# Kentucky – Round 5 – Emory BW vs Northwestern LW

# 1NC

## Off

### 1NC K – Commons

#### Anti-trust is a capitalist psy op to pacify the working class, buy time to mystify unsustainable accumulation, and map competition onto subjectivity – homo economicus devalues life.

Lebow 19 [David Lebow – Lecturer on Social Studies at Harvard University and lawyer, “Trumpism and the Dialectic of Neoliberal Reason,” Perspectives on Politics 18(2):380-398, doi:10.1017/S1537592719000434]

I. Neoliberal Reason

As Michel Foucault and others have argued, neoliberalism entails far more than an economic doctrine favoring deregulated markets.4 It is a novel form of governmentality—a rationality linked to technologies of power that govern conduct, not just through direct state action but through liberty itself.5 Not isolated to the traditionally demarcated sphere of economics, neoliberal society entails a whole economic-juridical order.

The central program of neoliberal governmentality is the absolute generalization of competition as a universal behavioral norm. Whereas in liberal thought, the root principle of capitalism was exchange of equivalents, for neoliberal reason it is competition entailing inequality. The key result of market processes goes from specialization to selection. The competitive market is the exclusive site of rationality. It processes information, indicated by price, and is the only mechanism of producing knowledge, defined as what is profitably utilizable. Because consumers are free to refuse inferior goods or services, the price mechanism of the market system ensures optimal solutions and maximal satisfaction of preferences.

Liberal capitalism, as Karl Polanyi argued, required the construction of “fictitious” commodities like land and labor.6 These abstract, exchangeable factors of production had to be disembedded from concrete non-market social relations, norms, and values. Instead of merely disembedding commodities, neoliberalism intervenes to make competitive mechanisms regulate every moment and point in society. It strives to build an empire of market choice that invades every domain of life, and deposes all other social, political and solidaristic institutions and values.

Neoliberalism does not allege that markets are natural; competition must be constructed. Rather than endorsing laissez-faire overseen by a night watchman, it stipulates a strong state engaged in permanent vigilance, activity, and intervention to maintain artificial competition. It must not plan outcomes, which would upset the market’s innate rationality, and must be insulated from political disturbances. Economic interventionism leads down the road to serfdom; fascism and unlimited state power are its necessary results. A “minimum of economic interventionism” on the “mechanisms of the market” must be accompanied by “maximum legal interventionism” on the “conditions of the market.”7 Fixed, formal rules make up an economic constitution that inhibits planning, repulses political disruptions, and impartially safeguards competition. The state is the executor of the market and growth is the basis of public legitimacy. Governance depoliticizes public power, promotes ostensibly post-ideological technical problem-solving by experts, and relies on “best-practices” that dissolve the distinction between public and private organization.8

Unlimited generalization of competition yields an enterprise society in which calculations of supply/demand and cost/benefit become the model of all social relations. Neoliberal reason renders homo economicus, based on this model of the enterprise, the exhaustive figuration of human subjectivity. The center of economic thought shifts from labor and processes of production, exchange, and consumption to human capital and rational decision-making under conditions of scarcity. Capital is everything that can generate future income; wages are reconceived as income from capital. Labor is no longer comprehended as a commodity exchanged for a wage, but as a combination of human capital (the worker’s education and abilities) and the income stream it generates. This neoliberal subject is an aggregate of human capital who invests in his own income-generating abilities.

Neoliberalism replaces the invariant identity of the moral person as a rights-bearing citizen with a formally empty receptacle filled up through enterprising choices. It brushes aside models of freedom as self-rule achieved through moral autonomy or popular sovereignty.9 In the neoliberal “democracy of consumers,” individual consumers together constitute the sovereign that monopolizes the issuance of legitimate commands.10 Sovereign will is expressed not through political channels, but by choices in the “plebiscite of prices.”11 Whereas producers have particular interests like protectionism, consumers have a consensual and common interest; all favor the impartial functioning of market processes. In the neoliberal free society, consumers exercise their right to choose in complete independence.

II. From Keynesian State Capitalism to Neoliberal Deregulation

Situating the 2008 crisis in a historical account of American political and economic development clarifies its broader significance. The early twentieth-century Progressives were disdainful of what they took to be the chaos and waste of fin de siècle laissez-faire society. They strove to build a new American state that would replace the structural and rights-based formalisms of the nineteenth century with direct democracy and expert administration. It took the Great Depression and New Deal to bring into full bloom the Progressive commitment to pragmatic rationality. Thereafter, the “policy state” was authorized to pursue designated social goals and develop the means to accomplish them.12 The slew of New Deal innovations included state oversight of labor negotiations, invigorated antitrust, Keynesian countercyclical deficits to stimulate demand and increase purchasing power, an expansive public sector sheltered from the business cycle, aggressive banking regulation, and social insurance. Regulation and redistribution ensured the conditions necessary for an economic system based on capital accumulation, private property, and corporate profit to endure.

To many, the differences between the New Deal and Nazi political economies appeared less significant than their common response to monopoly capitalism. Both erased boundaries between state and society by politicizing the private sphere and authorizing public bureaucracies to rationalize crisis-prone economies. Frankfurt School member Friedrich Pollock suggested that this common “state capitalism” had solved the contradiction between the forces and relations of production, and thus overcome the economy’s crisis tendencies. It seemed to him that management had become merely technical and “nothing essential” had been “left to the laws of the market.”13 Worries abounded that the private law sphere of property and contract was necessary for individual freedom. Despite salient differences between Nazi and New Deal state capitalism, many feared that intervention into society was a waystation to domination. Unease about the specter of American despotism motivated development of mechanisms to ensure that interventionism did not devolve into arbitrary rule.14 Expertise was one justification and limitation of the policy state. Authority could be safely delegated to a new corps of public-spirited administrators because their scientific knowledge would not only make them effective, but also counsel restraint. Enduring misgivings led later to new laws of administrative process. The procedural state was legitimated by its defenders as being a substantively value-neutral and instrumentally rational machine serving goals set by society. Regulatory decision-making was shunted into the abstruse procedures of courtrooms and bureaucracies. Defenders of the state emphasized that its processes of allocating authority were neutral, impartial, and open to all. The balanced accommodation of all interest groups seeking to exercise influence would yield an equilibrium corresponding to the public interest.15

The intermeshing of state and society through interest groups, agencies, and professionalized parties marginalized the public. The sovereign public opinion that Progressives had hoped would rationalize government gave way to the rationality supposedly inherent in processes of public law, public-private negotiation, and regulated markets. The state was endowed with a diffuse legitimacy in exchange for a growing economy, broad distribution, and ongoing household capacity to consume.16 The Keynesian welfare settlement pacified the working class, protecting the market economy from more radical political pressures. Newly available, mass-produced commodities encouraged leveled-down notions of citizenship as welfare clientelism and privatistic consumption. As the state expanded and routinized, the initial politicization of private property relations through public intervention developed into depoliticized economic management by lawyers and social scientists organized by administrative and judicial processes.

The terms of the social contract preserving the coexistence of capitalism and democracy had been set. In exchange for a pacified citizenry and depoliticized regulatory authority, the policy state promised to deploy instrumental reason to sustain both capital accumulation and widely distributed capacity to consume (supported, always, by the exclusion of African Americans). During the decades of postwar growth, these twin responsibilities seemed attainable and compatible. Capitalism functioned smoothly enough and potentially delegitimating inequality was clipped by inflation, tax-based welfare, and collectively negotiated wages. But in the late 1960s and early 1970s, weakening growth, stagflation, trade deficits, and the collapse of Bretton Woods revealed that state capitalism had not solved the problems of economics. As the Great Depression had enabled construction of the instrumentally rational policy state, economic disturbances in the 1970s opened the breach into which neoliberal reason entered to reconfigure the political economy. Rather than shielding rational policy-making from political pressure and assuring broadly distributed welfare, neoliberalism promised growth driven by depoliticized markets freed from regulation and downwards redistribution. Believing in the optimal rationality of competitive markets, neoliberals sought to reinvigorate capital accumulation through deregulation, lowered taxes, financialization, privatization, and market expansion.

Liberating accumulation from the restrictions and obligations incurred under state capitalism might have imperiled capitalism’s peace treaty with democracy. For deregulation to proceed without impairing the system’s legitimacy, the quid pro quo—depoliticization for consumption—had to continue. Over the ensuing decades, as Wolfgang Streeck explains, the state “bought time” by finding new ways to generate illusions of widely distributed prosperity that prolonged the capacity of the lower and middle classes to consume.17 Each successive attempt exhausted itself, leading to new and escalating disturbances. In the 1970s, inflation safeguarded social peace by compensating workers for inadequate growth until stagflation ended this mode of buying time. A subsequent reliance on public debt enabled the government to pacify conflict with borrowed money. Rising debt and balking creditors delimited this phase, which was brought to a definitive close with the Clinton administration’s social spending cuts and balanced budgets. In a final stage that dawned in the 1980s but grew increasingly paramount over time, debt-based support of purchasing power was privatized. Household spending was financed through mortgages, student loans, and credit cards. This “privatized Keynesianism” buoyed consumption up through 2008, despite cuts to social spending, falling wages, and tightening employment markets.18

Each device for upholding spending maintained the legitimacy of the depoliticized political economy, even as liberalization continued to strip the wage-dependent population of regulatory and redistributive safeguards. The end of the inflation era brought structural unemployment and weakened trade unions. The passing of the public debt regime meant cuts to social rights, privatization of social services, and a trimmed public sector. Growing private debt enabled people to hold on despite lost savings, and rising under- and unemployment. At every step, the neoliberal project was “dressed up” as a consumption project.19 Continuing consumption ensured legitimacy long enough to enact total transformation of the political economy.

The state could not buy time indefinitely. The 1970s had already witnessed the beginning of the transition from a manufacturing, production-oriented economy that exported surpluses to an import-based, finance and services economy focused on consumption. As the United States went from creditor to debtor, a system of “balanced disequilibrium” took hold.20 With impunity granted as the world’s reserve currency, the United States ran mounting budget and trade deficits. To finance them, it absorbed surplus capital from abroad, much of which wended its way to Wall Street. Banks used these profits to extend credit to the working- and middle- classes. Household debt funded consumption of imported goods, returning the surplus capital abroad, and completing the circuit of global trade. This system depended on the unsustainable condition of ever-increasing debt-based consumption. Consumption was notoriously reinforced by secondary markets in what was essentially private money (securitized derivatives and collateralized debt obligation) that was much riskier than assumed. Because increasingly irresponsible lending was integral to continuing the consumption that stabilized the macroeconomic system, it became a sort of vicious collective good that progressively magnified the scale of the inevitable crash.21 When in 2008 the debt finally proved unserviceable and the housing bubble burst, the private money disappeared and the disequilibrated global economic system fell into crisis.

Consumption based on private debt had provided an unstable bridge over the yawning inequality brought about by deregulation, financialization, globalization, and the diminished welfare state. When the 2008 crisis dried up credit, it revealed a divided “dual economy.”22 On one side is the primary sector of elite, highly-educated professionals who are collected in coastal urban centers and tied in to corporate management, technological innovation and oversight of global capital flows. On the other is the secondary sector of low-skilled workers primarily fixed in the heartland, for whom deregulated competition has brought under- or unemployment, job instability, depressed wages, exploding debt, and diminished prospects.

Unable to buy more time, the state’s breach of the postwar social contract has been exposed. The neoliberal system of capital accumulation was entrenched at the expense of broad and sustainable consumption. The results have been the politicization of defrauded citizens and a political economy plunged into legitimation crisis. Time has belied the premature conclusion that contradiction and crisis potential had been overcome by state capitalism. Contradiction was relocated into cross-cutting imperatives for the state to enable capital accumulation and distribute consumption. In hindsight, we find only a window of stabilization of an enduring crisis potential built into capitalist political economy. As Nancy Fraser puts it “on the one hand, legitimate, efficacious public power is a condition of possibility for sustained capital accumulation; on the other hand, capitalism’s drive to endless accumulations tends to destabilize the very public power on which it relies.”23 The political fallout from the 2008 crisis marks the end of the postwar social contract that had established conditions ensuring the continued coexistence of capitalism and democracy.

#### Capitalism drives extinction and structural violence

Allinson et al 21 [Jamie Allinson is Senior Lecturer in Politics and International Relations at Edinburgh University and author of The Age of Counter-revolution. China Miéville is the author of a number of highly acclaimed and prize-winning novels including October: The History of the Russian Revolution. Richard Seymour is the author of numerous works of non-fiction, His writing appears in the New York Times, London Review of Books, Guardian, Prospect, Jacobin. Rosie Warren is an Editor at Verso and the Editor-in-Chief of Salvage. All are writing for the Salvage Collective. “The Tragedy of the Worker: Toward the Proletarocene.” Introduction. July 2021. Verso EBook. ISBN: 9781839762963 //shree]

This is the question that vexed us as we set out to write The Tragedy of the Worker. From the vantage point of the present, the history of capitalist development is, as Marx expected, the history of the development of a global working class, the proletarianisation of the majority of the world’s population. But the very same process of that development has brought us to the precipice of climate disaster. Our position, to recall Trotsky’s rationalisation of War Communism in 1920, is in the highest degree tragic.

It is now clear that we will pass what scientists have long warned will be a tipping point of global warming, accelerating the already catastrophic consequences of capitalist emissions. How do we imagine emancipation on an at best partially habitable planet? Where once communists imagined seizing the means of production, taking the unprecedented capacities of capitalist infrastructures and using them to build a world of plenty, what must we imagine after the apocalypse has befallen us? What does it mean that as capitalism has become truly global, the gravediggers it has created dig not only capitalism’s grave, but also that of much organic life on earth?

Our answers to these questions remain rooted in the politics of revolutionary communism. Our stance is not based on the fantasy of a homeostatic nature that must be defended but on the critique of the capitalist metabolism – the Stoffwechsel- that must be overthrown. Earth scientists are accustomed to speak in terms of ‘cycles’ by which substances circulate in different forms: the water cycle, the rock cycle, the nitrogen cycle, the glacial-interglacial cycle, the carbon cycle, and others. One way of registering the catastrophe of climate change is to see these cycles – most of all, but not solely, the carbon cycle – as disordered, under- or over-accumulating. But this is to ignore the more fundamental circuit of which these now form epicycles, like Ptolemy’s sub-orbits of the heavenly bodies: the circuit of capital accumulation, M-C-M′.

This circuit accumulates profit and produces death. Neither is accidental. It is for this reason that the debates that capitalist ruling classes permit among themselves on ‘adaptation’ versus ‘mitigation’ take place on false premises. What is to be mitigated is the impact of climate change on accumulation, rendered through the ideology of ‘growth’ as something that benefits everyone. What we are to adapt to are the parameters of accumulation, sacrificing just enough islands, eco-systems, indigenous – and non-indigenous – cultures to maintain its imperatives for a period of time until new thresholds must be crossed, and new life sacrificed to the pagan idol of capital. Already, capitalist petro-modernity builds a certain quantum of acceptable death into its predicates: at the very least, the 8.7 million killed by fossil fuels each year according to Harvard University are considered a price worth paying for the stupendous advantages of fossil capital. And the sky can only keep going up, as deforestation, polar melt, ocean acidification, soil de-fertilisation and more intense wildfires and storms tear the web of life into patches. If the necropolitical calculus of the Covid-19 pandemic appears crass, just wait until its premises are applied to climate catastrophe.

#### Vote neg for anti-capitalist commons – collectives should refuse commitments to competitive principle and the straitjacket of what’s “realistic”

Rose 21 [Nick. PhD in Political Ecology from RMIT University. Executive Director of Sustain: The Australian Food Network. From the Cancer Stage of Capitalism to the Political Principle of the Common: The Social Immune Response of “Food as Commons.” Int J Health Policy Manag 2021. 3-31-21. DOI: 10.34172/ijhpm.2021.20 //shree]

Silvia Federici provides a longer historical perspective, noting that ‘commoning is the principle by which human beings have organised their existence for thousands of years;’ and that to ‘speak of the principle of the common’ is to speak ‘not only of small-scale experiments [but] of large-scale social formations that in the past were continent-wide.’87 Hence a commons-based society is neither a utopia or reducible to fringe projects, and the commons have persisted despite the many and continuing enclosures, ‘feeding the radical imagination as well as the bodies of many commoners.’87 Federici acknowledges that commons and practices of commoning are diverse, that many are susceptible to cooptation and many are consistent with the persistence of capitalism; indeed some, such as charities providing social services (including foodbanks) during the years of austerity budgets in the United Kingdom (2010-2015), reinforce and stabilise capitalism.87 What matters to Federici is the character and intentionality of the commons as anti-capitalist, as ‘a means to the creation of an egalitarian and cooperative society…no longer built on a competitive principle, but on the principle of collective solidarity [and commitments] to the creation of collective subjects [and] fostering common interests in every aspect of our lives.’87

Federici’s analysis resonates with the political thought and proposals developed by Dardot and Laval in their 2018 work, ‘On Common: Revolution in the 21st century.’11 For Dardot and Laval, the common is likewise understood as a principle of political struggle, a demand for ‘real democracy’ and a major driving force behind the emerging articulation of a political vision and programme that transcends and overcomes the straitjacket logic of neoliberal ideological hegemony and its ‘policy grammar’ which appears to foreclose all alternatives and lock us forever into a capitalist realism in which ‘it is easier to imagine the end of the world than it is to imagine the end of capitalism.’89 Eschewing Bollier’s ‘triarchy’ of a market/state/ commons coexistence, Dardot and Laval argue for a politics of the common based on an engaged citizenry that directly participates and deliberates in all decisions which impact it, and in the process not merely transforms the institutions responsible for the management of services and allocation of resources, but creates new institutions and new ways of being in the world.11

Dardot and Laval describe this form of politics as ‘instituent praxis’: the common, they argue, is ‘not produced but instituted.’11 This acknowledges the conventional understanding of Ostrom, Bollier and others of ‘the commons’ as residing in the rules – the laws – that a community establishes for the collective management and use of shared resources, but extends it much further and in a more radical direction. The essence of the commons, they argue, is not in the goods per se such as land or a forest or a seed bank ‘held in common,’ but rather in the process of their establishment as well as the ongoing negotiation that will surround their use and governance. Hence, Dardot and Laval distinguish the commons from the ‘rights’ tradition of property, arguing that ‘the commons are above all else matters of institution and government…the use of the commons is inseparable from the right of deciding and governing. The practice that institutes the commons is the practice that maintains them and keeps them alive and takes full responsibility for their conflictuality through the coproduction of rules.’90 To ‘institute’ in this context should not be misunderstood as ‘to institutionalise [or] render official;’ rather it is ‘to recreate with, or on the basis of, what already exists.’ 90 This messy, conflictual and evolving process is what Dardot and Laval insist will ultimately bring about a revolution, not in the form of a violent uprising or insurrection, but rather through the ‘reinstitution of society’ via the transformation of politics and economy from its current state of ‘representative oligarchy’ to full participatory and deliberative democracy.11 Such a vision is premised on a mass politicisation of society; in effect a return of mass popular political contestation and a turn away from the postpolitical era of the neoliberal consumer.91-92

### DPA CP

#### The United States should only allow the continuation of mergers and acquisitions among agribusiness firms without presumption under antitrust law when the president determines it is necessary to prevent condition which may pose a direct threat to the national defense or its preparedness programs.

#### It competes---the counterplan is a regulation not prohibition.

James Broaddus 50. February 6; Judge on the Kansas City Court of Appeals, Missouri; Westlaw, “City of Meadville v. Caselman,” 240 Mo. App. 1220. https://casetext.com/case/city-of-meadville-v-caselman-1

"Under power conferred on cities of the fourth class `to regulate and license' dramshops, there is no authority to wholly prohibit or suppress. Where there is mere power in a municipality to regulate in a state, with a general policy of conducting licensed saloons, authority to prohibit is excluded. The difference between regulation and prohibition is clear and well marked. The former contemplates the continuance of the subject-matter in existence or in activity. The latter implies its entire destruction or cessation.'" (Citing text writers and cases.)

#### The counterplan maintains DPA authority---the plan eliminates it.

Michael H. Cecire and Heidi M. Peters 20. Michael H. Cecire, Analyst in Intergovernmental Relations and Economic Development Policy. Heidi M. Peters, Analyst in U.S. Defense Acquisition Policy. “The Defense Production Act of 1950: History, Authorities, and Considerations for Congress” Updated March 2, 2020. https://www.everycrsreport.com/reports/R43767.html

Authorities Under Title VII of the DPA

Title VII of the DPA contains various provisions that clarify how DPA authorities should and can be used, as well as additional presidential authorities. Some significant provisions of Title VII are summarized below.

Special Preference for Small Businesses

Two provisions in the DPA direct the President to accord special preference to small businesses when issuing contracts under DPA authorities. Section 701 reiterates89 and expands upon a requirement in Section 108 of Title I directing the President to "accord a strong preference for small business concerns which are subcontractors or suppliers, and, to the maximum extent practicable, to such small business concerns located in areas of high unemployment or areas that have demonstrated a continuing pattern of economic decline, as identified by the Secretary of Labor."90

Definitions of Key Terms in the DPA

The DPA statute historically has included a section of definitions.91 Though national defense is perhaps the most important term, there are additional definitions provided both in current law and in E.O. 13603.92 Over time, the list of definitions provided in both the law and implementing executive orders has been added to and edited, most recently in 2009, when Congress added a definition for homeland security93 to place it within the context of national defense.94

Industrial Base Assessments

To appropriately use numerous authorities of the DPA, especially Title III authorities, the President may require a detailed understanding of current domestic industrial capabilities and therefore need to obtain extensive information from private industries. Under Section 705 of the DPA, the President may "by regulation, subpoena, or otherwise obtain such information from ... any person as may be necessary or appropriate, in his discretion, to the enforcement or the administration of this Act [the DPA]."95 This authority is delegated to the Secretary of Commerce in E.O. 13603.96 Though this authority has many potential implications and uses, it is most commonly associated with what the DOC's Bureau of Industry and Security calls "industrial base assessments."97 These assessments are often conducted in coordination with other federal agencies and the private sector to "monitor trends, benchmark industry performance, and raise awareness of diminishing manufacturing capabilities."98 The statute requires the President to issue regulations to insure that the authority is used only after "the scope and purpose of the investigation, inspection, or inquiry to be made have been defined by competent authority, and it is assured that no adequate and authoritative data are available from any Federal or other responsible agency."99 This regulation has been issued by DOC.100

Voluntary Agreements

Normally, voluntary agreements or plans of action between competing private industry interests could be subject to legal sanction under anti-trust statutes or contract law. Title VII of the DPA authorizes the President to "consult with representatives of industry, business, financing, agriculture, labor, and other interests in order to provide for the making by such persons, with the approval of the President, of voluntary agreements and plans of action to help provide for the national defense."101 The President must determine that a "condition exists which may pose a direct threat to the national defense or its preparedness programs"102 prior to engaging in the consultation process. Following the consultation process, the President or presidential delegate may approve and implement the agreement or plan of action.103 Parties entering into such voluntary agreements are afforded a special legal defense if their actions within that agreement would otherwise violate antitrust or contract laws.104 Historically, the National Infrastructure Advisory Council noted that the voluntary agreement authority has been used to "enable companies to cooperate in weapons manufacture, solving production problems and standardizing designs, specifications and processes," among other examples.105 It could also be used, for example, to develop a plan of action with private industry for the repair and reconstruction of major critical infrastructure systems following a domestic disaster.

The authority to establish a voluntary agreement has been delegated to the head of any federal department or agency otherwise delegated authority under any other part of E.O. 13603.106 Thus, the authority could be potentially used by a large group of federal departments and agencies. Use of these voluntary agreements is tracked by the Secretary of Homeland Security,107 who is tasked under E.O. 13603 with issuing regulations that are required by law on the "standards and procedures by which voluntary agreements and plans of action may be developed and carried out."108 The Federal Emergency Management Agency (FEMA), which at the time was an independent agency and tasked with these responsibilities under the DPA, issued regulations in 1981 to fulfill this requirement.109 FEMA is now a part of DHS, and those regulations remain in effect.

The Maritime Administration (MARAD) of the U.S. Department of Transportation manages the only currently established voluntary agreements in the federal government, the Voluntary Intermodal Sealift Agreement (commonly referred to as "VISA") and the Voluntary Tanker Agreement. These programs are maintained in partnership with the U.S. Transportation Command of DOD, and have been established to ensure that the maritime industry can respond to the rapid mobilization, deployment, and transportation requirements of DOD. Voluntary participants from the maritime industry are solicited to join the agreements annually.110

Nucleus Executive Reserve

Title VII of the DPA authorizes the President to establish a volunteer body of industry executives, the "Nucleus Executive Reserve," or more frequently called the National Defense Executive Reserve (NDER).111 The NDER would be a pool of individuals with recognized expertise from various segments of the private sector and from government (except full-time federal employees). These individuals would be brought together for training in executive positions within the federal government in the event of an emergency that requires their employment. The historic concept of the NDER has been used as a means of improving the war mobilization and productivity of industries.112

The head of any governmental department or agency may establish a unit of the NDER and train its members.113 No NDER unit is currently active, though the statute and E.O. 13603 still provide for this possibility. Units may be activated only when the Secretary of Homeland Security declares in writing that "an emergency affecting the national defense exists and that the activation of the unit is necessary to carry out the emergency program functions of the agency."114

Authorization of Appropriations, as amended by P.L. 113-72

Appropriations for the purpose of the DPA are authorized by Section 711 of Title VII.115 Prior to the P.L. 113-172, "such sums as necessary" were authorized to be appropriated. This has been replaced by a specific authorization for an appropriation of $133 million per fiscal year and each fiscal year thereafter, starting in FY2015, to carry out the provisions and purposes of the Defense Production Act.116

Table 1 shows that the annual average appropriation to the DPA Fund between FY2010 and FY2019 was $109.1 million,117 with a high of $223.5 million in FY2013 and a low of $34.3 million in FY2011. Monies in the DPA Fund are available until expended, so annual appropriations may carry over from year to year if not expended. Recently, the only regular annual appropriation for the purposes of the DPA has been made in the DOD appropriations bill, though appropriations could be made in other bills directly to the DPA Fund (or transferred from other appropriations).

Committee on Foreign Investment in the United States118

The Committee on Foreign Investment in the United States (CFIUS) is an interagency committee that serves the President in overseeing the national security implications of foreign investment in the economy. It reviews foreign investment transactions to determine if (1) they threaten to impair U.S. national security; (2) the foreign investor is controlled by a foreign government; or (3) the transaction could affect homeland security or would result in control of any critical infrastructure that could impair the national security. The President has the authority to block proposed or pending foreign investment transactions that threaten to impair the national security.

CFIUS initially was created and operated through a series of Executive Orders.119 In 1988, Congress passed the "Exon-Florio" amendment to the DPA, granting the President authority to review certain corporate mergers, acquisitions, and takeovers, and to investigate the potential impact on national security of such actions.120 This amendment codified the CFIUS review process due in large part to concerns over acquisitions of U.S. defense-related firms by Japanese investors. In 2007, amid growing concerns over the proposed foreign purchase of commercial operations of six U.S. ports, Congress passed the Foreign Investment and National Security Act of 2007 (P.L. 110-49) to create CFIUS in statute.

On August 13, 2018, President Trump signed into law new rules governing national security reviews of foreign investment, known as the Foreign Investment Risk Review Modernization Act (FIRRMA, Title XVII, P.L. 115-235).121 FIRRMA amends several aspects of the CFIUS review process under Section 721 of the DPA.122 Notably, it expands the scope of transactions that fall under CFIUS' jurisdiction. It maintains core components of the current CFIUS process for evaluating proposed or pending investments in U.S. firms, but increases the allowable time for reviews and investigations. Upon receiving written notification of a proposed acquisition, merger, or takeover of a U.S. firm by a foreign investor, the CFIUS process can proceed potentially through three steps: (1) a 45-day national security review; (2) a 45-day maximum national security investigation (with an option for a 15-day extension for "extraordinary circumstances"); and (3) a 15-day maximum Presidential determination. The President can exercise his authority to suspend or prohibit a foreign investment, subject to a CFIUS review, if he finds that (1) "credible evidence" exists that the foreign investor might take action that threatens to impair the national security; and (2) no other laws provide adequate and appropriate authority for the President to protect national security. FIRRMA shifts the filing requirement for foreign investors from voluntary to mandatory in certain cases, and provides a two-track method for reviewing certain investment transactions. Other changes mandated by FIRRMA would provide more resources for CFIUS, add new reporting requirements, and reform export controls.

Termination of the Act

Title VII of the DPA also includes a "sunset" clause for the majority of the DPA authorities. All DPA authorities in Titles I, III, and VII have a termination date, with the exception of four sections.123 As explained in Section 717 of the DPA, the sections that are exempt from termination are

* 50 U.S.C. §4514, Section 104 of the DPA that prohibits both the imposition of wage or price controls without prior congressional authorization and the mandatory compliance of any private person to assist in the production of chemical or biological warfare capabilities;
* 50 U.S.C. §4557, Section 707 of the DPA that grants persons limited immunity from liability for complying with DPA-authorized regulations;
* 50 U.S.C. §4558, Section 708 of the DPA that provides for the establishment of voluntary agreements; and
* 50 U.S.C. §4565, Section 721 of the DPA, the so-called Exon-Florio Amendment, that gives the President and CFIUS review authority over certain corporate acquisition activities.

P.L. 115-232 extended the termination date of Section 717 from September 30, 2019, to September 30, 2025. In addition, Section 717(c) provides that any termination of sections of the DPA "shall not affect the disbursement of funds under, or the carrying out of, any contract, guarantee, commitment or other obligation entered into pursuant to this Act" prior to its termination. This means, for instance, that prioritized contracts or Section 303 projects created with DPA authorities prior to September 30, 2025, would still be executed until completion even if the DPA is not reauthorized. Similarly, the statute specifies that the authority to investigate, subpoena, and otherwise collect information necessary to administer the provisions of the act, as provided by Section 705 of the DPA, will not expire until two years after the termination of the DPA.124 For a chronology of all laws reauthorizing the DPA since inception, see Table A-4.

Defense Production Act Committee

The Defense Production Act Committee (DPAC) is an interagency body originally established by the 2009 reauthorization of the DPA.125 Originally, the DPAC was created to advise the President on the effective use of the full scope of authorities of the DPA. Now, the law requires DPAC to be centrally focused on the priorities and allocations authorities of Title I of the DPA.

The statute assigns membership in the DPAC to the head of each federal agency delegated DPA authorities, as well as the Chairperson of the Council of Economic Advisors. A full list of the members of the DPAC is included in E.O. 13603.126 As stipulated in law, the Chairperson of the DPAC is to be the "head of the agency to which the President has delegated primary responsibility for government-wide coordination of the authorities in this Act."127 As currently established in E.O. 13603 delegations, the Secretary of Homeland Security is the chair-designate, but the language of the law could allow the President to appoint another Secretary with revision to the E.O.128 The Chairperson of the DPAC is also required to appoint one full-time employee of the federal government to coordinate all the activities of the DPAC. Congress has exempted the DPAC from the requirements of the Federal Advisory Committee Act.129

The DPAC has annual reporting requirements relating to the Title I priority and allocation authority, and is also required to include updated copies of Title I-related rules in its report. The annual report also contains, among other items, a "description of the contingency planning ... for events that might require the use of the priorities and allocations authorities" and "recommendations for legislative actions, as appropriate, to support the effective use" of the Title I authorities.130 The DPAC report is provided to the Senate Committee on Banking, Housing, and Urban Affairs and the House Committee on Financial Services.

Impact of Offsets Report

Offsets are industrial compensation practices that foreign governments or companies require of U.S. firms as a condition of purchase in either government-to-government or commercial sales of defense articles and/or defense services as defined by the Arms Export Control Act (22 U.S.C. §2751, et seq.) and the International Traffic in Arms Regulations (22 C.F.R. §§120-130). In the defense trade, such industrial compensation can include mandatory co-production, licensed production, subcontractor production, technology transfer, and foreign investment.

The Secretary of Commerce is required by law to prepare and to transmit to the appropriate congressional committees an annual report on the impact of offsets on defense preparedness, industrial competitiveness, employment, and trade. Specifically, the report discusses "offsets" in the government or commercial sales of defense materials.131

Considerations for Congress

Enhance Oversight

Expand Reporting or Notification Requirements

Congress may consider whether to add more extensive notification and reporting requirements on the use of all or specific authorities in the DPA. These reporting or notification requirements could be added to the existing law, or could be included in conference or committee reports accompanying germane legislation, such as appropriations bills or the National Defense Authorization Act. Additional reporting or notification requirements could involve formal notification of Congress prior to or after the use of certain authorities under specific circumstances. For example, Congress may consider whether to require the President to notify Congress (or the oversight committees) when the priorities and allocations authority is used on a contract valued above a threshold dollar amount.132 Congress might also consider expanding the existing reporting requirements of the DPAC, to include semi-annual updates on the recent use of authorities or explanations about controversial determinations made by the President. Existing requirements could also be expanded from notifying/reporting to the committees of jurisdiction to the Congress as a whole, or to include other interested committees, such as the House and Senate Armed Services Committees.

Enforce and Revise Rulemaking Requirements

Congress may consider reviewing the agencies' compliance with existing rulemaking requirements. A rulemaking requirement exists for the voluntary agreement authority in Title VII that has been completed by DHS, but it has not been updated since 1981 and may be in need of an update given changes to the authority and government reorganizations since that date.133 One of the agencies responsible for issuing a rulemaking on the use of Title I authorities has yet to do so. Congress may also consider potentially expanding regulatory requirements for other authorities included in the DPA. For example, Congress may consider whether the President should promulgate rules establishing standards and procedures for the use of all or certain Title III authorities. In addition to formalizing the executive branch's policies and procedures for using DPA authorities, these regulations could also serve an important function by offering an opportunity for private citizens and industry to comment on and understand the impact of DPA authorities on their personal interests.

Broaden Committee Oversight Jurisdiction

Since its enactment, the House Committee on Financial Services, the Senate Committee on Banking, Housing, and Urban Affairs, and their predecessors have exercised legislative oversight of the Defense Production Act. The statutory authorities granted in the various titles have been vested in the President, who has delegated some of these authorities to various agency officials through E.O. 13603. As an example of the scope of delegations, the membership of the Defense Production Act Committee (DPAC), created in 2009 and amended in 2014, includes the Secretaries of Agriculture, Commerce, Defense, Energy, Labor, Health and Human Services, Homeland Security, the Interior, Transportation, the Treasury, and State; the Attorney General; the Administrators of the National Aeronautics and Space Administration and of General Services, the Chair of the Council of Economic Advisers; and the Directors of the Central Intelligence Agency and National Intelligence.

In order to complement existing oversight, given the number of agencies that currently use or could potentially use the array of DPA authorities to support national defense missions, Congress may consider reestablishing a select committee with a purpose similar to the former Joint Committee on Defense Production.134 As an alternative to the creation of a new committee, Congress may consider formally broadening DPA oversight responsibilities to include all relevant standing committees when developing its committee oversight plan.

Should DPA oversight be broadened, Congress might consider ways to enhance inter-committee communication and coordination of its related activities. This coordination could include periodic meetings to prepare for oversight hearings or ensuring that DPA-related communications from agencies are shared appropriately. Finally, because the DPA was enacted at a time when the organization and rules of both chambers were markedly different to current practice, Congress may consider the joint referral of proposed DPA-related legislation to the appropriate oversight committees.

Amending the Defense Production Act of 1950

While the act in its current form may remain in force until September 30, 2025, the legislature could amend the DPA at any time to extend, expand, restrict, or otherwise clarify the powers it grants to the President. For example, Congress could eliminate certain authorities altogether. Likewise, Congress could expand the DPA to include new authorities to address novel threats to the national defense. For example, Congress may consider creating new authorities to address specific concerns relating to production and security of emerging technologies necessary for the national defense.

#### Key to pandemic response.

J. Mark Gidley et al. 20. J. Mark Gidley chairs the White & Case Global Antitrust/Competition practice. Martin M. Toto and Sean Sigillito. “A Novel Antitrust Defense for COVID-19 Agreements: Section 708 of the Defense Production Act” <https://www.whitecase.com/sites/default/files/2020-04/novel-antitrust-defense-covid-19-agreements-section-708-defense-production-act.pdf>

There is a dire need for the assistance of private industry in developing vaccines and treatments for the SARS-CoV-2 virus, and for the manufacture and distribution of medical and other supplies to aid in the United States’ response to the COVID-19 health emergency. The Government’s recent actions indicate a desire to allow private sector companies to work together to do so quickly.

While many of the needs arising from the ongoing emergency focus specifically on medical supplies, the President’s delegation of Section 708 authority to the DHS as well as HHS potentially opens the door to voluntary agreements within broader sectors of the US economy. Under the right circumstances, and if the business combination could garner the governmental sponsor needed for the voluntary agreement, invoking the Defense Production Act’s antitrust relief provision through the enactment of voluntary agreements could allow for a more robust response to the COVID-19 pandemic.

#### Extinction.

Dennis Pamlin & Stuart Armstrong 15. \*Executive Project Manager Global Risks, Global Challenges Foundation. \*\*James Martin Research Fellow, Future of Humanity Institute, Oxford Martin School, University of Oxford. February 2015, “Global Challenges: 12 Risks that threaten human civilization: The case for a new risk category,” Global Challenges Foundation, p.30-93. https://api.globalchallenges.org/static/wp-content/uploads/12-Risks-with-infinite-impact.pdf

A pandemic (from Greek πᾶν, pan, “all”, and δῆμος demos, “people”) is an epidemic of infectious disease that has spread through human populations across a large region; for instance several continents, or even worldwide. Here only worldwide events are included. A widespread endemic disease that is stable in terms of how many people become sick from it is not a pandemic. 260 84 Global Challenges – Twelve risks that threaten human civilisation – The case for a new category of risks 3.1 Current risks 3.1.4.1 Expected impact disaggregation 3.1.4.2 Probability Influenza subtypes266 Infectious diseases have been one of the greatest causes of mortality in history. Unlike many other global challenges pandemics have happened recently, as we can see where reasonably good data exist. Plotting historic epidemic fatalities on a log scale reveals that these tend to follow a power law with a small exponent: many plagues have been found to follow a power law with exponent 0.26.261 These kinds of power laws are heavy-tailed262 to a significant degree.263 In consequence most of the fatalities are accounted for by the top few events.264 If this law holds for future pandemics as well,265 then the majority of people who will die from epidemics will likely die from the single largest pandemic. Most epidemic fatalities follow a power law, with some extreme events – such as the Black Death and Spanish Flu – being even more deadly.267 There are other grounds for suspecting that such a highimpact epidemic will have a greater probability than usually assumed. All the features of an extremely devastating disease already exist in nature: essentially incurable (Ebola268), nearly always fatal (rabies269), extremely infectious (common cold270), and long incubation periods (HIV271). If a pathogen were to emerge that somehow combined these features (and influenza has demonstrated antigenic shift, the ability to combine features from different viruses272), its death toll would be extreme. Many relevant features of the world have changed considerably, making past comparisons problematic. The modern world has better sanitation and medical research, as well as national and supra-national institutions dedicated to combating diseases. Private insurers are also interested in modelling pandemic risks.273 Set against this is the fact that modern transport and dense human population allow infections to spread much more rapidly274, and there is the potential for urban slums to serve as breeding grounds for disease.275 Unlike events such as nuclear wars, pandemics would not damage the world’s infrastructure, and initial survivors would likely be resistant to the infection. And there would probably be survivors, if only in isolated locations. Hence the risk of a civilisation collapse would come from the ripple effect of the fatalities and the policy responses. These would include political and agricultural disruption as well as economic dislocation and damage to the world’s trade network (including the food trade). Extinction risk is only possible if the aftermath of the epidemic fragments and diminishes human society to the extent that recovery becomes impossible277 before humanity succumbs to other risks (such as climate change or further pandemics). Five important factors in estimating the probabilities and impacts of the challenge: 1. What the true probability distribution for pandemics is, especially at the tail. 2. The capacity of modern international health systems to deal with an extreme pandemic. 3. How fast medical research can proceed in an emergency. 4. How mobility of goods and people, as well as population density, will affect pandemic transmission. 5. Whether humans can develop novel and effective anti-pandemic solutions.

### Regulations CP---1NC

#### United States federal government [should establish a presumption against anti-competitive behavior and mergers and acquisitions among agribusiness firms] through non-antitrust regulations.

#### The counterplan PICs out of anti-trust legislation and the FTC and DOJ as enforcers---other agencies’ regulations solve.

Lawrence Fullerton et al. 08. Joel M Mitnick, William V Reiss, George C Karamanos and Owen H Smith. Sidley Austin LLP. Vertical Agreements The regulation of distribution practices in 34 jurisdictions worldwide. “United States.” https://www.sidley.com/-/media/files/publications/2008/03/getting-the-deal-through--vertical-agreements-2008/files/view-united-states-chapter/fileattachment/united-states-21.pdf

5 What entity or agency is responsible for enforcing prohibitions on anticompetitive vertical restraints? Do governments or ministers have a role?

The Federal Trade Commission (FTC) and the Antitrust Division of the Department of Justice (DoJ) are the two federal agencies responsible for the enforcement of federal antitrust laws. The FTC and the DoJ have jurisdiction to investigate many of the same types of conduct, and therefore have adopted a clearance procedure pursuant to which matters are handled by whichever agency has the most expertise in a particular area.

Additionally, other agencies, such as the Securities and Exchange Commission and Federal Communications Commission, maintain oversight authority over regulated industries pursuant to various federal statutes, and therefore may review vertical restraints for anti-competitive effects.

#### Regs CP solves small farms better

Philip Watson & Jason Winfree, 21. Both are professors of applied economics in the Department of Agricultural Economics and Rural Sociology at the University of Idaho. “Idaho professors say President Biden’s antitrust plan for farms is the wrong policy tool.” August 30, 2021. <https://www.idahostatesman.com/opinion/readers-opinion/article253799648.html>

Antitrust policy is designed to lower prices for consumers, and in the case of food, this should be of the utmost importance. While helping small farms may be a laudable goal, **antitrust policy is not the right tool** for this job. Other tools, such as targeted assistance programs or deregulation may be more prudent in helping small farmers. However, protectionism is completely antithetical to the goals of antitrust policy. To be sure, agricultural markets are becoming more concentrated, and the Department of Justice and the Federal Trade Commission should analyze agricultural markets to see if they are causing prices to rise and if antitrust enforcement can help consumers. However, market concentration is not necessarily reason to impose antitrust restrictions. Large agricultural firms should in no way be broken up to help smaller farms if it results in increasing food prices. It is imperative that federal authorities determine whether market concentration is a result of anticompetitive measures and associated barriers to entry, or simply changes in production that result in more efficient and large firms. The answer to this may depend upon the specific food supply chain. If market concentration is not leading to anticompetitive behavior and rising food prices, then antitrust interventions are not warranted and would be counterproductive. Many consumers are already entrenched in their preferences for either low-price, conventional food, or more expensive niche types of food. These differences in consumer preferences are a welcome development. We argue that reducing the availability of low-price food would be a mistake. While the executive order has the potential to make agricultural production more efficient and help consumers, we would suggest that it is vital that the order does not result in increased consumer food prices.

### Japan DA

Japan DA

#### New antitrust is applied globally---offends allies---regs counterplan avoids it.

Herbert Hovenkamp 03. Ben V. & Dorothy Willie Professor of Law and History, University of Iowa. “Antitrust as Extraterritorial Regulatory Policy,” 48 Antitrust BULL. 629 (2003).

Today few of us are sympathetic with the view that the common law exists apart from and somehow transcends the jurisdiction of the courts that make it. Nevertheless, there is a powerful sense in which the rules of antitrust law are regarded as "natural," while explicitly regulatory rules are considered to be purely local, territorial, or political. This view is given considerable support by a powerful neoclassical economic model that views markets as natural, in the sense that they exist separate and apart from state policy making. 32

Within this model antitrust law is a kind of background umpire that does not make first instance choices about price, quantity, quality, new entry and the like, but that does limit the anticompetitive exercise of market power. Antitrust operates as a kind of "macro" version of contract law. The common law of contracts is designed to facilitate and protect the utility of individual private bargains; antitrust is designed to do much the same thing, but for markets as a whole. Under this conception a well defined set of antitrust principles always operates in the background, so to speak, permitting private bargaining to proceed without interference in the great majority of instances, but intervening when competitive processes go awry. Further, widespread agreement exists both inside and outside the United States on a set of core principles pertaining to such things as naked price fixing, market division agreements, and the like. Within this core, problems of extraterritoriality have largely been limited to the technical ones of devising appropriate jurisdictional rules and remedies.

In contrast, the power to regulate is different. Under the traditional view of regulation the power to set price, quantity, quality, or the right to enter a market emanates in the first instance from the government. Further, although there is widespread economic agreement on fundamental principles, regulatory design is much more specific to the sovereign-more likely to reflect the demographics, industrial or employment base, or politics of the particular state imposing the regulation.

For example, nearly all of the 50 states of the United States have an antitrust law. With relatively few exceptions, however, the substantive coverage of these antitrust laws is the same, and mimics federal law. Many states have court decisions or even legislative enactments stating that federal antitrust law should govern the interpretation of that particular state's antitrust law as well. 33 The result is that the coverage of state antitrust law is remarkably similar from one state to the next. But one can hardly say the same thing about each state's regulation of land use, power generation and distribution, taxicabs, liquor pricing, and the like. Whatever homogeneity regulatory theory might produce, the politics of regulation virtually guarantees jurisdiction-specific outcomes.

But homogeneity in antitrust policy also begins to break down when antitrust law moves beyond its fundamental neoclassical concern with cartels or well-defined exclusionary practices, and into areas where its role is more controversial or marginal. This is often the case when the antitrust laws are applied in recently deregulated markets. For example, a common antitrust problem that arises in deregulated industries falls under the general rubric of unilateral refusals to deal. In order to encourage competition, newly deregulated firms may be forced to share their facilities, information, intellectual property, or other assets with new rivals. Devising reasonable "nonregulatory" rules governing refusals to deal in such markets has always extended the antitrust laws to the margin of their competence.

Increasingly, American courts seem willing to apply antitrust law to markets regulated by foreign nations under circumstances where regulatory laws themselves would never reach. For example, neither Congress nor a state legislature would very likely attempt to regulate the customer service or information provision practices of a foreign national's telephone company. But both federal and state courts have done precisely that under the guise of antitrust enforcement.3 4

Antitrust policy makes this thinkable as a result of the confluence of two sets of doctrines. First is the expansive reach of our antitrust laws to practices that have a substantial effect on United States commerce. Second is the very narrow conception of comity that applies in antitrust cases.

As a general matter, comity concerns in the international conflict of laws requires the court to consider the competing interests of domestic and foreign sovereigns. 35 After a half century of debate over the meaning of comity in international Sherman Act adjudication, the Supreme Court gave the doctrine an extraordinarily narrow meaning in the Hartford Fire case.36 That case involved an alleged insurance boycott in which Lloyd's of London participated as reinsurer. Lloyd's conduct-agreeing with some United States insurers not to write reinsurance policies for other United States insurers who wanted to write policies with broader coverage-was neither forbidden nor compelled by British law. To the defendant's claim of comity the Supreme Court replied that the provisions of the Sherman Act governing jurisdiction over transactions in foreign commerce were mandatory. As a result, a federal court could not simply decline jurisdiction on the basis of some general balancing of interests. 37 Rather, "comity" permits a federal court to decline jurisdiction only when there was a "conflict" between the law of the foreign sovereign and United States law. Further, "conflict" was defined not under choice of law principles, but more absolutely, as occurring only when the foreign law compelled the conduct at issue. 38

Perhaps significantly, the activity of the London reinsurers was very likely reachable under United States antitrust law even under ordinary interest analysis principles. British law was found by the Supreme Court to be indifferent to what the London reinsurers were doing. Further, what they were doing was agreeing not to insure against liability for particular toxic pollution risks in the United States, and risk of liability is of course measured in relation to the physical environment and legal regime in which the injury occurs. 39 As a result, the London reinsurers were selling a product especially targeted for United States markets and allegedly participating in a boycott designed to keep broader coverage insurance policies out of that market.

But Hartford Fire's definition of comity is significantly problematic under deregulation. To the extent a foreign sovereign deregulates a public utility or common carrier, that firm enjoys greater discretion to make its own decisions. As a result, considerations of comity may no longer preclude a Sherman Act suit. What makes this especially problematic is the way that the Sherman Act has been used in the United States as a kind of replacement for the regulatory agency. Under comprehensive agency regulation a filed tariff plus regulatory oversight would have governed numerous acts by regulated firms, including pricing, entry into new markets, interconnection obligations and other duties to deal.40 Government relaxation of regulatory restrictions has given firms some discretion over these things but in the process has substituted the antitrust courts as governmental supervisor. In some situations this causes little difficulty because regulation may have been misapplied to a competitively structured industry to begin with.41 In other situations, such as long-distance telecommunication, a competitive environment has developed because of changes in technology, and topto-bottom price and product regulation is no longer necessary.42

But in a third class of situations the application of the antitrust laws is much more "regulatory" and more difficult to defend. These are the cases where unilateral conduct of the kind that was historically supervised by the regulatory agency now comes under antitrust jurisdiction. For example, under the essential facility doctrine a federal court of general jurisdiction may be asked to apply antitrust law to determine the scope of a formerly regulated firm's duty to interconnect with rivals. The circuit courts have applied the doctrine frequently in the telecommunications industry,43 but also to railroads" and natural gas pipelines.4 5 Problematically, supervising interconnection requirements involves the court in highly technical questions about the scope of the duty to deal and perhaps even about the price at which the deal must be made. In these cases we have not really "deregulated" at all; rather, we have simply substituted regulation by a government agency for regulation by a court, often through the highly inefficient and uncertain process of a jury trial. To do that in a purely domestic situation is ill-advised enough, but to do it abroad by taking advantage of the expansive jurisdictional reach of the Sherman Act is completely unjustified.

IV. Extraterritorial antitrust and foreign deregulation

As expansive as the regulatory power asserted by the United States sometimes becomes, it does not generally interfere directly into foreign governments' regulation of their own highly regulated industries. But to a large extent modem antitrust has inherited the regulatory attitude expressed by the Western Union decision discussed above. For several reasons, the idea that the United States Antitrust laws are jurisdictionally exceptional can produce overreaching that is offensive to foreign prerogatives. First, the United States antitrust laws are extremely general and make no distinction between ordinary competitive firms and public utilities or common carriers; the same rules purport to apply to all business firms. Second, the jurisdictional language of the antitrust laws is both mandatory and general to the same extent-that is, the "affecting foreign commerce" language of the basic Sherman Act and the export commerce language of the Foreign Trade Antitrust Improvement Act 6 do not distinguish between regulated and ordinary competitive firms. And third, the limiting doctrines of international law-namely Act of State, foreign sovereign compulsion, foreign sovereign immunity, and comity-do not distinguish among types of firms or types of antitrust complaints. They apply equally to both price fixing, which is at the core of antitrust concern, and to the essential facility doctrine, which lies at or outside its margin.

#### Ends the Japan economic alliance---they respond with diplomatic protest to new extraterritorial antitrust.

Takaaki Kojima 02. Fellow, Weatherhead Center for International Affairs, 2001-2002. “International Conflicts over the Extraterritorial Application of Competition Law in a Borderless Economy”. https://datascience.iq.harvard.edu/files/fellows/files/kojima.pdf

We are witnessing increasingly widespread and penetrating economic globalization today. As a result of trade liberalization, import restrictions or regulations on trade and investment have decreased substantially, and trans-border business activities face less barrier. At the same time, the role of trans-border business activities, especially those by so-called multinational or global enterprises, have become increasingly important and even dominant in some sectors.

As far as the territorial scope of business activities are concerned, state borders are more or less diminishing to become almost borderless; as for legal regimes, however, sovereign states retain in principle exclusive jurisdiction over their territories and nationals under international law. Business activities are regulated by the domestic laws of sovereign states or by international agreements concluded among sovereign states. The pertinent question is how to coordinate “borderless” business activities within the existing legal regimes governed by sovereign states. In the field of trade law, the measures of each state are restricted by international agreements, in particular under the GATT/WTO regime. In the field of competition law, such an international regime is lacking and the domestic laws of each state regulate private restraints of trade in the relevant markets.

Serious jurisdictional conflicts have transpired in the last several decades between the United States and other states over the so-called extraterritorial application of U.S. antitrust laws on anticompetitive conducts abroad. This problem has also caused diplomatic frictions between the United States and other states, as it concerns state sovereignty. In this essay, the author will review the historical development of international conflicts caused by the extraterritorial application of competition law and attempt to examine the options available to circumvent or solve these conflicts. The main focus will be U.S. antitrust law and its relation with other jurisdictions, mainly the European Union and Japan, considering the grave implications to competition law and policy as well as to the world economy. 2

II. Extraterritorial Application of U.S. Antitrust Laws

Problems concerning the extraterritorial application of U.S. antitrust laws have been discussed in many publications. Of the U.S. antitrust laws, the Sherman Act applies to “commerce … with foreign nations ” (Section 1) without qualifying provisions concerning its territorial scope as “within the United States” (Section 2) or “in any section of the country” (Section 3) as specified in the Clayton Act. In the past, U.S. courts interpreting the Sherman Act of 1890 and other antitrust laws commonly followed the traditional territorial principle with regard to its jurisdictional reach. In the American Banana case (213 U.S. 347 (1909)), where all the acts complained of were committed outside the territory of the United States, including the defendant’s alleged inducements of the Costa Rican government to monopolize the banana trade, the U.S. Supreme Court dismissed the complaint on the ground, inter alia, that acts committed outside of the United States are not governed by the Sherman Act. In this case, the territorial principle in the classic sense was applied.

In later decisions such as the American Tobacco case (221 U.S. 106 (1911)) and the Sisal case (274 U.S. 268 (1927)), jurisdiction was exercised over the defendants on the ground that although the agreements in question were concluded by foreigners outside the United States, jurisdiction was limited to what was performed and intended to be performed within the territory of the United States. In these cases, the territorial principle was applied more flexibly, but it has been observed that this application cannot be argued other than as a sensible and reasonable deployment of the objective territorial theory. 3

An entirely different approach was taken in the Alcoa case (148 F.2d. 416 (1944)), in which foreign companies outside the United States had concluded the agreements. The Court of Appeal for the Second Circuit held it settled law that any State may impose liabilities, even upon persons not within its allegiance, for conduct outside its borders that has consequences within its borders. It went on further to state that the agreements, although made abroad, were unlawful if they were intended to affect imports and did affect them.

This theory of the intended effect (the effects doctrine) elaborated in the Alcoa case was criticized by many as an excess of jurisdiction under public international law. For instance, R.Y. Jennings noted that “in this new guise it apparently comprehends the exercise of jurisdiction over agreements made abroad, by foreigners with foreigners provided only that the agreement was intended to have repercussions upon American imports or exports,” 4 while F.A. Mann argued that “the type of effect within the meaning of the Alcoa ruling has nothing in common with the effect which by virtue of established principles of international jurisdiction confers that right of regulation.” 5 Neverthele ss, since the Alcoa case, U.S. courts have continued to follow the new jurisdictional formula of the effects doctrine.

In response to excessive application of U.S. antitrust laws, especially with respect to courts’ orders to produce documents such as subpoena duces tecum located abroad, a considerable number of states have issued diplomatic protests. Australia, France, the United Kingdom, the Netherlands, and New Zealand have even enacted blocking legislation. 6 The protesting states maintain that taking evidence abroad, including an order to produce documents, is an exercise of extraterritorial enforcement of jurisdiction that, under international law, requires the consent of the state where the evidence is located. The United Kingdom has been one of the strongest opponents to U.S. claims of extraterritorial jurisdiction. The U.K. government stated for instance that “HM Government considers that in the present state of international law there is no basis for the extension of one country’s antitrust jurisdiction to activities outside of that country of the foreign national.” 7 The Protection of Trading Interest law was enacted in 1980, which provides to extensively thwart the extraterritorial application of U.S. antitrust laws. The U.K. government invoked the provisions in the Laker Airways case (1983 W.L.R. 413) in 1983.

Having faced the antagonistic reactions of other states, U.S. courts began to show some restraint in assuming extraterritorial jurisdiction. In the Timberlane case (549 F.2d. 9 th Cir. (1976)), the court concluded that it had jurisdiction over alleged anticompetitive conducts in Honduras but refrained from asserting extraterritorial jurisdiction after having applied three tests: first, whether the challenged conduct had had some effect on the commerce of the United States; second, whether the conduct in question imposed a burden on U.S. commerce; and third, whether the complaint’s interests of and links to the United States were sufficiently strong vis-à-vis those of other nations to justify an assertion of extraterritorial authority. The Foreign Trade Antitrust Improvements Act enacted in 1976 applies to foreign conduct that has a direct, substantial and reasonably foreseeable effect on U.S. commerce, The U.S. enforcement agencies, the Department of Justice (DOJ) and the Federal Trade Commission (FTC), have adopted this jurisdictional rule of reason formula since the Enforcement Guidelines for International Operations of 1988. However, divergent views exist as to whether the third test of balancing the interests of other states is a rule of international law or just a comity. 8 Furthermore, not all U.S. courts have consistently applied the test of balancing interests. 9

In 1993, the Supreme Court decision in the Hartford Fire Insurance case (113 S. Ct. 2891 (1993)) reaffirmed the effects doctrine, stating that the Sherman Act applies to foreign conduct that was meant to produce and did in fact produce some substantial effect in the United States. The Court then took a restrictive view on the test of balancing interests, stating that the only substantial question is whether there is a true conflict between domestic and foreign law, and held that no such conflict seemed to exist because British law did not require defendants to act in a manner prohibited by U.S. law. 10

Japan maintains the territorial principle and rejects the effects doctrine, stating that the effects doctrine cannot be regarded as an established rule of international law. In the view of the Government of Japan, the extraterritorial application of U.S. domestic laws (including U.S. antitrust laws) based on the effects doctrine is not allowed under general international law. 11 In the Nippon Paper case, where a Japanese company was prosecuted under the Sherman Act, the Japanese government submitted a brief of amicus curiae where it stated, inter alia, that the extraterritorial application of the Sherman Act to a conduct of a Japanese company engaged in business in Japan is unlawful under international law. 12 Nonetheless, the U.S. Supreme Court affirmed the Court of Appeal decision, which assumed the extraterritorial application of the Sherman Act to a criminal case for the first time (118 S. Ct. 685 (1998)).

#### Japan economic alliance is key to prevent Chinese challenges to the ILO---recovering now but smooth sailing is not guaranteed.

Shihoko Goto 21. deputy director for geoeconomics and senior associate for Northeast Asia at the Wilson Center. "When Trade No Longer Hampers U.S.-Japan Ties". 4-20-2021. https://www.wilsoncenter.org/blog-post/when-trade-no-longer-hampers-us-japan-ties

The April 16th meeting between President Joe Biden and Japanese Prime Minister Yoshihide Suga marked several milestones: not only was it the first foreign leader’s visit to the Biden White House, but it was also the first visit to the United States by Yoshihide Suga as the Japanese prime minister. It was also the first in-person summit meeting between the United States and Japan since the outbreak of a global pandemic. It marked a number of firsts in terms of content too, not least that it was the first time since the 1980s in which trade was not a sore point of contention between the two sides. Instead, trade relations projected as a way forward for further bilateral cooperation in confronting the China threat.

That isn’t to say trade relations between Japan and the United States are now smooth sailing. The U.S. trade deficit with the world’s third-largest economy runs to nearly $68 billion, and although the two sides signed a merchandise trade deal in 2019, the Japanese auto industry remains a point of contention for the United States. Indeed, Japan’s auto exports account for about $54 billion, or close to 80 percent, of the overall trade deficit. Meanwhile, the Biden administration is not expected to lift tariffs on steel and aluminum anytime soon, nor is it expected to make efforts to join the CPTPP in the near future, much to the frustration of Tokyo.

Yet instead of trying to negotiate a breakthrough on the trade front, the Biden-Suga meeting focused on bilateral economic relations based on their shared threat of dealing with China’s ambitions to challenge the regional status quo. Until recent months, Tokyo had aspired to maintain solid relations with China whilst furthering ties with the United States, most notably by endeavoring to decouple economic interests with Beijing from the security threat that China has increasingly been posing upon Tokyo. After the joint 2+2 joint security meeting in Tokyo in March, however, the two countries declared that China’s behavior is “inconsistent with the existing international order, presents political, economic, military, and technological challenges to the Alliance and to the international community.”

Since then, Tokyo has moved even closer to Washington publicly in pushing back against China, as the bilateral statement noted “the importance of peace and stability across the Taiwan Strait,” marking the first time since 1969 that Japan and the United States publicly referred to Taiwan which remains a core interest for China. In short, Japan’s hedging against the United States and maintaining a balancing act between China and the United States is now over. Not only is its security interests even more closely aligned with that of the United States, Japan’s economic interests are now more intertwined with that of the United States than ever.

Rather than focusing on the trade balance, Tokyo and Washington’s economic relations will concentrate more on economic resilience and maintaining free and fair economic rules of engagement in the Indo-Pacific. At the same time, the two countries are expected to work more closely together on competing against China in emerging technologies, from 5G to AI and information sciences.

For Japan, one of the biggest takeaways from the Biden-Suga meeting will be that the days of Japan posing an economic threat to the United States are now over. It will also be putting increasing pressure not only for Tokyo to be prepared to fight back against China on the economic as well as security fronts together with Washington, but it will also push Tokyo to step up its own efforts to compete in the innovation economy that goes beyond manufacturing.

#### ILO is sustainable and prevents great power war but can’t run on autopilot---preventing Chinese aggression is key.

Alan W. Dowd 21. Senior fellow with the Sagamore Institute, where he leads the Center for America’s Purpose. "Capstones: China’s Dream, the World’s Nightmare – Sagamore Institute". No Publication. 4-5-2021. https://sagamoreinstitute.org/capstones-chinas-dream-the-worlds-nightmare/

If China is indeed the future, if China is primed to “rule the world,” if China remakes the international order in its image, it won’t be pretty. A future dominated by the People’s Republic of China (PRC) will be demonstrably worse than the world we know. Just look at how Xi Jinping’s regime treats its own subjects—and plays its current role on the global stage.

NO RIGHTS

Those predictions aren’t outlandish. China already is the world’s top manufacturing nation, top exporting nation and second-largest economy. The PRC was the only major economy to emerge from 2020 claiming GDP growth (if we are to trust Beijing’s books). In the pandemic’s wake, China dislodged the U.S. as the world’s primary destination for foreign direct investment. PRC-backed firms are leaders in the global 5G and AI race. On the strength of a 517-percent binge in military spending since 2000, China bristles with anti-ship and anti-aircraft missiles, deploys a high-tech air force, has a growing and openly hostile presence in space, is doubling its nuclear arsenal, and boasts a 350-ship navy (now the world’s largest). Beijing’s growing cultural reach is evident in everything from its influence over Hollywood, to its puppet-master relationship with the NBA, to its 480 Confucius Institutes (designated by Washington as “part of the Chinese Communist Party’s global influence and propaganda apparatus”).

As President Joe Biden concludes, China is “the only competitor potentially capable of combining its economic, diplomatic, military, and technological power to mount a sustained challenge to a stable and open international system.”

Xi is doing exactly that. But the China challenge starts inside the PRC.

Xi is pursuing what he calls the “China Dream,” which enfolds goals such as sustained economic development, military power modeled after and matching that of the U.S., ideological conformity, “rejuvenation of the Chinese nation” and “complete unification of our country.” Making Xi’s “China Dream” come true is turning into a nightmare for his subjects.

Before leaving his State Department post, Secretary of State Mike Pompeo described what Xi is doing to Uighur Muslims as “genocide,” noting that Beijing has “forced more than a million people into internment camps in the Xinjiang region” and detailing “torture, sexual abuse…rape, forced labor…and unexplained deaths in custody.” As he took the baton from Pompeo, Secretary of State Antony Blinken agreed, affirming that “The forcing of men, women and children into concentration camps, trying to, in effect, re-educate them to be adherents to the ideology of the Chinese Communist Party—all of that speaks to an effort to commit genocide.”

The U.S. government isn’t alone. The Uighur Muslim region, according to a UN human-rights watchdog, “resembles a massive internment camp…a no-rights zone.” More accurately, all of China is a no-rights zone.

Xi’s China is a place where Christian churches are smashed and followers of Christ are sent to reeducation camps; Buddhist temples are bulldozed; Uighur men are packed into freight trains, Uighur women are forcibly sterilized and Uighur babies are forcibly aborted; and bishops and Nobel Peace Prize laureates die in prison. Under Xi, “Religious persecution has increased…with four communities in particular experiencing a downturn in conditions—Protestant Christians, Tibetan Buddhists, and both Hui and Uighur Muslims,” Freedom House reports. Amnesty International adds that “hundreds of thousands of people” are subjected to arbitrary arrest and detention in China, many of them for “peacefully exercising their rights to freedom of expression and freedom of belief.”

There’s a brutal logic to Xi’s brutal response to religious activity. The common denominator of most every religion is that there’s something above, something beyond, something bigger, more enduring and more important than the state. That notion represents a mortal threat to the legitimacy and durability of Xi’s regime, which is founded on the premise that people exist to serve the state—not to use their God-given gifts to serve others and God.

Xi’s capacity to control is growing ever more insidious. The PRC’s new “social credit system” is using mega-databases to monitor and catalogue every aspect of life of China’s 1.3 billion people—financial transactions, civil infractions, social-media postings, online activity—and then reward or sanction Xi’s subjects by feeding all that information to the National Development and Reform Commission, banking system and judicial system. PRC subjects with good social credit scores enjoy waived fees, lower utility bills, promotions and expedited overseas-travel approval, while those with poor social credit scores can be fired from their jobs, expelled from school, blocked from universities, or barred from accessing transportation.

An Orwellian surveillance state, more than a billion people denied religious freedom and other human rights, uncounted numbers tortured in reeducation camps, physicians jailed for following the Hippocratic Oath—that’s the kind of future and the kind of world Xi wants to build. As dissident leader Xu Zhangrun observed in the wake of Beijing’s criminal mishandling of COVID-19, “A polity that is blatantly incapable of treating its own people properly can hardly be expected to treat the rest of the world well.”

NO LIMITS

That idea—the notion that the PRC is incapable of treating the world any better than it treats its own—is not particularly profound. After all, this is a regime that over the decades has erased some 35 million of its subjects and tortured millions more. Regimes like this see no limits on their power. Since they believe nothing is above the state, they rationalize everything they do in the name of the state, the revolution, the Supreme Leader, the Dear Leader, the Core Leader (Xi’s new title). With no moral constraints on what they do, they believe their ends always justify their means.

That backwards worldview informs every aspect of decision-making in the PRC. This doesn’t mean Washington should refuse to talk with Beijing. But we must be ever vigilant when dealing with Xi. A regime that can justify imprisoning, torturing and killing its own people for peacefully practicing their faith can and will justify anything: seizing foreign lands, annexing international waterways, absorbing free peoples, stealing proprietary information, leveraging a pandemic to gain geopolitical advantage, breaking treaties. The godless USSR did those sorts of things, and so has the godless PRC.

“It is difficult to imagine that a government that continues to repress freedom in its own country,” President Ronald Reagan said of the USSR, “can be trusted to keep agreements with others.” And here we are yet again.

Experts in policy analysis, academia and military-security affairs conclude that Xi’s response to COVID-19 “was in breach of international law.” It pays to recall that COVID-19 was a local public-health problem that metastasized into a global pandemic due to Beijing’s incompetence or intention (either cause is reason not to entrust the future to Xi); that Xi’s regime lied about human-to-human transmission; that Xi’s regime willfully allowed millions to leave the epicenter in Wuhan for destinations around the world; that Xi’s regime carried out a premeditated plan to hoard 2.5 billion pieces of protective equipment as the virus swept the globe; that Xi’s regime blocked scientists from sharing findings about genome sequencing for weeks; that Xi’s regime continues to refuse to cooperate with international health agencies.

Xi’s intervention in Hong Kong and assertion of rule by remote-control is a brazen violation of an international treaty.

In and above the East China Sea, Beijing is constantly violating Japanese airspace and illegally loitering PRC coast guard vessels in Japanese waters. All the while, Beijing illegally claims some 90 percent of the South China Sea. Xi has backed up those claims by building 3,200 acres of illegal islands beyond PRC waters. These islands feature SAM batteries and warplanes. Xi promised the PRC wouldn’t militarize these islands. But as America and its allies learned at enormous cost last century, words don’t matter to men like Xi. Strength and the will to wield it are all that matters. Xi has both.

His goal is to control the resource-rich South and East China Seas, assert sovereignty claims in fait accompli fashion, and bring Chinese-speaking lands under his heel. Hong Kong—where only PRC-approved “patriots” are allowed to serve in government—was his first objective. Taiwan is next. Xi has made clear that democratic Taiwan “must and will be” absorbed by the communist Mainland. “We make no promise to abandon the use of force,” he warns. That explains Beijing’s ground-unit exercises, naval drills and bomber sorties around the island democracy.

Nor are Xi’s dreams and designs limited to his immediate neighborhood. Beijing is buying loyalty via development projects (see the Belt and Road Initiative), gaining a toehold in strategically located regions (see PRC control over ports in 18 countries), building an authoritarian bloc (see Russia, Serbia, North Korea, Iran, Venezuela), and fielding a power-projecting military capable of challenging the Free World across every region and every domain—land, sea, air, space and cyberspace. Xi’s relentless cybersiege of the Free World is siphoning away inventions, discoveries, technologies and wealth, penetrating defense firms, and interfering in elections.

For those with eyes to see—who know about the laogai camps and brutalization of Muslims and oppression of Tibet and assault on Christianity—none of this comes as a surprise. What’s surprising is that for 40 years, the trade über alles caucus convinced itself that such a regime could somehow be reformed by access to Buicks and Kentucky Fried Chicken.

TAKING AIM

Xi vows to build what he calls “a more just and reasonable new world order”—one that would supplant the liberal democratic order the United States and its allies began building after World War II. Importantly, the PRC not only has the intent to build a new world order; it has the resources and capabilities to do so—which helps explain why those who designed and uphold the existing world order are answering China’s challenge.

The PRC is a country of 1.3 billion people. Its GDP is already $14.1 trillion. Its economic tendrils—trade, banking, manufacturing, logistics, shipping, technology, super-computing, artificial intelligence—stretch into every part of the globe. All of this is fueling the PRC’s relentless military modernization and buildup. The PRC’s annual military expenditure is at least $261 billion. (Beijing recently announced an increase in military spending of 6.8 percent for 2021). The PRC has a 2-million-man military, the world’s largest navy and an intense focus on its neighborhood.

None of this would be a particularly worrisome if China embraced the values of liberal democracy—the rule of law, individual freedom, religious liberty, free enterprise and free trade, majority rule with minority rights. These are the foundation stones of what Churchill and FDR envisioned when they drafted the Atlantic Charter in 1941. Their vision led to what some call the “rules-based democratic order,” others the “liberal international order,” still others the “free world order.” These terms aim to describe how the peoples of the West have tried to make the world work and indeed manage the world: They embraced and encouraged democratic governance; developed rules and norms of behavior; promoted liberal (freedom-oriented) political and economic institutions; and called upon governments to live up to the responsibilities of nationhood by respecting international borders and promoting good order within those borders. The result has been an unparalleled spread of prosperity, an unprecedented expansion of free government and an unexpected remission of great-power war (which had become an increasingly-destructive feature of the centuries leading up to 1945).

To be sure, many regimes reject the values of liberal democracy. But the PRC, like the USSR before it, not only rejects those values; it possesses the military-technological-industrial-economic assets to challenge those values, erode the liberal international order built upon those values, and forge a new international order or at least bend the existing order toward its own goals. But don’t take my word for it.

“Some seek to challenge the international order—that is, the rules, values and institutions that reduce conflict and make cooperation possible among nations,” Blinken and Defense Secretary Lloyd Austin warn, pointedly adding that “China in particular is all too willing to use coercion to get its way.”

Former national security advisor Gen H.R. McMaster concludes that PRC “leaders believe they have a narrow window of strategic opportunity to…revise the international order in their favor.”

Before he retired as Indo-Pacific commander ,Adm. Phil Davidson told the Senate Armed Services Committee that Xi and his lieutenants are “accelerating their ambitions to supplant the United States and our leadership role in the rules-based international order.”

A NATO panel noted late last year that Beijing’s “approach to human rights and international law challenges the fundamental premise of a rules-based international order.”

These political, diplomatic and military leaders recognize that the liberal order has promoted the peace and prosperity of the Free World for nearly 75 years. But it doesn’t run on autopilot. If we want the benefits of a liberal order that sustains our way of life, we need to sustain the liberal order. As Robert Kagan of the Brookings Institution observes, “The present order will last only as long as those who favor it and benefit from it retain the will and capacity to defend it.” He adds, “Every international order in history has reflected the beliefs and interests of its strongest powers, and every international order has changed when power shifted to others with different beliefs and interests.”

Indeed, the liberal order and its guarantors have arrived at a turning point or breaking point: Either they will marshal the means and will to update, strengthen and preserve the existing order, or Beijing will dramatically transform it. Xi’s callous treatment of his own subjects and contempt for international norms offer a glimpse of what his “more reasonable new world order” would look like.

## Adv 1

### Big Ag Inevitable --- 1NC

#### Population size means there is no alternative to Big Ag

Ted **Nordhaus** **&** Dan **Blaustein**-**Rejto** **21**, Ted Nordhaus is the founder and executive director of the Breakthrough Institute and a co-author of An Ecomodernist Manifesto. Dan Blaustein-Rejto is the director of food and agriculture at the Breakthrough Institute, where he analyzes the economics and potential of sustainable agriculture policies and practices. He has conducted research with the Environmental Defense Fund, International Center for Tropical Agriculture, and Farmers Market Coalition. "Big Agriculture Is Best," *Foreign Policy*, April 18, 2021. <https://foreignpolicy.com/2021/04/18/big-agriculture-is-best/>

In the popular bourgeois imagination, the idealized farm looks something like the ones that sell produce at local farmers markets. But while small farms like these account for close to half of all U.S. farms, they produce less than 10 percent of total output. The largest farms, by contrast, account for about 50 percent of output, relying on simplified production systems and economies of scale to feed a nation of 330 million people, vanishingly few of whom live anywhere near a farm or want to work in agriculture. It is this central role of large, corporate, and industrial-style farms that critics point to as evidence that the food system needs to be transformed. But U.S. dependence on large farms is not a conspiracy by big corporations. Without question, the U.S. food system has many problems. But persistent misperceptions about it, most especially among affluent consumers, are a function of its spectacular success, not its failure. Any effort to address social and environmental problems associated with food production in the United States will need to first accommodate itself to the reality that, in a modern and affluent economy, the food system could not be anything other than large-scale, intensive, technological, and industrialized.

### ---1NC - Climate Change

#### GMOs solve climate change – increases crop resiliency to climate change

Joan **Conrow, 18**. Journalist and editor specializing in environmental issues, biotechnology, and agriculture. BA in history and journalism. “Study: GMO crops could help offset climate change impacts”, Cornell Alliance for Science, November 30, 2018. <https://allianceforscience.cornell.edu/blog/2018/11/study-gmo-crops-help-offset-climate-change-impacts/>)

New research suggests that the type of yield gains made possible by **genetic engineering (GE) will be needed to offset climate change impacts on agriculture.** The researchers said their study, published yesterday in [Environmental Research Letters](http://iopscience.iop.org/article/10.1088/1748-9326/aae9b8/meta), has “important implications for regions lagging in the adoption of new technologies which could help offset the detrimental effects of climate change.” Though agricultural productivity in [Africa](https://theconversation.com/climate-change-is-hitting-african-farmers-the-hardest-of-all-40845) and [Asia](https://www.sciencedirect.com/science/article/pii/S2095311913607017) is predicted to be heavily impacted by climate change, political leaders in those regions have been slow to adopt GE technology in the face of intense opposition driven primarily by western-funded anti-GMO activists. However, this new study suggests that nations may not have the luxury of avoiding new technology if they want to ensure food security in a warming world. “The growth rate of crop yields in the coming decades will have serious implications for the global food supply under climate change,” the researchers wrote. “Our results suggest that US maize yields could stagnate under a business-as-usual scenario even with bold assumptions about the sustained growth in crop yields. This has serious implications for other crops and countries as well, as there are many large, economically relevant regions in the world where technology adoption lags and the use of GE crops are prohibited. “If the relative yield gains estimated here are any indication of the potential for other crops and/or regions, then the adoption of new technologies such as GE varieties may constitute a potentially fruitful adaptation strategy for counterbalancing the effects of climate change,” the study concluded. Researchers Ariel Ortiz-Bobea, assistant professor of applied economics and management at Cornell University, and Jesse Tack, associate professor of agricultural economics at Kansas State University, used modeling to evaluate the impact of climate change on US maize yields in light of the productivity gains associated with the period of rapid adoption of GE seeds. “We find that yield gains on the order of those experienced during the adoption of GE maize are needed to offset climate change impacts under the business-as-usual scenario, and that smaller gains, such as those associated with the pre-GE era in the 1980s and early 90s, would likely imply yield reductions below current levels,” the researchers wrote. “Although this study cannot identify the biophysical drivers of past and future maize yields, it helps contextualize the yield growth requirements necessary to counterbalance projected yield losses under climate change.” The research is important because “without substantial gains in productivity, the rising global demand for food could lead to higher food prices thereby incentivizing conversion of rainforests, wetlands, and grasslands to farmland,” the economists wrote. The study reviewed production data from 500 counties in eight Midwestern states — Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio and Wisconsin — that comprise America’s “corn belt.” The maize crops there are mostly rain-fed. Using climate change models, the researchers then calculated county-level climate change impacts on yields in percentage terms. They found that maize yield trends increased by almost 70 percent around the period of rapid adoption of GE seeds, and that “technological change has impacted different regions very differently. That is, while new technologies such as GE seeds are widely adopted, benefits can vary substantially across alternative growing conditions associated with local biotic and abiotic factors and interactions thereof.” The researchers also noted that “emerging technologies in genome editing as well as an increased emphasis on abiotic stress tolerance (e.g. drought tolerance) could help maintain or even accelerate recent yield growth trends. In addition, the rise in computing power and fine-scale data collection and analysis may pave the way for a digital revolution that may also contribute to such trends through enhanced precision agriculture. It remains to be seen whether these technological revolutions and the legal framework to reward such innovations and protect intellectual property rights will unfold rapidly enough to counterbalance the projected effects of a changing climate.” The authors did note two caveats: “First, while our trend analysis identifies a yield trend increase around the time of rapid adoption of GE seeds, our study is unable to identify the biophysical source of this change. There could be other confounding factors that generated yield gains parallel to the introduction of GE maize in the US such as the adoption of precision agricultural tools such as high-speed precision planters and auto-steer tractors. Second, our climate change projections do not factor in fertilization effects of increased atmospheric CO2 levels nor behavioral adaptation to climate change. These additional factors could result in potentially more optimistic impacts.”

### ---AT: GMOs Unsafe

#### GM crops are safe and reduce fertilizer use

Jennifer Kahn, 21. is a contributing writer for the magazine and the narrative-programme lead at the Graduate School of Journalism at the University of California, Berkeley. “GM foods: Our suspicion and fear may be a thing of the past.” August 28, 2021. https://www.irishexaminer.com/opinion/commentanalysis/arid-40368104.html

In recent years, many environmental groups have also quietly walked back their opposition as evidence has mounted that existing GMOs are both safe to eat and not inherently bad for the environment. The introduction of Bt corn, which contains a gene from Bacillus thuringiensis, a naturally insect-resistant bacterium that organic farmers routinely spray on crops, dropped the crop’s insecticide use by 35%. A pest-resistant Bt eggplant has become popular in Bangladesh, where farmers have also embraced flood-tolerant “scuba rice,” engineered to survive being submerged for up to 14 days rather than just three. Each year, Bangladesh and India lose roughly 4m tons of rice to flooding — enough to feed 30m people — and waste a corresponding volume of pesticides and herbicides, which then enter the groundwater. However, in most of the rest of the world, such benefits can seem remote compared with what we think of as “eating naturally”. That’s especially true because, for many of us, GMOs and the harms of industrial agriculture (monocultures, overuse of pesticides and herbicides) remain inextricably linked. “Because of the way that GMOs were introduced to the public — as a corporate product, focused on profit — the whole technology got tarred,” Lynas says. “In people’s minds, it’s ‘genetic engineering equals monoculture equals the broken food system’. But it doesn’t have to be that way.” Plant geneticists tend not to be overly concerned about the risks of GMOs, as long as the modifications are made with some care. As a 2016 report by the US National Academy of Sciences found, GMOs were generally safe, although it allowed that minor impacts were theoretically possible. Fred Gould, a professor of agriculture who was chairman of the committee that prepared the 600-page report, noted that genetic changes that alter a metabolic pathway — the cellular process that transforms biochemical elements into a particular nutrient or compound, like the anthocyanins in Martin’s tomato — were especially important to study because they could cause cascading effects. However, to me, Gould emphasised that many genetic modifications to food are trivial and extremely unlikely to have any measurable effect on people. “We’ve been changing all these things already with conventional breeding, and so far we’re doing all right,” Gould said. “Making the same change with genetic engineering — there’s really no difference.” Almost everything we grow and eat today has had its DNA altered extensively. For millenniums, farmers, discovering that one version of a plant — usually a random genetic mutant — was hardier, or sweeter, or had smaller seeds, would cross it with another that, say, produced more fruit, in the hopes of getting both benefits. However, the process was slow. Simply changing the colour of a tomato from red to yellow while preserving its other traits could take years of crossbreeding. And tomatoes are one of the easiest cases. Introducing even a minor change to a cherry through crossbreeding, I was told, could take up to 150 years. To those who worry about GMOs, that slowness is reassuring. Yet the way nature alters things is also profoundly haphazard. Sometimes a plant will acquire one trait at the expense of another. Sometimes it actually becomes worse. The same is true for agricultural crossbreeding. Not only is there no way to control which genes are kept and which are lost, the process also tends to introduce unwanted changes. Commercial berry growers spent decades trying to create a domesticated version of the black raspberry through crossbreeding, but never succeeded: The thornless berries either tasted worse or produced almost no fruit, or they developed other problems. It’s also why meeting the needs of modern agriculture — growing produce that can be shipped long distances and hold up in the shop and at home for more than a few days — can result in tomatoes that taste like cardboard, or strawberries that aren’t as sweet as they used to be. “With conventional breeding, you’re basically just shuffling the genetic deck,” agricultural executive Tom Adams told me. “You’re never going to carry over only the gene you want.” In recent years, genetic engineering tools such as Crispr have offered a way around this imprecision, making it possible to identify which genes control which traits — things such as colour, hardiness, sweetness — and to change only those. “It’s far more precise,” says Andrew Allan, a plant biologist at the University of Auckland. “Instead of rolling the dice, you’re changing only the thing you want to change. And you can do it in one generation instead of 10 or 20.”

### Ø solve small farms --- 1NC

#### Plan doesn’t solve – alt causes

Connor Nolan, 20. J.D. Candidate, University of Arizona James E. Rogers College of Law. “A Cry for Spilled Milk: Fixing the Problems of America Begins with Cleaning Up Dairy's Woes.” Yale Big Ag and Antitrust Conference January 2020. https://law.yale.edu/sites/default/files/area/center/leap/document/yale-big-ag-and-antitrust-conference-guide.pdf

To accomplish these changes, a rise in Antitrust enforcement at the state level is needed. While Antitrust enforcement has traditionally come from the federal level, attorneys in New York, San Francisco, and Washington DC lack the practical knowledge necessary to stop anticompetitive conduct. The promotion of state enforcement, through hiring dedicated Antitrust attorneys, will lead to enforcers having better knowledge of the local market. State enforcement may also have a greater deterring quality.

However, **Antitrust alone is not enough to restore small farms’ vitality**. Creative policy solutions must also be put in place. These solutions should start with procuring schools’ buying power, rebuilding local supply chains, and incentivizing small farmers to diversify production. Schools purchase 8% of the fluid milk market. Utilizing this buying power can keep local farmers in business and diminish the climate impact of purchasing milk from large farms located outside the region. Rebuilding local supply chains can be achieved by bringing rural America’s vacant main streets back to life. Rather than subsidizing large farms’ overproduction, the government should spur market activity by reallocating money into unsubsidized loans or grants that incentivize investment into local grocers and diners. As a condition of the loan or grant, the businesses would purchase goods from qualifying regional farms. Finally, small dairy farmers 23 should be incentivized to diversify their production. Diversifying production creates similar results to supply management but does not have the negative effect of diminishing output.

### Food Prices Turn

#### Food prices are stable now and expected to lower

Karl R. Ocampo 21, Reporter at the Inquirer, "Food prices stabilizing, says DA," INQUIRER.net, June 22, 2021. https://business.inquirer.net/325475/food-prices-stabilizing-says-da

Food prices stabilized this month and may remain steady in July as agricultural industries are slowly rebounding from the restrictions and economic slowdown caused by the COVID-19 pandemic. Based on the Department of Agriculture’s (DA) latest price monitoring report published on June 18, average prices of basic agricultural commodities have been stable for the past two months, with minimal increases and declines across products. Improved operations DA spokesperson Noel Reyes mainly attributed this positive trend to the ongoing harvest season and the improvements in logistical gaps following the COVID-19 crisis. He added that the agency hoped improved operations in agriculture would lead to lower food inflation, but also noted that the country’s food production and distribution systems might be challenged given the onset of the rainy season. However, records also showed that food prices in the market, at least in Metro Manila, have yet to go back to their pr-pandemic levels, especially for pork, with prices having gone up by as much as 68 percent. For instance, fresh pork ham and pork belly are being sold for P340 and P370 a kilogram, respectively, against the average price of P200 and P220 a kilo in 2019. Similarly, a kilo of beef rump is being sold for P420 on average against its prepandemic rate of P340 a kilo. The average prices of lowland and highland vegetables also recorded an uptick between P5 and P40 a kilo depending on the variety, while prices of common fruits like bananas and mangoes also rose. As for milkfish (bangus) and black carp (tilapia), as well as rice, prices remained stable compared to rates in the same period last year, the same with basic cooking commodities being monitored by the DA like cooking oil and sugar. Consumers, especially minimum wage earners, have decried the increase in food prices and have asked the government to rein in runaway price spikes. In response, economic managers opened up the country to more imports, which agricultural leaders opposed, stressing that such policies will kill local industries and lead to even higher food prices in the long run. Government efforts to strike a balance between maintaining protectionist policies and liberalizing agricultural industries have sparked heated debates among stakeholders. ADVERTISEMENT Authorities, meanwhile, hope that with the ongoing mass vaccination in the country, economic recovery may begin this year thus putting more cash in the pockets of farmers and fisherfolk. Industry groups like the Samahang Industriya ng Agrikultura and the Federation of Free Farmers said, however, that they were not hopeful that the country’s 10.5 million farmers and fishers will be included in the government’s vaccination priority list. INQ

#### Shift to small farms leads to higher food prices and causes food insecurity

Steve Sexton, 11. Ph.D. in environmental and resource economics from UC Berkeley and is assistant professor of public policy and economics at Duke University. “The Inefficiency of Local Food.” November 14, 2011. <http://freakonomics.com/2011/11/14/the-inefficiency-of-local-food/> Accessed: 3/10/15)

Large, monocrop farms are more dependent on synthetic fertilizers and tilling operations than small polycrop farms, and they face greater pest pressure and waste disposal problems that can lead to environmental damage. But large operations are also more efficient at converting inputs into outputs. Agricultural economists at UC Davis, for instance, analyzed farm-level surveys from 1996-2000 and concluded that there are “significant” scale economies in modern agriculture and that **small farms are “high cost” operations**. Absent the efficiencies of large farms, the use of polluting inputs would rise, as would food production costs, which would lead to **more expensive food.** Health Implications And, as we try to tackle obesity, locavorism is likely to **raise the cost** of precisely the wrong foods. **A local food system would raise the cost of food by constraining the efficient allocation of resources**. **The monetary costs of increased input demands** from forsaken gains from trade and scale economies **will directly bear on consumer welfare by increasing the costs of food**. And, as we try to tackle obesity, locavorism is likely to raise the cost of precisely the wrong foods. Grains can be grown cheaply across much of the country, but the costs of growing produce outside specific, limited regions increase quickly. Thus, nutrient-dense calories like fruits and vegetables become more expensive, while high fructose corn syrup becomes relatively cheaper. Finally, higher costs on certain foods may be a solution to the big health challenge in the developed world. But **higher prices on any food** are precisely the wrong prescription for the great health problems in the developing world, where millions remain undernourished. As the food crisis of 2007-08 revealed, winning the war on human hunger requires a constant commitment to getting more food out of less land, water, and other inputs. From roughly 1940 to 1990, the world’s farmers doubled their output to accommodate a doubling of the world population. And they did it on a shrinking base of cropland. Agricultural productivity can continue to grow, but not by turning back the clock. Local foods may have a place in the market. But they should stand on their own, and local food consumers should understand that they aren’t necessarily buying something that helps the planet, and it may hurt the poor.

### ---1NC – Yields/Deforestation

#### Industrial yields are key to prevent deforestation from land conversion.

Alex Avery, 03. Director of Research and Education at the Center for Global Food Issues of the Hudson Institute. “21st Century Consumer War: Mythical Organic Utopia versus High Yield Conservation,” Center for Global Food Issues, December 11, 2003. http://www.cgfi.org/2003/12/11/21st-century-consumer-war-mythical-organic-utopia-versus-high-yield-conservation/.

The organic farming future advocated by so many environmental activist groups would in fact lead to unprecedented ecological damage due to lower yields, organic fertilizer requirements and subsequent conversion of wildlife habitat to farmland. The huge challenge ahead of feeding and clothing the larger, more affluent, and more democratic world of 2050 will require even greater land and resource productivity if we are to avoid destroying the world’s remaining wildlife habitat and biodiversity. Only through the continued use of modern crop protection chemicals, inputs, and up-to-date crop varieties can we expect to feed all of humanity well without destroying nature.

**Deforestation causes extinction**

Rebecca Lindsey, 07. Staff writer, managing editor for NASA's Earth Observatory. NASA Earth Observatory, “Tropical Deforestation,” 3-30-7, <http://earthobservatory.nasa.gov/Features/Deforestation/> Accessed: 3/11/15)

Stretching out from the equator on all Earth’s land surfaces is a wide belt of forests of amazing diversity and productivity. Tropical forests include dense rainforests, where rainfall is abundant year-round; seasonally moist forests, where rainfall is abundant, but seasonal; and drier, more open woodlands. Tropical forests of all varieties are disappearing rapidly as humans clear the natural landscape to make room for farms and pastures, to harvest timber for construction and fuel, and to build roads and urban areas. Although deforestation meets some human needs, it also has profound, sometimes devastating, consequences, including **social conflict**, **extinction** of plants and animals, and climate change—challenges that aren’t just local, but **global**. NASA supports and conducts research on tropical forests from space-based and ground-based perspectives, helping provide the information that national and international leaders need to develop strategies for sustaining human populations and preserving tropical forest biodiversity. Impacts of Deforestation: Biodiversity Impacts Although tropical forests cover only about 7 percent of the Earth’s dry land, they probably harbor about half of all species on Earth. Many species are so specialized to microhabitats within the forest that they can only be found in small areas. Their specialization makes them vulnerable to extinction. In addition to the species lost when an area is totally deforested, the plants and animals in the fragments of forest that remain also become increasingly vulnerable, sometimes even committed, to extinction. The edges of the fragments dry out and are buffeted by hot winds; mature rainforest trees often die standing at the margins. Cascading changes in the types of trees, plants, and insects that can survive in the fragments rapidly reduces biodiversity in the forest that remains. People may disagree about whether the extinction of other species through human action is an ethical issue, but there is little doubt about the practical problems that extinction poses. First, global markets consume rainforest products that depend on sustainable harvesting: latex, cork, fruit, nuts, timber, fibers, spices, natural oils and resins, and medicines. In addition, the genetic diversity of tropical forests is basically the deepest end of the planetary gene pool. Hidden in the genes of plants, animals, fungi, and bacteria that have not even been discovered yet may be cures for cancer and other **diseases** or the key to improving the yield and nutritional quality of foods—which the U.N. Food and Agriculture Organization says will be crucial for feeding the nearly ten billion people the Earth will likely need to support in coming decades. Finally, genetic diversity in the planetary gene pool is crucial for the resilience of all life on Earth to rare but catastrophic environmental events, such as meteor impacts or massive, sustained volcanism. Soil Impacts With all the lushness and productivity that exist in tropical forests, it can be surprising to learn that tropical soils areactually very thin and poor in nutrients. The underlying “parent” rock weathers rapidly in the tropics’ high temperatures and heavy rains, and over time, most of the minerals have washed from the soil. Nearly all the nutrient content of a tropical forest is in the living plants and the decomposing litter on the forest floor. When an area is completely deforested for farming, the farmer typically burns the trees and vegetation to create a fertilizing layer of ash. After this slash-and-burn deforestation, the nutrient reservoir is lost, flooding and erosion rates are high, and soils often become unable to support crops in just a few years. If the area is then turned into cattle pasture, the ground may become compacted as well, slowing down or preventing forest recovery.

**---1NC - Food Security**

**Industrial agriculture key to meet global food demands**

Ted Nordhaus, 15. Founder and Executive Director, Breakthrough Institute, “The Environmental Case for Industrial Agriculture,” Keynote Address at Institute for Food and Agricultural Literacy Symposium, June 3, 2016, published online 6—8—15, <https://thebreakthrough.org/issues/food/the-environmental-case-for-industrial-agriculture>, accessed 6-15-21]

To be clear, modern agriculture is characterized by no shortage of charnel horrors –– labor exploitation, factory farms, and poisoned land. I make these observations about the nature of agriculture and the modern food system not to absolve industrial agriculture of its problems, but rather to offer some more useful parameters for thinking about what we should want from our food system. In that spirit, let me suggest a few basic principles. First, and most importantly, the food system globally needs to grow enough food to meet the basic nutritional needs of somewhere in the vicinity of nine billion people by the middle of this century. While the discussion in recent years about food and nutrition in the United States has been heavily focused on obesity, the reality is that much of the world still needs to consume more calories, not less. Nearly a billion people globally still struggle to meet their basic, daily caloric needs. Several billions more are just beginning to consume modest levels of dietary protein and fat. Suffice to say that the daily ration of farm-fresh vegetables that for so many of us symbolizes a healthful diet is still beyond the means of most people on the planet.

### Big Ag Warming

**Big Ag is good – prevents warming**

Caroline Grunewald & Alex Smith 18, Food and Agriculture Analysts, Breakthrough Institute, “Big Farms, Bad Rap,” Breakthrough Institute, 10—25—19, <https://thebreakthrough.org/issues/food/big-farms-bad-rap>, accessed 6-15-21

Yet, while there are environmental and economic impacts associated with agricultural consolidation, particularly in the agribusiness and meat-processing industries, larger farms are in many ways conducive to better environmental outcomes and labor conditions than their mid-sized counterparts. Farm consolidation is nothing new. US agriculture has been consolidating for more than a century. Small farms disappeared as much of the nation’s population left rural America for opportunities in manufacturing and service economies near urban centers. Subsequently, the number of farms in the United States has fallen by 70 percent since 1935. More recently, the number of small farms has actually grown. But these farms are responsible for a vanishingly small share of America’s total agricultural output. What has changed in recent decades is actually the disappearance of mid-sized farms as historically large farms consolidate into even larger ones. This trend is at odds with a discourse that casts small family farms as the victims of industrial behemoths. If there is a major economic conflict between the interests of farmers and big agribusiness, it is a conflict between larger farmers and very large agricultural processors like Cargill, ADM, and Tyson Foods. Further, the long history of ag consolidation has actually corresponded with increasing farm productivity and environmental efficiency. Higher productivity, driven by technology adoption, remains the primary environmental benefit of farm consolidation. In the United States, yields are higher and have grown faster on large farms. And it is thanks to such yield growth that the worldwide agricultural land use per person is roughly half what it was in 1960, which has massively reduced carbon emissions and habitat loss compared to a flat-yield scenario. Looking forward, the environmental advantage of larger farms may well grow as they are quicker to adopt cutting-edge agricultural technology. A 2016 USDA ERS report found that adoption rates for three precision agriculture (PA) technologies — GPS soil/yield mapping, guidance systems, and variable-rate technology (VRT) — were highest on farms over 3,800 acres. In addition to boosting productivity, PA technology has the potential to dramatically improve input efficiency and reduce greenhouse gas emissions from crop farming. While small farms are capable of implementing PA technologies, there is likely a feedback loop between farm size and tech adoption. Larger farms have more capital to invest in new technologies, which in turn boost profits and allow for further technological investment. Also, because PA equipment is highly specialized and difficult to resell, adoption poses a high financial risk that smaller farmers might be unwilling or unable to take. The relationship between labor conditions and farm size is less clear cut, but still suggestive of an advantage for larger farms. Unfortunately, labor conditions for farmworkers are poor across the board, whether on a large, small, conventional, or organic farm. The average farmworker has low pay, receives few benefits, and faces high rates of sexual harassment and assault. Exacerbating these issues, farmworkers have less bargaining power than employees in many other industries, in part because about half of farmworkers are undocumented. But while poor conditions are ubiquitous, they may be marginally better and easier to improve on large farms. Large farms are more likely to have their labor conditions audited by the government, and the Affordable Care Act requires employers with more than 50 full-time employees to offer affordable coverage to employees working 30 or more hours per week. Even as of 2009, California farms with more than 25 employees were twice as likely to provide insurance to year-round works as farms with five employees or fewer. Lastly, some farmworkers claim to prefer working on larger farms because they are more likely to provide full-time work and longer gigs. Of course, the “get big or get out” approach to American agriculture — immortalized by Earl Butz, Richard Nixon’s USDA secretary — has had real social and economic costs for farmers. Consolidation represents the loss of farmers’ livelihoods and the hollowing out of rural America. Still, if we value keeping food prices cheap, combating climate change, and protecting farm laborers, it's important to at least be honest about the real benefits of farm consolidation.

## Adv 2

### AC---Solvency---1NC

#### Firms circumvent, issues in court rulings, and alt causes thump.

Suresh Naidu and Eric A. Posner 5-4. Professor in Economics and International and Public Affairs at Columbia SIPA. Kirkland & Ellis Distinguished Service Professor of Law, Arthur and Esther Kane Research Chair at UChicago. Labor Monopsony and the Limits of the Law. Journal of Human Resources. 05-04-2021 (Revised Edition). Pg. 27.

However, these reforms are likely to have only partial impact on wage suppression. The major problem is that most of them address only the problem of labor market concentration. Stricter merger review, for example, would at best reduce the rate of further labor market concentration, and even strict merger review may not be able to stop long-term trends toward concentration caused by growing economies of scale and other factors. It is unlikely that courts would break up large labor market monopsonists under the antitrust law, and even if they did, this would not likely have much of impact, since labor market concentration is mostly a local phenomenon. And firms can locate plants in sparely populated areas in order to avoid labor market competition, although this incentive is at least partially offset by agglomeration forces making plants locate in dense localities. Antitrust law is unlikely to block such behavior because the additional jobs, even if low-paying, are on balance beneficial to the local labor force.

**Status quo solves sustainable ag --- modern farming is improving outcomes on every metric**

Robert **Paarlberg, 21**. An associate in the Sustainability Science Program at the Harvard Kennedy School of Government. “The Environmental Upside of Modern Farming.” February 5, 2021. https://www.wsj.com/articles/the-environmental-upside-of-modern-farming-11612534962

Modern farming is better because it uses low-impact, “precision” techniques that require less land, less energy and fewer chemicals for every bushel produced. The secret has been to incorporate tools that use sensors, information and communications technology, big data, and even machine learning to reduce farming’s dependence on material resources. Traditional farming had already **failed as a protector of the environment** nearly a century ago—and scientific advances have long offered new ways to help the planet. In the 1930s, after low-yield cropping was extended onto the drought-prone Southern Plains, the soil blew away, creating the disastrous Dust Bowl. Cropland expansion could finally be halted in the 1950s, once scientists had developed higher-yielding hybrid seeds. In the 1970s, engineering advances allowed farmers to plant seeds in unplowed fields, which reduced erosion, conserved soil moisture, sequestered carbon and saved on diesel fuel. New irrigation systems then began to replace wasteful flooding, while lasers leveled the fields to eliminate surface runoff. In the 1990s, farm tractors acquired GPS auto-steering, which ended wasteful gaps and overlaps in the field. This was followed by digital soil mapping, which could tell “smart” farm equipment to apply chemicals at variable rates tailored to each location’s differing soil characteristics. The spacing of seeds can also be varied with astonishing, sub-inch precision thanks to modern GPS equipment. And genetically engineered seeds now allow farmers to protect against weeds and insects with fewer chemical sprays. These innovations were more affordable for larger farms, so average farm size more than doubled, but when farm production surged in the late 20th century, **the environment was better protected**. Corn production in the U.S. increased fivefold between 1940 and 2010, but total acreage planted to raise corn actually declined by one-fifth, according to Jesse H. Ausubel of Rockefeller University. For every bushel of corn produced, water use and energy use also decreased. Since 1980, irrigation water use per bushel has fallen by 46%, energy use by 41% and greenhouse-gas emissions by 31%, according to research by Field to Market, an umbrella group that promotes sustainable agriculture, with members ranging from major agribusiness firms to the World Wildlife Fund. In the past four decades, thanks to modern farm technologies, chemical use has also declined relative to output (and in some cases even in absolute terms). Data from the Environmental Protection Agency shows that total fertilizer use in U.S. farming peaked in 1981, and since then it has remained essentially flat, even as total crop production grew 44%. For pesticides, the total pounds applied to U.S. crops declined by 18% in absolute terms between 1980 and 2008, with insecticide use now more than 80% below its 1972 peak. These environmental gains **weren’t achieved by a switch to organic farming**; less than 1% of America’s cropland area is certified for organic production today, according to the USDA.

Americans eat too much meat (five times as much as in 1940), making the environmental damage from livestock production a major worry. America’s livestock systems still compromise the welfare of animals in many cases, but their **environmental footprint has become progressively smaller** for every pound of meat produced. These environmental gains in livestock have mostly come from improved feed-use efficiency, which shrinks feed requirements while reducing the pollution from animal manure. In U.S. pork production, the average feed requirement for every added pound of weight has fallen by almost half since the 1990s, according to the USDA. The National Chicken Council, an industry group, says that since 1950, the average feed requirement per pound for chicken meat has declined by more than a third. For beef, every pound of production now requires 19% less feed, 12% less water, 30% fewer animals and 33% less land than in the 1970s, notes Judith Capper in the Journal of Animal Science. Dr. Capper has also shown that each million pounds of milk produced in the U.S. today requires 90% less land compared with 1944—and 79% fewer animals. Fewer cows means not only less manure but also less methane belched into the atmosphere to threaten our climate. Frank Mitloehner of the University of California, Davis, has calculated that the climate burden of a single glass of milk in the U.S. today is two-thirds smaller than it was in 1950.

Ane Kirstine **Aare et al, 21.** MSc (Technological and Socio-economic Planning). PhD Fellow, Department of People and Technology, Roskilde University, also Jonas Egmose, Søren Lund & Henrik Hauggaard-Nielsen, “Opportunities and barriers in diversified farming and the use of agroecological principles in the Global North – The experiences of Danish biodynamic farmers.” *Agroecology and Sustainable Food Systems* Volume 45, Issue 3 (2021): 390-416.

This study investigated diverse agroecological farming practices as important elements for transitions toward more sustainable and resilient farming. Identifying the barriers faced by biodynamic farmers in Denmark, the study provided exemplary insight on farm-specific and structural challenges for these practices within broader landscapes of industrial farming systems. Biodynamic farmers are a minority group in Danish agriculture who work with diversity as the foundation of their management practices. These practices show how it is possible to create more integrated and diverse systems that harmonize the mutual inter-relationships between plants, livestock, soil and humans, and mitigate some of the detrimental effects of intensified agricultural systems. However, the farmers highlighted a number of key **barriers** that are a challenge for the paradigm shift required to allow for such systems. Diverse farming requires manifold **knowledge and skills**; farmers need support due to an absence of research, education and advisor knowledge on diverse farming; legislation does not favor diversity and multifunctionality; the improvement of breeds means varieties are not made for diversity and multifunctionality; and diverse farming is **barely economically sustainable** within the current Danish food system. While some of these challenges are linked to internal farm management, transformations in **external structures**, including legislation, market, infrastructure and knowledge, are paramount in order to enable diversified farming to be practised. To understand these barriers, we argue that the structural barriers outside farm management in particular can be perceived as a lack of food sovereignty. This suggests that enabling diversified farming implies addressing essential questions on food sovereignty, including the physical basis for food production, land ownership and policies for food production, related to broader redefinitions of food and farming systems.

### No Modeling

#### Traditional ag fails in China and no modeling—they’re industrializing due to labor shortages not because the U.S.

Zhang 21 (Xun – Research Manager at TEAMS Design, “Five Insights to understand the future of agriculture in China,” https://medium.com/insights-by-teams-design/five-insights-to-understand-the-future-of-agriculture-in-china-253b99256218)

2. Labor-intensive farming methods vs. a labor shortage: With more and more of the young population moving away from rural areas and swarming to big cities, much farmland has been left to the elderly villagers and children to tend, who are unable to cope with heavy agricultural production, especially during peak season. Chinese villager woman, walking around the corn crops, carrying the harvest Traditional labor-intensive farming methods are plagued with the increased labor shortages, which is increasing the labor costs for farming activities even more. Hence, efficiency and cost-cutting are critical for large farm owners when considering production methods. From the last fieldwork we conducted at the end of 2020, we often heard farm owners complaining about the difficulty of hiring additional hands and that the daily labor cost was increasing significantly. For example, in Qixia, Shandong, one-day labor costs during peak time could be up to 400 RMB. 3. Rural land circulation for agricultural modernization: Rural land circulation means farmers transfer their land operation rights so that dispersed farmland can be centralized for intensive mass agricultural production. china.org.cn In China, land in rural areas is collectively owned, and farmers are granted only the land's right. Depending on the village size and population, each household is granted a certain plot of land. However, under such circumstances, land allotted to a single individual for agriculture is minimal and fragmented. This hampers the modernization of agriculture which is traditionally based on large-scale farming. Chinese villagers hand-picking the harvest in a shared field Rural land circulation for agricultural modernization- Image by china.org.cn Encouraging rural land circulation was put forward as one of the central government’s major tasks in the ongoing reform program since 2013. An updated administrative policy was launched this year in January to accelerate agricultural modernization and rural area development. 4. Rural infrastructure to meet internet and e-commerce popularity: Based on the third national agricultural census results, an average of 89.9% of villages are connected to the Internet, especially in the eastern region, which reaches 97.1%, and the coverage of e-commerce distribution sites reaches 25.1% on average. Both government and private sector companies have implemented several programs to support the development of e-commerce in less-developed areas. For example, the government’s Rural E-Commerce Demonstration Program seeks to promote e-commerce in rural areas by establishing and improving rural e-commerce public services, fostering rural e-commerce supply chains, promoting connectivity between agriculture and commerce, and enhancing e-commerce training. “Meanwhile, Alibaba’s Rural Taobao Program set out to establish an e-commerce service system in over 100,000 administrative villages across China to bring consumer goods to rural areas and agricultural products to urban areas.” E-commerce development- Experience from China Rural E-commerce, Illustration by TEAMS These programs improve logistical connections with underserved villages to ensure timelier pickup and delivery by expanding existing private logistical systems from county centers to villages. These e-commerce models help ensure that the urban demand for food can be met even during the pandemic and help avoid additional in-season food waste in the village. 5. In an era of transformation, China aims to develop a mechanized, electrified, and intelligent agriculture industry. Besides policy and infrastructure changes to encourage agriculture modernization, there is also a deep collaboration between different parties aiming to combine technology, science, and farming in order to promote smart agriculture. Agriculture in China has been described as a sector that “touches the largest number of people and yet had the least amount of digitization in the past decades,” by Chen Lei, CEO of Pinduoduo, China’s major e-commerce player with large investments in agriculture.

### US-China War---1NC/2AC

#### No U.S.-China war.

Abraham Denmark et al 20 is director of the Asia Program at the Woodrow Wilson International Center for Scholars and a former deputy assistant secretary of defense for East Asia, April 16, “SAME AS IT EVER WAS: CHINA’S PANDEMIC OPPORTUNISM ON ITS PERIPHERY”, <https://warontherocks.com/2020/04/same-as-it-ever-was-chinas-pandemic-opportunism-on-its-periphery/>

While Washington and Beijing’s overheated rhetoric and mutual recriminations amid the ongoing coronavirus pandemic are grabbing headlines, equally important is what has been playing out across China’s eastern and southern peripheries over the past several weeks. At a moment when the Chinese Communist Party has been touting the generosity of its approach to COVID-19, there has been a marked increase in the number of incidents between China and its neighbors. Beijing has used its naval and paramilitary forces as well as its increasingly sophisticated information operations to ratchet up tensions, probe responses, and see how much it can get away with. This raises the question of what exactly China is up to. Has Beijing truly embraced a new approach of cooperation with its neighbors? Is it trying to take advantage of the COVID-19 mess to assert its interests more aggressively? Or is this simply an extension — albeit an opportunistic one — of its pre-pandemic strategy? BECOME A MEMBER The novel coronavirus pandemic has not curtailed geopolitics — in fact, it seems to be intensifying preexisting tensions. Understanding if and how China’s foreign policy has shifted is critical for assessing what is happening along China’s periphery and what Beijing might do next. Answering these questions is necessary for the United States and its allies to fashion a proper response. This, in turn, demands understanding what Beijing was doing before the crisis and thinking through what might actually signal a significant shift toward a more confrontational foreign policy. How Did I Get Here? China’s Latest Moves Chinese ships and aircraft have been involved in a spate of recent incidents across China’s maritime periphery. While there have been no fatalities, lives were certainly put at risk. Considering these incidents have involved two of China’s primary regional rivals — Japan and Vietnam — as well as Taiwan, the possibility that Beijing may see the COVID-19 pandemic as an opportunity to press an advantage during a time of geopolitical distraction and uncertainty should be considered. In mid-March, a group of People’s Liberation Army (PLA) aircraft crossed the median line in the Taiwan Strait — an unofficial demarcation line between Taiwan and China — in an exercise intended to intimidate Taiwan by demonstrating China’s ability to conduct operations at night while also testing Taiwan’s ability to react. While PLA ships and aircraft have been operating within the vicinity of Taiwan for several years, the pace and assertiveness of these activities have noticeably increased in recent years: The latest incident was the fourth time in two months that PLA aircraft forced Taiwan’s air force to scramble and intercept. Considering the impending second inauguration of Taiwan’s leader, President Tsai Ing-wen, as well as dwindling levels of support in Taiwan for Beijing’s “One Country, Two Systems” formulation, these exercises are likely to grow even more common and assertive. In late March in the East China Sea, a Chinese fishing vessel collided with a Japanese destroyer. The collision ripped a hole in the destroyer, but the ship was able to move on its own, and its crew suffered no casualties. Beijing announced that one Chinese fisherman had been hurt and blamed the Japanese vessel for the incident, calling for Japan’s cooperation to prevent future incidents. It is unclear if the Chinese vessel was a part of China’s “maritime militia,” described by the U.S. Department of Defense as “an armed reserve force of civilians available for mobilization” that plays a “major role in coercive activities to achieve China’s political goals without fighting.” The South China Sea has also seen several recent incidents involving Chinese vessels. In early March, a Vietnamese fishing vessel was moored near a small island in the Paracel archipelago — islands claimed by both Vietnam and China, among others — when a Chinese vessel chased it and fired a water cannon, causing the boat to sink after hitting some rocks. The crew was rescued by another Vietnamese fishing boat, with Hanoi claiming that the fishing boat was rammed by the Chinese vessel. The U.S. State Department issued a statement in early April expressing its serious concerns about the incident and calling on China “to remain focused on supporting international efforts to combat the global pandemic, and to stop exploiting the distraction or vulnerability of other states to expand its unlawful claims in the South China Sea.” The State Department also noted that since the outbreak of the pandemic, “Beijing has also announced new ‘research stations’ on military bases it built on Fiery Cross Reef and Subi Reef, and landed special military aircraft on Fiery Cross Reef.” Most recently, a Chinese coast guard (CCG) ship — one of several Chinese ships that harassed a Philippine commercial vessel in September 2019 — was seen patrolling near the Scarborough Shoal, representing one of many CCG ships that have been patrolling nearly all of the disputed areas between China and the Philippines in the South China Sea. Are these incidents merely a coincidence? Are they a sign that Beijing is distracted by COVID-19 and the resulting historic economic slowdown, and aggressive local commanders are pushing the envelope of their own accord? Or is this merely the result of China fielding more ships and more aircraft, leading to a predictable increase in incidents and exercises? While these explanations are all plausible, a more likely driver of China’s actions is, in fact, continuity. These incidents are not unprecedented and likely do not indicate a new, post-pandemic Chinese strategy. Rather, these incidents are consistent with a Chinese approach to foreign affairs under CCP General Secretary Xi Jinping’s leadership that even before the outbreak of COVID-19 demonstrated flexibility, assertiveness, and a singular desire to exploit opportunities of external weakness and distraction in order to advance China’s interests. For more than a decade, Chinese leaders have come to see their external security environment as generally favorable, representing a “strategic window of opportunity” in which China could achieve its primary objective of national revitalization through economic and social development, military modernization, and the expansion of its regional and global influence. Since the 2008 to 2009 global financial crisis, Beijing has perceived an opportunity to expand its geopolitical power relative to the United States yet does not seek an explicit conflict with the United States or its allies. As a result, Beijing has intensified its use of “gray zone” tactics that seek to gradually advance Chinese interests using ambiguity and tactics that are tailored to not provoke a military retaliation.

These activities also serve as “probing behavior” that tests how far China can go before encountering determined resistance. In recent years, Beijing has used this approach to increase pressure on Japan in the East China Sea and advance Beijing’s territorial claims in the South China Sea against the Philippines, Vietnam, Malaysia, and Indonesia. Throughout, Beijing’s approach to regional geopolitics has been adaptive to specific conditions, flexible to broader strategic trends, and opportunistic to perceptions of weakness or distraction in its adversaries. Chinese actions are not the reckless gambles they may initially appear to be. Rather, they are premeditated probes seeking to identify weakness and opportunity. Chinese pressure is carefully calibrated to fit, but not necessarily to exceed, a given situation. This approach reflects a maxim of Vladimir Lenin, whom the Chinese Communist Party continues to revere to this day: “Probe with a bayonet: if you meet steel, stop. If you meet mush, then push.” In multiple instances, Beijing has continued to push when it perceives that its actions are unlikely to cause a significant response. But when Chinese assertiveness has been met with resolute counterpressure, Beijing’s response has not been predictably escalatory.Beijing has demonstrated flexibility when confronted with determined opposition. Examples include Japan’s response to China’s rollout of an air defense identification zone in the East China Sea in 2013 and President Obama’s reported drawing of a red line around Scarborough Shoal to Xi Jinping in March 2016. Moreover, India’s response to Chinese activities in Doklam did not lead to war.

# 2NC

## Cap K

### Top Level

#### Turns the case---capitalism trends toward monoculture and profit---makes disease and hunger inevitable

Matt Huber 20. Assistant professor of geography at Syracuse University. “COVID-19 Shows Why We Must Socialize the Food System”. https://jacobinmag.com/2020/04/covid-food-system-coronavirus-agriculture-farming

The COVID-19 crisis is revealing a basic contradiction at the heart of capitalism. On the one hand, we have learned that this virus is itself a product of our capitalist agricultural system. As Rob Wallace and coauthors argue, the conditions for virus transmission are rooted in our propensity to clear-cut dense, wild forests — often the reservoirs of viruses themselves — and replace them with homogenous plantation ecologies like palm oil or livestock operations with one species of animal crowded together.

As they put it:

the entirety of the production line is organized around practices that accelerate the evolution of pathogen virulence and subsequent transmission. Growing genetic monocultures — food animals and plants with nearly identical genomes — removes immune firebreaks that in more diverse populations slow down transmission.

For example, the avian and swine influenza outbreaks of years past often have their origins in confined livestock feeding operations. COVID-19 apparently emerged in a “wet market” that combined all kinds of natural commodities, from exotic wild animals like snakes to domesticated livestock like hogs. Congregating multiple kinds of species in a small space with loads of human buyers and sellers is an excellent platform for virus transmission.

As one scholar put it, “We cut the trees; we kill the animals or cage them and send them to markets. We disrupt ecosystems, and we shake viruses loose from their natural hosts. When that happens, they need a new host. Often, we are it.”

On the other hand, for millions of workers across the world, a brutal ecological reality of capitalism asserts itself: we depend on money to access those same very agricultural supply chains to live. Millions of workers living paycheck to paycheck see their jobs or wages cut, forcing families to decide how much they can spend on rent versus food.

For those working-class people still with income, the experience of the epidemic has been one of nervously pacing through crowded grocery aisles, fighting with others over toilet paper, and discovering shelf after emptied shelf. Grocery supply chain experts declare that “there is plenty of food in the country,” but it is clear that “just-in-time” supply-chain capitalism is ill equipped to service all of society’s needs in a global pandemic.

The supply chains use statistical algorithms to predict consumer demand so it can be fine-tuned with production and logistics networks. These systems are geared toward saving retail corporations money on inventory (warehousing) costs, but they easily fail when demand unexpectedly spikes or “disruptions” occur in the supply chain.

And now the violence of the market is asserting itself through price spikes for basic food staples. Communities are going hungry as local food banks run short of the basics, while farmers are leaving fresh vegetables to rot in the fields and dairy producers are dumping milk down the drain because of plummeting prices and lack of demand. So much for the nimble and resilient market, supposedly the most efficient system in allocating resources.

The capitalist agri-food system is clearly irrational. The socialist demand that can move us toward a food system based on social and ecological needs should ring a familiar bell: food for all.

If the “Medicare for All” struggle has shown the popularity of the slogan “health care is a human right,” then why is food not seen the same way? The only thing preventing “food as a human right” is an industry that relies on creating artificial scarcity of food to maintain prices and profits.

A socialist approach to these problems can’t address them piecemeal, reforming agriculture on the one hand and delivering food as a human right on the other. The goal should be to revolutionize the entire food system and orient it toward social and ecological needs.

COVID-19 and the Capitalist Food System

As we discover our agricultural system is responsible for spreading the virus, we also realize how perilously dependent we all are on those very systems of food provision for survival. Both of these problems are caused by one problem: our food system as a whole is controlled by private, for-profit capitalists.

As Wallace et al. explain, the agricultural system is structured in a narrow way: “the private command of production remains entirely focused on profit.” It is the profit motive and competition that compels agricultural producers to brutally rationalize and homogenize nature in the form of the monoculture plantation or mono-species livestock operation. These not only provide perfect ecological systems for virus transmission, they also replace formerly biodiverse ecologies that tend to keep wild viruses at bay.

Yet we can’t think of these agro-industrial farms in isolation from the larger system. All these capitalist agro-industrial profits would be impossible if it were not for its main source of consumer demand: working classes all around the world dispossessed of any means of livelihood, who can only eat so long as they work for money.

As Raj Patel argued over a decade ago, we live in an “hourglass” food system where, on both ends, millions of farmers and worker-consumers are exploited by a tiny group of agro-industrial corporations in the middle, the food processors and retail giants. Working-class demand is essential to the entire system. Even the best kind of government-welfare provisions, like food stamps or the current interest in a Universal Basic Income (UBI), only ensure further cash flowing into the hands of the massive retail chains, food processors, and agribusiness companies.

#### Cap turns food insecurity – waste, supply chain disruptions, pandemics

Rose 21 [Nick. PhD in Political Ecology from RMIT University. Executive Director of Sustain: The Australian Food Network. From the Cancer Stage of Capitalism to the Political Principle of the Common: The Social Immune Response of “Food as Commons.” Int J Health Policy Manag 2021. 3-31-21. DOI: 10.34172/ijhpm.2021.20 //shree]

If the accelerating biophysical and social contradictions of the capitalist food system were substantively manifesting a decade ago, the advent of the COVID-19 pandemic has brought them into sharp relief.64 Where-ever one turns, the pandemic and the responses to it reveal a fragile food system enmeshed in crisis. From extraordinary levels of food waste caused by supply chain disruptions, to sharply rising levels of food insecurity, to widespread injury and death resulting from exposure to the pandemic amongst highly exploited food system workers, to the origins of the virus itself linked in part to the global grain-livestock and factory farming complex, COVID-19 is a ‘wake-up call for the food system.’65-75 More broadly, the negligence with which governments in Europe, Britain and the United States handled the pandemic, leading to high rates of infection and death that would have been preventable had public health, rather than economic activity, been prioritised, led the British Medical Journal to accuse those in charge of ‘social murder.’76 It is important to note that while the burden of suffering in 2020 fell disproportionately on low-income sectors and people of colour, with as many as 500 million more people falling into poverty, the world’s billionaires experienced a bonanza year, with their collective wealth increasing by nearly $4 trillion.77

Having laid bare the cause of our social and ecological malady – capitalism in its cancer stage - the question becomes: what is to be done?

### T/Warming

#### Capitalism irreversibly produces climate change---the foundation of accumulation of capital necessitates environmental exploitation---treadmilling carbon use causes planetary catastrophe

Ronald C. Kramer 21. Professor of Sociology, Western Michigan University. “2. ‘Beyond Catastrophic’: The Climate Crisis, Carbon Criminals, and Fossil Capitalism.” *Carbon Criminals, Climate Crimes*. Rutgers University Press. 2020. 52-56.

Climate scientists have documented that global greenhouse gas emissions began to increase during the era of the Industrial Revolution with the growing use of fossil fuels in connection with industrial production. The full emergence of the capitalist mode of production, the expansion of the market economy, and the subsequent process of industrialization were central elements of what Polanyi (1944) called the “Great Transformation” that emerged in Europe and later spread to other parts of the world primarily through the force of colonization. The discipline of sociology originated in the attempt to understand this transformation, which culminated in the rise of the “modern” world, the triumph of capitalism, the rise of the infrastructural power of the capitalist state, and the use of markets as the dominant mode for structuring economic relations, along with significant intellectual, cultural, and political revolutions such as the Enlightenment and the French Revolution. Another transformational dimension of the emergence of the modern social world, unintended and unrecognized at the time, was that it set humanity on the path to the current climate crisis. Yet, despite the clear linkage between the development of capitalism, the process of industrialization, and the rise of markets, Perrow and Pulver (2015: 63) argue that “action by capitalist, industrial organizations in markets has been only a peripheral focus in analyzing the problem of global warming.”

There is a growing effort in macro­structural environmental sociology and green criminology to move this focus on the political economy of the climate crisis to the center of disciplinary concerns. One important contribution to this effort is Malm’s Fossil Capital: The Rise of Steam Power and the Roots of Global Warming. Malm (2016: 11) analyzes the historical origins of what he calls the fossil economy, “an economy of self­sustaining growth predicated on the growing consumption of fossil fuels, and therefore generating a sustained growth in the emissions of carbon dioxide.” He argues that the fossil economy emerged in the late eighteenth and early nineteenth centuries during the Industrial Revolution when “the fossil fuel of coal was coupled to the machine through the rise of stationary steam power in the mills of Britain” (Malm, 2016: 16). And he contends that British manufacturers turned from traditional sources of power such as wind and water mills (the flow) to an engine fired by coal (the stock), not because coal was a cheaper or more abundant form of energy but because steam power gave capitalists greater control over both labor and the energy source. Production could be concentrated at urban sites that were more profitable, during hours that were more convenient. The steam engine was a technology that had greater value for capital. Steam won because it augmented the power of the men who owned the means of production in the class struggle of the early Industrial Era. According to Malm (2016: 277), “capitalism gave birth to the fossil economy. The rise of steam power—the critical moment in the delivery—occurred in a country with a distinctly capitalist mode of production: two centuries later, the context remains the same, the umbilical cord as strong as ever.” His comment that, centuries later, the context remains the same is important. As we examine rising greenhouse gas emissions today, it is critical to understand the history and continuing influence of fossil capitalism.

Fossil fuel–based technologies became locked into the capitalist mode of production during the Industrial Revolution and laid the foundation for current levels of carbon emissions and global warming, although, as Angus (2016) points out, they increased dramatically after World War II during the Great Acceleration. While Malm acknowledges that a fossil economy does not necessarily have to be capitalist (the extractive, industrial, state socialist system in the Soviet Union and its satellite states were also responsible for a high level of carbon pollution and environmental destruction), only fossil capital remains today. At this point in history, Malm (2016: 278) argues, “the fossil economy is coextensive with the capitalist mode of production— only now on a global scale.” The climate crimes of today, therefore, must be analyzed in the context of this global capitalism. As Malm (2016: 273–274) observes, for the steam engine, and “all subsequent technologies of fossil fuel combustion in class societies: their stunning power to change the climate of the earth has followed from their value for their owners as distinct from non­owners.”

To analyze the dialectical relationship between nature and the economy, to develop a “world ecology of capitalism,” Jason Moore argues that we need to go much further back in history than the Industrial Revolution and the rise of steam power built on the stock of coal. In Capitalism in the Web of Life: Ecology and the Accumulation of Capital, Moore (2015: 173) examines the early modern origins of capitalism and “its extraordinary reshaping of global natures long before the steam engine.” He argues that during the “long sixteenth century” and the early “epochal transition” to capitalist social relations, a “new pattern of environment­making” began in the Atlantic world. This new pattern was so powerful and consequential that he raises the question of whether we are really living in the Anthropocene or in an era we should refer to as the Capitalocene. As Moore (2015: 172) sums up,

To locate the origins of the modern world with the steam engine and the coal pit is to prioritize shutting down the steam engines and the coal pits (and their twenty­first century incarnations). To locate the origins of the modern world with the rise of capitalist civilization after 1450, with its audacious strategies of global conquest, endless commodification, and relentless rationalization, is to prioritize the relations of power, capital, and nature that rendered fossil capitalism so deadly in the first place. Shut down a coal plant, and you can slow global warming for a day; shut down the relations that made the coal plant, and you can stop it for good.

Informed by these historical perspectives on the early modern origins of capitalism and the rise of the fossil economy during the Industrial Revolution, the field of environmental sociology contains many theories that analyze how the current deep­seated structural forces of global capitalism produce environmental harms and ecological disorganization. Treadmill of production theory, world system theory, ecological rift theory, regulation theory, and Marxian­rooted globalization theories all suggest that the climate crisis and other forms of ecological destruction that are occurring today are rooted intrinsically in capitalism per se (Antonio and Clark, 2015). These theories focus on the system imperative of economic growth and the enduring conflict between the capitalist mode of production and protection of the environment. They argue that the drive for endless economic growth and ever greater profits leads to increasing levels of environmental degradation.

As sociologists Robert J. Antonio and Brett Clark (2015: 353) point out, these theories argue that under capitalism, “The highly stratified global interstate system imposes a division of nature that replicates the flow of economic surplus, while it also creates the structural conditions that accelerate climate change.”

Out of this group of sociological theories that link global capitalism to environmental harm, the one that has had the most impact within environmental sociology and green criminology is treadmill of production (TOP) theory. Initially developed by environmental sociologist Allan Schnaiberg in his 1980 book The Environment: From Surplus to Scarcity and developed further by Gould, Pellow, and Schnaiberg (2008), TOP theory argues that there is an inherent and deadly contradiction between the political economy of global capitalism and ecological health. Human economic systems— particularly capitalism with its expansionary logic—extract natural resources and transform them through a production process that interferes with the organization of ecological systems and results in ecosystem disruption and ecological disorganization. The routine operation of the capitalist system with its built­in demand for endless economic growth produces both commodities and environmental devastation hand in hand, a suicidal strategy that Wright and Nyberg (2015: 32) term “creative self­destruction.”

Market organizations such as transnational corporations in the fossil fuel industry, state­owned oil and gas producers, military institutions, and other state agencies “can be interpreted as connected and embedded in the treadmill and are hence influenced by treadmill factors such as the drive to expand profits and production” (Stretesky et al., 2014: 13). In addition to these corporate and state actors, labor organizations also often have shortterm interests in supporting increases in production (Schnaiberg, 1980). According to TOP theorists, these organizational actors are driven by the logic of industrial capitalism to expand production by extracting natural resources (raw materials and fossil fuels), transforming them into products to be sold in the marketplace, and discharging various waste by­products such as carbon emissions and other forms of pollution into the ecosystem, causing environmental catastrophe. TOP theory defines the extraction of natural resources necessary for production as ecological withdrawals and the pollutants that are emitted during the production process as ecological additions—impacts that disorganize the ecology. According to Stretesky and colleagues (2014: 22), the concept of ecological disorganization occupies an important place in TOP theory, noting that “Ecological disorganization occurs because capitalist production negatively impacts the relationships between organisms and their environment and impacts the self­sufficiency of the earth’s biological system.” Climate disruption represents a major form of ecological disorganization.

Environmental sociologists who have examined global warming and the climate crisis through the lens of TOP theory generally find it to be empirically supported and theoretically convincing. It has been lauded as one of the “most influential research programs for investigating these socio­environmental dynamics” (D. White, Rudy, and Gareau, 2016: 93). Perrow and Pulver (2015: 71) point out that “global and cross­national comparative studies of carbon emissions trajectories suggest that the treadmill logic predominates.” Following their identification of TOP theory as one of the dominant theoretical orientations in the field, Eugene Rosa and his colleagues (2015: 52) observe: “One of the most important overall lessons of sociological research on the anthropogenic forces driving global climate change is that it is necessary to look beyond technical fixes and consider the social, political, and economic structures that condition human behavior and resource exploitation.” Contrasting the treadmill argument against other theoretical approaches, Wright and Nyberg (2015: 33) state that it “provides a much more convincing explanation for the climate crisis we now face.”

### 2ac 1 – FW

#### 3 – Invert your standard for solvency – “feasibility” concerns are propaganda

McCarraher 19 [Eugene; 11/12/19; Associate Professor of Humanities at Villanova University, PhD in US Cultural and Intellectual History from Rutgers University; The Enchantments of Mammon: How Capitalism Became the Religion of Modernity, p. 15-18]

Words such as “paradise” or “love” or “communion” are certainly absent from our political vernacular, excluded on account of their “utopian” connotations or their lack of steely-eyed “realism.” Although this is a book about the past, I have always kept before me its larger contemporary religious, philosophical, and political implications. The book should make these clear enough; I will only say here that one of my broader intentions is to challenge the canons of “realism,” especially as defined in the “science” of economics. As the master science of desire in advanced capitalist nations, economics and its acolytes define the parameters of our moral and political imaginations, patrolling the boundaries of possibility and censoring any more generous conception of human affairs. Under the regime of neoliberalism, it has been the chief weapon in the arsenal of what David Graeber has characterized as “a war on the imagination,” a relentless assault on our capacity to envision an end to the despotism of money.24 Insistent, in Margaret Thatcher’s ominous ukase, that “there is no alternative” to capitalism, our corporate plutocracy has been busy imposing its own beatific vision on the world: the empire of capital, with an imperial aristocracy enriched by the labor of a fearful, overburdened, and cheerfully servile population of human resources. Every avenue of escape from accumulation and wage servitude must be closed, or better yet, rendered inconceivable; any map of the world that includes utopia must be burned before it can be glanced at. Better to follow Miller’s wisdom: we already inhabit paradise, and we can never make ourselves fit to live in it if we obey the avaricious and punitive sophistry professed in the dismal pseudoscience.

The grotesque ontology of scarcity and money, the tawdry humanism of acquisitiveness and conflict, the reduction of rationality to the mercenary principles of pecuniary reason—this ensemble of falsehoods that comprise the foundation of economics must be resisted and supplanted. Economics must be challenged, not only as a sanction for injustice but also as a specious portrayal of human beings and a fictional account of their history. As a legion of anthropologists and historians have repeatedly demonstrated, economics, in Graeber’s forthright dismissal, has “little to do with anything we observe when we examine how economic life is actually conducted.” From its historically illiterate “myth of barter” to its shabby and degrading claims about human nature, economics is not just a dismal but a fundamentally fraudulent science as well, akin, as Ruskin wrote in Unto This Last, to “alchemy, astrology, witchcraft, and other such popular creeds.”25

Ruskin’s courageous and bracing indictment of economics arose from his Romantic imagination, and this book partakes unashamedly of his sacramental Romanticism. “Imagination” was, to the Romantics, primarily a form of vision, a mode of realism, an insight into the nature of reality that was irreducible to, but not contradictory of, the knowledge provided by scientific investigation. Romantic social criticism did not claim the imprimatur of science as did Marxism and other modern social theories, yet the Romantic lineage of opposition to “disenchantment” and capitalism has proved to be more resilient and humane than Marxism, “progressivism,” or social democracy. Indeed, it is more urgently relevant to a world hurtling ever faster to barbarism and ecological calamity. I wrote this book in part out of a belief that many on the “left” continue to share far too much with their antagonists: an ideology of “progress” defined as unlimited economic growth and technological development, as well as an acceptance of the myth of disenchantment that underwrites the pursuit of such expansion. The Romantic antipathy to capitalism, mechanization, and disenchantment stemmed not from a facile and nostalgic desire to return to the past, but from a view that much of what passed for “progress” was in fact inimical to human flourishing: a specious productivity that required the acceptance of venality, injustice, and despoliation; a technological and organizational efficiency that entailed the industrialization of human beings; and the primacy of the production of goods over the cultivation and nurturance of men and women. This train of iniquities followed inevitably from the chauvinism of what William Blake called “single vision,” a blindness to the enormity of reality that led to a “Babylon builded in the waste.”26

Romantics redefined rather than rejected “realism” and “progress,” drawing on the premodern customs and traditions of peasants, artisans, and artists: craftsmanship, mutual aid, and a conception of property that harkened back to the medieval practices of “the commons.” Whether they believed in some traditional form of religion or translated it into secular idioms of enchantment, such as “art” or “beauty” or “organism,” Romantic anticapitalists tended to favor direct workers’ control of production; the restoration of a human scale in technics and social relations; a sensitivity to the natural world that precluded its reduction to mere instrumental value; and an apotheosis of pleasure in making sometimes referred to as poesis, a union of reason, imagination, and creativity, an ideal of labor as a poetry of everyday life, and a form of human divinity. In work free of alienation and toil, we receive “the reward of creation,” as William Morris described it through a character in News from Nowhere (1890), “the wages that God gets, as people might have said time agone.”27

Rendered gaudy and impoverished by the tyranny of economics and the enchantment of neoliberal capitalism, our sensibilities need replenishment from the sacramental imagination. As Americans begin to experience the initial stages of imperial sclerosis and decline, and as the advanced capitalist world in general discovers the reality of ecological limits, we may find in what Marx called the “prehistory” of our species a perennial and redemptive wisdom. We will not be saved by our money, our weapons, or our technological virtuosity; we might be rescued by the joyful and unprofitable pursuits of love, beauty, and contemplation. No doubt this will all seem foolish to the shamans and magicians of pecuniary enchantment. But there are more things in heaven and earth than are dreamt of on Wall Street or in Silicon Valley.

### 2ac 2- sustainable

#### Cap is unsustainable:

#### A – Ag collapse – short term

Allinson et al ‘21 [Jamie Allinson is Senior Lecturer in Politics and International Relations at Edinburgh University and author of The Age of Counter-revolution. China Miéville is the author of a number of highly acclaimed and prize-winning novels including October: The History of the Russian Revolution. Richard Seymour is the author of numerous works of non-fiction, His writing appears in the New York Times, London Review of Books, Guardian, Prospect, Jacobin. Rosie Warren is an Editor at Verso and the Editor-in-Chief of Salvage. All are writing for the Salvage Collective. “The Tragedy of the Worker: Toward the Proletarocene.” Chapter 1: M-C-M’ and the Death Cult. July 2021. Verso EBook. ISBN: 9781839762963 //shree]

The Triassic-Permian ‘great dying’ was a megaphase change taking place through pulses lasting for tens of thousands of years, separated by interludes of hundreds of thousands of years, if not millions. The current mass extinction event is a megaphase change taking place in microphase time.

Mass extinction is punctuated by the production of what the environmentalist Jonathan Lymbery calls ‘dead zones’: the conversion of wild ecosystems into dead monocultures. In Sumatra, these dead zones are made by burning rainforest and, amid the stench of death, planting palm crop. The palm oil is used in foods and household items, while the nut is used in animal feed. It is secured with barbed wire, and treated with poison, to prevent the crop from being eaten. Surviving animal life, and surrounding human communities, are pushed to the edges, to the brink of extinction. Agricultural workers are abused, underpaid, even enslaved. This is an example of what Moore would call ‘cheap food’, where the ‘value composition’ of the goods, the amount of waged labour necessary to produce each item is ‘below the systemwide average for all commodities’. In this case, a ‘cheap nature’ is produced by a distinctly capitalist form of territorialisation, wherein forestry is converted through deforestation into palm monoculture, while ‘cheap labour’ is secured partly through the dispossession of neighbouring human communities. More calories with less socially-necessary labour-time is cheap food.

Cheap is not, of course, the same thing as efficient. Food production is, alongside fuel, a fulcrum of the capitalist organisation of work-energetics. It is one that, as with fossil fuels, wastes an incredible amount of the energy it extracts. According to the FAO (Food and Agriculture Organization of the United Nations), 30 per cent of cereals grown for human and animal consumption are wasted, along with almost half of all root crops, fruits and vegetables. To conclude from this grotesque squander that a ‘more efficient’ capitalism would ‘solve the problem’ of ‘the environment’ would be to fail to understand waste, capitalism and ecology: that the first is intrinsic to the second; that the second, whatever the degree to which it is inflected by the first, is inimical to the third.

Capitalism also directly undermines its own productivity, precisely through its industrially-produced biospheric destruction. According to the UN, for example, there are at most sixty harvests remaining before the world’s soils are too exhausted to feed the planet. This edaphic impoverishment is a product, not a byproduct. It is the predictable, and long-predicted, consequence of intensive agriculture, over-grazing and the destruction of natural features (such as trees) that prevent erosion. Likewise, the death-drop of insect biomass, the decline of pollinating bees, are hastened by the extensive use of pesticides and fertilisers. Capitalist food production can only evade the problem – a problem, in its terms, of accumulation – either by establishing new ‘cheap natures’ through such means as deforestation, or by extracting rent from competitor producers through such means as intellectual property rights. For instance, since 1994’s notorious TRIPS agreement (Trade-Related Aspects of Intellectual Property Rights), through the rules of UPOV (Union for the Protection of New Plant Varieties), particularly the notorious UPOV 1991, and in the face of local fightbacks from Guatemala to Ghana, the World Trade Organisation has enforced property agreements outlawing the saving of seeds from one season to the next, thus sharply raising costs for farmers producing 70 per cent of the global food supply.

#### B – Carbon bubble, peak oil

Rifkin ‘19 [Jeremy, Honorary Doctorate in Economics at Hasselt University. Recipient of the 13th annual German Sustainability Award in December 2020. BS in Economics at UPenn – Wharton School. Founder of People’s Bicentennial Commission. The Green New Deal: Why the Fossil Fuel Civilization Will Collapse By 2028, and the Bold Economic Plan to Save Life on Earth. St Martin’s Press. P7-8. Google Book. //shree]

The Carbon Tracker Initiative, a London-based think tank serving the energy industry, reports that the steep decline in the price of generating solar and wind energy “will inevitably lead to trillions of dollars of stranded assets across the corporate sector and hit petro-states that fail to reinvent themselves,” while “putting trillions at risk for unsavvy investors oblivious to the speed of the unfolding energy transition.”19 “Stranded assets” are all the fossil fuels that will remain in the ground because of falling demand as well as the abandonment of pipelines, ocean platforms, storage facilities, energy generation plants, backup power plants, petrochemical processing facilities, and industries tightly coupled to the fossil fuel culture.

Behind the scenes, a seismic struggle is taking place as four of the principal sectors responsible for global warming—the Information and Communications Technology (ICT)/telecommunications sector, the power and electric utility sector, the mobility and logistics sector, and the buildings sector—are beginning to decouple from the fossil fuel industry in favor of adopting the cheaper new green energies. The result is that within the fossil fuel industry, “around $100 trillion of assets could be ‘carbon stranded.’”20

The carbon bubble is the largest economic bubble in history. And studies and reports over the past twenty-four months—from within the global financial community, the insurance sector, global trade organizations, national governments, and many of the leading consulting agencies in the energy industry, the transportation sector, and the real estate sector—suggest that the imminent collapse of the fossil fuel industrial civilization could occur sometime between 2023 and 2030, as key sectors decouple from fossil fuels and rely on ever-cheaper solar, wind, and other renewable energies and accompanying zero-carbon technologies.21 The United States, currently the leading oil-producing nation, will be caught in the crosshairs between the plummeting price of solar and wind and the fallout from peak oil demand and accumulating stranded assets in the oil industry.22

#### C – Mineral cycles – that’s Allinson – copper, lithium, manganese hit bottlenecks

Ahmed 20 [Nafeez. M.A. in contemporary war & peace studies and a DPhil (April 2009) in international relations from the School of Global Studies at Sussex University. Capitalism Will Ruin the Earth By 2050, Scientists Say. Vice. 10-21-2020. https://www.vice.com/en/article/v7m48d/capitalism-will-ruin-the-earth-by-2050-scientists-say]

Endless growth will generate minerals scarcity within decades

The EV transition is, in short, a massive industrial project. Electrification of roads and rail will require upgraded smart grids, complex routes connected to high power lines, and regular battery-swap stations. The paper explores several scenarios to explore how such a transition would take place.

In a continuing GDP growth scenario, the authors note that the economy begins to stagnate “due to peak oil limits at around 2025-2040,” but GDP is able to continue growing thanks to the EV transition. This shows that the reduction in liquid fuels in transportation can play a powerful role in avoiding “energy shortages in the economy as a whole.”

But then the economy hits the limits of mineral and material production to sustain this electric transition—in just three decades. And this is even with high levels of minerals recycling.

By 2050, in this scenario, the EV transition will “require higher amounts of copper, lithium and manganese than current reserves. For the cases of copper and manganese the depletion is mainly due to the demand from the rest of the economy,” but most lithium demand “is for EV batteries,” and this alone “depletes its estimated global reserves.”

Mineral depletion takes place even with “a very high increase in recycling rates” in a continuing GDP growth scenario.

In one such scenario, the authors apply what they consider to be realistic upper level recycling rates of 57 percent, 30 percent and 74 percent to copper, lithium and manganese respectively. These are based on extremely optimistic projections of recycling capabilities relative to their costs.

But still they find that even these high recycling rates wouldn’t prevent depletion of all current estimated reserves by 2050. The conclusion corroborates findings of other studies, estimating an expected bottleneck for lithium by 2042-2045 and for manganese by 2038-2050.

Actual bottlenecks could come even earlier because existing studies—including the MEDEAS model—don’t account for material requirements needed for internal wiring, the EV motor, EV chargers, building and maintaining the grid to connect and charge EV batteries, the catenaries to electrify the railways, as well as inherent difficulties in recycling metals.

#### D – COVID – “recovery” is sugar rush that drives crisis

Roberts & Smith ‘21 [Michael Roberts worked as an economist for over 40 years, Activist in British Labor Movement in Britain. Interviewed by Ashley Smith, Author at Specter Journal. “Out of Lockdown and Back into the Long Depression.” 7-6-21. <https://spectrejournal.com/out-of-lockdown-and-back-into-the-long-depression/> //shree]

The Covid slump of 2020-21 was basically a supply-side shock due to the global spread of the Covid-19 virus and the failure of governments in the major economies (with a few exceptions) to prevent its spread. There were delayed and bungled measures along with weakened health systems, so economies had to close down as lockdowns and isolation measures were the only answer to avoiding catastrophe. Economically, that meant supply stopped, and then that led to a collapse in demand as people were laid off and businesses crashed.

But recovery is now under way (more or less) in most major economies. Demand was propped up in the major advanced economies through massive government fiscal spending and central bank injections of credit for businesses (particularly large ones). And now through a combination of lockdowns and the incredibly fast development and rollout of effective vaccinations (thanks to publicly funded science), the major economies are now able to recover.

But in the G7 economies this initial recovery has the aspect of a “sugar rush.” The “sugar” of fiscal stimulus and historic levels of easy credit is infusing capitalist businesses and household spending with an energy boost.

Indeed, during the pandemic slump sections of capitalism did not suffer at all; on the contrary, they gained hugely, e.g., the social media and tech sector, the mega-distribution companies, and Big Pharma.

Better-off households also suffered less (at least materially) as they continued to be paid, could work at home, and saved income significantly. This led to a house purchase boom as these sectors of labour looked to change their lifestyles post-Covid.

At the same time, zero interest rates and cheap credit allowed financial institutions to make hay in financial markets and billionaire wealth rocketed as stock and bond markets hit historic highs.

But, for most manual workers in the cities and in low-paid service industries, the pandemic slump was a disaster and with little prospect of returning to “normal” for them in the recovery.

And it’s the advanced capitalist economies and the East Asian states that are recovering best in 2021-22. The so-called global South suffered hugely in the pandemic, with record levels of excess deaths and a massive rise in unemployment and poverty levels. Fiscal support from governments was limited and the rollout of vaccines to get economies going again is way short. Estimates are that the target vaccination levels in these countries will not be achieved until 2023-4!

So, what we are going to see is the major capitalist economies of the West and China returning to pre-pandemic levels of national output by the end of this year or in early 2022, but Latin America, Africa, South Asia failing to do so.

What are the weaknesses and contradictions of the recovery in those economies?

Before the pandemic, the world economy was slowing down. Real GDP growth rates in the G7 were dropping to just 1 percent or lower; the so-called emerging economies had growth rates down to 3 percent (hardly enough to cover increases in population). World trade was declining. Even the giant economies of China and India had slowed.

The main reason was that growth in investment in productive assets that can boost the productivity of labor and expand technology and employment had also slowed. In my view, investment and productivity growth are key to developing the productive forces of modern capitalist economies, and they were failing because under capitalism, profitability is the driving force behind investment.

And according to the best estimates, US and global profitability levels are at historic lows. This is the long-term result of the basic contradiction of capitalism: between raising the productivity of labour and sustaining profitability. Over the long term, this cannot be done, and this is the economic Achilles heel of capital.

At first sight, this result seems strange when we read of the huge profits being made by the likes of the so-called FAANGS (the tech and social media monopolies) and Amazon. But these are the exceptions that prove the rule. On average, the profitability of firms in the productive sectors of capitalist economies are low.

That’s partly why profits have been reinvested into financial and other unproductive sectors like property where profitability is higher.

Indeed, it is estimated that before the pandemic, about 15-20 percent of companies in the major economies were what are called “zombies,” i.e., not making enough profit to invest or expand, but just enough to pay wages and service their debts. They are the “living dead” in capitalist terms. At the same time, however, corporate debt is at record highs in most countries, raising the risk of bankruptcies if interest rates were to rise.

All this makes it unlikely that we shall see any significant change post-pandemic from what we saw in the post-great recession decade, i.e., slow growth in investment, low wage growth, poor productivity growth, rising inequality, and unchanged or worsened global poverty.

In the US, a lot has been made about Biden’s turn away from the neoliberal consensus toward Keynesianism. What has he done, why has he done it, and what has been its impact so far?

The pandemic fiscal packages introduced by various G7 governments and, of course, by the Biden administration were emergency measures by states to avoid complete meltdown and catastrophe from the pandemic. In my view, they do not signify a change of ideology or policy by pro-capitalist governments. The usual talk is “let’s get out of this slump and preserve capitalist businesses using state funds and credit and then worry about paying it all down later.” The “later” is still to come.

Biden’s fiscal packages have been heralded as a sea change in government policy and a return to Keynesian macro-management and stimulation of capitalist economies. But first, let’s leave aside the fact that Keynesian stimulus and macro-management was mainly a myth anyway and really the product of a war economy after 1945 which was ditched in the mid-1970s.

Instead let us consider the actual impact of the Biden packages. The latest estimates by Goldman Sachs, hardly a voice of the left, is that after all the machinations of Congress by the end of this year, the Biden package will be equivalent to about 1 percent of US GDP each year for the rest of Biden term. But Biden is going to pay for these partly by increasing taxation by 0.75 percent of GDP a year.

Given that the best estimates of so-called multiplier effects on GDP from fiscal stimulus are about one, that means the net effect of the Biden packages, if fully implemented, might boost US real GDP growth by 0.25 percent a year. The current forecast for long-term us real GDP growth is just 1.8 percent a year. So, the “great” return to Keynes by Biden will be minimal.

If Biden manages to get his larger proposals for increased spending on infrastructure and social welfare spending through Congress, what impact will that have on the US and world economies?

If the Biden package will have a limited effect on the US economy, any spillover effect into other economies will be even less substantial. The EU is also planning an economic recovery package that will boost government funds in EU countries with already large debt burdens like Italy and Spain. But again, the impact on the capitalist sectors of these economies will be minimal. Japan is about to announce a fiscal package that aims to “balance the books” over the next decade – hardly stimulus then! Indeed, the latest growth forecast for japan is a further slowing from its pre-pandemic pace of less than 1 percent a year.

And apart from China, Vietnam, and the small East Asian states, the rest of the global South has little prospect of any fiscal stimulus or economic recovery. Most estimates from international agencies are that these economies will not recover to pre-pandemic GDP levels before 2023 and will never recover to pre-pandemic trajectories of economic growth. There is a permanent “scarring” of these weak peripheral capitalist economies.

There has been a whole range of bourgeois commentators like Lawrence Summers warning about the threat of inflation. What’s your assessment about the arguments about inflation? What are the dangers of a return to what in the 1970s was called stagflation, a combination of slow growth and increased inflation?

In the short term, inflation has returned to many economies. This is because of the sugar rush of consumer demand as economies open up again and people start spending down savings built up during the pandemic slump, while companies search for raw materials and components to restart businesses. Coupled with a significant disruption of global value chains, supply cannot meet demand and bottlenecks have created an inflation of prices in raw materials and consumer goods and services.

But is this as transitory as the federal reserve and other central banks claim (though to be fair, there are divergent views within these banks)? Some, like Summers, argue that credit and fiscal stimulation boost demand without engendering enough supply because there is a secular stagnation in investment and productivity in modern economies.

Others argue that credit injections and monetary easing after the great recession did not lead to inflation. On the contrary, easing only boosted financial and property prices. The Keynesian view is that inflation only happens when wage costs rise, i.e., inflation is caused by labor rather than capital. And that is not happening so far.

My view is that price inflation in goods and services in capitalist economies comes about through a combination of demand generated by new value (as expressed in wages and profits) and the pace of money supply growth. But it is the change in value production that matters most.

Capitalist economies have experienced a slowdown in new value growth for decades, so inflation rates have slowed to a trickle. Central banks have tried very hard with monetary easing to get some inflation (2 percent targets, etc.) and failed. Tinkering with interest rates and money quantities cannot deliver even moderate inflation in these conditions.

So, after this initial burst, inflation will rise above pre-pandemic rates (i.e., 2 percent or so) only if the world capitalist economies generate faster growth in new value (unlikely) and/or there are sustained levels of double-digit growth money supply (possible). The latter is what central banks control, and they are divided on how long to maintain that.

This raises larger theoretical questions on the left. Many believe that Keynesianism or Modern Monetary Theory can stimulate growth and bring about a more egalitarian capitalist order. You have challenged these ideas in your blog, The Next Recession. Why do Marxists argue that Keynesianism can’t overcome capitalist crisis in general and in this slump?

The key to answering this is to recognize that capitalists decide whether economies grow or go into slump. By that I mean capitalists will only invest in means of production and employment if there is a profit to be made. Profit calls the tune under capitalism. And as mentioned above, average profitability in the major capitalist economies is low; corporate debt is high, and many firms are just surviving through cheap credit and not investing productively.

But Keynesian theory does not consider capitalist economies from the perspective of profitability. It’s effective demand that decides. If government spending can increase demand, then it can get capitalist economies going. If Marxist theory is a better explanation of capitalist accumulation, then if profitability of capital stays low and does not recover to new higher levels post-pandemic, then government spending will be ineffective.

FLOW

### 2AC 3- Cap solves war

#### Cap turns China War – capitalism is a global oligarchy that creates geopolitical tensions with China, ensures military conflict – also disproves liberal international order claims

Cecilia Rikap 21. Professor of Economics and Coordinator of YSI States and Markets Working Group, Institute for New Economic Thinking. “The Interplays of the United States, China and their Intellectual Monopolies.” *Capitalism, Power and Innovation Intellectual Monopoly Capitalism Uncovered*. Routledge. 2021. 77-80.

As Strange (1996) anticipated, the decline of the state’s power vis-à-vis corporations can be partly explained by the acceleration of technological change, which tilts the scale in favour of corporations. As identified by Feenberg (2010, p. 5) “political democracy is largely overshadowed by the enormous power wielded by the masters of technical systems”. Indeed, we should consider that powerful intellectual monopolies pass over their home states in specific contexts or respects.11 With this in mind we reconceived core states as one of capitalism’s multiple powerful actors.

Beyond explicit confrontations, since intellectual monopolies organize and plan production and innovation networks taking place in different countries, they generate an overlap of political realms with sometimes contradictory rules and norms. Who oversees production and innovation inside the networks organized by intellectual monopolies? The latter or the different states where intellectual monopolies’ production or innovation networks are based? To whom subordinate firms and other organizations are accountable for their actions? Their state or the intellectual monopoly coordinating the network? The simple answer is both. The complicated part is to identify what happens when they are in contradiction, and what are the consequences of this complex set of power structures for workers and subordinated organizations.

Intellectual monopolies have replaced state functions as policymakers. An extreme example recently disclosed is Eric Schmidt, Alphabet’s former executive chairman, advising the US federal government while still managing Alphabet. He was the chair of the US Defense Innovation Board, which recommended the use of artificial intelligence to the US Department of Defense. He also chaired the National Security Commission on Artificial Intelligence which advises the US Congress on analogous topics (Klein, 2020).

The government’s threat over China is – at least to some extent – driven by US data-driven intellectual monopolies’ concern over Chinese rivals like Alibaba, Tencent and Huawei. The CEOs of Google, Amazon, Facebook and Apple made this clear in their testimonies in the 2020 US Congress Hearing. As a remedy, Schmidt had been pushing for more public investment in research related to artificial intelligence and tech-enabling infrastructure (such as 5G) (Klein, 2020). Furthermore, these data-driven intellectual monopolies make their own rules and norms for their digital republics and, to some degree, replace the role of states. Facebook’s founder and chief executive, Mark Zuckerberg, states it clearly

Every day, platforms like Facebook have to make trade-offs on important social values – between free expression and safety, privacy and law enforcement, and between creating open systems and locking down data.12

(Mark Zuckerberg, Feb 16, 2020)

And immediately afterwards, he advocates for more public regulations and informs that Facebook is working together with different governments to that end. A similar claim was raised by Sundar Pichai, arguing that artificial intelligence needs to be regulated.13

The division of power is not clear, given that corporate power and planning capacities go beyond national frontiers and beyond the capital they own. Overall, there is a legal vacuum in the reach of each state’s power and where the power of the intellectual monopoly controlling a portion of global production and innovation begins. This vacuum allows intellectual monopolies to expand their power and profits.

Another source of conflict between intellectual monopolies and core states concerns the relative absence of the usual benefits of being home to big corporations: employment generation and tax payments. Considering their earnings, global leading corporations do not generate in their home countries expected employment due to outsourcing and offshoring (of production and innovation), which is particularly the case of US and also European intellectual monopolies. This has contributed to the rise in inequalities in these regions. The consequent social distress put pressure on stringent regulations. In the US, we referred in Section 2.1 to the 2017 Tax and Jobs Act (Public Law 115-97), but changes have not been significant.

US intellectual monopolies are masters of tax avoidance. As we mentioned before, operations leading to lower tax bills and financialized profits are easier for companies with higher shares of intangible over tangible assets. Offshoring IPRs to countries where corporations are not required to pay taxes for their intellectual property is a mechanism frequently used to divert profits to tax havens (Bryan et al., 2017) (see Chapter 7 on Apple’s case). By the end of 2016, the top ten companies in terms of offshored savings were: Apple, Microsoft, Cisco, Oracle, Alphabet, Johnson & Johnson, Pfizer, Qualcomm, Amgen and Merck (Pozsar, 2018).

In China, whose global intellectual monopolies sprang from the sustained stimulus and protection of its state, the latter’s central planning capacity is starting to find limits vis-à-vis new intellectual monopolies. These corporations were not born as the chosen ones by the state, but still enjoyed the benefits of China’s protectionism. The recent case of Bytedance provides a good example. The company was spending its Chinese profits to expand its unprofitable business in the US when the US government banned its blockbuster TikTok app. Bytedance was not among Beijing’s favoured companies, among others, because of the difficulties in controlling the videos uploaded to TikTok (Yang, 2020). Regardless of the end of the story between TikTok, the US and Chinese governments and US intellectual monopolies as potential buyers for part of TikTok’s business, what the case put forward was a possible surge of clashes between emerging Chinese (data-driven) intellectual monopolies and their state. Indeed, in late 2020 the Chinese state delayed Ant Group’s IPO, followed by the introduction of antitrust regulation for digital companies.

Meanwhile, Europe remained focused on increasing regulations on foreign data-driven intellectual monopolies, including different accusations of excessive market power and unfair competition. Unlike previous stages in capitalism, Europe risks playing in the subordinate side, where the peripheries have historically been and generally remain. Germany’s fear of falling behind the US and China’s tech giants should also be read as a broader European concern to lag (far) behind those core economies.14 Overall, Europe and Japan are latecomers of the digital economy, and this space is being filled primarily by China, emerging as a digital technological power (UNCTAD, 2019). Moreover, with a drop of eight companies between March 2009 and December 2019, Europe’s share of global top 100 corporations in market capitalization fell from 27% to 15%. This drop was taken over by the US (PWC, 2020). Regulating the digital economy could thus be seen as Europe’s geopolitical rebalancing move.15

5 Final remarks

In this chapter, we argued that core states and certain corporations built a mutually beneficial relationship. We identified US and Chinese policies that contributed to the emergence and spread of global intellectual monopolies. Likewise, we elaborated on how these corporate leaders sustain and expand their respective countries’ geopolitical power. Nevertheless, we also addressed states’ concerns and the overall tensions of the juxtaposition of power between core states and intellectual monopolies.

The US state cannot afford to lose its intellectual monopolies since its global hegemon power significantly depends on those companies. Likewise, it cannot afford to let its intellectual monopolies be given their consequences for income and wealth concentration resulting in increasing social unrest. From the US state perspective, the technological war with China is necessary to remain the only superpower. Nevertheless, this conflict is also a powerful device to redirect public attention and blame – as it has always been the case of the United States – an “other” of the internal consequences of home (and global) capitalism.

Neither can the Chinese state afford to lose its alliance with its intellectual monopolies. Its national innovation system and geopolitical power are based on a strong partnership – although not without tensions – between China’s state and intellectual monopolies, the only ones challenging the US and its intellectual monopolies.

All in all, the US and Chinese states have benefited from their respective intellectual monopolies to build and reinforce their geopolitical power. Meanwhile, in the rest of the world, knowledge and data extractivisms are further expanding inequalities, diminishing social well-being and curtailing development opportunities (see Chapters 11–13). The resulting world scenario is a ticking bomb.

A missing piece in this puzzle that will be addressed in future research concerns integrating international organizations to our analysis, seeking to understand how intellectual monopolies influence them and their role as arenas of core states’ contest for global hegemony. Let us just point out that each time the US withdraws from international coordination, China moves forward. Remarkably, during Trump’s administration, the US withdrew from international treaties and organizations, putting into question its historical openness. A possible interpretation could be that the hegemon fosters an open world economy but as far as it benefits from it.

To conclude, beyond the focus on the US and China, this chapter has also made self-evident that unfolding the interplay between state and corporate power is always context-dependent. While in some contexts the state rules over global leader corporations, the latter overcome even core states’ power in other contexts. As capitalism develops through the interplay of its powerful actors, it is not possible to anticipate concrete outcomes of such a multifaceted relationship. Neither can we anticipate the counter-hegemonic tendencies that, as Cox (1981) emphasized, generally emerge to oppose the state and world order structures of capitalism. The institutions that will lead the counter-offensive to intellectual monopoly capitalism remains to be seen.

### 2ac 4 – pdb/Links

#### Link turns case – domestic prohibitions push outsourcing and multinational integration – can’t fiat international enforcement, competition frames preclude modeling

Kopf et al 13 [Jerry. Professor of Economics, Radford University. Charles Vehorn, Professor of Economics, Radford University. Joel Carnevale, Professor of Economics, Syracuse University. “Emerging Oligopolies in Global Markets: Was Marx Ahead of His Time?” *Journal of Management Policy and Practice* 14(3): 96-98. <http://www.m.www.na-businesspress.com/JMPP/KopfJ_Web14_3_.pdf>]

With firms branching out into global competition and countries lowering their trade barriers to promote such competition, the absence of effective global regulation once again raises Marx concerns. Because of strong federal governments, national governments were able to pass and enforce, through the uses of military or police force where necessary, laws that regulated externalities, such as pollution, and antitrust. At the moment there is no strong federal government at the global level and, therefore, no one to pass and enforce laws that effectively regulate externalities or antitrust. Epstein and Greve raise a Marx like concern, “when firms have international market power, one would expect them to behave as monopolists just like domestic firms with market power” (2004). Therefore, without any dominant form of regulatory governance, industry concentration could very well replicate what was seen in the late 19th century, though, globally instead of nationally. Carstensen & Farmer discusses this tendency towards M&A’s: The transformation of formerly regulated or noncompetitive industries to competition is closely linked with merger movements. The historical record demonstrates that once faced with competition, leading firms in these industries began to merge. This has been the pattern in airlines, banks, railroads, electric and gas utilities, health care and, with great prominence, telecommunications (2008).

While some may argue that reaching that level of concentration is unlikely, one should consider current industries that hold a considerable global market share. “Although it may be more difficult to establish and maintain market power internationally, there is no reason to believe that it is impossible or, for that matter, rare. Industries such as pharmaceuticals, passenger aircraft, and software illustrate the phenomenon” (Epstein & Greve, 2004).

There are actually quite a few firms who have emerged into the global market that hold what can be considered a significant share within global industries, ranging from manufacturing, financial intermediation, and transport service along with other service industries. For example, The European Aeronautic Defense and Space Company and The Boeing Company combined hold more than 50% market share within the global civil aerospace products manufacturing industry. Goldman and Sachs hav2 20.20% market share within the global investment banking and brokerage industry and Vivendi holds 20.10% within the global music production and distribution industry. United Parcel Service holds 23.80%, within the global logistics – couriers industry (IBISW, 2011).

We do not intend to imply that the monopolization that had plagued the United States in the late 19th century has emulated itself at the global level, creating one dominant firm controlling an entire global industry. However, it does appear that a number of industries are starting to exhibit Marx, “inevitable move toward a monopoly.”

The increase in oligopoly power at the global level presents unprecedented challenges. Reaching a cross-country consensus on competition policy is a difficult. Epstein & Greve discuss some of the issues that arise when attempting to unite foreign and domestic competition policy. Competition policy embodies imprecise normative judgments that invite controversy and defection rather than consensus and commitment. Because its scope extends to such a wide range of economic activity, it has the potential to inflict significant costs on many transactors. In particular, competition policy tempts states both to impose nominally neutral policies that favor local producers and consumers at the expense of global welfare, and to administer their policies in a discriminatory fashion to similar ends” (2004).

While more and more countries are adopting competition policies, this seemingly positive step towards unification of trust law has its negative effects. “Nearly one hundred jurisdictions now have antitrust laws” according to Epstein & Greve, this raises increasing issues of “jurisdictional overlaps” since many countries will assert their “jurisdiction over extraterritorial conduct that has a domestic impact” (2004).

Antitrust enforcement agencies around the world have tried to cope with the increased power of global corporations by staying in regular and increasing contact with one another on individual merger cases as well as on general issues of mutual enforcement interest. Through instruments such as the 1995 Recommendation of the Organization for Economic Co-operation and Development (OECD) that its 29 members cooperate with one another in antitrust enforcement and bilateral agreements like that which exists between the United States and the European Community, the antitrust agencies notify one another when a case under investigation affects another's important interests and they share what information they can and otherwise cooperate in the investigation and resolution of those cases (1999).

Richard Parker, Senior Deputy Director of the Bureau of Competition FTC, presenting on global merger enforcement, discussed the implementation of the Organization for Economic Co-operation and Development (OECD) and concluded with examples of global merger enforcement. While attempts at unified standards of competition policy are underway, the efforts of the OECD are considered to have substantial limitations on enforcing global merger laws. Epstein and Greve state: Information sharing or “soft” cooperation has also been pursued at the Organization for Economic Co-operation and Development, which has generated several aspirational texts. None of these impose obligations on states, and they are not intended to do so. Their goals are modestly limited to improving communication on competition issues.

History shows us that even with a strong federal government with the ability to enforce laws through the use of force where necessary, such as the United States federal government has on its states, firms are very good at ignoring or getting around antitrust laws. If the U.S. government did not have strong federal power over states, and it was up to the states to reach agreements on antitrust laws, one can easily imagine that there would likely be problems resulting in less strenuous competition policy. Take for example state control over age discrimination laws. When these laws originated, states chose whether to enact policies aimed at protecting workers rights. By 1960 only 8 states had age discrimination laws until the federal government enacted such regulations as the Age Discrimination Employment Act of 1967 (ADEA). This, along with the Department of Labor in 1979 giving administrative authority to the U.S. Equal Employment Opportunity Commission (EEOC), established unified laws protecting individual employment rights (Lahey, 2007). Without this dominant authority of the federal government, fair employment practices may still continue to be a regionally dependent right. In the current era of globalization, where industry’s actions domestically can be felt by all corners of the globe and vice versa, without a global entity with strong “federal” powers capable of monitoring and enforcing competition policy, it seems reasonable to conclude that Marx may in fact be proven correct: the inevitable result of the efficient market is increasing concentration of power resulting in global oligopolies or, eventually, monopolies.

#### New link - ag

#### Agribusiness is at the nexus of expanding neoliberal ideology by centering transnational scale, management, and commodity – environmental destruction, imperialism, and disease outbreaks.

Rob Wallace et. al. 20.  Evolutionary epidemiologist who has consulted with the Food and Agriculture Organization and Centers for Disease Control and Prevention. Alex Liebman is a PhD student in human geography at Rutgers University, with a MSc in agronomy from the University of Minnesota. Luis Fernando Chaves is a disease ecologist and was a Senior Researcher at the Costa Rican Institute for Research and Education on Nutrition and Health in Tres Rios, Costa Rica. Rodrick Wallace is a research scientist in the Division of Epidemiology of the New York State Psychiatric Institute at Columbia University. COVID-19 and the Circuits of Capital. Monthly Review. 03-27-2020. https://monthlyreview.org/2020/05/01/covid-19-and-circuits-of-capital/

Outbreak zones meanwhile are no longer even organized under traditional polities. Unequal ecological exchange—redirecting the worst damage from industrial agriculture to the Global South—has moved out of solely stripping localities of resources by state-led imperialism and into new complexes across scale and commodity.32 Agribusiness is reconfiguring their extractivist operations into spatially discontinuous networks across territories of differing scales.33 A series of multinational-based “Soybean Republics,” for instance, now range across Bolivia, Paraguay, Argentina, and Brazil. The new geography is embodied by changes in company management structure, capitalization, subcontracting, supply chain substitutions, leasing, and transnational land pooling.34 In straddling national borders, these “commodity countries,” flexibly embedded across ecologies and political borders, are producing new epidemiologies along the way.35

For instance, despite a general shift in population from commoditized rural areas to urban slums that continues today across the globe, the rural-urban divide driving much of the discussion around disease emergence misses rural-destined labor and the rapid growth of rural towns into periurban desakotas (city villages) or zwischenstadt (in-between cities). Mike Davis and others have identified how these newly urbanizing landscapes act as both local markets and regional hubs for global agricultural commodities passing through.36 Some such regions have even gone “post-agricultural.”37 As a result, forest disease dynamics, the pathogens’ primeval sources, are no longer constrained to the hinterlands alone. Their associated epidemiologies have themselves turned relational, felt across time and space. A SARS can suddenly find itself spilling over into humans in the big city only a few days out of its bat cave.

Ecosystems in which such “wild” viruses were in part controlled by the complexities of the tropical forest are being drastically streamlined by capital-led deforestation and, at the other end of periurban development, by deficits in public health and environmental sanitation.38 While many sylvatic pathogens are dying off with their host species as a result, a subset of infections that once burned out relatively quickly in the forest, if only by an irregular rate of encountering their typical host species, are now propagating across susceptible human populations whose vulnerability to infection is often exacerbated in cities by austerity programs and corrupted regulation. Even in the face of efficacious vaccines, the resulting outbreaks are characterized by greater extent, duration, and momentum. What were once local spillovers are now epidemics trawling their way through global webs of travel and trade.39

By this parallax effect—by a change in the environmental background alone—old standards such as Ebola, Zika, malaria, and yellow fever, evolving comparatively little, have all made sharp turns into regional threats.40 They have suddenly moved from spilling over into remote villagers now and again to infecting thousands in capital cities. In something of the other ecological direction, even wild animals, routinely longtime disease reservoirs, are suffering blowback. Their populations fragmented by deforestation, native New World monkeys susceptible to wildtype yellow fever, to which they had been exposed for at least a hundred years, are losing their herd immunity and dying in the hundreds of thousands.41

Expansion

If by its global expansion alone, commodity agriculture serves as both propulsion for and nexus through which pathogens of diverse origins migrate from the most remote reservoirs to the most international of population centers.42 It is here, and along the way, where novel pathogens infiltrate agriculture’s gated communities. The lengthier the associated supply chains and the greater the extent of adjunct deforestation, the more diverse (and exotic) the zoonotic pathogens that enter the food chain. Among recent emergent and reemergent farm and foodborne pathogens, originating from across the anthropogenic domain, are African swine fever, Campylobacter, Cryptosporidium, Cyclospora, Ebola Reston, E. coli O157:H7, foot-and-mouth disease, hepatitis E, Listeria, Nipah virus, Q fever, Salmonella, Vibrio, Yersinia, and a variety of novel influenza variants, including H1N1 (2009), H1N2v, H3N2v, H5N1, H5N2, H5Nx, H6N1, H7N1, H7N3, H7N7, H7N9, and H9N2.43

#### Agriculture has transitioned to the sole purpose of profit accumulation---the commoditization of food is a classic feature of capitalism that causes environmental destruction.

Gerardo Patron-Cano 15. Graduate Studies @ University of Denver. MODERN CAPITALISM AND FOOD COMMODITIZATION: THE LIMITATIONS OF INDUSTRIAL AGRICULTURE AND THE CHALLENGES OF SUSTAINABLE ALTERNATIVES. Faculty of Social Sciences. June 2015. Pg.1-3

The UN predicts that around two billion more people will populate the world by 2050, half of who will be born in sub-Saharan Africa and 30 percent in Southeast and South Asia (United Nations, 2013). Malnutrition remains common in these areas even though global food production is abundant; this is mainly because food is considered a commodity to be traded on liberalized markets (Magdoff, 2012). The capitalist process has spurred farmers to produce for the sole purpose of profit accumulation, instead of production for use (Foster, 2002). In other words, food has been commoditized to a money metric like any other commodity that is traded and sold for profit. Instead of growing food for consumption, commodity crops are cultivated to be sold in international markets (de Janvry & LeVeen, 1986). Food was commoditized with the liberalization of trade markets after the Second World War. Since then, the commodity nature of the prevailing agricultural system contributes to the poor being dependent on market fluctuations for food. Poverty and malnutrition in the US is also borne out of the capitalist principles that have commoditized food systems worldwide. Even though food is plenty in the US, the poor do not have the financial means to demand food; in fact, about 50 million people in the US are considered “food insecure” while 40 percent of the food in the US goes uneaten (Magdoff, 2012, Gunders, 2012). Since food is a commodity sold for profit accumulation, the poor in the US must skip meals, rely on food stamps, buy food of lower nutritional value, or receive food assistance from charities (Magdoff, 2012). The expansion of capitalism has induced farmers to specialize and export their farms’ yields. The cultivation of commodity crops typically depends upon industrialized growing methods, which involve the application of chemical inputs that pollute the land, water, and air. US food and farm policies have financially supported the capitalist expansion of industrial agriculture.1 Proponents of industrial agriculture call attention to the improvements in food production that allowed US farmers in 2000 to produce an average 12 times more farm yield per hour than US farmers did in 1950 (Fuglie, MacDonald, & Ball, 2007). While industrialized processes proved successful in producing unprecedented yields, conventional agribusiness growing practices became dependent on environmentally harmful chemical inputs (Leo, Lawrence, & Walker, 2002). Post-WWII, farms replaced natural ecosystem services with chemical inputs to maintain pests, diseases, and weeds (Ikerd, 1993). Today, agribusinesses do not utilize local ecosystem services to produce crops because producing biologically is not profitable; indeed, industrial agriculture’s main purpose is to produce profits, not sustainably grown food. As such, it relies on the application of chemical inputs such as artificial fertilizers, pesticides, or herbicides in order to successfully produce its monocultures. Before the commoditization of food, most farmers selected the plant varieties most compatible with the farm’s local conditions; diversified crop production to hedge against any failures; managed the soil and protected its quality; did not rely on intensive inputs; and finally, considered the production-consumption cycle’s externalities (Feenstra, 2014).

### 2ac 6 - alt

#### Human nature is geared against capitalism.

Yuval Noah Harari 15. PhD in History from the University of Oxford. Professor of History at the Hebrew University of Jereusalem. ﻿Awarded the Polonsky Prize for Creativity and Originality in the Humanistic Disciplines in 2012. “Sapiens: A Brief History of Humankind” Part One: The Cognitive Revolution, Chapter 3: A Day in the Life of Adam and Eve.

TO UNDERSTAND OUR NATURE, HISTORY and psychology, we must get inside the heads of our hunter-gatherer ancestors. For nearly the entire history of our species, Sapiens lived as foragers. The past 200 years, during which ever increasing numbers of Sapiens have obtained their daily bread as urban labourers and office workers, and the preceding 10,000 years, during which most Sapiens lived as farmers and herders, are the blink of an eye compared to the tens of thousands of years during which our ancestors hunted and gathered. The flourishing field of evolutionary psychology argues that many of our present-day social and psychological characteristics were shaped during this long pre-agricultural era. Even today, ﻿scholars in this field claim, our brains and minds are adapted to a life of hunting and gathering. Our eating habits, our conflicts and our sexuality are all the result of the way our hunter-gatherer minds interact with our current post-industrial environment, with its mega-cities, aeroplanes, telephones and computers. This environment gives us more material resources and longer lives than those enjoyed by any previous generation, but it often makes us feel alienated, depressed and pressured. To understand why, evolutionary psychologists argue, we need to delve into the hunter-gatherer world that shaped us, the world that we subconsciously still inhabit.

#### Human nature is the opposite of capitalist values.

Louise O’Shea 21. Contributing Editor at Red Flag. “Human nature is no barrier to socialism.” *Red Flag*. February 20th, 2021. <https://redflag.org.au/index.php/node/7547>.

We’re also not supposed to ask why the dog-eat-dog view of human nature just happens to coincide with the go-getterism characteristics of celebrated entrepreneurs or the business “acumen” of successful CEOs. We’re just meant to assume that somehow, the values that define success in the competitive, accumulation-oriented world of the capitalist class—pitted against each other as they are in a desperate race to extract as much wealth from the planet’s resources and people as they can at the lowest possible cost—managed to pervade the whole species.

Conveniently, projecting the values our rulers live by onto the rest of us creates a sense of collective responsibility and shame for their destructive, anti-human consequences, when in fact the values that actually serve the interests of most people are quite different.

Individuals without capital or other means of exerting control—i.e., the great mass of working-class people—have few means to improve their lot on their own. Their interests are best advanced by uniting and using the collective power they have as the producers of society’s wealth to demand concessions from those who control it.

This explains why trade unions continue to be the largest voluntary organisations in most countries where they are legal: they express a degree of consciousness on the part of workers about the need for solidarity and collective action—not selfishness and pushing others down—to improve their material circumstances.

The slogans of the working-class movement reflect this: “Unity is strength”, “Touch one, touch all” and “Workers, united, will never be defeated”. Empathy, mutual respect and consciousness of a common purpose are thus touchstones of well-organised and class-conscious industries and workplaces.

But workers are also inculcated from birth with habits of deference towards their bosses and resigned acceptance of a society over which they have little control.

There are competing pressures—toward accepting and trying to survive in a competitive, individualistic capitalist reality, and toward the cooperation, empathy and collective consciousness that are an important part of most people’s working lives.

At times of greater politicisation, though, when workers begin to use their power not just to wrest concessions from their employers but also to challenge the wider structure and organisation of a society that oppresses them, it’s a different story. Marx described this process in The German Ideology in 1846:

“For the success of [socialism], the alteration of men on a mass scale is necessary, an alteration which can only take place in a practical movement, a revolution; this revolution is necessary, therefore, not only because the ruling class cannot be overthrown in any other way, but also because the class overthrowing it can only in a revolution succeed in ridding itself of all the muck of ages and become fitted to found society anew.”

## Adv 2

#### Finishing Denmark

These activities also serve as “probing behavior” that tests how far China can go before encountering determined resistance. In recent years, Beijing has used this approach to increase pressure on Japan in the East China Sea and advance Beijing’s territorial claims in the South China Sea against the Philippines, Vietnam, Malaysia, and Indonesia. Throughout, Beijing’s approach to regional geopolitics has been adaptive to specific conditions, flexible to broader strategic trends, and opportunistic to perceptions of weakness or distraction in its adversaries. Chinese actions are not the reckless gambles they may initially appear to be. Rather, they are premeditated probes seeking to identify weakness and opportunity. Chinese pressure is carefully calibrated to fit, but not necessarily to exceed, a given situation. This approach reflects a maxim of Vladimir Lenin, whom the Chinese Communist Party continues to revere to this day: “Probe with a bayonet: if you meet steel, stop. If you meet mush, then push.” In multiple instances, Beijing has continued to push when it perceives that its actions are unlikely to cause a significant response. But when Chinese assertiveness has been met with resolute counterpressure, Beijing’s response has not been predictably escalatory.Beijing has demonstrated flexibility when confronted with determined opposition. Examples include Japan’s response to China’s rollout of an air defense identification zone in the East China Sea in 2013 and President Obama’s reported drawing of a red line around Scarborough Shoal to Xi Jinping in March 2016. Moreover, India’s response to Chinese activities in Doklam did not lead to war.

# 1NR

## DPA

### 2ac 1: Exec will say yes

#### DPA Used for AG, Covid Shows Mindy Brashaers and Frank Yiannis 20 . USDA, FDA Strengthen U.S. Food Supply Chain Protections During COVID-19 Pandemic. No Publication. 5-19-2020. https://www.usda.gov/media/press-releases/2020/05/19/usda-fda-strengthen-us-food-supply-chain-protections-during-covid

*The following statement is attributed to Mindy Brashears, Ph.D., USDA Under Secretary for Food Safety, and Frank Yiannas, FDA Deputy Commissioner for Food Policy and Response.*

As the COVID-19 pandemic response continues, the U.S. Department of Agriculture and the U.S. Food and Drug Administration have been working around the clock on many fronts to support the U.S. food and agriculture sector so that Americans continue to have access to a safe and robust food supply. As a next step in carrying out Executive Order 13917, the USDA and FDA today announced a [Memorandum of Understanding (MOU)](https://www.usda.gov/sites/default/files/documents/mou-between-fda-usda-dpa.pdf) (PDF, 137 KB) to help prevent interruptions at FDA-regulated food facilities, including fruit and vegetable processing.

This is an important preparedness effort as we are approaching peak harvesting seasons, when many fruits and vegetables grown across the U.S. are sent to be frozen or canned. The MOU creates a process for the two agencies to make determinations about circumstances in which the USDA could exercise its authority under the Defense Production Act (DPA) with regard to certain domestic food resource facilities that manufacture, process, pack, or hold foods, as well as to those that grow or harvest food that fall within the FDA’s jurisdiction.

While the FDA will continue to work with state and local regulators in a collaborative manner, further action under the DPA may be taken, should it be needed, to ensure the continuity of our food supply. As needed, the FDA will work in consultation with state, local, tribal and territorial regulatory and public health partners; industry or commodity sector; and other relevant stakeholders (e.g. Centers for Disease Control and Prevention, Occupational Safety and Health Administration) to chart a path toward resuming and/or maintaining operations while keeping employees safe.

We are extremely grateful to essential workers for everything they do every day to keep our pantries, refrigerators and freezers stocked. All of the food and agriculture sector -- whether it is regulated by the USDA or FDA -- are considered critical infrastructure, and it is vital for the public health that they continue to operate in accordance with guidelines from the CDC and OSHA regarding worker health and safety. As we work to get through the current challenge together, we remain committed to workers’ safety, as well as ensuring the availability of foods, and that our food remains among the safest in the world.

Additional Information

On April 28, 2020, President Donald J. Trump signed Executive Order 13917, Delegating Authority Under the Defense Production Act with Respect to the Food Supply Chain Resources During the National Emergency Caused by the Outbreak of COVID-19, delegating the powers of the President under the DPA to the Secretary of Agriculture to ensure continuity of operations for our nation’s food supply chain. The Executive Order gave the Secretary of Agriculture the authority to utilize the DPA if needed to require the fulfillment of contracts at food processing facilities. The MOU makes clear that the FDA will work with stakeholders to monitor the food supply for food resources not under the USDA’s exclusive jurisdiction in order to prevent interruptions at FDA-regulated food facilities.

#### It’s constantly used.

Labor Unions & Organizations et al. 20. Amalgamated Transit Union, American Federation of Labor and Congress of Industrial Organizations, American Federation of Teachers, American Postal Workers Union, Association of Flight Attendants-CWA, Communications Workers of America, Maine American Federation of Labor and Congress of Industrial Organizations, National Domestic Workers Alliance, National Nurses United, Service Employees International Union, Transport Workers Union of America, United Electrical, Radio and Machine Workers of America. AND Environmental & Advocacy Organizations. Center for Biological Diversity, Labor Network for Sustainability, 350.org, Alliance of Nurses for Healthy Environments, Center for Popular Democracy, Earth Action, Inc., Earthworks, Fayetteville Police Accountability Community Taskforce, Fire Drill Fridays, Friends of the Earth, GreenFaith, Greenpeace USA, National Children’s Campaign, Oil Change International, Sunrise Movement, The Climate Center, Union of Concerned Scientists, US Climate Action Network. Before Secretary Azar of the Department of Health and Human Services and Secretary Wolf of The Department of Homeland Security “Petition for Emergency Rulemaking and Actions to Allocate, Finance, and Compel the Manufacture of Personal Protective Equipment and Other Critical Materials to Safeguard Frontline Workers in the Covid-19 Crisis Pursuant to the Defense Production Act” https://biologicaldiversity.org/programs/energy-justice/pdfs/2020-08-11-APA-Petition-re-PPE-with-AFL.pdf

The Defense Production Act of 195061 (“DPA” or “Act”) grants the President broad power to mobilize domestic industry to provide essential materials and goods necessary to promote the “national defense” to combat domestic and public health emergencies.62 In his COVID-19 emergency declaration and subsequent executive orders (see infra section II.C), President Trump deemed the production of medical resources, including PPE, as essential for combatting the coronavirus emergency pursuant to the Act. 63 To effectuate the DPA authorities, the statute permits the President to “prescribe such regulations and issue such orders” as determined appropriate.64 Separately, while the DPA authorities are generally afforded to the President, in 2012, former President Obama delegated many of the DPA’s presidential authorities to executive agencies. 65

The Act has been routinely used by the Trump Administration and other Administrations. Since the law’s passage in 1950, it has been invoked by every Administration to prioritize federal contracts or to shore up vulnerabilities in domestic production to protect the national defense.66 In its three years in office, the Trump Administration has relied on the statute hundreds of thousands of times to prioritize Department of Defense procurements as well as mobilize the industrial base for the President’s Space Force project.67

Congress crafted the DPA to empower the Executive Branch to coordinate and compel an at-scale response to matters threatening the national defense. 68 The Act includes three major authorities. First, Title I (Priorities and Allocations) allows the President to identify critical materials necessary for the national defense (§ 101(b)), and require corporations to: (1) prioritize and accept federal government contracts for materials before any other competing interest (§ 101(a)); (2) allocate the general distribution of materials as necessary to promote the national defense (§ 101(a)); and (3) protect against hoarding of such materials (§ 102). 69

Second, while Title I seeks to ensure that the government has priority access to materials being produced by domestic industries, Title III (Expansion of Productive Capacity and Supply) authorities help create a sufficient domestic supply of those critical materials.70 Specifically, Title III authorities permit the President to craft a menu of financial incentives—including loan guarantees (§ 301), loans (§ 302), direct purchases and purchase commitments (§ 303)—to secure domestic industrial capabilities and supply of critical materials for the national defense. 71

Third, Title VII (General Provisions) empowers the President to transform relevant portions of the competitive market into a cooperative one in ways that might otherwise violate antitrust law; such cooperation is crucial for stimulating production in the face of complicated supply bottlenecks of critical materials. 72 Specifically, Title VII grants the President authorities to coordinate a nationwide domestic industry response to a national crisis, including the authority to establish voluntary agreements and plans of action with private industry for the national defense (§ 708). Section 705(a) of Title VII also gives the President authority to “obtain . . . information . . . as may be necessary or appropriate” to the Act’s enforcement, including the authority to “perform industry studies assessing the capabilities of the United States industrial base to support the national defense.”73

### 2ac 2: Link/AT: PDB---2NC [highlight]

#### The plan amends the statute to supersede presidential authority.

Michael H. Cecire and Heidi M. Peters 20. Michael H. Cecire, Analyst in Intergovernmental Relations and Economic Development Policy. Heidi M. Peters, Analyst in U.S. Defense Acquisition Policy. “The Defense Production Act of 1950: History, Authorities, and Considerations for Congress” Updated March 2, 2020. https://www.everycrsreport.com/reports/R43767.html

Congress may consider enhancing its oversight of executive branch activities related to the DPA in a number of ways. To enhance oversight, Congress could expand executive branch reporting requirements, track and enforce rulemaking requirements, review the activities of the Defense Production Act Committee, and broaden the committee oversight jurisdiction of the DPA in Congress. Congress may also consider amending the DPA, either by creating new authorities or repealing existing ones. In addition, Congress may consider amending the definitions of the DPA to expand or restrict the DPA’s scope, amending the statute to supersede the President’s delegation of DPA authorities made in E.O. 13603, or consider adjusting future appropriations to the DPA Fund in order to manage the scope of Title III projects initiated by the President.

#### That’s implicitly repeals the DPA.

Jesse W. Markham Jr. 09. Marshall P. Madison Professor of Law, University of San Francisco School of Law. “The Supreme Court's New Implied Repeal Doctrine: Expanding Judicial Power to Rewrite Legislation under the Ballooning Conception of Plain.” Repugnancy, 45 GONZ. L. REV. 437 (2009).

In Credit Suisse, the Court lurched past the traditional narrow confines of the doctrine and recast it in terms that will most likely give rise to more frequent displacements of legislative enactments.14 Credit Suisse acknowledges no departure from precedent.' 5 However, the Court has, in fact, greatly expanded the implied repeal doctrine. As it is currently employed by the Court, the new doctrine bears little resemblance to precedent, obscures a previously simple rule, and exhibits a profound disregard for the sound policy underpinnings of this particular canon of legislative interpretation. By expanding, and even rewording, the "plain repugnancy" standard and introducing a vague factor-based approach, the Court invites the judiciary to find legislative inconsistencies in new and creative ways, placing the courts in an enlarged role of refashioning legislative enactments to resolve these "inconsistencies."' 6 Moreover, the Court has dismantled the traditional implied repeal rule without explaining why it believes the traditional doctrine should be abandoned. Indeed, one of the Court's vaguely expressed rationales for displacing antitrust rules in Credit Suisse-an assertion that antitrust courts are particularly error-prone-is offered without empirical or theoretical support.'7 Viewed more broadly beyond the antitrust law context in Credit Suisse, the restated implied repeal doctrine lacks an analytical justification for its departure from precedent.

The Court's reformulation of the implied repeal doctrine is bad law, bad policy, and should be undone. In Credit Suisse, the Court divested private plaintiffs of antitrust remedies for conduct that securities regulators had already concluded were both anticompetitive and subversive of public confidence in capital markets. 8 Unequivocally, the antitrust case challenged conduct that was illegal under securities regulatory law.19 Although securities regulation and antitrust rules prohibited the conduct in question for overlapping reasons, the revised implied repeal doctrine employed by the Court allowed it to find these congruent laws to be "plainly inconsistent" with one another.20 Taking direction from the Supreme Court's new implied repeal doctrine, courts are encouraged-or at least no longer discouraged--to find inconsistencies between laws they do not like and laws they prefer and, then, narrow or repeal the disfavored statutes accordingly. Indeed, Justice Stevens's concurrence suggests that this is essentially what the Court did in Credit Suisse when it disparaged the private antitrust enforcement process as error prone and found it 21 displaced by securities regulation the Court applied with undisguised reverence.

#### 2---Signal---companies are watching the DPA’s immunity---the plan says it won’t apply in the next pandemic.

Kathleen Murphy 9/20/21. Senior Reporter, FTC Watch. "As pandemic persists, companies can still collaborate, new memo says". No Publication. 9-20-2021. https://www.mlexwatch.com/articles/13511/print?section=ftcwatch

For companies authorized to work together in response to the Covid-19 pandemic under the Defense Production Act, immunity from antitrust prosecution is a perk.

In combating a virus that has killed more than 660,380 US citizens, the government-sponsored voluntary agreements allow companies to collaborate in ways that otherwise would expose them to antitrust liability.

The Federal Trade Commission said the country’s defense against the coronavirus couldn’t be achieved with less anticompetitive effects in a recent memo to the Department of Justice, while recognizing defense plans could allow anticompetitive concerted action. In other words, the 1950 DPA law that lets the president direct “materials, services and facilities” can be leveraged in the vaccination and test kit supply chain.

Competitors who might usually be at each other’s throats can find a way to share information, facilities, or intellectual property they may not normally share. The DPA enables the president to award contracts that supersede any other contract to “promote the national defense.”

But the pandemic has unveiled questions about how closely competitors should work together when they’re united for the common good, with the DPA empowering the government to prioritize company production to further national security goals, said Kathryn Mims, an antitrust partner at White & Case LLP.

Section 708 of the DPA offers antitrust immunity. “It's certainly not a carte blanche to do any kind of collaboration that you want. You have to stay within the borders of the authorized, voluntary agreement,” Mims said.

The law establishes a limited antitrust exemption, which allows companies to get to the front of the line on orders for ingredients and supplies. In March 2021, the Biden administration brokered a deal between pharmaceutical rivals Merck & Co. and Johnson & Johnson to increase the vaccine supply.

President Joe Biden also invoked the DPA to equip Merck facilities for manufacturing the J&J vaccine. Test kit manufacturers are next. On Sept. 9, Biden said he’ll “use the Defense Production Act to increase production of rapid tests, including those that you can use at home.”

FTC signed off

US defense against the Covid-19 pandemic, including making test kits and vaccines, meant the DOJ had to consult with the FTC on whether the defense purposes of the plans could be achieved through less anticompetitive effects. The Federal Emergency Management Agency initiated the inquiry to DOJ under the law, requiring the FTC to make the determination regarding preparedness.

Companies ineligible for the DPA’s Section 708 antitrust immunity may still gain protection from antitrust prosecution through an expedited business review letter from DOJ or the FTC. The DOJ’s antitrust division committed to responding to these pandemic-related letter requests in seven days.

The caveat is that specific requirements of the DPA must be met, and the letter doesn’t provide statutory antitrust immunity, just negates any criminal intent to commit an antitrust violation. The DOJ has never prosecuted a case after approving a business review letter, offering a sort of de facto antitrust immunity.

‘Anticompetitive concerted action’

At the FTC, implementation of the DPA has entailed verifying it’s a real emergency. Then-acting Chair Rebecca Kelly Slaughter told DOJ in May 2021 that while the plans are “still potentially allowing anticompetitive concerted action, the plans of action limit that behavior to circumstances with legitimate exigencies.”

Slaughter’s memo to Richard Powers, acting assistant attorney general for antitrust, released via a Freedom of Information Act request, helps clear the way for companies to team up to resolve the pandemic.

Meanwhile, the law’s implementation has potential long-term effects on companies’ relationships with customers and suppliers, and the law can have wide-ranging applications.

Is it something that manufacturers worry about?

Anne Pritchett of the Pharmaceutical Research and Manufacturers of America said there is concern over how broadly or narrowly the various authorities under the DPA could be extended, including for future pandemic preparedness.

#### Ambiguity means they’ll carefully watch DPA antitrust enforcement---key to solve COVID.

Jeffrey S. Jacobovitz and Micah Kanters 20. Jeffrey S. Jacobovitz, Partner @ Arnall Golden Gregory. Micah Kanters, Associate. "The Impact of Antitrust Enforcement in a COVID-19 Environment". Arnall Golden Gregory LLP. 3-24-2020. https://www.agg.com/news-insights/publications/the-impact-of-antitrust-enforcement-in-a-covid-19-environment/

Further, there remains significant potential for increased use of the Defense Production Act (“DPA”), which provides the President authority to approve “associations of private interests” in support of national defense and exempt those associations from antitrust liability. While use of that authority has been somewhat limited, recent actions indicate it may be increasingly relied upon to address shortages of COVID-19 related supplies. For example, on April 2, 2020, President Trump invoked the DPA directing 3M and six major medical device companies to produce PPE and ventilators. The federal government is likely to continue utilizing this authority in the coming months, particularly as the CARES Act amended the DPA to remove certain funding limitations.

While the COVID-19 pandemic has thrust both businesses and governments into uncharted territory, the long standing antitrust statutes in the United States remain unchanged. Businesses must remain vigilant in ensuring they avoid crossing the line from appropriate cooperation into anticompetitive behaviors that may ultimately result in civil or criminal penalties. To that end, prospective joint ventures and collaborative activities should be submitted to the Department of Justice and Federal Trade Commission whenever possible. While there are indications of somewhat relaxed restrictions, the ambiguity of that shift necessitates continued careful attention to antitrust statutes and enforcement.

### AT: PDCP---2NC [finish]

#### It’s most predictable---we have the common and precise definition.

Dictionary.com “Inhibit vs. Prohibit”. https://www.dictionary.com/e/inhibit-vs-prohibit/

Prohibit is a transitive verb that means to forbid or prevent. Unlike inhibit, the word prohibit means that an action is being completely prevented. For example: “Angie’s coat was so tight, it prohibited any arm movement.” In this case, Angie isn’t able to move her arms at all. Prohibit is often used to describe the actions of authority figures. It can explain a rule or law. For example, “School rules prohibit cellphone use during class.” A street sign may say “Parking prohibited,” while a sign in a building lobby might say “Smoking prohibited by law.” All of these cases mean that cell phone use, parking in a certain area, or smoking are completely forbidden by their given authority figures, and can’t be done at all.

#### Prohibitions are absolute bans without exemption.

PEDIAA 15. “Difference Between Prohibited and Restricted”. https://pediaa.com/difference-between-prohibited-and-restricted/

Main Difference – Prohibited vs. Restricted

Prohibited and Restricted are used in reference to limitations and prevention. However, they cannot be used interchangeably as there is a distinct difference between them. Prohibited is used when we are talking about an impossibility. Restricted is used when we are talking about something that has specific conditions. The main difference between prohibited and restricted is that prohibited means something is formally forbidden by law or authority whereas restricted means something is put under control or limits.

What Does Prohibited Mean

Prohibited is a variant of the verb prohibit. Prohibited can be taken as the past tense and past participle of prohibiting as well as an adjective. Prohibited means that something is formally forbidden by law or authority. When we say ‘smoking is prohibited’, it means that smoking is not allowed at all, there are no exceptions. Prohibit indicates an impossibility. This gives out the idea that it is not at all possible under any condition or circumstance. The term Prohibited goods is used to refer to items that are not allowed to enter or exit certain countries. For example, the government of South America lists Narcotic and habit-forming drugs in any form, Poison and other toxic substances, Fully automatic, military and unnumbered weapons, explosives and fireworks as prohibited goods. The following sentences will further explain the use of prohibited.

Inter-racial marriages were not prohibited by the government.

He was proved guilty of using prohibited substances.

No one was allowed to enter the grounds; entry was prohibited.

Prohibited imports are the items that are not allowed to enter a country.Difference Between Prohibited and Restricted

What Does Restricted Mean

Restrict means to put under limits or control. Restricted can be either used as the past tense of restrict or as an adjective meaning limited. When we say something is restricted, it means that limits or conditions have been added to it. It does not mean that it is completely impossible. For example, Restricted goods are allowed to enter or exit a country under certain circumstances. A written permission can help you to import or export that item. Likewise, a restricted area does not mean that people are not allowed to enter; it means that a special permission is required to enter the place. Restricted information refers to information that are not disclosed to the general public for security purposes.

The new regulations restricted the free movement of people.

The club was restricted to its members and their family members.

Only the highest military personnel had access to the restricted area.

American scientists had only restricted access to the area.Main difference - Prohibited vs Restricted

Difference Between Prohibited and Restricted

Meaning

Prohibited means banned or forbidden.

Restricted means limited in extent, number, scope, or action

Possibility

Prohibited means that there is no possibility of doing something.

Restricted means that something can be done under certain conditions.

Adjective

Prohibited functions as an adjective derived from prohibit.

Restricted functions as an adjective derived from restrict.

Past tense

Prohibited is the past tense and past participle of prohibit.

Restricted is the past tense and past participle of restrict.

#### That means the counterplan is plan minus.

Antitrust Modernization Commission 07 Deborah A. Garza, Chair. Jonathan R. Yarowsky, Vice-Chair. Bobby R. Burchfield. W. Stephen Cannon. Dennis W. Carlton. Makan Delrahim. Jonathan M. Jacobson. Donald G. Kempf, Jr. Sanford M. Litvack. John H. Shenefield. Debra A. Valentine. John L. Warden. “Report and Recommendations”. https://govinfo.library.unt.edu/amc/report\_recommendation/amc\_final\_report.pdf

Other exemptions apply to narrow areas but provide a broader immunity—often complete immunity from the antitrust laws. Examples include antitrust immunity for marketing alliances between domestic and foreign airlines that are approved by the Department of Transportation;79 the Charitable Donation Antitrust Immunity Act, which gives antitrust immunity to charitable institutions that set the annuity rate for gift annuities or charitable remainder trust agreements;80 the Defense Production Act, which provides antitrust immunity for conduct undertaken in developing or carrying out a voluntary agreement or plan of action for the President that is necessary for the defense of the United States;81 the NeedBased Educational Aid Act, which provides an antitrust exemption to certain joint actions taken by institutions of higher education regarding awards of financial aid to students;82 and the Soft Drink Interbrand Competition Act, which provides an antitrust exemption for the grant of exclusive territories to soft-drink bottlers by soft-drink trademark holders in trademark licensing agreements.83

#### Will have certainty in 95% of cases and the ones where there isn’t there will be other reasons why farmes will have uncertainty

#### The exemption ends outside of and after emergency

FEMA 21. Posted by the Federal Emergency Management Agency on May 28, 2021. “Pandemic Response Voluntary Agreement Under Section 708 of the Defense Production Act; Plans of Action To Respond to COVID-19”. https://www.regulations.gov/document/FEMA-2020-0016-0053

IV. Antitrust Defense

Under the provisions of DPA subsection 708(j), each Sub-Committee Participant in this Plan shall have available as a defense to any civil or criminal action brought for violation of the antitrust laws (or any similar law of any State) with respect to any action to develop or carry out this Plan, that such action was taken by the Sub-Committee Participant in the course of developing or carrying out this Plan, that the Sub-Committee Participant complied with the provisions of DPA section 708 and the rules promulgated thereunder, and that the Sub-Committee Participant acted in accordance with the terms of the Voluntary Agreement and this Plan. Except in the case of actions taken to develop this Plan, this defense shall be available only to the extent the Sub-Committee Participant asserting the defense demonstrates that the action was specified in, or was within the scope of, this Plan and within the scope of the appropriate Sub-Committee(s), including being taken at the direction and under the active supervision of FEMA.

This defense shall not apply to any actions taken after the termination of this Plan. Immediately upon modification of this Plan, no defense to antitrust claims under Section 708 shall be available to any subsequent action that is beyond the scope of the modified Plan. The Sub-Committee Participant asserting the defense bears the burden of proof to establish the elements of the defense. The defense shall not be available if the person against whom the defense is asserted shows that the action was taken for the purpose of violating the antitrust laws.

### !

#### The next pandemic will be worse.

Andy **Plump 21**. President for research and development at Takeda Pharmaceuticals and a cofounder of the Covid R&D Alliance. “Luck is not a strategy: The world needs to start preparing now for the next pandemic” 05-18-21. <https://www.statnews.com/2021/05/18/luck-is-not-a-strategy-the-world-needs-to-start-preparing-now-for-the-next-pandemic/>

As countries grapple with the worst global pandemic in a century, it’s hard to think about **preparing for the next one**. But if we don’t, it **could be worse than Covid-19.**Over the last 30 years, infectious disease outbreaks have emerged with **alarming regularity**. The World Health Organization lists an influenza pandemic and other high-threat viral diseases such as Ebola and dengue among the top 10 biggest threats to public health. The rate of animal-to-human transmission of viruses has been increasing, with the U.S. Centers for Disease Control and Prevention estimating that 75% of new infectious diseases in humans come from animals. These zoonotic infections can have **profound effects on human life.** The overall infection **fatality rate** is around 10% for severe acute respiratory syndrome (SARS), between 40% and 75% for Nipah virus, and as high as **88% for Ebola.** While the infection fatality rate for Covid-19 is lower — likely less than 1% — the overall burden of death has been significantly higher since it has affected so many people, more than 160 million people as I write this. Luck is not a pandemic strategy Although the Covid-19 pandemic has been a human and health care disaster, by scientific measures **the world was lucky this time**. Covid-19 was far less lethal than its predecessors, less contagious than previous pandemic viruses, and we were able to quickly develop a cadre of effective vaccines. But **luck is not a strategy.**The same way the U.S. invests in and prepares for national defense, it must also **prepare for another pandemic.** Though the next viral outbreak cannot be prevented, the **next pandemic** can — but **only with better preparation.**

# 2NR

## Cap K

#### 1NC Nordhaus

In the popular bourgeois imagination, the idealized farm looks something like the ones that sell produce at local farmers markets. But while small farms like these account for close to half of all U.S. farms, they produce less than 10 percent of total output. The largest farms, by contrast, account for about 50 percent of output, relying on simplified production systems and economies of scale to feed a nation of 330 million people, vanishingly few of whom live anywhere near a farm or want to work in agriculture. It is this central role of large, corporate, and industrial-style farms that critics point to as evidence that the food system needs to be transformed. But U.S. dependence on large farms is not a conspiracy by big corporations. Without question, the U.S. food system has many problems. But persistent misperceptions about it, most especially among affluent consumers, are a function of its spectacular success, not its failure. Any effort to address social and environmental problems associated with food production in the United States will need to first accommodate itself to the reality that, in a modern and affluent economy, the food system could not be anything other than large-scale, intensive, technological, and industrialized.