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#### Topical affirmatives must advocate a policy whereby The United States Federal Government substantially increases its prohibitions on anticompetitive business practices by the private sector by at least expanding the scope of its core antitrust laws.

#### The United States federal government is the national government in DC.

Black’s Law ‘4 (Black’s Law Dictionary; 6/1/4; 8th Edition, p. 716)

Federal government. 1. A **national government** that exercises some degree of control over smaller political units that have surrendered some degree of power in exchange for the right to participate in national politics matters – Also termed (in federal states) **central government**. 2. **the U.S. government** – Also **termed national government**. [Cases: United States -1 C.J.S. United States - - 2-3]

#### Should means mandating something be done.

Nieto ‘9 – Judge Henry Nieto, Colorado Court of Appeals, 8-20-2009 People v. Munoz, 240 P.3d 311 (Colo. Ct. App. 2009)

"Should" is "used . . . to express duty, obligation, propriety, or expediency." Webster's Third New International Dictionary 2104 (2002). Courts [\*\*15] interpreting the word in various contexts have drawn conflicting conclusions, although the weight of authority appears to favor interpreting "should" in an imperative, obligatory sense. HN7A number of courts, confronted with the question of whether using the word "should" in jury instructions conforms with the Fifth and Sixth Amendment protections governing the reasonable doubt standard, have upheld instructions using the word. In the courts of other states in which a defendant has argued that the word "should" in the reasonable doubt instruction does not sufficiently inform the jury that it is bound to find the defendant not guilty if insufficient proof is submitted at trial, the courts have squarely rejected the argument. They reasoned that the word "conveys a sense of duty and obligation and could not be misunderstood by a jury." See State v. McCloud, 257 Kan. 1, 891 P.2d 324, 335 (Kan. 1995); see also Tyson v. State, 217 Ga. App. 428, 457 S.E.2d 690, 691-92 (Ga. Ct. App. 1995) (finding argument that "should" is directional but not instructional to be without merit); Commonwealth v. Hammond, 350 Pa. Super. 477, 504 A.2d 940, 941-42 (Pa. Super. Ct. 1986). Notably, courts interpreting the word "should" in other types of jury instructions [\*\*16] have also found that the word conveys to the jury a sense of duty or obligation and not discretion. In Little v. State, 261 Ark. 859, 554 S.W.2d 312, 324 (Ark. 1977), the Arkansas Supreme Court interpreted the word "should" in an instruction on circumstantial evidence as synonymous with the word "must" and rejected the defendant's argument that the jury may have been misled by the court's use of the word in the instruction. Similarly, the Missouri Supreme Court rejected a defendant's argument that the court erred by not using the word "should" in an instruction on witness credibility which used the word "must" because the two words have the same meaning. State v. Rack, 318 S.W.2d 211, 215 (Mo. 1958). [\*318] In applying a child support statute, the Arizona Court of Appeals concluded that a legislature's or commission's use of the word "should" is meant to convey duty or obligation. McNutt v. McNutt, 203 Ariz. 28, 49 P.3d 300, 306 (Ariz. Ct. App. 2002) (finding a statute stating that child support expenditures "should" be allocated for the purpose of parents' federal tax exemption to be mandatory).

#### Prohibits are legal restrictions against certain conduct.

DLD ‘ND [Duhaime's Law Dictionary; “Prohibition Definition”; http://www.duhaime.org/LegalDictionary/P/Prohibition.aspx; AS]

A legal restriction against the use of something or against certain conduct.

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

Curley & Rothman ‘ND [Curley & Rothman, LLC; “What are Antitrust Laws?”; https://www.curleyrothman.com/blog/what-are-antitrust-laws; AS]

What are Antitrust Laws?

Antitrust laws are laws that are aimed at protecting free markets and promoting fair competition. The Federal Trade Commission explains the antitrust laws that apply to companies throughout the United States. According to the FTC: “antitrust laws proscribe unlawful mergers and business practices in general terms, leaving courts to decide which ones are illegal based on the facts of each case.”

There are three core antitrust laws passed by the federal government and applicable in Pennsylvania and throughout the United States. These laws include:

The Sherman Act

The Sherman Act was the first antitrust law passed by congress and it dates back to 1980. It prohibits unreasonable restraints on trade. This can include: “every contract, combination, or conspiracy in restraint of trade” as well as any “monopolization, attempted monopolization, or conspiracy or combination to monopolize.” Price fixing, bid rigging, and dividing of markets are considered per se violations of the Sherman Act, which means that if you engage in any of these behaviors, you have violated antitrust law.

There are also other behaviors which could be considered violations of the Sherman Act, depending upon the specific facts involved. There are severe penalties for Sherman Act violations, including criminal penalties of up to $100 million for corporations and $1 million for individuals. Those who violate the Sherman Act could also face up to 10 years imprisonment.

Because of the severe penalties and the broad range of behaviors which the Sherman Act forbids, it is important for companies to talk with a Philadelphia commercial law attorney about what exactly the Sherman Act prohibits. You do not accidentally want to commit a Sherman Act violation and an attorney can assist you in making certain that none of your business conduct crosses the line into a violation of this federal law.

The Clayton Act

The Clayton Act specifically addresses mergers. It also prohibits interlocking directorates, which is a situation where the same person makes business decisions for companies that are in direct competition. A merger will be prohibited by the Clayton Act if the merger has the effect of creating a monopoly or of substantially lessening competition.

The Federal Trade Commission Act

Th Federal Trade Commission Act prohibits unfair or deceptive practices, and prohibits unfair methods of competition. The Federal Trade Commission is the only one that can bring cases under the FTC. The FTC covers a lot of different types of prohibited behaviors that are also forbidden under the Sherman Act, as well as other practices that interfere with competition but that are not expressly prohibited by the Sherman Act.

#### Debate is a game and we’re both here to win – this means procedural questions like T come first. The role of the ballot is to vote for whoever does the better debating over the resolutional question.

#### Vote neg –

#### First is procedural fairness – their interpretation eviscerates predictable limits – all negative strategy is premised off a stable reading of the resolution. The lack of a stable mechanism lets them radically re-contextualize their aff and erase neg ground via perms. Including their advocacy authorizes any methodology or orientation tangentially related to the topic, which renders research burdens untenable. That outweighs and precedes their offense – debate is a game that we’ve all chosen to participate in and requires effective negation. It makes no sense to skew a competitive activity in favor of one side.

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

Tully ‘2 – Jackman Chari of Philosophical Studies at Toronto (James, Political Philosophy as Critical Activity, Political Theory 30 (4) p. 544-546)

Accordingly, understanding and clarifying political concepts, whether by citizens or philosophers, will always be a form of practical reasoning, of entering into and clarifying the ongoing exchange of reasons over the uses of our political vocabulary. It will not be the theoretical activity of abstracting from everyday use and making explicit the context-independent rules for the correct use of our concepts in every case, for the conditions of possibility for such a metacontextual political theory are not available. When political philosophers enter into political discussions and disputes to help clarify the language being used and the appropriate procedures for exchanging reasons, as well as to present reasons of their own, they are not doing anything different in kind from the citizens involved in the argumentation, as the picture of political reflection as a theoretical enterprise would lead us to believe. Political philosophy is rather the methodological extension and critical clarification of the already reflective and problematised character of historically situated practices of practical reasoning.'8 Thus, we can now see why the first step should be to start from the ways the concepts we take up are actually used in the practices in which the political difficulties arise. Here we 'bring words back from their metaphysical to their everyday use' to ensure that the work of philosophy starts from 'the rough ground' of struggles with and over words rather than from uncritically accepted forms of representation of them, which may result in 'merely tracing round the frame through which we look at' them. '9 On this view, contemporary political theories are approached, not as rival comprehensive and exclusive theories of the contested concepts, but as limited and often complementary accounts of the complex uses (senses) of the concepts in question and the corresponding aspects of the problematic practice to which these senses refer. They extend and clarify the practical exchange of reasons over the problematic practice of governance by citizens, putting forward a limited range of academic reasons, analogies, and examples for employing criteria in such-and-such a way, for showing why these considerations outweigh those of other theorists, and so on (often of course with the additional claim that these limited uses transcend practice and legis- late legitimate use). A theory clarifies one range of uses of the concepts in question and corresponding aspects of the practice of government and puts forward reasons for seeing this as decisive. Yet there is always the possibility of reasonable disagreement, of other theories bringing to attention other senses of the word and other aspects of the situation that any one theory unavoidably overlooks or downplays. Political theories are thus seen to offer conditional perspectives on the whole broad complex of languages, relations of power, forms of subjectivity, and practices of freedom to which they are addressed. None of these theories tells us the whole truth, yet each provides an aspect of the complex picture.20 This first form of survey enables readers (and authors) to understand critically both the problem and the proposed solutions. It enables us to see the reasons and redescriptions on the various sides; to grasp the contested criteria for their application, the circumstances in which they can be applied, and the considerations that justify their different applications, thereby passing freely from one sense of the concept to another and from one aspect of the practice to another; and to appreciate the partial and relative merits of each proposal. To have acquired the complex linguistic abilities to do this is literally to have come to understand critically the concepts in question. This enables us to enter into the discussions of the relative merits of the proposed solutions our- selves and present and defend our own views on the matter. To have mastered this dialogical technique is to have acquired the 'burdens of judgment' (in a broader sense than Rawls's use of this phrase is normally interpreted) or what Nietzsche called the ability to reason 'perspectivally'.21 This form of practical reasoning is also a descendent of the classical humanist view of political philosophy as a practical dialogue. Because it is always possible to invoke a reason and redescribe the accepted application of our political concepts (paradiastole), it is always necessary to learn to listen to the other side (audi alteram partem), to learn the conditional arguments that support the various sides (in utramque partem), and so to be prepared to enter into deliberations with others on how to negotiate an agreeable solution (negotium).22

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### 1NC – Green New Deal C/A

#### We advocate that the United States federal government adopt the Green New Deal.

#### Green New Deal framework unites policy vision, moral framework, and power analysis to address climate change, racial injustice, and economic deprivation. The racist legacy of environmental injustice proves the need to craft a new vision rather than give in to inevitability of failure.

Rhiana **GUNN-WRIGHT** Climate Policy Director @ Roosevelt Inst. ‘**20** in *Winning the Green New Deal* eds. Prakash & Guido Girgenti p. ecopy not paginated

People often ask me why I decided to help develop the Green New Deal. Why did I, a twentysomething black woman, think I could help develop a policy proposal to address something as big as climate change? Often, I think they expect some grand story: about incredible courage or deep ambition or a master plan for the revolution. The truth is that I was scared—and I really needed a job.t

I grew up, raised by my mother and grandmother, in the same house that my mother grew up in, in a neighborhood on the South Side of Chicago called Englewood. In the thirty years between my grandparents moving in with their three babies and me being born, Englewood had gone from being a (mostly) middle-income community, close-knit and quiet, to one of the poorest, most barren parts of the city. My neighborhood had so many problems: poverty, unemployment, underfunded schools, police brutality, pollution, violence. And those were just the big ones. I rarely saw anyone in power try to solve the problems in Englewood. And when they did try, it seemed to make things worse.

When I asked my mom and grandma why Englewood looked like this, they didn’t tell me about guns or drugs or gangs. They told me about the government. About how the highway system had been built through black neighborhoods, destroying communities that would never be rebuilt. About the public housing authority razing public housing and scattering families in the name of “urban development,” only for city officials to turn around and sell the land to developers on the cheap, now that the projects sat on prime real estate. About the city underfunding black schools and then shutting them down because of “underperformance.” And that’s just what happened to my neighborhood—not even what happened to my family. At the time I’m writing this, I now know that:

My grandmother’s family was not eligible for Social Security for at least fifteen years because her mother was a washerwoman, and the New Deal excluded agricultural and domestic workers (nearly all black at the time) from Social Security—President Roosevelt needed to secure votes from Southern Democrats and Southern Democrats needed cheap labor from economically vulnerable black people.

My grandfather bought our house without any help from the GI Bill, despite being a veteran of the Korean War. My mother told me that he was too proud to apply. The truth is, pride or not, the government denied home loans to black veterans, and the notorious redlining in Chicago meant that he wouldn’t have been approved anyway.

I grew up in a frontline community—meaning that I lived in an area close to a pollution source and with high levels of air pollution. I developed asthma, like most of my friends in my neighborhood. I could barely run until I was in my late teens, and I regularly missed school, which, in turn, meant that my self-employed mother had to miss work. My mother and I had no idea that I was sick because of where we lived. My lungs are weakened to this day.

Progress came with a price, and the price was us. And by the time the Green New Deal came into my life, I would be damned before I paid another dime.

WHAT IS POLICY?

I have spent my life trying to rewrite systems of power, and **policy** is nothing if not a **system for creating and distributing power.** This is, of course, not how most people think of public policy. In fact, most “official” definitions of policy say something like this:

Policy [is] a statement by government—at whatever level, in whatever form—of what it intends to do about a public problem. Such statements can be found in the Constitution, statutes, regulation, case law (that is, court decisions), agency or leadership decisions, or even in changes of the behavior of government officials at all levels. For example, a law that says that those caught driving while intoxicated will go to jail for up to one year is a statement of governmental policy to punish drunk drivers. The National Environmental Policy Act (NEPA) is a statement of government policy toward the environment….

And: “Policy is what the government chooses to do or not to do” about a public problem.

This is all true. But definitions like this make policy design sound like it’s orderly and contained—much like going to the doctor. You have a problem; the doctor diagnoses it; you two find the best treatment. Creating policy is more like going to the doctor with a problem, having fifteen people argue about if it’s a “real” problem that requires a doctor to begin with, then having five of those people (plus some new strangers!) start arguing anew about what the cause of the problem is, only to be interrupted by the doctor’s boss coming in to tell them that they can only choose two of five possible treatment options because the other three would hurt the hospital’s bottom line. And once treatment begins, people argue over how to determine whether it’s successful and if it should be reversed to save money or time.

Policymaking is not a science. It is a fight over whose problems get addressed, how those problems are addressed, and how public power and resources are distributed. If politics is a fight to elect people who reflect and share our values, policy is a fight to actually enact those values—to mold the world, through the work of government, into what we think it should be.

That is why, contrary to popular belief, the most important part of a policy proposal is not the details—at least at the beginning. It’s the vision that the policy presents. As a statement about what the government is going to do, policy inherently tells a story about what went wrong, how the government can fix it, and who has power to shape society—whether it’s the state or the public or corporations. The best policies tell compelling stories, galvanizing legislators and citizens to fight for them, and provide public servants with a clear purpose when they sit down to implement the details. The stories may shift as opponents pick new battles; the details may need tweaks or overhauls as unexpected challenges emerge. A coherent policy vision provides the foundation that both the stories and the details draw upon. Three pillars—the problem, principles, and power—form that foundation, and anchor policymaking from conception to execution.

Problems are the center of any public policy. Because policy is the government’s response to a problem, policy can only be created if we agree that an issue constitutes not just a problem but a public problem—that is, a problem that affects the public that cannot be solved without the government. How we define the scope and origin of the problem determines how we’ll craft a solution. That’s why fossil fuel companies spend millions to sow doubts about the urgency of the climate crisis and cover up their culpability. It’s not just about saving face; it’s about changing our understanding of the problem and preventing government action.

Principles. Policymakers need a compass to navigate the near-infinite variety of policy designs, and principles— which include both our moral values and our theories of government—provide that compass. Remember, policymaking is collective problem-solving—not an objective “science.” Policymaking, like all decision-making, is guided not only by facts but by our values—about freedom and justice, about what we deserve, about what “other people” deserve and, perhaps most crucially, about what the government should and should not do. Principles are, in short, the moral and intellectual core of a policy. They define not only how we engage with a problem but what solutions we consider at all.

Problems in our society are rooted in power. Asking why a problem remains unresolved leads to questions of power: Who wields it and to what end? Are the powerful negligent or malevolent? By directing and entrenching flows of government resources and attention, policy always shapes the distribution of power. Effective, lasting policy changes must change the distributions of power that led to the problem initially, or else the old malefactors will undermine any success. When selecting the mechanisms a policy will use (a loan; a new legal protection; a direct public investment; a new federal agency), policymakers are deciding how to maintain or disrupt the balance of power. And this is not limited to power in the public sector. Governments write the laws, enforce the contracts, and build the infrastructure that make a society and economy possible. Policy changes reverberate beyond the public sector into every domain of our lives.

Problems, principles, and power are the pillars of any policy vision. Together, they animate the policymaking process, guiding not just the story policymakers tell but the decisions they make about what should (or should not) be included in a given proposal.

IS THE GREEN NEW DEAL A POLICY?

The Green New Deal is a proposal for a ten-year economic mobilization to rapidly transition the US to a zero-carbon economy and, in so doing so, regenerate and reorganize the US economy in ways that significantly reduce inequality and redress legacies of systemic oppression. The congressional Green New Deal (“GND”) resolution has five goals:

1. Achieve net-zero greenhouse gas emissions through a fair and just transition for all communities and workers.

2. Create millions of good, high-wage jobs and ensure prosperity and economic security for all people of the United States.

3. Invest in the infrastructure and industry of the United States to sustainably meet the challenges of the twenty-first century.

4. Secure clean air and water, climate and community resilience, healthy food, access to nature, and a sustainable environment for all.

5. Promote justice and equity by stopping current, preventing future, and repairing historic oppression of frontline and vulnerable communities, including Indigenous peoples, communities of color, migrant communities, deindustrialized communities, depopulated rural communities, the poor, lowincome workers, women, the elderly, the unhoused, people with disabilities, and youth.

The GND resolution proposes to achieve these goals in two ways. The first is through a set of “projects” that, if completed, would nearly eliminate carbon emissions in the US. The second is through a set of policies that aim to protect Americans from the disruption and instability that transitioning away from fossil fuels will create and reduce inequity. Some people like to refer to the first set of projects as the “Green” part of the GND and the second as the “New Deal” part. While this may be a helpful rhetorical device, it is a dangerous way to conceptualize the GND. All parts of the GND advance decarbonization—even the “non-climate” policies like universal health care, education, and job training. Similarly, the “green” projects can help reduce inequity if they are designed to create millions of wellpaying jobs, bolster worker power, invest in local communities, and strengthen the social safety net—all of which the Green New Deal proposes to do. Addressing decarbonization and inequality simultaneously has prompted critics to accuse the GND of being a “progressive wish list,” not a policy. Their criticism often reveals a **narrow policy vision** guiding their thinking. The problem is simply the carbon in the atmosphere; Mr. Policy Doctor will prescribe the correct solution based on science; imbalances of power are mostly irrelevant, too difficult to disrupt when an urgent crisis needs solving. This is a compelling story. But it cannot guide policymakers tasked with averting catastrophic warming, as many authors in this book show.

The Green New Deal is a new policy vision—one that will guide government and society through the biggest task in modern history: decarbonizing our global economy within the next ten to twenty years. The stories and details of GND policy will undoubtedly change in the coming years, **but they will be anchored by the vision**—a conception of the problem, a set of principles, and an analysis of power—that the GND provides. Vision, however, is not enough. The GND also establishes a framework for a **national economic mobilization** and a set of **ever-evolving and specific policies that fit within this vision and framework**.

#### Only the state can transform society/behavior in time to avoid worst impacts of climate change

Beardsworth, PhD, 20

(Richard, Politics@Leeds, Climate science, the politics of climate change and futures of IR, *International Relations*, https://doi.org/10.1177/0047117820946365)

Climate action requires political action simply because, without political action, the scale of the challenge as well as the time within which this action must be achieved cannot be met. If the shutting down of the global economy during the first 4 months of COVID-19 led to an 8 percent annual decrease in carbon emissions, and this decrease is required yearly for the next 10 years, nothing short of coordinated national and international action can be effective. As the logic behind the CoP15 Paris Agreement understood, in a world structured by a system of states, the state remains, in relation with other states, the effective focus for these national and international acts of coordination. One can maintain, of course, that concerted reflection on goals and their practice cannot be rehearsed within the same state system that, in co-evolution with capitalism, has produced the climate problem in the first place.24 Yet, my argument here is simple: (1) climate action must be of a political kind if this action is to be coherent and effective, and the horizon of this understanding of the political (comprehensive and effective action) is in a vital sense defined by the state; (2) this political action redounds above all to the agency and responsibility of the state both in relation to its own citizenry and in relation to other states and their citizenry. In response to the challenge of time and scale, I argue we should turn to, not turn away from, the state as an agent of change. Only if one renounces the potential of political action today through historically constituted practices of political efficacy does one shun this kind of conclusion. In which case, I would argue, one has renounced politics for our age, as well as the major emotion on which politics is based, hope.25 Since Max Weber, the state is sociologically defined by the legitimate monopoly of violence that it holds over all other forms of force within a nationally determined territory.26 There are many ways in which this monopoly is contested today. The description of a state as ‘vulnerable’ is nothing but the indication that a particular state does not hold the monopoly of violence within its territory. Prior to questions of political authority and legitimacy, all states are today vulnerable in this sense given the nature of global challenges that follow intended and unintended processes of interdependence (global financial instability, global terrorism, migration flows, pandemics, climate change, etc.). That said, the responses both to the financial crisis of 2008 and (much more so) to the present COVID-19 crisis testify to the fact that the monopoly of violence particular to the effectiveness of state governance remains in place. Among an increasing complexity of social actors, the state still holds the levers of power that are decisive in effecting social transformation. Consequently, to one side of the empirical fact that countries constitute the beef of the UNFCCC climate regime, I am arguing that the state remains the primary vehicle of a politics of climate change. As the emerging literature on the Green New Deal implies, the state can do the following. At a national level, it can organize and steer fiscal, monetary and sector-policies like those of energy, transport, agriculture, the communications industry and housing in such a way that both businesses and consumers are motivated to shift behaviour towards a carbon-neutral society. This model of the state is one of a regulated market economy that uses the coordination of state direction with market dynamism to effect broad social change. Governments respond to markets as they plan ahead with regard to climate change (the rapid fall in the price of solar and wind energy, for example), and much of the new green infrastructure is/will be locally distributed and assembled (no ‘giant public works’ given that contemporary technology is smart).27 That said, governments are the sole governance body with appropriate fiscal and monetary tools (1) to set up the rebuilding of national economies with new strategic priorities; (2) to steer and to guarantee concerted action across sectors; and (3) to guarantee, in turn, that this action is underpinned by the principles of ‘a just transition’.28 If the timeline to a 50 percent reduction of carbon emissions is 2030, then the state must so organize and steer that solutions to climate change are integrated. Attention to ‘the climate emergency’ alone will not lead to the necessary change. This last point is important and suggests why the idea of the Green New Deal, whether one is on the Left or Right, harbours the appropriate response. The integration of climate policy with radical policies for poverty alleviation and re-employment in sustainable industries and commerce provides the only way in which the shift from an extractive to a regenerative economy and society is possible in the first place. Without this convergence of solutions, practical solutions to climate change will not only tackle the scale and timeline of the problem; they will re-create a deeply divided polity of the employed and unemployed that could lead to ever-worse scenarios of a politics based on division and fear, not community and hope. It is the state alone – in conjunction with the forces of the market and civil society – that can provide the vision, the terms of execution of this vision (organized integration) and, critically, the policy-leverage that can bring about economic and social convergence.

#### Scale and rate of climate change mean there is no time for pessimism, only state focused political action can stop extinction. This isn’t naïve liberal belief in progress, the SQ has already incorporated insights from their critique

Beardsworth, PhD, 20

(Richard, Politics@Leeds, Climate science, the politics of climate change and futures of IR, *International Relations*, https://doi.org/10.1177/0047117820946365)

The politics of climate change and the futures of IR What are the implications of the argument of the last two sections for the discipline of International Relations and its futures? I have argued, first, that climate change presents an empirical global challenge that necessitates not only a normative response, but a normative response through politics if this change is not, at worst, to obliterate human possibility, human time and human space. This political response requires, second, comprehensive, integrated political action on a scale and within a timeline that is historically unprecedented. Given both the nature of the response needed and the scale and time within which this response must work, this politics must be structured, third, through the modern state system and through the economic system upon which this system was built (capitalism). In contradistinction to sub-national and post-national forms of governance, it is only the state that has the power and leverage to organize, steer and enable concerted, coordinated, intersectoral action so that a just transition to a carbon-neutral, indeed carbon-negative society is in the least possible by 2050. If it is only the state in principle that can do this, the success of its action will, at the same time, only happen through enabling other actors across society (both domestic and global) to work to the end of transition more effectively than itself – in energy markets, in local areas, in financial investment strategies for nature-based solutions, in behavioural change towards a society of limits and so forth. The argument is, consequently, not state-centric; it posits that the state, within processes of social agency and social transformation, is the sole political instance of governance, at the same time, to enable and steer in an integrated, comprehensive manner. Fourth, I argue, therefore, that, against the background of faltering global governance regimes and a renewed nationalist mindset, it is the state that bears the responsibility, both towards its own citizens and towards those most vulnerable to the effects of climate change, to respond to climate change and lead, with international institutions, climate alliances among states. Finally, fifth, I have intimated that it is through these alliances that coordinated global climate action will emerge that reorganizes the development agenda beyond the distinction between North and South. A new global order could emerge from this reorganization, in response to climate change. This sequence of points means that a state-focused perspective on international politics must continue to be embraced in the discipline of IR for the coming decades. In the last 40 years, and partly as a healthy intellectual reaction against the supposed domination of state-centred realism and inter-state liberalism in the discipline, there have been multiple initiatives in IR to step to one side of the state and seek the grain of international politics in other actors and processes (from Susan Strange’s Retreat of the State41 to recent critical theoretical interest, as also exemplified in this SI, in the ‘posthuman’). These diverse initiatives have made the discipline intellectually richer and more inter- and pluri-disciplinary. They have, I would suggest, come at the cost, however, of losing grasp of the state where and when the state remains a necessary agent of change. This article has argued that this is foremostly the case when it comes to responding to climate change. From this perspective, continued engagement with the state as an agent of change requires that the discipline as a whole re-engages with the legacy of Weberian realism (the state and the state system), the legacy of classical realism (the ethics of the lesser violence in world of limitation) and the legacy of the English School (state responsibility and state leadership), together with the insights of constructivism, in order to reconstruct domestic and foreign policies in tight relation to climate change and its effects.42 Only, perhaps, as a result of this reconstruction can something like a reinvigorated liberal internationalism emerge that has authentically cosmopolitan aspirations: that is, aspirations that do not redound to the national interests of the more powerful states, but seek to organize, amid the risks of regression, conflict and the greater violence, a global order of sustainable development and sustainability that transcends the conceptual and practical ‘North/South’ divide. A great deal needs to be unpacked in the suggestions of the last paragraph in order to map how the various theoretical legacies in IR can be turned to the most complex human interconnection at hand: climate change. Suffice it to add here three things of import. First, the discipline’s response to climate change must work across its various traditions and ‘schools’ to have ontological, epistemological, ethical and political traction upon it. I have maintained that the state must be foregrounded in this response, but this foregrounding can only make sense if the state is seen to be working in, through, and for a larger environment of actors and their practices. The discipline of IR needs to provide normative vision for, and empirical analysis of, this coordinated set of arrangements. Second, the move to deepen and reconfigure the sustainable development agenda in the light of response to climate change should, I have suggested several times, be far-reaching. Vision for, and analysis of, the ever-closer connections between the disciplines of International Relations and International Development must be forged; for example, connections based not on conflict and post-conflict scenarios, but primarily on what sustainable resilience means conceptually and policy-wise across all states and their populations. Third, and finally, a new academic mindset in the discipline may be required; or it should at least be fostered through the discipline. At a theoretical level, liberalism is considered the one ‘optimistic’ tradition within IR, a tradition predicated on belief in rational politics and cooperation, progress and embetterment. Liberalism harbours an optimism the very critique of which often defines the respective critical mindsets of realism, Marxism, feminism, post-colonialism (and) IR critical theory. These critiques have again been very rich for the discipline of IR over the last 40 years, perhaps, most tellingly for the contemporary student with regard to the hubris of post-Cold War liberalisms. In the context of climate change’s challenge for IR, a fierce optimism is nevertheless now required: an optimism no longer harnessed to the nineteenth- and twentieth-century terms of liberal progress, but a mindset of purpose that is focused, deftly aggressive and sustained within the logics of sustainable resilience. Given both the time and the scale of political action required for net-zero national and global societies to emerge by 2050, there is, in essence, no time to be pessimistic or sceptical; whatever happens empirically in the next 30 years, there is the time to place sustained, focused pressure on political institutions and their leaders so that social transformation towards a national and global society of limits is brought about. In this sense, fiercely optimistic, bearers of the discipline of IR should assume a strong intellectual, pedagogical and social role in the three coming decades.

#### Political battle over positive vision of national sovereignty key to defeat fascism.

William **MITCHELL** Economics @ Newcastle **AND** Thomas **FAZI** **’17** *Reclaiming the State: A Progressive Vision of Sovereignty in a Post-Neoliberal World* p. 3-12

Given neoliberalism’s war against sovereignty, it should come as no surprise that ‘sovereignty has become the master-frame of contemporary politics’, as Paolo Gerbaudo notes.4 After all, as we argue in Chapter 5, the hollowing out of national sovereignty and curtailment of popular-democratic mechanisms – what has been termed depoliticisation – has been an essential element of the neoliberal project, aimed at insulating macroeconomic policies from popular contestation and removing any obstacles put in the way of economic exchanges and financial flows. Given the nefarious effects of depoliticisation, it is only natural that the revolt against neoliberalism should first and foremost take the form of demands for a repoliticisation of national decision-making processes. The fact that the vision of national sovereignty that was at the centre of the Trump and Brexit campaigns, and that currently dominates the public discourse, is a reactionary, quasi-fascist one – mostly defined along ethnic, exclusivist and authoritarian lines – should not be seen as an indictment of national sovereignty as such. History attests to the fact that national sovereignty and national self-determination are not intrinsically reactionary or jingoistic concepts – in fact, they were the rallying cries of countless nineteenth- and twentieth-century socialist and left-wing liberation movements.

Even if we limit our analysis to core capitalist countries, it is patently obvious that virtually all the major social, economic and political advancements of the past centuries were achieved through the institutions of the democratic nation state, not through international, multilateral or supranational institutions, which in a number of ways have, in fact, been used to roll back those very achievements, as we have seen in the context of the euro crisis, where supranational (and largely unaccountable) institutions such as the European Commission, Eurogroup and European Central Bank (ECB) used their power and authority to impose crippling austerity on struggling countries. The problem, in short, is not national sovereignty as such, but the fact that the concept in recent years has been largely monopolised by the right and extreme right, which understandably sees it as a way to push through its xenophobic and identitarian agenda. It would therefore be a grave mistake to explain away the seduction of the ‘Trumpenproletariat’ by the far right as a case of false consciousness, as Marc Saxer notes;5 the working classes are simply turning to the only movements and parties that (so far) promise them some protection from the brutal currents of neoliberal globalisation (whether they can or truly intend to deliver on that promise is a different matter).

However, this simply raises an even bigger question: why has the left not been able to offer the working classes and increasingly proletarianised middle classes a credible alternative to neoliberalism and to neoliberal globalisation? More to the point, why has it not been able to develop a progressive view of national sovereignty? As we argue in this book, the reasons are numerous and overlapping. For starters, it is important to understand that the current existential crisis of the left has very deep historical roots, reaching as far back as the 1960s. If we want to comprehend how the left has gone astray, that is where we have to begin our analysis.

Today the post-war ‘Keynesian’ era is eulogised by many on the left as a golden age in which organised labour and enlightened thinkers and policymakers (such as Keynes himself) were able to impose a ‘class compromise’ on reluctant capitalists that delivered unprecedented levels of social progress, which were subsequently rolled back following the so-called neoliberal counter-revolution. It is thus argued that, in order to overcome neoliberalism, all it takes is for enough members of the establishment to be swayed by an alternative set of ideas. However, as we note in Chapter 2, the rise and fall of Keynesianism cannot simply be explained in terms of working-class strength or the victory of one ideology over another, but should instead be viewed as the outcome of the fortuitous confluence, in the aftermath of World War II, of a number of social, ideological, political, economic, technical and institutional conditions.

To fail to do so is to commit the same mistake that many leftists committed in the early post-war years. By failing to appreciate the extent to which the class compromise at the base of the Fordist-Keynesian system was, in fact, a crucial component of that history-specific regime of accumulation – actively supported by the capitalist class insofar as it was conducive to profit-making, and bound to be jettisoned once it ceased to be so – many socialists of the time convinced themselves ‘that they had done much more than they actually had to shift the balance of class power, and the relationship between states and markets’.6 Some even argued that the developed world had already entered a post-capitalist phase, in which all the characteristic features of capitalism had been permanently eliminated, thanks to a fundamental shift of power in favour of labour vis-à-vis capital, and of the state vis-à-vis the market. Needless to say, that was not the case. Furthermore, as we show in Chapter 3, monetarism – the ideological precursor to neoliberalism – had already started to percolate into left-wing policymaking circles as early as the late 1960s.

Thus, as argued in Chapters 2 and 3, many on the left found themselves lacking the necessary theoretical tools to understand – and correctly respond to – the capitalist crisis that engulfed the Keynesian model in the 1970s, convincing themselves that the distributional struggle that arose at the time could be resolved within the narrow limits of the social-democratic framework. The truth of the matter was that the labour–capital conflict that re-emerged in the 1970s could only have been resolved one way or another: on capital’s terms, through a reduction of labour’s bargaining power, or on labour’s terms, through an extension of the state’s control over investment and production. As we show in Chapters 3 and 4, with regard to the experience of the social-democratic governments of Britain and France in the 1970s and 1980s, the left proved unwilling to go this way. This left it (no pun intended) with no other choice but to ‘manage the capitalist crisis on behalf of capital’, as Stuart Hall wrote, by ideologically and politically legitimising neoliberalism as the only solution to the survival of capitalism.7

In this regard, as we show in Chapter 3, the Labour government of James Callaghan (1974–9) bears a very heavy responsibility. In an (in)famous speech in 1976, Callaghan justified the government’s programme of spending cuts and wage restraint by declaring Keynesianism dead, indirectly legitimising the emerging monetarist (neoliberal) dogma and effectively setting up the conditions for Labour’s ‘austerity lite’ to be refined into an all-out attack on the working class by Margaret Thatcher. Even worse, perhaps, Callaghan popularised the notion that austerity was the only solution to the economic crisis of the 1970s, anticipating Thatcher’s ‘there is no alternative’ (TINA) mantra, even though there were radical alternatives available at the time, such as those put forward by Tony Benn and others. These, however, were ‘no longer perceived to exist’.8 In this sense, the dismantling of the post-war Keynesian framework cannot simply be explained as the victory of one ideology (‘neoliberalism’) over another (‘Keynesianism’), but should rather be understood as the result of a number of overlapping ideological, economic and political factors: the capitalists’ response to the profit squeeze and to the political implications of full employment policies; the structural flaws of ‘actually existing Keynesianism’; and, importantly, the left’s inability to offer a coherent response to the crisis of the Keynesian framework, let alone a radical alternative. These are all analysed in-depth in the first chapters of the book.

Furthermore, throughout the 1970s and 1980s, a new (fallacious) left consensus started to set in: that economic and financial internationalisation – what today we call ‘globalisation’ – had rendered the state increasingly powerless vis-à-vis ‘the forces of the market’, and that therefore countries had little choice but to abandon national economic strategies and all the traditional instruments of intervention in the economy (such as tariffs and other trade barriers, capital controls, currency and exchange rate manipulation, and fiscal and central bank policies), and hope, at best, for transnational or supranational forms of economic governance. In other words, government intervention in the economy came to be seen not only as ineffective but, increasingly, as outright impossible. This process – which was generally (and erroneously, as we shall see) framed as a shift from the state to the market – was accompanied by a ferocious attack on the very idea of national sovereignty, increasingly vilified as a relic of the past. As we show, the left – in particular the European left – played a crucial role in this regard as well, by cementing this ideological shift towards a post-national and post-sovereign view of the world, often anticipating the right on these issues.

One of the most consequential turning points in this respect, which is analysed in Chapter 4, was Mitterrand’s 1983 turn to austerity – the so-called tournant de la rigueur – just two years after the French Socialists’ historic victory in 1981. Mitterrand’s election had inspired the widespread belief that a radical break with capitalism – at least with the extreme form of capitalism that had recently taken hold in the Anglo-Saxon world – was still possible. By 1983, however, the French Socialists had succeeded in ‘proving’ the exact opposite: that neoliberal globalisation was an inescapable and inevitable reality. As Mitterrand stated at the time: ‘National sovereignty no longer means very much, or has much scope in the modern world economy. … A high degree of supra-nationality is essential.’9

The repercussions of Mitterrand’s about-turn are still being felt today. It is often brandished by left-wing and progressive intellectuals as proof of the fact that globalisation and the internationalisation of finance has ended the era of nation states and their capacity to pursue policies that are not in accord with the diktats of global capital. The claim is that if a government tries autonomously to pursue full employment and a progressive/redistributive agenda, it will inevitably be punished by the amorphous forces of global capital. This narrative claims that Mitterrand had no option but to abandon his agenda of radical reform. To most modern-day leftists, Mitterrand thus represents a pragmatist who was cognisant of the international capitalist forces he was up against and responsible enough to do what was best for France.

In fact, as we argue in the second part of the book, sovereign, currency-issuing states – such as France in the 1980s – far from being helpless against the power of global capital, still have the capacity to deliver full employment and social justice to their citizens. So how did the idea of the ‘death of the state’ come to be so ingrained in our collective consciousness? As we explain in Chapter 5, underlying this post-national view of the world was (is) a failure to understand – and in some cases an explicit attempt to conceal – on behalf of left-wing intellectuals and policymakers that ‘globalisation’ was (is) not the result of inexorable economic and technological changes but was (is) largely the product of state-driven processes. All the elements that we associate with neoliberal globalisation – delocalisation, deindustrialisation, the free movement of goods and capital, etc. – were (are), in most cases, the result of choices made by governments. More generally, states continue to play a crucial role in promoting, enforcing and sustaining a (neo)liberal international framework – though that would appear to be changing, as we discuss in Chapter 6 – as well as establishing the domestic conditions for allowing global accumulation to flourish.

The same can be said of neoliberalism tout court. There is a widespread belief – particularly among the left – that neoliberalism has involved (and involves) a ‘retreat’, ‘hollowing out’ or ‘withering away’ of the state, which in turn has fuelled the notion that today the state has been ‘overpowered’ by the market. However, as we argue in Chapter 5, neoliberalism has not entailed a retreat of the state but rather a reconfiguration of the state, aimed at placing the commanding heights of economic policy ‘in the hands of capital, and primarily financial interests’.10

It is self-evident, after all, that the process of neoliberalisation would not have been possible if governments – and in particular social-democratic governments – had not resorted to a wide array of tools to promote it: the liberalisation of goods and capital markets; the privatisation of resources and social services; the deregulation of business, and financial markets in particular; the reduction of workers’ rights (first and foremost, the right to collective bargaining) and more generally the repression of labour activism; the lowering of taxes on wealth and capital, at the expense of the middle and working classes; the slashing of social programmes; and so on. These policies were systemically pursued throughout the West (and imposed on developing countries) with unprecedented determination, and with the support of all the major international institutions and political parties.

As noted in Chapter 5, even the loss of national sovereignty – which has been invoked in the past, and continues to be invoked today, to justify neoliberal policies – is largely the result of a willing and conscious limitation of state sovereign rights by national elites. The reason why governments chose willingly to ‘tie their hands’ is all too clear: as the European case epitomises, the creation of self-imposed ‘external constraints’ allowed national politicians to reduce the politics costs of the neoliberal transition – which clearly involved unpopular policies – by ‘scapegoating’ institutionalised rules and ‘independent’ or international institutions, which in turn were presented as an inevitable outcome of the new, harsh realities of globalisation.

Moreover, neoliberalism has been (and is) associated with various forms of authoritarian statism – that is, the opposite of the minimal state advocated by neoliberals – as states have bolstered their security and policing arms as part of a generalised militarisation of civil protest. In other words, not only does neoliberal economic policy require the presence of a strong state, but it requires the presence of an authoritarian state (particularly where extreme forms of neoliberalism are concerned, such as the ones experimented with in periphery countries), at both the domestic and international level (see Chapter 5). In this sense, neoliberal ideology, at least in its official anti-state guise, should be considered little more than a convenient alibi for what has been and is essentially a political and state-driven project. Capital remains as dependent on the state today as it was under ‘Keynesianism’ – to police the working classes, bail out large firms that would otherwise go bankrupt, open up markets abroad (including through military intervention), etc. The ultimate irony, or indecency, is that traditional left establishment parties have become standard-bearers for neoliberalism themselves, both while in elected office and in opposition.

In the months and years that followed the financial crash of 2007–9, capital’s – and capitalism’s – continued dependency on the state in the age of neoliberalism became glaringly obvious, as the governments of the US, Europe and elsewhere bailed out their respective financial institutions to the tune of trillions of euros/dollars. In Europe, following the outbreak of the so-called ‘euro crisis’ in 2010, this was accompanied by a multi-level assault on the post-war European social and economic model aimed at restructuring and re-engineering European societies and economies along lines more favourable to capital. This radical reconfiguration of European societies – which, again, has seen social-democratic governments at the forefront – is not based on a retreat of the state in favour of the market, but rather on a reintensification of state intervention on the side of capital.

Nonetheless, the erroneous idea of the waning nation state has become an entrenched fixture of the left. As we argue throughout the book, we consider this to be central in understanding the decline of the traditional political left and its acquiescence to neoliberalism. In view of the above, it is hardly surprising that the mainstream left is, today, utterly incapable of offering a positive vision of national sovereignty in response to neoliberal globalisation. To make matters worse, most leftists have bought into the macroeconomic myths that the establishment uses to discourage any alternative use of state fiscal capacities. For example, they have accepted without question the so-called household budget analogy, which suggests that currency-issuing governments, like households, are financially constrained, and that fiscal deficits impose crippling debt burdens on future generations – a notion that we thoroughly debunk in Chapter 8.

This has gone hand in hand with another, equally tragic, development. As discussed in Chapter 5, following its historical defeat, the left’s traditional anti-capitalist focus on class slowly gave way to a liberal individualist understanding of emancipation. Waylaid by post-modernist and post-structuralist theories, left intellectuals slowly abandoned Marxian class categories to focus, instead, on elements of political power and the use of language and narratives as a way of establishing meaning. This also defined new arenas of political struggle that were diametrically opposed to those defined by Marx. Over the past three decades, the left focus on ‘capitalism’ has given way to a focus on issues such as racism, gender, homophobia, multiculturalism, etc. Marginality is no longer described in terms of class but rather in terms of identity. The struggle against the illegitimate hegemony of the capitalist class has given way to the struggles of a variety of (more or less) oppressed and marginalised groups: women, ethnic and racial minorities, the LGBTQ community, etc. As a result, class struggle has ceased to be seen as the path to liberation.

In this new post-modernist world, only categories that transcend Marxian class boundaries are considered meaningful. Moreover, the institutions that evolved to defend workers against capital – such as trade unions and social-democratic political parties – have become subjugated to these non-class struggle foci. What has emerged in practically all Western countries as a result, as Nancy Fraser notes, is a perverse political alignment between ‘mainstream currents of new social movements (feminism, anti-racism, multiculturalism, and LGBTQ rights), on the one side, and high-end “symbolic” and service-based business sectors (Wall Street, Silicon Valley, and Hollywood), on the other’.11 The result is a progressive neoliberalism ‘that mix[es] together truncated ideals of emancipation and lethal forms of financialization’, with the former unwittingly lending their charisma to the latter.

As societies have become increasingly divided between well-educated, highly mobile, highly skilled, socially progressive cosmopolitan urbanites, and lower-skilled and less educated peripherals who rarely work abroad and face competition from immigrants, the mainstream left has tended to consistently side with the former. Indeed, the split between the working classes and the intellectual-cultural left can be considered one of the main reasons behind the right-wing revolt currently engulfing the West. As argued by Jonathan Haidt, the way the globalist urban elites talk and act unwittingly activates authoritarian tendencies in a subset of nationalists.12 In a vicious feedback loop, however, the more the working classes turn to right-wing populism and nationalism, the more the intellectual-cultural left doubles down on its liberal-cosmopolitan fantasies, further radicalising the ethno-nationalism of the proletariat. As Wolfgang Streeck writes:

Protests against material and moral degradation are suspected of being essentially fascist, especially now that the former advocates of the plebeian classes have switched to the globalization party, so that if their former clients wish to complain about the pressures of capitalist modernization, the only language at their disposal is the pre-political, untreated linguistic raw material of everyday experiences of deprivation, economic or cultural. This results in constant breaches of the rules of civilized public speech, which in turn can trigger indignation at the top and mobilization at the bottom.13

This is particularly evident in the European debate, where, despite the disastrous effects of the EU and monetary union, the mainstream left – often appealing to exactly the same arguments used by Callaghan and Mitterrand 30–40 years ago – continues to cling on to these institutions and to the belief that they can be reformed in a progressive direction, despite all evidence to the contrary, and to dismiss any talk of restoring a progressive agenda on the foundation of retrieved national sovereignty as a ‘retreat into nationalist positions’, inevitably bound to plunge the continent into 1930s-style fascism.14 This position, as irrational as it may be, is not surprising, considering that European Economic and Monetary Union (EMU) is, after all, a brainchild of the European left (see Chapter 5). However, such a position presents numerous problems, which are ultimately rooted in a failure to understand the true nature of the EU and monetary union. First of all, it ignores the fact that the EU’s economic and political constitution is structured to produce the results that we are seeing – the erosion of popular sovereignty, the massive transfer of wealth from the middle and lower classes to the upper classes, the weakening of labour and more generally the rollback of the democratic and social/economic gains that had previously been achieved by subordinate classes – and is designed precisely to impede the kind of radical reforms to which progressive integrationists or federalists aspire to.

More importantly, however, it effectively reduces the left to the role of defender of the status quo, thus allowing the political right to hegemonise the legitimate anti-systemic – and specifically anti-EU – grievances of citizens. This is tantamount to relinquishing the discursive and political battleground for a post-neoliberal hegemony – which is inextricably linked to the question of national sovereignty – to the right and extreme right. It is not hard to see that if progressive change can only be implemented at the global or even European level – in other words, if the alternative to the status quo offered to electorates is one between reactionary nationalism and progressive globalism – then the left has already lost the battle.

#### Some version of nationalism is inevitable-progressive nationalism undermines the source of neoliberal power

William **MITCHELL** Economics @ Newcastle **AND** Thomas **FAZI** **’17** *Reclaiming the State: A Progressive Vision of Sovereignty in a Post-Neoliberal World* p. 155-158

What we are witnessing is not the end of globalisation – which will continue, although it will likely be characterised by increased tensions between the various fractions of international capital, particularly between the US, Germany, Japan and China, and by a combination of protectionism and internationalisation – but rather the birth of a post-neoliberal order. From a historical perspective, there was no reason to believe that neoliberalism would go on indefinitely. As we saw in Chapter 2, each distinctive stage of capitalist development is based on a specific accumulation strategy or hegemonic project, which derives its strength from its ability to guarantee economic growth and profit across a nation or region, while at the same time satisfying different social groups. Such regimes eventually become exhausted, falling into crisis. In this sense, just like Keynesianism fell into crisis in the 1970s and was supplanted by neoliberalism as the dominant accumulation regime, we can expect neoliberalism – now facing a crisis of its own – to give way to a new configuration of capitalism. The difference between then and now is that there is no new coherent ideology or accumulation regime waiting in the wings to replace neoliberalism. But we can be sure that it will involve the currency-issuing state as a central player (for example, the Chinese state is driving massive changes in global capitalism through its use of fiscal deficits and planned development).

The vague neo-protectionist and neo-nationalist rhetoric of ‘global Trumpism’, to use Mark Blyth’s apt definition,12 does not yet represent a new hegemonic force – as testified by the huge rift that it has opened within established political, economic and cultural elites. In other words, it is too early to say what this post-neoliberal order will look like. Antonio Gramsci famously described organic crises such as the one that we are currently going through as situations in which ‘the old is dying and the new cannot yet be born’. ‘In this interregnum’, he wrote, ‘a great variety of morbid symptoms’ – such as the ones that we have described above – tend to appear.13 If the future looks bleak, however, it is not because neoliberalism is inexorably destined to be supplanted by some form of twentieth-century fascism, as most mainstream and – alas – left analyses would have us believe, which inevitably leads to the conclusion that ‘reforming the status quo’ is the only viable alternative. No: what has allowed these ‘morbid symptoms’ to emerge as the dominant reaction to neoliberalism and globalisation is simply the fact that right-wing forces have been much more effective than left-wing or progressive forces at tapping into the legitimate grievances of the masses that have been disenfranchised, marginalised, impoverished and dispossessed by the 40-year-long neoliberal class war waged from above.

In particular, they are the only forces that have been able to provide a (more or less) coherent response to the widespread – and growing – yearning for greater territorial or national sovereignty, increasingly seen as the only way to ‘take back’ some degree of collective control over politics and society. Given neoliberalism’s war against sovereignty, it should come as no surprise that ‘sovereignty has become the master-frame of contemporary politics’, as Paolo Gerbaudo notes.14 As we have already seen, the hollowing out of national sovereignty and curtailment of popular-democratic mechanisms – what has been termed depoliticisation – has been an essential element of the neoliberal project, aimed at insulating macroeconomic policies from popular contestation and removing any obstacles put in the way of economic exchanges and financial flows. Given the nefarious effects of depoliticisation, it is only natural that the revolt against neoliberalism should first and foremost take the form of demands for a repoliticisation of national decision-making processes – that is, for a greater degree of democratic control over politics (and particularly over the destructive global flows unleashed by neoliberalism), which necessarily can only be exercised at the national level, in the absence of effective supranational mechanisms of representation. The European Union is obviously no exception: in fact, it is (correctly) seen by many as the embodiment of technocratic rule and elite estrangement from the masses, as demonstrated by the Brexit vote and the widespread euroscepticism engulfing the continent.

The fact that the vision of national sovereignty that was at the centre of the Trump and Brexit campaigns, and that currently dominates the public discourse, is a reactionary, quasi-fascist one – mostly defined along ethnic, exclusivist and isolationist lines, aimed at ensuring the security and protection of the ‘national community’ against the threat posed by a variety of internal and external enemies (minorities, migrants, Muslims, foreigners in general) and based on an even more exploitative and authoritarian form of capitalism – should not be seen as an indictment of national sovereignty as such. History attests to the fact that national sovereignty and national self-determination are not intrinsically reactionary or jingoistic concepts – in fact, they constituted foundational notions in the development of the modern left, seen in the work of Jean-Jacques Rousseau and its influence on the Jacobins and the French revolution, and were the rallying cries of countless nineteenth and twentieth-century socialist and left-wing liberation movements. Even if we limit our analysis to core capitalist countries, it is patently obvious that virtually all the major social, economic and political advancements of the past centuries were achieved through the institutions of the democratic nation state, not through international, multilateral or supranational institutions, which in a number of ways have, in fact, been used to roll back those very achievements, as seen throughout this book. The problem, in short, is not national sovereignty as such, but the fact that the concept in recent years has been largely monopolised by the right and extreme right, which understandably sees it as a way to push through its xenophobic and identitarian agenda.

So why has the contemporary left not been able to develop an alternative, progressive view of national sovereignty in response to neoliberal globalisation? The answer should be clear by now: over the course of the past 30 years, most strands of left-wing or progressive thought have accepted the notion that national states have essentially been rendered obsolete by neoliberalism and/or globalisation and thus that meaningful change can only be achieved at the international/supranational level or – even worse – have come to view national sovereignty as an inherently reactionary construct, **synonymous with international conflict** and repressive control over migration.15 Furthermore, as we discuss in detail in the second part of the book, most leftists have also bought into the macroeconomic myths that the establishment uses to discourage any alternative use of state fiscal capacities. For example, they have accepted without question the so-called household budget analogy, which suggests that currency-issuing governments, like households, face financial constraints and thus must limit their spending or face sanctions from private bond markets. The latter are claimed to be able to starve governments of funds and force them to run out of money. The idea that a currency-issuing government can run out of money is, of course, nonsensical, but through careful framing and use of language, it has become a widely held belief in the general public debate – and among the left.

This is particularly evident in the European debate, where, despite the disastrous effects of the EU and monetary union, the left to a large extent continues to cling on to these institutions and to the belief that they can be reformed in a progressive direction, despite all evidence to the contrary, and to dismiss any talk of restoring a progressive agenda on the foundation of retrieved national sovereignty as a ‘retreat into nationalist positions’, inevitably bound to plunge the continent into 1930s-style fascism.16 This, however, is tantamount to relinquishing the discursive and political battleground for a post-neoliberal hegemony – which, as we have seen, is inextricably linked to the question of national sovereignty – to the right and extreme right. It is not hard to see that if progressive change can only be implemented at the global or even European level – in other words, if the alternative to the status quo offered to electorates is one between reactionary nationalism and progressive globalism – then the left has already lost the battle.

It needn’t be this way, however. A vision of national sovereignty which offers a radical alternative to that of both the right and the neoliberals – one based on popular sovereignty, democratic control over the economy, full employment, social justice, redistribution from the rich to the poor, inclusivity, and more generally the socio-ecological transformation of production and society – is not only necessary, it is possible. The fiscal capacity of the currency-issuing state remains intact and can be used to advance these objectives just as it has been used to ‘fund’ neoliberalism. This alternative is also the necessary prerequisite for the construction of a new international(ist) world order, based on interdependent but independent sovereign states. It is such a vision that we present in the second part of this book.

## Case

**Democracy is an unfinished project – institutional battles are valuable, and defeatist attitudes ensure the world remains as it is.**

**Glaude 16** (Eddie S., Jr., Professor of African American Studies and Religion @Princeton and a PhD in Religion @Princeton, *Democracy in Black: How Race Still Enslaves*, p. 185-197, Print)

CHANGE HOW WE VIEW GOVERNMENT

For more than three decades, we have been bludgeoned with an idea of government that has little to no concern for the public good. Big government is bad, we are told. It is inefficient, and its bloated bureaucracies are prone to corruption. Even Democrats, especially since Bill Clinton, have taken up this view. For example, Obama says, "We don't need big government; we need smart government."

For some on the right, big government is bad because it aims to distribute wealth to those who are lazy and undeserving. "Big government" is just a shorthand for dreaded entitlement programs-all too often coded language for race. In this view, "big government" is the primary agent of enforcing racial equality, taking hard-earned stuff from white Americans and giving it to undeserving others. Government cannot do such a thing, they argue, without infringing on the rights of white Americans. And even government-mandated redistribution will not solve the problem. As Barry Goldwater put the point in 1964, "No matter how we try, we cannot pass a law that will make you like me or me like you. The key to racial and religious tolerance lies not in laws alone but, ultimately, in the hearts of men." From this perspective, government plays no role in changing our racial habits. Why would we want to make it bigger?

But Goldwater failed to realize that governmental indifference can harden hearts, and government action can create conditions that soften them. **People's attitudes aren't static or untouchable**. They are molded by the quality of interactions with others, and **one of the great powers of government involves shaping those interactions-not determining them in any concrete sense, but defining the parameters within which people come to know each other and live together**. Today, for example, most Americans don't believe women should be confined to the home raising children, or subjected to crude advances and sexist remarks by men. The women's-rights movement put pressure on the government, which in turn passed laws that helped change some of our beliefs about women. Similarly, the relative progress of the 1960s did not happen merely by using the blunt instruments of the law. **Change emerged from the ways those laws, with grassroots pressure, created new patterns of interactions, and ultimately new habits**. Neither Obama's election to the presidency nor my appointment as a Princeton professor would have happened were it not for these new patterns and habits.

None of this happens overnight. It takes time and increasing vigilance to protect and secure change. I was talking with a dose friend and he mentioned a basic fact: that we were only fifteen years removed from the passage of the Voting Rights Act of 1965 when Ronald Reagan was elected president and Republicans began to dismantle the gains of the black freedom struggle. Civil rights legislation and the policies of the Great Society had just started to reshape our interactions when they started to be rolled back. We barely had a chance to imagine America anew-to pursue what full employment might look like, to let the abolition of the death penalty settle in, to question seriously the morality of putting people in prison cells, and to enact policies that would undo what the 1968 Kerner Commission described as "two Americas"­ before the attack on "big government" or, more precisely, the attack on racial equality was launched. The objective was to shrink the size of government ("to starve the beast") and to limit its domestic responsibilities to ensuring economic efficiency and national defense. Democrats eventually buckled, and this is the view of government, no matter who is in office, that we have today. It has become a kind of touchstone of faith among most Americans that government is wasteful and should be limited in its role-that it shouldn't intrude on our lives. Politicians aren't the only ones who hold this view. Many Americans do, too. **Now we can't even imagine serious talk of things like full employment or the abolition of prisons**.

**We have to change our view of government, especially when it comes to racial matters**. Government policy ensured the vote for African Americans and dismantled legal segregation. Policy established a social safety net for the poor and elderly; it put in place the conditions for the growth of our cities. **All of this didn't happen simply because of individual will** or thanks to some abstract idea of America. **It was tied up with our demands and expectations**. Goldwater was wrong. So was Reagan. And, in many ways, so is Obama. Our racial habits are shaped by the kind of society in which we live, and our government plays a big role in shaping that society. As young children, our community offers us a way of seeing the world; it lets us know what is valuable and sacred, and what stands as virtuous behavior and what does not. When Michael Brown's body was left in the street for more than four hours, it sent a dear message about the value of black lives. When everything in our society says that we should be less concerned about black folk, that they are dangerous, that no specific policies can address their misery, we say to our children and to everyone else that these people are "less than"-that they fall outside of our moral concern. We say, without using the word, that they are niggers.

**One way to change that view is to enact policies that suggest otherwise**. Or, to put it another way, to change our view of government, we must change our demands of government. For example, for the past fifty years African American unemployment has been twice that of white unemployment. The 2013 unemployment rate for African Americans stood at 13.1 percent, the highest annual black unemployment rate in more than seventy years. Social scientists do not generally agree on the causes of this trend. Some attribute it to the fact that African Americans are typically the "last hired and first fired." Others point to changes in the nature of the economy; still others point to overt racial discrimination in the labor market. No matter how we account for the numbers, the fact remains that most Americans see double-digit black unemployment as "normal." However, a large-scale, comprehensive jobs agenda with a living wage designed to put Americans, and explicitly African Americans, to work would go a long way toward uprooting the racial habits that inform such a view. It would counter the nonsense that currently stands as a reason for long-term black unemployment in public debate: black folk are lazy and don't want to work.

**If we hold the view that government plays a crucial role in ensuring the public good**-if we believe that all Americans, no matter their race or class, can be vital contributors to our beloved community-**then we reject the idea that some populations are disposable**, that some people can languish in the shadows while the rest of us dance in the light. The question ''Am I my brother's or my sister's keeper?" is not just a question for the individual or a mantra to motivate the private sector. It is a question answered in the social arrangements that aim to secure the goods and values we most cherish as a community. In other words, we need an idea of government that reflects the value of all Americans, not just white Americans or a few people with a lot of money.

We need government seriously committed to racial justice. As a nation, we can never pat ourselves on the back about racial matters. We have too much blood on our hands. Remembering that fact-our inheritance, as Wendell Berry said-does not amount to beating ourselves over the head, or wallowing in guilt, or trading in race cards. Remembering our national sins serves as a check and balance against national hubris. We're reminded of what we are capable of, and our eyes are trained to see that ugliness when it rears its head. But when we disremember-when we forget about the horrors of lynching, lose sight of how African Americans were locked into a dual labor market because of explicit racism, or ignore how we exported our racism around the world-we free ourselves from any sense of accountability. Concern for others and a sense of responsibility for the whole no longer matter. Cruelty and indifference become our calling cards.

We have to isolate those areas in which long-standing trends of racial inequality short-circuit the life chances of African Americans. In addition to a jobs agenda, **we need a comprehensive government response to the problems of public education and mass incarceration**. **And I do mean a government response**. Private interests have overrun both areas, as privatization drives school reform (and the education of our children is lost in the boisterous battles between teachers' unions and private interests) and as big business makes enormous profits from the warehousing of black and brown people in prisons. Let's be clear: private interests or market-based strategies will not solve the problems we face as a country or bring about the kind of society we need. We have to push for massive government investment in early childhood education and in shifting the center of gravity of our society from punishment to restorative justice. We can begin to enact the latter reform by putting an end to the practice of jailing children. Full stop. We didn't jail children in the past. We don't need to now.

In sum, government can help us go a long way toward uprooting racial habits with policies that support jobs with a living wage, which would help wipe out the historic double-digit gap between white and black unemployment; take an expansive approach to early childhood education, which social science research consistently says profoundly affects the life chances of black children; and dismantle the prison-industrial complex. We can no longer believe that disproportionately locking up black men and women constitutes an answer to social ills.

**This view of government cannot be dismissed as a naive pipe dream**, because political considerations relentlessly attack our political imaginations and limit us to the status quo. We are told before we even open our mouths that this particular view won't work or that it will never see the light of day. We've heard enough of that around single payer health care reform and other progressive policies over the Obama years. **Such defeatist attitudes conspire to limit our imaginations and make sure that the world stays as it is**. But those of us who don't give a damn about the rules of the current political game must courageously organize, advocate, and insist on the moral and political significance of a more robust role for government. We have to change the terms of political debate.

Something dramatic has to happen. American democracy has to be remade. John Dewey, the American philosopher, understood this:

The very idea of **democracy, the meaning of democracy, must be continually explored afresh; it has to be constantly discovered and rediscovered, remade and reorganized**; while the political and economic and social institutions in which it is embodied have to be remade and reorganized to meet the changes that are going on in the development of new needs on the part of human beings and new resources for satisfying these needs.

Dewey saw **American democracy as an unfinished project**. He knew that the aims and purposes of this country were not fixed forever in the founding documents, but the particular challenges of our moment required imaginative leaps on behalf of democracy itself. Otherwise, undemocratic forces might prevail; tyranny in the form of the almighty dollar and the relentless pursuit of it might overtake any commitment to the idea of the public good; and bad habits might diminish our moral imaginations.

The remaking of America will not happen inside the Beltway. Too many there have too much invested in the status quo. A more robust idea of government will not emerge from the current political parties. Both are beholden to big money. **Substantive change will have to come from us**. Or, as the great civil rights leader Ella Baker said, "we are the leaders we've been looking for"-a model of leadership that scares the hell out of the Reverena Sharpton. We will have to challenge the status quo in the streets and at the ballot box. In short, it will take a full-blown democratic awakening to enact this revolution

**They represent the world in terms of structuring binaries: power/abjection, sovereignty/vitality, institutions/insurgency.  We should reject this dichotomous frame.**

George **SHULMAN** Political Theory @ Gallatin School NYU **’20** “Fred Moten’s Refusals and Consents: The Politics of Fugitivity” *Contemporary Political Theory*p. Published First Online

Rather than correct his reading of Arendt, note instead how both theorists narrate a history producing impasse and compose romances of a revolutionary treasure each protects from devaluation and danger. Despite moments of blur in their texts, their categorical self-definitions split off natality from a threatening other, albeit lodged in inverted images of sociality and politics. Her reversal foregrounds and redeems natality-as-politics from capture by the social; his reduction of the political—to sovereignty as metaphysics, state power, and antiblackness—redeems fugitive black sociality from capture by politics. Yet as she argues—and manifests—theorists who “reverse” a polarity remain trapped in its terms; arguably, he risks capture by the metaphysics he would undo. The alternative to the canonical tradition, I would say, is refusing an Aristotelian or Kantian **split between the political**, **and its abject (immature, wild, social, abject) otherness**. In crucial ways Moten does just that, by finding natality, publicness, and performative pleasure—a “regenerative grammar” of “informal form”—in blackened sociality. But for him, the autonomy and integrity of this grammar, is targeted by correction and endangered by appropriation. Defending it requires **refusing politicization, any translation** into the “**necrophilic” grammar of “sovereignty**,” as connoting organized (even democratized) rule, politics by representation, and a subject centered (possessive, rights-bearing) individualism. At stake in his reversal is warding off this demonic specter, which haunts and harms fugitive life in the undercommon. What Moten calls sovereignty thus names truly destructive forces and fictions but also seems like a charged, **disavowaed and projected object or specter**. For his vision of jurisgenerativity, defined only as the fecundity of informal (noncoercive and multiplicitous) meaning-making, is sustained by disavowing the signifiers of power, exemplified by (participation in) a form of rule, by formal rules, by institutional organization, by stipulations of a collective subject, or by membership in an explicitly bounded political body.

In turn, radical democrats may refuse his reduction of politics to sovereignty, but if we then identify the properly political as nonsovereign action, as nonrule or (fugitive) refusal to be governed, we remain **captive to this demonic picture of power and its idealized other**. By affirming only the “power to” of solidarity and action in concert, we risk disavowing power “over,” as participation in rule, as explicit rule-making, and as “**ruling out” antidemocratic interests and practices**. Do we imagine that generativity thrives **only by refusing rule,** and not also through forms of structure and even imposition, as parents and teachers know? As Prospero, a personification of both sovereignty and theory, finally acknowledged Caliban as the “dark thing” he must “own as mine,” the trope of fugitivity entails a disavowed remainder, the problem of power and rule, which needs to be acknowledged. For freedom requires not only flight from rule, but flight into it, as a problem that no one can escape, but that a democratic politics explicitly acknowledges and undertakes to rework by participatory practices of contest.40

Using Moten’s own idiom, I would ask: “What if” we do not dichotomize the informal assembly and praxis of fugitive sociality, and politics-as-rule predicated on exclusion and regulation of difference? “What if” a democratic theory must blur the social and political but also acknowledge inescapable, fraught, yet potentially fruitful tensions—between tacit grammar and explicit acts of translation, between informal form and organized forms of power, between fugitive aliveness as resistance to rule, and organizing democratic power to make claims on how the world is ruled? “What if” we refuse (not reverse) the abstract polarity between subjection to sovereign rule as such, or statelessness as refusal to be governed as such, and “come down to earth” as Marx put it? We then find politicality not in rule or nonrule, as such, but in the judgments and actions by which subalterns address who makes decisions (and how) about which practices, values, and inequalities are being ruled out, or which encouraged, in the communities they are building by socio-poetic insurgency? In difficult historical contexts they rework and mediate tacit grammars, customary practices, and explicit forms of organized power as they reconstitute democratic forms of rule-making.41

These what-ifs suggest a conversation between Moten and Sheldon Wolin. The parallels are striking. Wolin depicts a “system” so “immovable and interconnected as to be unreformable as a totality”; he calls “pessimism” a “reasoned insight” and “suppressed revolutionary impulse”; and he endorses a “rejectionism” whereby citizens “withdraw and direct their energies and civic commitment to finding new life forms.” Moreover, “instead of imitating most political theories,” which adopt “the state as the primary structure, and adapt the activity of citizens” to it, Wolin refuses “the state paradigm” and the “liberal- legal corruption of the citizen.” He affirms how “common life resides in cooperation and reciprocity that human beings develop to survive, meet their needs, and explore their capacities and the remarkable world into which they have been cast.” He thus rejects Arendt’s splitting of political and social, and her valorization of the “who,” and in Moten’s terms he instead values how “entanglement and virtuosity” are negotiated in the “common life” of the ordinary. Both theorists thus defend “preservation” of customary ways of “taking care of beings and things,” as Wolin says, against neoliberal correction, progressive promises of incorporation, and radical romances of emancipation.42

Moten’s two antagonisms—between the few who run things and things that run, and between informal form and formalization—echo Wolin’s critique of bureaucracy, of “institutionalized systems of power,” and of “constitutional democracy”; and Moten’s refusals resonate with Wolin’s late claim that democracy names not a form of government but “fugitive” moments of insurgency. And though Wolin seems to mean “fugitive” only in its temporal sense of transient or fleeting, he also depicts democracy as interdicted by idioms of governance, contained by constitutions and organized power, and pathologized by norms stipulating the legal and proper. Like blackness— though Wolin never makes this association—his democracy is (called) criminal, transgressive, and chaotic; it is feared, hunted, and enclosed, though also “wanted,” desired, and used for legitimation. Both theorists embrace such epithets while showing how insurgency bespeaks “jurisgenerative” energies, engendered by commonality and memory, that precede and surround formal (state-centric) politics. Their fugitive protagonists—an undercommons or popular insurgency—claim a spatial and symbolic distance from a deranged modern regime, and in Wolin’s words “replace the old citizenship” by “a fuller and wider notion of being, whose politicalness will be expressed not in one or two activities—voting or protesting—but in many.” Of course, this very “politicalness” is one mark of deep differences.43

Though Wolin’s awareness of racial inequality appears in repeated associations of democratic moments and social movements with black insurgency, he does not grasp how “commonality” names not (only) a resource against enclosure but the historical production of whiteness and settler colonialism. He laments the gap between formal citizenship and genuine participation, which effectively disempowers legally enfranchised citizens, but never construes citizenship as a racial status, “standing” as white, constituted by a racial state of exception. His hard-pressed “citizens” draw on tacit (local, rooted) customs, but he does not credit how their “commonality” reproduces popular power by racial terror. Moten thus brings to this idiom of commonality and democracy, as to Arendt’s “common sense” and “world,” a justified presumption that such predicates of the political mean antiblackness. But acknowledging this truth is also the premise of thinking abolition and radical democracy together.44

For if Wolin’s commonality risks racial innocence, his idea of the political remains essential because it highlights the foreclosures in Moten’s sociality. First, Wolin depicts both tacit commonality and explicit insurgency as contingent and, in that sense, as political. Whereas Moten depicts sociality underwritten by ontology, and reproduced as antiblackness generates “common habitation and flight,” Wolin sees every (under)common undone by political economy and individualism, not only by incorporation into formal politics. Whereas Moten imagines the “absolute sufficiency” of sociality informally reproduced, Wolin argues that commonality itself is (re)generated and remade only by practices that, though “emerging out of” sociality, politicize— acknowledge, (re)articulate, or (re)organize—tacit customs and vernacular memories. Tacit commonalty is at once discovered, remade and regenerated only people make explicit claims in “public declarations,” or visibly exercise “collective power” to “promote or protect the well-being” of a “collectivity,” including an undercommon.45

Second, Wolin also links and distinguishes sociality and politicality by depicting the experience and practice of sharing and exercising power. For Wolin, local or customary “institutions and practices are sustained” only by our “capacity to share in power, to cooperate in it.” “Power to,” generated and shared by the ongoing practices of assembly and cooperation that Moten calls planning, is thus the basis of all other goods. But, as “distilled” from the “relations and circles we move within”—call this Moten’s sociality—this power, at once “symbolic, material, and psychological,” “enables political beings to act together.” As the political dimension of sociality, “power” can be extracted by states or undermined by individualism, and thus alienated, a loss that devitalizes the solidarity—and thereby the generative capacity—of sociality. The recurring “loss of the political,” as capacities to articulate the tacit and organize power, reveals the nature of the political as a distinctive “mode of experience,” for “we are always losing it and having to recover it.” But “renewal” is always possible, partly “as human beings rediscover the common being of human beings,” partly by “creating new patterns of commonality” across differences, and partly by (re)making “modes of action” by which to “concert their powers.” Though grounded in sociality, Wolin’s political thus opens an interval between the tacit and the explicit, in which experience is metabolized and (re)articulated. In this interval people question the organization of power and rules of justice, and they answer as they “reinvent forms and practices” that express “a democratic conception of collective life.”46

For Moten, of course, “democratic” and collective” signal the alienated rule that abstracts from lived sociality to “designate” a political to represent us, whereas black fugitives refuse to be governed or represented by others but also to translate themselves into legible political terms. In contrast, Wolin offers a potentially fruitful, not only correctional or appropriative—we might say agonistic—relation between the tacit and the explicit. In fact, practices of “fugitive democracy” recurrently emerge in and from black sociality, as the practices of Black Lives Matter activism most recently demonstrate. For sure, practices of concealment and evasion, which defend black fugitivity from surveillance, regulatory correction, and violence, and practices of public action that engage whites and the state, are contradictory in crucial ways, as Juliet Hooker has argued. But as Rom Coles and Lia Haro argue, frontline communities on the underground railroad also engaged repeatedly in “flagrantly public” action in concert, both in literal self-defense of black autonomy in its fugitive illegality, and to contest the rule(s) of police, the law, and the state; as recent protests suggest, they viewed formal political institutions both as “integral to white supremacy so far,” but also “as potential instruments toward emancipatory ends.”47

If Hooker sees temporal shifts between moments of “black fugitivity” and moments of “fugitive democracy” in the thought and practice of Frederick Douglass, Coles/Haro depict an ongoing “oscillation” between inward-facing and outward-turning practices. Likewise, Neil Roberts defends grand marronage for seeking a “sustainable rather than fleeting form of flight” by forging autonomous spaces, and yet, because “freedom in our world lies **not in permanent evasion of Leviathan**” but in “**taming” it,** he proposes an idea of “sociogenic marronage” to **reconstruct “an order in need of systemic repair.”** Not coincidentally, Wolin’s fugitive democracy, though “rejectionist” and antistatist in its major chords, includes a social democratic minor key, which notes the limits of localism and the necessity of **seeking and using state power to address structural inequality and collective fate**.48

Complex and generative tensions are lost, then, as Moten recovers the freedom schools organized by Fannie Lou Hamer but not her organizing for the right to vote, to exercise popular sovereignty locally, especially around police and schools, but also to create a “Mississippi Freedom Democratic Party” that entered national politics. Hamer (like the Black Panthers and Black Lives Matter) models how black radicalism has lived in an interval between the tacit grammar and ongoing “planning” of black fugitivity—as loopholes of retreat practiced and concealed in plain sight—and flagrant publicity as fugitive democracy. Whereas for Moten, the historical failure or defeat of outward-facing public action proves the futility of fugitive democracy, I would ask: “what if” we follow his own fugitive view that any being or act is both incomplete and excessive, to infer that specific historical experiments are not definitive failures, but unfinished in meaning, examples we could retrieve and refashion now? If keeping open such possibility risks cruel optimism, foreclosing it reifies the impasse he generatively transvalues in so many other ways.

# 2NC

## Green New Deal C/A

**1.**    **Green New Deal frame can challenge informational capitalism– we need commitment to principles of just transition to avoid pure negation.**

Thea **RIAFRANCO** Poli Sci @ Providence ‘**19**

<https://www.viewpointmag.com/2019/05/16/plan-mood-battlefield-reflections-on-the-green-new-deal/>

Demands or Deception? In keeping with the charge of ambivalence is the charge of vagueness (Bernes: “The Green New Deal proposes to decarbonize most of the economy in ten years—great, but no one is talking about how.”). This is, on the face of it, not true. There is currently an efflorescence of proposals for how to decarbonize the economy, not only from the usual green capitalist policy wonks but also from agroecology enthusiasts, proponents of public banking and social housing, to those that tackle the logic of planned obsolescence and advocate for zero-waste production and consumption. I have never had so many conversations about the architecture of our electric grids, the relative contribution of distinct sectors to overall emissions, or the dilemmas of carbon taxes as I have had in the past few months. This is not to suggest that these myriad proposals will get the job done, nor to downplay the sharp contrasts between a proposal to expropriate the fossil fuel industry and a carbon price based on a high discount rate, but rather to state that many people are, in fact, talking about how to decarbonize. The battles over these distinct pathways will emerge as key political, and class, conflicts of our moment. Bernes’ charge of vagueness, however, soon slides into a more serious accusation: deception. Socialists, like myself, that mobilize around the Green New Deal know full well that “the mitigation of climate change within a system of production and profit is impossible, but they think a project like the Green New Deal is what Leon Trotsky called a ‘transitional program,’ hinged upon a ‘transitional demand.’” For such socialists, he argues, it is precisely the combination of technological feasibility and systemic impossibility that makes the Green New Deal a radicalizing demand: if capitalism could, but won’t, save humanity and the planet, then the masses will rise up against the true obstacle to progress. Not only is this strategy fundamentally patronizing and deceptive, as he points out, but it is self-defeating: “the transitional demand encourages you to build institutions and organizations around one set of goals” and then convert them to another. In this case, organizations designed to “[solve] climate change within capitalism” and, when that fails, are expected to “expropriate the capitalist class and reorganize the state along socialist lines.” Institutions, however, “are tremendously inertial structures”—once designed for one purpose, they can’t be transformed. This strikes me as a very odd statement. In the social sciences, “path dependency” is more or less the mantra of mainstream institutional theory and functions ideologically to encourage resignation to the status quo. A historically-grounded, critical view of institutions sees them always as live, provisional, crystallizations or resolutions to class conflict, in need of ongoing reproduction and legitimation. They are the social arrangements through which violent domination is transmogrified into hegemony. This is a lesson the right knows very well, displayed in its maneuvers into every nook and cranny of institutional life: school boards, state governments, local courts, utility commissions. Elsewhere, from the Communist Party in Kerala to the radical municipalism movement in Spain, left parties and movements have experimented with institutional change. Through a mix of policy innovation, trial and error learning, and social organization, they have chipped away at exclusion and domination. Kerala, incidentally, mobilized local institutions and networks of solidarity in an impressive response to the massive floods in the summer of 2018—an example with clear implications for the increasingly stormy conditions ahead of us.Beyond Ambient Despair and Cruel Optimism It turns out, however, that advocates of the Green New Deal are not just deceptive but themselves duped. In their fever dreams of rosy futures, “The world of the Green New Deal is this world but better—this world but with zero emissions, universal health care, and free college.” For these green dreamers, reality will be a rude awakening: “The appeal is obvious but the combination impossible. We can’t remain in this world.” Nothing short of “completely reorganiz[ing] society” will do the trick. It’s not only the Green New Dealers who have dreams. Bernes too conjures “an emancipated society, in which no one can force another into work for reasons of property, could offer joy, meaning, freedom, satisfaction, and even a sort of abundance.” This is quite close to my own radical horizon. But how do we get there? “We need a revolution.” Seriousness, however, swiftly returns: “a revolution is not on the horizon.” This sober appraisal accords with the overall tone of the essay. He is merely stating the facts; telling the truth instead of lying (“Let’s instead say what we know to be true”; “But let’s not lie to each other”; or, for Clover, “Now we have arrived at serious matters”). These exhortations figure the author as above the fray, cool, and objective and his targets as confused, deceptive, duped, and, to return to the aforementioned quote, seduced by the Big Mood of the green dream. But isn’t the “ambient despair” that Bernes describes as the inevitable affective register of his reality check a mood, too? Curiously, some of the left negations of the Green New Deal resonate with the dismissals of our shared conservative enemies: both adopt of register of self-conscious seriousness and paint the policy as a fantasy or, worse, as a malicious plan disguised as a better world. While the right tends to fixate on the affordability of the public investments required, Bernes asserts its objective unfeasibility (“Implementation is where it really dies”). Paradoxically, in making claims on the basis of an appeal to objective viability, left skeptics miss out on opportunity to make a more convincing argument. Contra Bernes, the greatest obstacle to the Green New Deal is not “implementation” but politics. A properly political critique would contend that the Green New Deal sustains the fantasy that an enlightened state can save us from climate catastrophe, a fantasy that discourages us from taking the radical actions that are, in fact, a prerequisite for the state doing anything at all. And the temptation of demobilization, of projecting our collective capacities in alienated form onto the state, might be all the more seductive in the eventuality of a Democratic victory in 2020. The Green New Deal, on this account, would be a textbook case of cruel optimism: the sense of hope it inspires is exactly what undermines its actualization. Pessimism certainly protects us from the psychic pain of disappointment. Yet, the risk of pessimism is that it tends to shade into fatalism, which has the same demobilizing dynamic as the fantasy of state salvation. There is, however, another option. The opposite of pessimism isn’t self-assured optimism, but rather militant commitment to collective action in the face of uncertainty and danger.We might take our cue from social movements that adopt a stance of critical support, embracing the political opening afforded by the Green New Deal while at the same time contesting some of its specific elements, thus pushing up against and expanding the horizon of political possibility. Indigenous and environmental justice movementshave issued detailed statements that support some aspects of the resolution and not others (especially the language of “clean” and “net zero” energy, which opens the door to untested geoengineering technologies and carbon offset schemes), and consistently prioritizing the demands of the excluded, exploited, and dispossessed over and against technocratic approaches to policymaking. DSA’s Ecosocialist Working Group (disclaimer: I serve on the Steering Committee) developed a set of principles that support the resolution while substantively exceeding its content, framing “the fight for the climate as a struggle against capitalism itself and the myriad forms of oppression which sustain it.” In a similar vein, Kali Akuno of Cooperation Jackson has critiqued the productivism and nationalism of the Green New Deal framework, while advocating for both the development of grassroots alternatives (such as cooperatives, urban farming, ecosystem restoration) and mass civil disobedience to fight for a radical, just transition to ecosocialism. Rather than taking refuge in negation, these movements grapple head-on with a complex strategic dilemma: the challenge of simultaneously confronting the fractions of capital and their many allies in the state who will fight most ruthlessly to preserve fossil capital and radicalizing the politics of the Green New Dealbeyond its current limitations. How the new world is born out of the old is of course the vexed question of any project of radical transformation. What kinds of programmatic demands, organizational forms, and institutional designs can be proposed, mobilized, and assembled under present conditions but that would, once set into motion, violate the sanctity of growth, property or profit? What tactics of disruption are available to us? What nascent coalitions might weave solidarities across the dispersed supply chains of the energy transition? What financial crises might be on the horizon? What fractions of capital ascendant or descendent? Where are the vulnerabilities in the hegemonic order? We are living in a moment of profound turbulence; predicting or foreclosing the future seems less analytically rigorous than actively intervening to shape it. We don’t yet know how the politics of the Green New Deal will play out. We can be certain, however, that resignation cloaked in realism is the best way to ensure the least transformative outcome. Waiting for ever-deferred moment of revolutionary rupture is functionally tantamount to quiescence. In an extremely asymmetric conflict against fossil fuel executives, private utilities, landlords, bosses and the politicians that do their bidding, we need both extra-parliamentary, disruptive action from below—taking inspiration from Standing Rock, the teachers’ strike wave, Extinction Rebellion, the global youth climate strikes—and creative experimentation with policies and institutions. The battles to come have the potential to unleash desires and transform identities. We will learn, screw up, and learn again. The Green New Deal doesn’t offer a prepackaged solution, it opens up of new terrain of politics. Let’s seize it.

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**Antitrust law allocates the right to coordinate economic activity.  The consumer model of economic efficiency privileges allocating coordinating rights to large powerful firms.  (Acts as a blockade on literal logistical model)**

Sanjukta **PAUL** Law @ Wayne State **’19** “Fissuring and the Firm Exemption” *Law and Contemporary Problems* 82:65 p.  68-72

A. Franchising

Franchising typifies the dynamic that has driven the expansion of large firms' coordination rights under conditions of business fissuring: an iterative interaction between shifting legal norms and affirmative decisions about structuring business arrangements. **Franchisors** succeeded in normalizing their **business model** in the eyes of the public, institutional actors, and the decisional law, relying to a large extent upon arguments that the business arrangement is **efficiency-enhancing**, ultimately benefiting **consumers**.1 2 However, aspects of the standard franchising business model still outstrip the now-permissive vertical restraints cases, and reveal tensions in the reigning consumer welfare standard. Overall, by confining antitrust-immunized control relations largely to the space within the firm-and to a few more democratic arrangements outside the firm-mid-century antitrust had historically placed some limits on the unreciprocal control exerted by franchisors over franchisees. Mid-century antitrust took a dim view of control imposed through vertical, contractual restraints, for example by franchisors upon franchisees. Importantly, this view was motivated more by a norm of non-domination than by an idea of realizing ideal competitive prices, or of attaining the lowest possible consumer prices.13 The **Borkian turn** in **antitrust law**that took hold in the 1970s worked to remove these limits on **vertical restraints**.14 By doing so, it demonstrated that its fundamental preference for allocating **coordination rights** is not only within firms, but also by **large**, **powerful** firms (at least so long as that coordination too is in the form of control over less-powerful actors). Around the same period, the Borkian turn expanded antitrust law's concept of the firm itself, to capture **parent-subsidiary relationships** and other corporate groups, and thus extended **antitrust immunity** to any coordination between **separate corporations** within these relationships." The single entity doctrine, as it is called, expressly inscribes the preference for economic coordination in the form of **control**, preferably grounded in **concentrated** ownership interests." Franchisors have used and relied upon both of these changes in antitrust law to justify their control over franchisees and at times, franchisees' employees. Fast-food **franchisors** coordinate their franchising families various ways. They exert **control**over key elements of franchisees' **supply**, **labor**, and **product** decisions. Notably, they even exert control over the prices of the products sold by franchisee firms, typically in the direction of driving them down. One McDonald's franchisee noted that "participation in deals and pricing is voluntary only in theory," and that on an occasion when its coffee price was a nickel over the franchisor-advertised sale price, "the head of the McDonald's region came in and he said: 'You are over. You can't do this."'17 Some other franchisors even more straightforwardly set the prices charged by franchisee firms; for example, janitorial franchisors often directly bargain contracts with customers on franchisees' behalf."s Burger King, like McDonald's, exerts the same downward pressure on its franchisees' prices through its "Value Menu."19 Franchisors have also placed limits upon **worker mobility** within franchise "families" through so-called **no-poaching provisions** placed into franchisee contracts. In the past, franchisors have successfully claimed immunity for these controls underCopperweld, or the single entity doctrine, thereby claiming that franchisees are effectively extensions of the franchisor itself.20 Such provisions have recently come in for new criticism, and have been challenged by workers in a number of pending cases. 21 In the current disputes, some franchisors have again raised the single entity defense, but thus far a judge has not ratified it. To expressly ratify this theory would be to make explicit the selective application of firm status to franchise "families" as between antitrust and labor law. Franchisees themselves are denied coordination rights by antitrust law,22 further cementing franchisors' power. Meanwhile, franchisees' **employees' fight** for **coordination rights**, for example in the form of **unionization**, has also been frustrated by franchisors' position that they are **completely separate** from franchisees, which would require workers to separately unionize numerous small franchisees. In short, franchisors have thus far been permitted to **disclaim affiliation** with**franchisee firms** altogether under **labor law**, even as they frequently claim that franchisees are **extensions of the firm** under **antitrust**, in both cases cementing their **exclusive coordination rights** in the overall arrangement. The pending no-poach cases also illustrate the operation of the law of vertical restraints and franchisors' attempts to stretch its limits. To see this, note first that even franchisors' control over franchisee product pricing decisions ought to be uncertain territory. As noted, franchisors exert control over consumer prices charged by franchisees, in addition to aspects of their dealings with suppliers and workers. Even under the existing law's profound preference for vertical control over horizontal coordination, franchisors' control over franchisee pricing-which in turn has direct, negative implications for franchisees' labor relationships and workers' wages 2 3-does not obviously fit within the parameters of legal vertical restraints. The paradigm cases, from GTE Sylvania (geographic market allocation) to Khan (maximum prices) to Leegin (minimum prices), all deal with re-sale of a product sold by the actor seeking to impose the restraint. Franchisors do not sell hamburgers to franchisees, who then re-sell them. This problem is not necessarily resolved by extending the principles of these cases to intangible property-such as the franchise brand-which are covered.24 There is, in any event, no credible argument for extending these precedents to labor-facing restraints imposed by franchisors upon franchisees. Franchisors do not hire out workers to franchisees. No proprietary technology licensed by franchisors to franchisees is implicated in those relationships. Yet the Department of Justice chose to file a brief in these pending cases effectively supporting franchisors' position and suggesting that no-poach agreements limiting mobility among some of the lowest-wage, most vulnerable workers have legally cognizable benefits.25 This is notable in part because it dramatizes the tensions in antitrust law's current governing normative framework. The DOJ brief purports to treat labor market restraints symmetrically with product market restraints. But this is belied by their own arguments about the putative countervailing **efficiencies** of no-poach agreements, which are **framed purely** in terms of **consumer benefits**, namely **lower prices**. This points up a basic **tension** within the existing legal framework, which simultaneously claims to treat**worker welfare** equally with **consumer welfare**, but which only admits evidence of countervailing benefits to consumers, primarily price benefits, when evaluating forms of **permitted coordination**. In short, the DOJ's briefs supporting franchisors' position in the pending cases brought by fast food workers to invalidate employee no-poach agreements imposed by franchisors upon franchisees stretch existing tendencies in the law to favor control by powerful firms, which is presumed to confer consumer benefits. In effect, the DOJ's brief seeks to enshrine in the official, surface grammar of the law what has heretofore been only a tacit expansion at the level of its deeper grammar, where the firm exemption partially resides. That tacit expansion of the borders of the firm exemption has been achieved through decades of creating facts on the ground by naturalizing franchisors' business model, and through economic arguments that these arrangements are efficiency-enhancing because of lower consumer prices.

**We should allocate coordination rights on the basis of power rather than efficiency – especially since they have no explanation for how they do concrete things since rejecting the monopoly on meaning does literally nothing**

Sanjukta **PAUL** Law @ Wayne State **’19** “Fissuring and the Firm Exemption” *Law and Contemporary Problems* 82:65 p.  85-87

TOWARD A RE-ALLOCATION OF COORDINATION RIGHTS

Contemporary fissured **business arrangements** distill the preference for **topdown**, **hierarchical** control of smaller players by more **powerful firms** that is already present in today’s **antitrust framework**, while often pushing beyond the boundaries set by the current expression of that framework in the surface structure of the law. They call out for a **re-allocation** of **coordination rights** under **antitrust law**. What criteria are available to effect this re-allocation, and on what basis should it be achieved? Our current framework recognizes one other relevant source of coordination rights, beyond the firm, and that of course is based in labor law. The labor exemption to antitrust essentially permits economic coordination that antitrust would otherwise condemn where individuals engaged in the performance of labor or services are sufficiently subject to the power and control of a firm, and lack significant power and control—including relevant ownership rights—of their own.75 From this perspective, the labor exemption has always—or at least, long— been a limited qualification of the firm exemption, and it has been in a basic way dependent upon it. The limited qualification represented by the labor exemption is underlined by the fact that the collective power of labor—even if it were fully realized—cannot legally be brought to bear to contest basic firm or capital decisions, an outcome that Karl Klare and others have shown was not intrinsic to the Wagner Act itself, but was instead imposed by a contingent turn in the decisional law.76 Given this basic derivative relationship of the labor exemption to the firm exemption, it is then no wonder that the superficial undoing of the firm has further undone the labor exemption. How might we conceive of a new allocation of economic coordination rights that would avoid some of these problems, which have undermined the New Deal order almost beyond recognition? Attempts to broaden the labor exemption or to create new worker exemptions while retaining or copying its basic structure are unlikely to be sufficient. Fissured **business structures** show that the firm, which was never a platonic ideal to start with, will continue to **change** and **mutate**—partly of course in response to the law’s own allocation of coordination rights. Imagine if**all workers** or individual service-providers currently classified as **independent contractors** gained **coordination rights**. What would stop many firms who currently use independent contractors from moving to a system of contracting with, say, two to three person “**firms**” of **workers**—firms that are conveniently incorporated by signing ready-made forms in the company’s office upon hiring? These groups of workers would of course lack coordination rights in their bargaining with the firm that retains their services, and their intra-firm coordination rights would be negligible. The law should **not allocate** coordination rights to **working people** on the condition of **particular business structuring**decisions made by others. But such decisions are the **inevitable response** to **smallbore redefinitions** of the **labor exemption**, as fissuring itself teaches us. Instead, we might consider allocating **coordination rights** on the **basis of power and social benefit**. Importantly, to guide the application of these concepts, we must first **discard the ideal-state competitive order** as the **default normative framework** for **antitrust** and for economic regulation more generally. This is not to say that competition as a social process, referring to healthy business rivalry, is not important to antitrust law: it is, and ought to be balanced with appropriate and socially beneficial coordination. However, once we realize that the ideal state concept of competition that is currently presumed to form the basis for antitrust law is contributing very little—except as a **smokescreen for other normative choices**—then we need no longer view economic coordination as a special exception to the order of things. Thus, we need not look for conditions of deprivation, or powerlessness, as constituting the sole basis—aside from the firm exemption—for the appropriate exercise of coordination rights because they are an exception to an otherwise perfect order. That is what our current framework does, and it is also the assumption on which even the most ambitious reform proposals proceed.77 Instead, once **coordination** is no longer a **special exception** to the ideal-state competitive order, we may think of allocating **coordination rights** not only in order to contest existing power over someone—in other words, to **contest conditions of domination**—but more broadly and positively, to allocate coordination rights in order to confer a social benefit and so long as the coordination does not result in power over someone else. In this vision, **power would be a constraint upon coordination** rather than the **criterion of its permission**. So, truck drivers would be able to engage in direct price coordination among each other, so long as that coordination did not result in the undue exercise of power over some other group of people: other truck drivers or customers, for example.78 They would not have to show that someone else has power over them—whether through prices, or something else—in order to engage in coordination. Indeed, within such a framework, each of the groups discussed in Part II—franchisees, Uber drivers, and independent contractors— would quite plainly be allocated coordination rights. The precise scope of those rights should be determined in order to ensure that undue power over other groups does not result. Moreover, the availability of those rights would largely not depend upon unilateral decisions made by the lead firms in any of these arrangements in defining their relationships with workers, franchisees, or others in their orbit. Thus, small players’ coordination rights would be more secure than those allocated by a broadened labor exemption or other new exemption. Conversely, on this alternative approach to the allocation of coordination rights, **antitrust law** would not permit powerful firms like **Uber** and **McDonald’s** to exert control over small, less-powerful players like **drivers** and **franchisees**. However, rather than prohibiting this coordination on the ground that it facilitates horizontal coordination that is presumptively bad, antitrust law ought to take the view that it is impermissible because it unduly **exacerbates power imbalances and domination**, and confers no social benefit that would not be better realized through more democratic forms of coordination. In both directions, a conscious re-allocation of coordination rights would work toward balancing undue asymmetries of power rather than exacerbating them, as the current antitrust framework does, particularly in the context of fissured business arrangements. In order to do so, it would also recognize that the current framework makes normative choices about allocating coordination rights that cannot be derived from putatively neutral principles supplied by the competitive ideal.