the balance is still overwhelmingly positive. This is not to say that governance does or should ignore mundane risks from new technologies in the future. Good governance may have substantially decreased the risks that we faced over the previous two centuries, and if through careful policy choices we can reduce future risks without much negative impact on these emerging technologies, then we certainly should do so. However, we may not yet have seen the effects of the most important risks from technological innovation. Over the next few decades, certain technological advances may pose significant and unprecedented global risks. Advances in the biosciences and biotechnology may make it possible to create bioweapons more dangerous than any disease humanity has faced so far; geoengineering technologies could give individual countries the ability to unilaterally alter the global climate (see case study); rapid advances in artificial intelligence could give a single country a decisive strategic advantage. These scenarios are extreme, but they are recognized as potential low-probability high-impact events by relevant experts. To safely navigate these risks, and harness the potentially great benefits of these new technologies, we must continue to develop our understanding of them and ensure that the institutions responsible for monitoring them and developing policy responses are fit for purpose. This chapter explores the high-consequence risks that we can already anticipate; explains market and political challenges to adequately managing these risks; and discusses what we can do today to ensure that we achieve the potential of these technologies while keeping catastrophic threats to an acceptably low level. We need to be on our guard to ensure we are equipped to deal with these risks, have the regulatory vocabulary to manage them appropriately, and continue to develop the adaptive institutions necessary for mounting reasonable responses. Anthropogenic existential risks vs. natural existential risks An existential risk is defined as a risk that threatens the premature extinction of humanity, or the permanent and drastic destruction of its potential for desirable future development. These risks could originate in nature (as in a large asteroid impact, gamma-ray burst, supernova, supervolcano eruption, or pandemic) or through human action (as in a nuclear war, or in other cases we discuss below). This chapter focuses on anthropogenic existential risks because — as we will now argue — the probability of these risks appears significantly greater. Historical evidence shows that species like ours are not destroyed by natural catastrophes very often. Humans have existed for 200,000 years. Our closest ancestor, Homo erectus, survived for about 1.8 million years. The median mammalian species lasts for about 2.2 million years3. Assuming that the distribution of natural existential catastrophes has not changed, we would have been unlikely to survive as long as we have if the chance of natural extinction in a given century were greater than 1 in 500 or 1 in 5,000 (since (1 – 1/500)2,000 and (1 – 1/5,000)18,000 are both less than 2%). Consistent with this general argument, all natural existential risks are believed to have very small probabilities of destroying humanity in the coming century4. Case study omitted. In contrast, the tentative historical evidence we do have points in the opposite direction for anthropogenic risks. The development of nuclear fission, and the atomic bomb, was the first time in history that a technology created the possibility of destroying most or all of the world’s population. Fortunately we have not yet seen a global nuclear catastrophe, but we have come extremely close. US President John F. Kennedy later confessed that during the Cuban missile crisis, the chances of a nuclear war with Russia seemed to him at the time to be “somewhere between one out of three and even”. In light of this evidence, it is intuitively rather unclear that we could survive 500 or 5,000 centuries without facing a technologically-driven global catastrophe such as a nuclear war. We argue that in the coming decades, the world can expect to see several powerful new technologies that — by accident or design — may pose equal or greater risks for humanity. 1. Engineered Pathogens Pandemics such as Spanish flu and HIV have killed tens of millions of people. Smallpox alone was responsible for more than 300 million deaths in the first half of the twentieth century. As the ongoing Ebola epidemic reminds us, disease outbreaks remain a potent threat today. However, pressures from natural selection limit the destructive potential of pathogens because a sufficiently virulent, transmissible pathogen would eliminate the host population. As others have argued, and we reiterate below, bioengineering could be used to overcome natural limits on virulence and transmissibility, allowing pandemics of unprecedented scale and severity. For an example of an increase in fatality rates, consider mousepox, a disease that is normally non-lethal in mice. In 2001, Australian researchers modified mousepox, accidentally increasing its fatality rate to 60%, even in mice with immunity to the original version5 . By 2003, researchers led by Mark Buller found a way to increase the fatality rate to 100%, although the team also found therapies that could protect mice from the engineered version6 . For an example of an increase in transmissibility, consider the ‘gain of function’ experiments on influenza that have enabled airborne transmission of modified strains of H5N1 between ferrets7 . Proponents of such experiments argue that further efforts building on their research “have contributed to our understanding of host adaptation by influenza viruses, the development of vaccines and therapeutics, and improved [disease] surveillance”8 . However, opponents argue that enhancing the transmissibility of H5N1 does little to aid in vaccine development; that long lag times between capturing and sequencing natural flu samples limits the value of this work for surveillance; and that epistasis — in which interactions between genes modulate their overall effects — limits our ability to infer the likely consequences of other genetic mutations in influenza from what we have observed in gainof-function research so far9 . Many concerns have been expressed about the catastrophic and existential risks associated with engineered pathogens. For example, George Church, a pioneer in the field of synthetic biology, has said: “While the likelihood of misuse of oligos to gain access to nearly extinct human viruses (e.g. polio) or novel pathogens (like IL4-poxvirus) is small, the consequences loom larger than chemical and nuclear weapons, since biohazards are inexpensive, can spread rapidly world-wide and evolve on their own.”10 Similarly, Richard Posner11, Nathan Myhrvold12, and Martin Rees13 have argued that in the future, an engineered pathogen with the appropriate combination of virulence, transmissibility and delay of onset in symptoms would pose an existential threat to humanity. Unfortunately, developments in this field will be much more challenging to control than nuclear weapons because the knowledge and equipment needed to engineer viruses is modest in comparison with what is required to create a nuclear weapon14. It is possible that once the field has matured over the next few decades, a single undetected terrorist group would be able to develop and deploy engineered pathogens. By the time the field is mature and its knowledge and tools are distributed across the world, it may be very challenging to defend against such a risk. This argues for the continuing development of active policy-oriented research, an intelligence service to ensure that we know what misuse some technologies are being put to, and a mature and adaptive regulatory structure in order to ensure that civilian use of materials can be appropriately developed to maximize benefit and minimize risk. We raise these potential risks to highlight some worst-case scenarios that deserve further consideration. Advances in these fields are likely to have significant positive consequences in medicine, energy, and agriculture. They may even play an important role in reducing the risk of pandemics, which currently pose a greater threat than the risks described here. 2. Artificial Intelligence Artificial intelligence (AI) is the science and engineering of intelligent machines. Narrow AI systems — such as Deep Blue, stock trading algorithms, or IBM’s Watson — work only in specific domains. In contrast, some researchers are working on AI with general capabilities, which aim to think and plan across all the domains that humans can. This general sort of AI only exists in very primitive forms today15. Many people have argued that long-term developments in artificial intelligence could have catastrophic consequences for humanity in the coming century16, while others are more skeptical17. AI researchers have differing views about when AI systems with advanced general capabilities might be developed, whether such development poses significant risks, and how seriously radical scenarios should be taken. As we’ll see, there are even differing views about how to characterize the distribution of opinion in the field. In 2012, Müller and Bostrom surveyed the 100 most-cited AI researchers to ask them when advanced AI systems might be developed, and what the likely consequences would be. The survey defined a “high-level machine intelligence” (HLMI) as a machine “that can carry out most human professions at least as well as a typical human”, and asked the researchers about which year they would assign a 10%, 50% or 90% subjective probability to such AI being developed. They also asked whether the overall consequences for humanity would be “extremely good”, “on balance good”, “more or less neutral”, “on balance bad”, or “extremely bad (existential catastrophe)”. The researchers received 29 responses: the median respondent assigned a 10% chance of HLMI by 2024, a 50% chance of HLMI by 2050, and a 90% chance of HLMI by 2070. For the impact on humanity, the median respondent assigned 20% to “extremely good”, 40% to “on balance good”, 19% to “more or less neutral”, 13% to “on balance bad”, and 8% to “extremely bad (existential catastrophe)”18. In our view, it would be a mistake to take these researchers’ probability estimates at face value, for several reasons. First, the AI researchers’ true expertise is in developing AI systems, not forecasting the consequences for society from radical developments in the field. Second, predictions about the future of AI have a mixed historical track record19. Third, these ‘subjective probabilities’ represent individuals’ personal degrees of confidence, and cannot be taken to be any kind of precise estimate of an objective chance. Fourth, only 29 out of 100 researchers responded to the survey, which therefore may not be representative of the field as a whole. The difficulty in assessing risks from AI is brought out further by a report from the Association for the Advancement of Artificial Intelligence (AAAI), which came to a different conclusion. In February 2009, about 20 leading researchers in AI met to discuss the social impacts of advances in their field. One of three sub-groups focused on potentially radical long-term implications of progress in artificial intelligence. They discussed the possibility of rapid increases in the capabilities of intelligent systems, as well as the possibility of humans losing control of machine intelligences that they had created. The overall perspective and recommendations were summarized as follows: • “The first focus group explored concerns expressed by lay people — and as popularized in science fiction for decades — about the long-term outcomes of AI research. Panelists reviewed and assessed popular expectations and concerns. The focus group noted a tendency for the general public, science-fiction writers, and futurists to dwell on radical long-term outcomes of AI research, while overlooking the broad spectrum of opportunities and challenges with developing and fielding applications that leverage different aspects of machine intelligence.” • “There was overall skepticism about the prospect of an intelligence explosion as well as of a “coming singularity,” and also about the large-scale loss of control of intelligent systems. Nevertheless, there was a shared sense that additional research would be valuable on methods for understanding and verifying the range of behaviors of complex computational systems to minimize unexpected outcomes.” • “The group suggested outreach and communication to people and organizations about the low likelihood of the radical outcomes, sharing the rationale for the overall comfort of scientists in this realm, and for the need to educate people outside the AI research community about the promise of AI for enhancing the quality of human life in numerous ways, coupled with a re-focusing of attention on actionable, shorter-term challenges.”20 This panel gathered prominent people in the field to discuss the social implications of advances in AI in response to concerns from the public and other researchers. They reported on their views about the concerns, recommended plausible avenues for deeper investigation, and highlighted the possible upsides of progress in addition to discussing the downsides. These were valuable contributions. However, the event had shortcomings as well. First, there is reason to doubt that the AAAI panel succeeded in accurately reporting the field’s level of concern about future developments in AI. Recent commentary on these issues from AI researchers has struck a different tone. For instance, the survey discussed above seems to indicate more widespread concern. Moreover, Stuart Russell — a leader in the field and author of the most-used textbook in AI — has begun publicly discussing AI as a potential existential risk21. In addition, the AAAI panel did not significantly engage with concerned researchers and members of the public, who had no representatives at the conference, and the AAAI panel did not explain their reasons for being sceptical of concerns about the long-term implications of AI, contrary to standard recommendations for ‘inclusion’ or ‘engagement’ in the field of responsible innovation22. In place of arguments, they offered language suggesting that these concerns were primarily held by “non-experts” and belonged in the realm of science fiction. It’s questionable whether there is genuine expertise in predicting the long-term future of AI at all23, and unclear how much better AI researchers would be than other informed people. But this kind of dismissal is especially questionable in light of the fact that many AI researchers in the survey mentioned above thought the risk of “extremely bad” outcomes for humanity from long-term progress in AI had probabilities that were far from negligible. At present, there is no indication that the concerns of the public and researchers in other fields have been assuaged by the AAAI panel’s interim report or any subsequent outreach effort. What then, if anything, can we infer from these two different pieces of work? The survey suggests that some AI researchers believe that the development of advanced AI systems poses non-negligible risks of extremely bad outcomes for humanity, whilst the AAAI panel was skeptical of radical outcomes. Under these circumstances, it is impossible to rule out the possibility of a genuine risk, making a case for deeper investigation of the potential problem and the possible responses and including long-term risks from AI in horizon-scanning efforts by government. Challenges of managing existential risks from emerging technology Existential risks from emerging technologies pose distinctive challenges for regulation, for the following reasons: 1. The stakes involved in an existential catastrophe are extremely large, so even an extremely small risk can carry an unacceptably large expected cost24. Therefore, we should seek a high degree of certainty that all reasonable steps have been taken to minimize existential risks with a sufficient baseline of scientific plausibility. 2. All of the technologies discussed above are likely to be difficult to control (much harder than nuclear weapons). Small states or even non-state actors may eventually be able to cause major global problems. 3. The development of these technologies may be unexpectedly rapid, catching the political world off guard. This highlights the importance of carefully considering existential risks in the context of horizon-scanning efforts, foresight programs, risk and uncertainty assessments, and policy-oriented research. 4. Unlike risks with smaller stakes, we cannot rely on learning to manage existential risks through trial and error. Instead, it is important for government to investigate potential existential risks and develop appropriate responses even when the potential threat and options for mitigating it are highly uncertain or speculative.

### AT: alston – 1nr

#### Can’t cross-apply Alston thumper – dropped thesis of tradeoff which is that increasing liability linearly trades off with supply chain merger enforcement.

### AT: warming – 1nr

#### We control internal link – other DA is bigger and dropped. AND, this card is from *two thousand and eight* – more recent research better.

#### Trade key to green tech.

Goldthau and Hughes 20, Andreas Goldthau is professor of public policy at the Willy Brandt School of Public Policy, University of Erfurt, and research group leader at the Institute for Advanced Sustainability Studies, Potsdam, Germany, and Llewelyn Hughes is associate professor of public policy at the Australian National University, Canberra, and director of Energy & Environment at GR Group Asia, “Protect global supply chains for low-carbon technologies,” https://www.nature.com/articles/d41586-020-02499-8?sf237516192=1

Such policies will backfire. Networks of cross-border trade and investment keep costs down and encourage learning and innovation. They are central to the extraordinary progress that has been made in low-carbon technologies in the past decade, including exponential growth in electric cars — 7 million were in use worldwide in 2019, compared with 17,000 in 2010. Without global supply chains, technological progress will slow and cost reductions stall.

Facing a global depression, governments are right to focus on creating jobs at home and promoting competitiveness. But they should also protect international trade networks in low-carbon technologies, to ensure that these keep getting better and cheaper as quickly as possible. Green industrial strategies should focus on developing innovations and bringing them to market, rather than replacing established supply chains for mature technologies.

Around 70% of global trade is in the components and equipment used to make finished goods1, with companies worldwide specializing in various stages of production. That’s the case for low-carbon technologies, too. For example, Chinese firms have come to dominate solar photovoltaics (PV) in the past decade, supplying 80% of the top ten manufacturers in 2018. But Chinese firms don’t act in isolation. They rely on German companies, for example, to produce the advanced machinery used to manufacture silicon wafers as well as solar cells and modules2,3.

China rose to this position through sustained government backing. Subsidized electricity, research-and-development grants and support for deployment all boosted mass production of renewables technologies. Solar-module prices shrank by 90% in the past decade, allowing installations of PV to rise by more than 15-fold (from 40 gigawatts in 2010 to 627 gigawatts in 2019). The price of solar-generated electricity also fell around the world during that time. In the United States, it plummeted by nearly 80% to just 6 cents per kilowatt-hour by 2017, making utility-scale solar energy competitive with conventional generation technologies.

The story is similar for wind turbines, lithium-ion batteries and electric vehicles, even though the core technologies and supply chains differ. If the current rate of reduction in battery prices of 90% per decade is maintained, electric vehicles should be as cheap to make as conventional ones by the mid-2020s.

Government responses to COVID-19 threaten to undermine these virtuous circles.

If nations pursue economic security above all else, low-carbon technologies will be exposed to geopolitical risk. Global supply chains can become a proxy for geopolitical rivalries. Owning a key component, or ‘node’, in a supply chain gives a company or nation leverage over the entire network. Taken to the extreme, this asymmetry can be ‘weaponized’4.

#### Their internal link is wrong – best studies prove trade decreases emissions.

Kacprzyk and Kuchta 20 – Andrzej P. Kacprzyk. Is an Assistant Professor in the Economics Department at the University of Lodz. Zbigniew Kuchta is a PhD student at Lodz (Andrzej Kacprzyk and Zbigniew Kuchta, Shining a new light on the environmental Kuznets curve for CO2 emissions, Energy Economics, Volume 87, 2020, 104704, ISSN 0140-9883, <https://doi.org/10.1016/j.eneco.2020.104704)//> gcd

4. Conclusion Since the early 1990s, an increasing number of researchers have attempted to test the validity of the EKC hypothesis and determine whether environmental quality eventually improves with economic growth. This study used a new indicator of GDP, based on satellite nighttime light data from Lessmann and Seidel (2017), to reexamine the empirical evidence documenting an inverse U-shaped relationship between income and CO2 emissions from fossil fuels. Given that measurement errors in nighttime lights are orthogonal to the measurement errors in national accounts, the measure based on luminosity may serve as a very useful proxy for GDP in large and heterogeneous samples of countries. Using this new indicator, we reran the regression specification used by HE-S and Sheldon (2019) for a panel of 161 countries. Our estimates confirm the EKC hypothesis for CO2 emissions. The implied turning point, beyond which CO2 emissions start to decrease as income increases, is at 44 thousand in 2011 USD in our baseline model and is much lower than the turning points estimated by HES and Sheldon (2019). To check the robustness of our estimates, we repeat them for two subsamples. The results hold well after a substantial reduction in sample size. Finally, we apply the inverse U test, which confirms that the relationship of interest is really nonmonotone within the data range for each of our three samples. It has to be noted that Eq. (1) is in reduced-form. For this reason we are far away from drawing strong policy conclusions. Nevertheless, based on our results, a more optimistic picture of the income-CO2 emissions nexus emerges. Since our implied turning point is lower than in the replicated papers, the environmental benefits of economic growth may thus be easier to achieve. Therefore our findings suggest that it is worthwhile studying mechanisms that underlie the observed correlation between CO2 and GDP. We are also aware that our results should be interpreted with some caution since the time dimension of our dataset (T = 21) is relatively short, compared with those in the main strand of the EKC literature. A longer time frame could give more reliable estimates. Therefore, our findings serve as a pilot study and should be confirmed by future studies. Nevertheless, we believe that the advantages of nighttime light data outweigh their disadvantages, as they are available with the same quality for all countries, including those for which official statistics either do not exist or are of poor quality. Moreover, these data may be applied at various levels of aggregation – country, state, sub-state, and municipal. These features open a promising avenue for further research, as an increasing amount of luminosity data becomes available.

### AT: war – 1nr

#### Trade caps global nuke war.

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

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

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

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

Secular Stagnation

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

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

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

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

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

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

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

Illiberal Globalization

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

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

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

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

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

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

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

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

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

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

#### Like literally... everyone agrees.

Daniel Drezner 16. nonresident senior fellow at the Brookings Institution, professor of international politics at the Fletcher School of Law and Diplomacy at Tufts University. “Five Known Unknowns about the Next Generation Global Political Economy”. May 2016. Brookings. https://www.brookings.edu/wp-content/uploads/2016/07/IOS-Drezner-web-1.pdf

3. Will geopolitical rivalries or technological innovation alter the patterns of economic interdependence?

Multiple scholars have observed a secular decline in interstate violence in recent decades.105 The Kantian triad of more democracies, stronger multilateral institutions, and greater levels of cross-border trade is well known. In recent years, international relations theorists have stressed that commercial interdependence is a bigger driver of this phenomenon than previously thought.106 The liberal logic is straightforward. The benefits of cross-border exchange and economic interdependence act as a powerful brake on the utility of violence in international politics. The global supply chain and “just in time” delivery systems have further imbricated national economies into the international system. This creates incentives for governments to preserve an open economy even during times of crisis. The more that a country’s economy was enmeshed in the global supply chain, for example, the less likely it was to raise tariffs after the 2008 financial crisis.107 Similarly, global financiers are strongly interested in minimizing political risk; historically, the financial sector has staunchly opposed initiating the use of force in world politics.108 Even militarily powerful actors must be wary of alienating global capital.

Globalization therefore creates powerful pressures on governments not to close off their economies through protectionism or military aggression. Interdependence can also tamp down conflicts that would otherwise be likely to break out during a great power transition. Of the 15 times a rising power has emerged to challenge a ruling power between 1500 and 2000, war broke out 11 times.109 Despite these odds, China’s recent rise to great power status has elevated tensions without leading to anything approaching war. It could be argued that the Sino-American economic relationship is so deep that it has tamped down the great power conflict that would otherwise have been in full bloom over the past two decades. Instead, both China and the United States have taken pains to talk about the need for a new kind of great power relationship. Interdependence can help to reduce the likelihood of an extreme event—such as a great power war—from taking place.

Will this be true for the next generation economy as well? The two other legs of the Kantian triad—democratization and multilateralism—are facing their own problems in the wake of the 2008 financial crisis.110 Economic openness survived the negative shock of the 2008 financial crisis, which suggests that the logic of commercial liberalism will continue to hold with equal force going forward. But some international relations scholars doubt the power of globalization’s pacifying effects, arguing that interdependence is not a powerful constraint.111 Other analysts go further, arguing that globalization exacerbates financial volatility—which in turn can lead to political instability and violence.112

A different counterargument is that the continued growth of interdependence will stall out. Since 2008, for example, the growth in global trade flows has been muted, and global capital flows are still considerably smaller than they were in the pre-crisis era. In trade, this reflects a pre-crisis trend. Between 1950 and 2000, trade grew, on average, more than twice as fast as global economic output. In the 2000s, however, trade only grew about 30 percent more than output.113 In 2012 and 2013, trade grew less than economic output. The McKinsey Global Institute estimates that global flows as a percentage of output have fallen from 53 percent in 2007 to 39 percent in 2014.114 While the stock of interdependence remains high, the flow has slowed to a trickle. The Financial Times has suggested that the global economy has hit “peak trade.”115

If economic growth continues to outstrip trade, then the level of interdependence will slowly decline, thereby weakening the liberal constraint on great power conflicts. And there are several reasons to posit why interdependence might stall out. One possibility is due to innovations reducing the need for traded goods. For example, in the last decade, higher energy prices in the United States triggered investments into conservation, alternative forms of energy, and unconventional sources of hydrocarbons. All of these steps reduced the U.S. demand for imported energy. A future in which compact fusion engines are developed would further reduce the need for imported energy even more.116

A more radical possibility is the development of technologies that reduce the need for physical trade across borders. Digital manufacturing will cause the relocation of production facilities closer to end-user markets, shortening the global supply chain.117 An even more radical discontinuity would come from the wholesale diffusion of 3-D printing. The ability of a single printer to produce multiple component parts of a larger manufactured good eliminates the need for a global supply chain. As Richard Baldwin notes, “Supply chain unbundling is driven by a fundamental trade-off between the gains from specialization and the costs of dispersal. This would be seriously undermined by radical advances in the direction of mass customization and 3D printing by sophisticated machines...To put it sharply, transmission of data would substitute for transportation of goods.”118 As 3-D printing technology improves, the need for large economies to import anything other than raw materials concomitantly declines.119

Geopolitical ambitions could reduce economic interdependence even further.120 Russia and China have territorial and quasi-territorial ambitions beyond their recognized borders, and the United States has attempted to counter what it sees as revisionist behavior by both countries. In a low-growth world, it is possible that leaders of either country would choose to prioritize their nationalist ambitions over economic growth. More generally, it could be that the expectation of future gains from interdependence—rather than existing levels of interdependence—constrains great power bellicosity.121 If great powers expect that the future benefits of international trade and investment will wane, then commercial constraints on revisionist behavior will lessen. All else equal, this increases the likelihood of great power conflict going forward.

#### All data sets prove interdependence deters war

Zeng 20 – Department of Political Science, University of South Carolina (Yuleng, “Bluff to peace: How economic dependence promotes peace despite increasing deception and uncertainty,” Conflict Management and Peace Science 2020, Vol. 37(6) 633–654)//gcd

Robustness checks To make sure that the results are not driven by arbitrary choices of either data or operationalization, I perform a number of robustness checks. I use (a) the International Crisis Behavior data to generate an alternative set of dependent variables, (b) the UN general assembly voting data to generate a different status quo variable, (c) the trade share measurement to proxy economy dependence, (d) the dependence measurement without weighting the trade network and (e) alternative weights and centrality measurement for the trade networks. I show some of the results in Models 2–4 in Table 2.26 The general pattern is confirmed by most results: a target’s economic dependence simultaneously encourages deception and concession. Relatedly, it also promotes peace despite a lower credibility of threats. Dual functions of economic interdependence Combined with the existing wisdom in commercial peace literature, the above results suggest that inflicting or enduring economic costs on oneself signals resolve and can convince irresolute adversaries to quit, while imposing costs on an opponent can test the target’s determination and nudges it toward acquiescence despite possible lack of credibility. This does not necessarily indicate that leaders should or will ignore the negative impact on credibility.27 One practical way to complement economic coercion is to increase the publicity. China, for instance, publicly destroyed 35 tons of Philippine bananas in March 2016 in response to the latter’s claim of the South China Sea dispute in the International Court of Arbitration.28 If China were only concerned about the coercive effect, then this publicity is meaningless. More broadly, when states flex their economic muscles, the strategic calculations are not solely about either coercion or signal. First, imposing and enduring economic costs are two sides of the same coin. That is, when a challenger seeks to coerce, its target can endure the costs to signal resolve. For instance, when South Korea agreed to install the Terminal High Altitude Area Defense system in 2017, China rallied nationwide support to divert its tourists and boycott South Korea’s stores and products. By some estimates, Chinese sanctions cost South Korea around 0.5% of its GDP, much more than it cost Beijing (around 0.02%).29 To be sure, the coercive effects were substantial: South Korea companies and citizens eagerly urged the government to end the spat.30 However, Seoul chose to endure the economic and political pressure. This in turn convinced China that South Korea was resolute on the issue and prodded Beijing to blink later that year. Second, states typically evaluate the informational and coercive impact concurrently. Consider Britain’s reaction toward US coercion during the Suez Crisis. If the impact of denying London’s access to the International Monetary Fund were purely coercive, then Britain should not have retreated, at least not immediately. Indeed, Britain’s capacity and willingness to endure the economic disruption was genuine: when Macmillan was informed on the threats of the balance of payments, he convinced himself that Britain was ‘pretty well armed for Suez’. In late October, the prime minister told his colleagues that he expected to lose $300 million and his government’s policy was to see things through (Turner, 2014, p. 119). On the eve of British retreat, there was no immediate need for Britain to draw the Fund. In fact, pressure on sterling had eased, which might have been further improved if the Canal were captured (Fforde, 1992). Although this does not suggest the coercive effect was immaterial, it does showcase that it was not the only factor in play. In particular, the recognition of the true intention of the US played an important role. Prior to the crisis, British leaders mistakenly believed that they would have US support (without which they also firmly believed they would end the military course). Even after Eisenhower’s clear correspondence and the deployment of the Sixth Fleet, they still retained the belief that the US would not oppose. At worst, the US would ‘lament publicly and do nothing’ (Steed, 2016, p. 67). The misinformation was further amplified by Downing Street’s inclination to interpret ‘what they wanted to hear’ from their American counterparts’ statements (McCourt, 2014, p. 70). US warnings were read as a possible acceptance of a fait accompli, if delivered speedily. Although denying International Monetary Fund access did not bear an immediate coercive impact, the willingness of the US to publicly threaten the economic exchange with a critical ally updated the prime minister’s prior belief and convinced him that Amercian goodwill ‘could not be obtained’ without an immediate cease-fire and retreat (Turner, 2014, p. 123).32 Conclusion I have argued that the bargaining environment of economic interdependence allows states to inform and coerce simultaneously. This is important because the field has been interpreting the two as opposing mechanisms: states can either inform or coerce, but not both. Focusing on target states’ vulnerability, I argue that neither mechanism can dominate. Specifically, if commercial peace works solely via the signaling channel, then a higher level of economic dependence can indicate a less credible threat, resulting in more conflict escalation and bloodshed. I argue that this is not the case in the context of economic dependence because a coercive channel parallels the informational one. The exact factor that indicates a lower credibility also constrains, leading to a lower likelihood of escalation and bloodshed. Analogously, if economic dependence only coerces, then imposing economic losses on oneself makes little sense as it will only drain away one’s bargaining leverage. Therefore, instead of debating the merits of either theory, we should interpret the opportunity costs and costly signaling theories as two parallel mechanisms.

#### Trade decreases arms buildup – decline induces conflict pressures

Garfinkel et al 20 – Michelle Garfinkel is a professor in the Economics department at University of California Irvine. Constantinos Syropoulos · Trustee Professor of International Economics at Drexel University's LeBow College of Business. Yoto V. Yotov is a Professor at the School of Economics of the LeBow College of Business at Drexel University (Arming in the global economy: The importance of trade with enemies and friends,  [Journal of International Economics](https://www.sciencedirect.com/science/journal/00221996) [Volume 123](https://www.sciencedirect.com/science/journal/00221996/123/supp/C), March 2020, https://www.sciencedirect.com/science/article/pii/S0022199620300143)//gcd

When the two countries in conflict also trade with each other, the impact of a country's arming on its TOT is negative. Provided these countries are sufficiently symmetric, not only in terms of technologies and preferences, but also in terms of the mix of their secure resource endowments, equilibrium arming by both is lower and their payoffs are higher under trade than under autarky. These results, which are robust to the presence of trade costs, provide theoretical support to the longstanding classical liberal hypothesis that increased trade openness can ameliorate conflict and thus amplify the gains from trade. With sufficiently extreme differences in the distribution of the primary resources, a shift to trade could induce one country to arm more heavily and to such an extent so as to imply that autarky is preferable over trade to the other country.65 Nevertheless, in an equilibrium that involves positive trade flows, the aggregate allocation of resources to dispute the insecure resource is lower than in an equilibrium with no trade at all. When the structure of comparative advantage is such that the two adversaries do not trade with each other, but instead trade with a third, friendly country and they compete in the same export market, the TOT effect of security policies is positive. As such, a shift from autarky to trade unambiguously intensifies international conflict, possibly with negative net welfare consequences. Consistent with the model's predictions, our empirical analysis provides reduced-form evidence that the effects of trade costs on a country's military spending depend qualitatively on whether trade is with a rival or with a friend. Our findings complement the more structural evidence presented by Martin et al.'s (2008), that increased opportunities for multilateral trade can aggravate bilateral conflict, increasing the likelihood of war. They also complement Seitz et al. (2015)’s evidence that a decrease in trade costs between two countries reduces their military spending, which reduces such spending by other countries.

### AT: uncertainty – 1nr

#### We solve uncertainty – stabilize the supply chain.

#### Irrelevant – doesn’t say it causes conflict and all our internal links are substantially more specific. Gets at war in the abstract but not escalation nor nukes.

### AT: asymmetry – 1nr

#### Says asymmetric relationship worse – supply chain solves that too!

#### War chest is wrong.

Chang and Wu 20 – Yang-Ming Chang is a Professor of Economics at KSU. Shih-Jye Wu Department of Political Economy, National Sun Yat-Sen University (Insecure Resources, Bilateral Trade, and Endogenous Predation: A Game-Theoretic Analysis of Conflict and Trade, Southern Economic Journal 2020, 86(4), 1338–1371 <https://onlinelibrary.wiley.com/doi/pdf/10.1002/soej.12430)//gcd>

Thus, under resource security asymmetry that σA > σB, the derivative in Equation 30.b is strictly positive. This positive sign implies that the marginal welfare of arming (∂SWA/∂GA) decreases as trade costs are lower. To raise welfare when there is greater trade openness (resulting from lower trade costs), country A is better off by reducing its arming. It is instructive to use the three marginal effects of arming, as shown in Equation 30.a, to explain the positivity of the derivative in Equation 30.b. When trade costs are lower, country A’s arming affects its national welfare, ∂SWA/∂GA in three separate ways. (i) The negative sign for the first term on the RHS of Equation 30.a indicates that lowering trade costs will make the export revenue effect of arming stronger. That is, country A has a stronger incentive to increase arming because the terms-of-trade improvement causes export revenue to go up. (ii) The positive sign for the second term on the RHS of Equation 30.a indicates that lowering trade costs will make the resource-predation effect of arming weaker. That is, country A’s arming incentive (to appropriate input B for producing good Y) declines.21 (iii) The positive sign for the third term on the RHS of Equation 30.a indicates that lowering trade costs will make the output-distortion effect of arming stronger, discouraging arming by country A. Simultaneously taking into account these three effects, we have from Equation 30.b that the marginal welfare of arming ∂SWA/∂GA decreases as t decreases. This implies that, as trade costs are lower, the output-distortion effect (which measures the MC of arming) is strong enough to dominate the sum of the export-revenue effect and the resource-predation effect (which measures the MR of arming). Namely, greater trade openness (by lowering trade costs) will make the MC of arming to be higher than its MR. In response, country A finds it better off to reduce arming, other things being equal (i.e., given the arming level by its rival). We illustrate this result in Figure 7, where A’s decrease in arming is shown by a leftward shift in its reaction curve from RFAsym A to RFAsym A 0 .

### AT: instability inev – 1nr

#### Think the timer went off before this was read but honestly whatevs

#### Says concentration and bottlenecks, FTC merger enforcement diversifies the supply chain which was the internal link.

#### Mergers and consolidation cause supply fragility and strip slack from the economy

Miller 22 – Sarah Miller, Executive Director and Founder of the American Economic Liberties Project, “To Save Jobs and Slow Inequality, Stop the Merger Frenzy,” January 2022, https://www.economicliberties.us/wp-content/uploads/2022/01/Stop-the-Merger-Frenzy\_Quick-Take\_Final\_1.10.pdf

Further industry consolidation will have serious implications not only on short-term job preservation, but also on a broad range of systemic economic challenges. In August 2020, the American Economic Liberties Project published A Ledger of Harms, which summarizes a growing body of research documenting how concentrated power leads to unequal and abusive outcomes, ranging from depressed wages to supply chain fragilities to racial inequity.24

Corporate concentration can also exacerbate shortages, which have become more evident across the economy during the recovery. The stripping of slack from global supply chains in search of profit maximization has enabled historic disruptions across the economy, which have cost workers thousands of jobs as companies pare back production. In May 2021, the U.S. auto industry alone lost 27,000 jobs as computer chip shortages forced manufacturing plant closures and production halts.25 Since consolidating firms often seek to cut spending in their capital investments, supply chains, and input purchases, mergers can negatively impact employment even outside the merging corporations’ industries.26 Ultimately, economists estimate that the wideranging effects of market concentration have reduced employment today by nearly 13 percent and artificially suppressed wages by an average of more than $10,000.27

#### It’s reverse causal – increases in competition are key to make supply chains resilient

Moss 20 – Diana L. Moss, economist and president of the American Antitrust Institute, “When COVID-19 is the Symptom and Not the Disease: Consolidation, Competition, and Breakdowns in Food Supply Chains,” 5/7/20, https://www.antitrustinstitute.org/work-product/when-covid-19-is-the-symptom-and-not-the-disease-consolidation-competition-and-breakdowns-in-food-supply-chains/

The integrity and stability of the food system is a matter of national health, safety, and security. Disruption of the meat or any other food supply chain is potentially catastrophic. But few analysts have looked beyond the immediate COVID-19 pandemic to isolate one of the deep-rooted causes of weakness, or even breakage, in supply chains. Were our food processing, manufacturing, and distribution markets more competitive, the current crisis (and government intervention) would be neither necessary nor warranted. Much like AAI’s recent commentary on COVID-19 and consolidation in medical equipment markets, this commentary explains how a lack of competition can imperil the stability and security of the food system.[3]

THE ROLE OF COMPETITION IN ENSURING STABLE, RESILIENT FOOD SUPPLY CHAINS

COVID-19-related disruptions are, in part, a symptom of underlying competition problems in our food system, and an early warning sign of the harms yet to come. Competition benefits consumers and producers in myriad ways. These include fair prices, high quality products and services, and incentives to innovate. Another key benefit of competition is promoting diversity and redundancy in sources of agricultural inputs, processing, manufacturing, and distribution. This promotes resiliency and stability in the interconnected markets that form the food system.

Supply chains are routinely subjected to shocks such as extreme weather, disease, and conflict.[4] But those that feature robust competition at various levels are far more likely to ensure the reliable and stable distribution of essential food products. If some parts of the supply chain are disrupted, competition works to ensure that rival suppliers fill the void to meet demand.

As the COVID-19 pandemic illustrates, food supply chains can fail the “resiliency” test. While a number of factors may account for this, we cannot ignore the role played by the wave of consolidation that has fundamentally reshaped the food system in the U.S. over the last two decades. Consolidation has diminished competition in the agricultural inputs, processing, manufacturing, and distribution segments. As the closures of meat processing plants demonstrate, when the few large firms that control these critical segments fail, the supply chain can break.