# 1NC vs MoState KL

## Off

### Regs CP

#### Through non-antitrust regulations, the United States federal government should adopt policies of:

#### debt cancellation

#### negative interest rates

#### environmental conservation through shift of taxation onto property and resources

#### taxation of pollution

#### redistribution of wealth

#### degrowth

#### a decentralized internet

#### 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.

### FTC DA

#### FTC’s increasing enforcement in privacy now---it’s focused on algorithmic bias.

James V. Fazio 21. Special counsel in the Intellectual Property Practice Group at Sheppard, Mullin, Richter & Hampton LLP, with Liisa M. Thomas, 3/11. “What Is FTC’s Course Under Biden?” https://www.natlawreview.com/article/what-ftc-s-course-under-biden

The new acting FTC chair, Rebecca Kelly Slaughter, recently signaled that the FTC may increase enforcement and penalties in the privacy and data security realm. Slaughter pointed to several areas of focus for the FTC this year, which companies will want to keep in mind: Notifying Consumers About FTC Allegations: Slaughter referred favorably to two recent cases: (1) the Everalbum biometric settlement from earlier this year (which we wrote about at the time); and (2) the Flo Health settlement over alleged deceptive data sharing practices (which we also wrote about at the time). In drawing on these two cases, Slaughter indicated that in future cases the FTC intends to include as part of any settlement a requirement to notify customers of any FTC allegations. This, she said, would allow consumers to “vote with their feet” and help them decide whether to recommend their services to others. FTC Intent to Plead All Relevant Violations: According to Slaughter, another lesson the FTC is taking from the Flo case is to include in the cases it brings all potentially applicable violations of all relevant privacy-related laws. In the Flo case, Slaughter said the FTC should have pleaded a violation of the Health Breach Notification Rule, which requires that vendors of personal health records notify consumers of data breaches. Focus on Ed Tech and COPPA: Given the explosive growth of education technology during COVID-19, the FTC is conducting an industry sweep of the industry. Related to this, the FTC is reviewing its Children’s Online Privacy Protection Act Rule. This goes beyond the refresh the agency did of their FAQs earlier in the pandemic (which we wrote about at the time). For now, Slaughter reminds companies that parental consent is needed before collecting information online from children under the age of 13. Examination of Health Apps: The FTC will take a closer look at health apps, including telehealth and contact tracing apps, as more and more consumers are relying on such apps to manage their health during the pandemic. Overlap Between Competition and Privacy: Slaughter also indicated that it is worth looking at situations where there may be not only privacy concerns, but antitrust as well. Because the FTC has a dual mission (consumer protection and competition) she notes that it has a “structural advantage” over other regulators in that it can look at these issues, especially since -she states- “many of the largest players in digital markets are as powerful as they are because of the breadth of their access to and control over consumer data.” Racial Equality and AI/Biometrics/Geotracking: Slaughter noted that COVID-19 is exacerbating racial inequities. She pointed to the unequal access to technology, as well as algorithmic discrimination (the idea that discrimination offline becomes embedded into algorithmic system logic). The FTC intends to focus on algorithmic discrimination, as well as on the discrimination potentially embedded into facial recognition technologies. (This mirrors concerns that gave rise to the recent Portland facial recognition law, which we recently wrote about). Finally, Slaughter commented on the use of location data to identify characteristics of Black Lives Matter protesters, and said she is concerned about the misuse of location data to track Americans engaged in constitutionally protected speech. Putting it Into Practice: Companies that operate health apps, that are in the education technology space, or that use algorithms or facial recognition tools will want to keep in mind that these are areas of focus for the FTC. And for everyone, keep in mind that the FTC has indicated it will beef up privacy law penalties and will ask for more notification to injured consumers.

#### Antitrust enforcement saps up FTC resources and personnel, which are finite.

Tara L. Reinhart, et al. 21. \*\*Head of Skadden, Arps, Slate, Meagher & Flom LLP’s Antitrust/Competition Group. \*\*Steven C. Sunshine, Co-head of Skadden, Arps, Slat, Meagher & Flom LLP’s Antitrust/Competition Group. \*\*David P. Whales, antitrust lawyer with over 25 years of experience in both private and public sectors. \*\*Julia Y. York, partner at Skadden, Arps, Slat, Meagher & Flom LLP. \*\*Bre Jordan, associate at Skadden, Arps, Slat, Meagher & Flom LLP focusing on antitrust law. “Lina Khan’s Appointment as FTC Chair Reflects Biden Administration’s Aggressive Stance on Antitrust Enforcement.” 6/18/21. https://www.skadden.com/insights/publications/2021/06/lina-khans-appointment-as-ftc-chair

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

#### That trades off with the necessary resources for privacy enforcement.

John O. McGinnis\* and Linda Sun\*\* 20. \*George C. Dix Professor, Northwestern University, and Associate-Designate, Wilmer Pickering Hale & Dorr LLP. “Unifying Antitrust Enforcement for the Digital Age.” Northwestern Public Law Research Paper No. 20-20. https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=3669087

The FTC needs more resources to adequately address the nation’s growing privacy concerns. Currently, the FTC oversees both consumer protection—encompassing privacy—and antitrust,249 making the FTC the chief federal agency on privacy policy and enforcement250 and the nation’s de-facto privacy agency.251 The agency has long-standing experience in enforcing privacy statutes252 and also has special privacy assets, such as an internet lab capable of high-quality tech forensics to track invasions of privacy.253 The FTC, however, has failed to keep pace with the massive growth of privacy concerns—a phenomenon also driven by modern technology. Very few Americans feel conﬁdent in the privacy of their information in the digital age.254 According to a 2019 study, over 80% of Americans feel that they have little to no control over the data collected on them by companies and the government.255 To adequately address privacy concerns, the FTC needs more resources.256 The agency has been explicit that it needs more manpower to police tech companies. In requesting increased funding from Congress, FTC Director Joseph Simons said the money would allow the agency to hire additional staff and bring more privacy cases.257 A former director of the FTC’s Bureau of Consumer Protection, which houses the privacy unit, has called the FTC “woefully understaffed.”258 As of the spring of 2019, the FTC had only forty employees dedicated to privacy and data security, compared to 500 and 110 employees at comparable agencies in the UK. and Ireland, respectively.259 Without more lawyers, investigators, and technologists, the FTC will be forced to conduct privacy investigations less thoroughly, and in some cases, forgo them altogether.260 Currently, the FTC’s resources are spread thin across multiple missions, to the detriment of its privacy efforts. Removing the agency’s antitrust responsibilities would reallocate resources from the antitrust department to its privacy unit and other areas of consumer protection. Further, it would free up the scarce time of the commissioners to oversee this essential effort.261

#### Unchecked algorithmic bias risks massive inequality and extinction.

Mike Thomas 20. Quoting AI experts including MIT Physics Professors, Senior Features Writer for BuiltIn. THE FUTURE OF ARTIFICIAL INTELLIGENCE: 7 ways AI can change the world for better ... or worse, Updated: April 20, 2020, <https://builtin.com/artificial-intelligence/artificial-intelligence-future>

Klabjan also puts little stock in extreme scenarios — the type involving, say, murderous cyborgs that turn the earth into a smoldering hellscape. He’s much more concerned with machines — war robots, for instance — being fed faulty “incentives” by nefarious humans. As MIT physics professors and leading AI researcher Max Tegmark put it in a 2018 TED Talk, “The real threat from AI isn’t malice, like in silly Hollywood movies, but competence — AI accomplishing goals that just aren’t aligned with ours.” That’s Laird’s take, too. “I definitely don’t see the scenario where something wakes up and decides it wants to take over the world,” he says. “I think that’s science fiction and not the way it’s going to play out.” What Laird worries most about isn’t evil AI, per se, but “evil humans using AI as a sort of false force multiplier” for things like bank robbery and credit card fraud, among many other crimes. And so, while he’s often frustrated with the pace of progress, AI’s slow burn may actually be a blessing. “Time to understand what we’re creating and how we’re going to incorporate it into society,” Laird says, “might be exactly what we need.” But no one knows for sure. “There are several major breakthroughs that have to occur, and those could come very quickly,” Russell said during his Westminster talk. Referencing the rapid transformational effect of nuclear fission (atom splitting) by British physicist Ernest Rutherford in 1917, he added, “It’s very, very hard to predict when these conceptual breakthroughs are going to happen.” But whenever they do, if they do, he emphasized the importance of preparation. That means starting or continuing discussions about the ethical use of A.G.I. and whether it should be regulated. That means working to eliminate data bias, which has a corrupting effect on algorithms and is currently a fat fly in the AI ointment. That means working to invent and augment security measures capable of keeping the technology in check. And it means having the humility to realize that just because we can doesn’t mean we should. “Our situation with technology is complicated, but the big picture is rather simple,” Tegmark said during his TED Talk. “Most AGI researchers expect AGI within decades, and if we just bumble into this unprepared, it will probably be the biggest mistake in human history. It could enable brutal global dictatorship with unprecedented inequality, surveillance, suffering and maybe even human extinction. But if we steer carefully, we could end up in a fantastic future where everybody’s better off—the poor are richer, the rich are richer, everybody’s healthy and free to live out their dreams.”

### Uncoop Fed CP

#### The fifty states should condition enforcement of federal law on the United States Federal Government interpreting profit as an anticompetitive business practice.

#### State enforcement authority creates leverage over the federal government who is forced to concede---the process of challenging drives uncooperative federalism.

Harvard Law Review 20. “Antitrust Federalism, Preemption, and Judge-Made Law.” 133 Harv. L. Rev. 2557, 6/10/2020. <https://harvardlawreview.org/2020/06/antitrust-federalism-preemption-and-judge-made-law/>

Federal antitrust is uniquely judicial. For such a complex area of law, antitrust’s statutory grounding is rather simple. The Sherman Act, the backbone of federal antitrust, is shockingly short. And both the Sherman Act and the Clayton Act offer only broad, vague legal standards to the courts. Courts and scholars have viewed these open-ended statutes as a legislative delegation to the judiciary. The judiciary has accepted this delegation fully. For example, section 1 of the Sherman Act’s text explicitly outlaws combinations “in restraint of trade or commerce.” Courts have run with this phrase, defining it to include many different types of restraints, including horizontal price-fixing, market divisions, output limitations, refusals to deal, tying, and bundling agreements, all of which are then judged under either a judicially created per se standard or a judicially created rule of reason standard. As then-Justice Rehnquist described federal securities law, so too is federal antitrust law “a judicial oak which has grown from little more than a legislative acorn.”

To be clear, the problem with preemption based on a regulatory regime created through congressional delegation to the judiciary is not that that delegation is unconstitutional. Some scholars do argue that the judicial creation of federal antitrust common law breaches the Constitution’s separation of powers. The Supreme Court, however, has not been persuaded by this argument. After all, the Sherman Act still reigns supreme after over a century of fleshing out by the federal judiciary.

As a policy matter, however, the undemocratic nature of the federal judiciary makes preemption by federal judge-made law more troubling than legislative preemption. In most instances of preemption, state interests are protected through process federalism. Process federalism protects the states from federal encroachment through political and procedural safeguards. The states’ political safeguard is that state representatives pervade the federal system: “States are represented in Congress; states participate in the election of the President through the Electoral College;” and, in a cooperative-federalist manner, “state officials may . . . participate in the administration of federal programs.” The hope is that the states’ defenders in Washington will prevent the degradation of state interests. The states’ procedural safeguards add to their political safeguard: “Even if members of Congress have the will to encroach upon or displace state prerogatives, . . . the legislative gauntlet makes it difficult for Congress to do so.” Any attempt at preemption would require that legislation survive bicameralism, presentment, and Congress’s internal rules.

Preemption by judge-made law, however, avoids these constraints. On the political front, it is far easier for a state to lobby Congress than it is for a state to lobby a federal judge. Moreover, it is certain that the Supreme Court will not have representatives from all fifty states. Finally, whereas voters displeased with federal encroachment into the state sphere can vote out their congressional delegation, they are stuck with federal judges for life. On the procedural front, a judicial opinion has no checks aside from appeal. In fact, the ability of judges to subvert procedural safeguards could encourage Congress to delegate more to the judiciary.

It is true that, in order to expressly preempt state antitrust law in favor of federal judge-made antitrust law, Congress would first have to overcome process federalism’s dual safeguards. There is reason to believe that the safeguards have worked so far. Even in the face of influential detractors like Judge Posner, Congress has only expanded the states’ antitrust role. However, whereas purely legislative preemption would require Congress to pass through the safeguards every time it decided to meddle with state antitrust policies, preemption by judge-made law would require Congress to overcome the safeguards only once. After express preemption passed through, the courts could go about frequently changing federal antitrust law without political or procedural checks, and states would have little recourse.

While these process federalism concerns also apply to federal agency delegation, the concerns are greater in the face of judicial delegation. Agency delegation avoids process federalism’s political safeguards because “[a]gencies are not beholden to states in any politically thick sense.” It avoids procedural safeguards because an agency “bypasses the legislative dam.” But the executive branch is more democratic than is the judiciary. In the antitrust context, DOJ enforcement policy shifts when a new President takes over. States also have more influence on agencies than they do on the judiciary. Federal regulatory regimes often involve state implementation that can “generate dynamics of mutual dependency that may make federal agencies receptive to state interests,” a type of relationship that has been labeled “cooperative federalism.” States can also affect agency policy by challenging it, a type of federalism known as “uncooperative federalism.” Although process federalism’s safeguards are weakened when Congress delegates to agencies, that weakening is at least softened by the above factors — factors that do not help redeem judicial delegation.

The judiciary’s ill fit as policymaker is also a cause for federalism concerns. After all, judiciaries are not built for policymaking, as even Supreme Court Justices regularly admit. Although judges are educated, they may not have expertise in antitrust economics and they are even less likely than the political branches to be able to gather that expertise through others. It may be easy for an antitrust expert like Judge Posner to favor the federal judiciary’s policymaking over that of state legislative and executive branches, but his level of antitrust knowledge is the exception, not the rule. Moreover, to the extent that deciding antitrust policy means deciding what values antitrust law should herald, judges are poor arbiters of the electorate’s views and may replace society’s values with their own. Moreover, because they are limited to adjudicating cases and controversies, courts lack the ability to tackle legislative problems head-on and instead must wait for problems to come to them. The very purpose of the case-or-controversy requirement was to cement the judicial branch’s judicial, rather than legislative, function. This requirement can explain large blind spots in current federal antitrust law. For example, because merging parties will often drop an agency-opposed merger rather than take the issue to court, “the Supreme Court has not decided a case about . . . substantive merger standards since . . . [before] Hart-Scott-Rodino.” Especially in comparison to agencies, with their myriad policymaking tools, the judiciary has policymaking limitations, making the courts look anemic in that sphere. Where Congress has abdicated its role as policymaker in favor of the ill-equipped judiciary (rather than the better-equipped executive), it would be folly to force the state legislature to abdicate its policymaking role as well.

Of course, state judiciaries often play a role in molding antitrust policy, and one could argue that there would be no problem with federal judge-made law preempting state judge-made law. Key to the benefit of states as laboratories of democracy is the states’ ability to experiment legislatively. To say that states can “experiment []” and act as “scientific policymakers” or “innovate” through a collective “evolutionary process” makes most sense if we are actually referring to state legislatures and agencies. So what is the issue with overriding state courts?

For one thing, much (although not all) of what state judiciaries do in the antitrust arena is actually decided by state legislatures. Some state legislatures, for example, have explicitly directed their courts to apply federal case law to corresponding state statutes. Moreover, most state judiciaries are elected. As noted above, sensitivity to the electorate is key to the values-based part of policymaking, so state courts may actually be better policymakers than federal courts are.

Even if all state antitrust law were formed by unelected state judges, there would still be a basic sovereignty rationale for preferring state court decisions to federal court decisions. Congress should recognize that the federal judiciary is a poor policymaking body, but whether the states believe their judiciaries are up to the policymaking challenge is for the states to decide. Consider the secondary holding of Erie Railroad Co. v. Tompkins. Of course, Justice Brandeis famously and primarily held that the concept of a “transcendental body of law” was a “fallacy” and that, therefore, the federal courts should not create a general federal common law. But, secondarily and more relevant here, Justice Brandeis did not prevent the states from continuing to hand down common law from on high: “[W]hether the law of the State shall be declared by its Legislature in a statute or by its highest court in a decision is not a matter of federal concern.” Justice Brandeis’s willingness to critique common law’s “fallacy” and yet still allow the states to embrace it came from a concern with state sovereignty, an understanding that the states have the right to structure themselves in a manner that the federal government, a separate sovereign, opposes. That same sovereignty rationale should allow states to decide that their judiciaries are sufficiently good at policymaking, even if the federal government should realize that its judiciary is not.

#### Uncooperative federalism solves climate change---it allows states to cooperate and leverage the US into treaties while easing the overall resource costs.

Tiffany Weatherholtz 18. Executive Articles Editor, Emory International Law Review; J.D. Candidate, Emory University School of Law. “Separating Controversy and Climate Change: How the Unites States Could Lead Climate Change and Energy Reform with the Growth of Renewable Energy Sources Globally” Emory International Law Review, Volume 32, Issue 4. https://scholarlycommons.law.emory.edu/cgi/viewcontent.cgi?article=1195&context=eilr

4. Translocal Organizations of Government Actors & Uncooperative Federalism

Although congressional approval for interstate agreements180 is technically required, these approvals may not be enforced. In the event that congressional approval is not obtained and states take voluntary action to create interstate agreements, translocal organizations of government actors (TOGA) and uncooperative federalism theories provide other ways to address federalism.

TOGA consists of local-level public officials181 who act while mirroring “layers of the federal system” and crisscross the vertical and horizontal relationships among states.182 For example, translocal action creates a de facto transnational alliance where mayors and governors among several cities and states take action and enter into agreements, thus “undermin[ing] essentialist categorizations of the subject-matter competencies of local and of national governments.”183

While some sovereigntists184 believe transnational agreements of the sort proposed belong in the exclusive domain of the national government, others, like the proponents of TOGAs, believe these agreements are not truly national and should be resolved through different venues and levels of government.185 Because this proposed solution relies heavily on each level of government, TOGAs could provide an alternate route to authorize the proposed solution.

Otherwise, without authorization, to conform with the proposed solution, states will push uncooperative federalism. “Uncooperative federalism occurs when . . . states implementing federal environmental law use that power to push federal authorities to take a new position”186 and generally, in practice, when “states use their power as federal servants to resist, challenge, and even dissent from federal policy.”187 Although the Supreme Court consistently condemns commandeering and favors preemption, proponents of uncooperative federalism insist that the Court is wrong188 and “would push the Court to tolerate a degree of conflict between such laws and their federal counterparts”189 along with “greater federal-state integration.”190 Therefore, although the Supreme Court has not yet approved this theory, uncooperative federalism191 provides a way for states to continue to push the proposed solution to increase renewable energy sources.

B. The United States and a Treaty

As discussed in Part I(E), a treaty after an interstate agreement would effectuate climate change reform with the United States as a leader. For the treaty, the dormant foreign Commerce Clause imposes restrictions on states’ ability to interfere in foreign commerce.192 The federal government regulates foreign trade by speaking with “one voice.”193 So, federalism limits states’ attempts to legislate respecting foreign affairs, and most commentators agree that the United States should speak with one voice for foreign affairs194 with the President as the sole organ or representative to foreign nations.195 While wide powers are given to the President to enter into international treaties, the President must have the consent of two-thirds majority of the Senate.196 Although treaties are, in principal, self-executing by virtue of Article VI,197 the American Restatement of Law states that a treaty envisioning future conduct will not be self-executing, and senatorial consent is needed for such a treaty.198

While a treaty becomes equivalent to federal law199 and different states will have different obligations under this proposal, because the agreement last in date is the ruling law, Congress could promulgate law to bind states to certain standards after signing a treaty. The order of the process would first be an interstate agreement, a treaty, and then an agreement showing that the treaty will enforce the interstate agreement. However, much like the TOGAs and uncooperative federalism discussed supra Part II(A)(4), if a treaty becomes impossible, then the states will use the examples of other interstate agreements set forth in Part I(C) and international agreements set forth in Part I(D) to continue involvement in an agreement with other countries.

III. SOLUTION

A. Proposal

The question thus becomes how to best reconcile the need for manageable negotiations with the need for holistic thinking.200 The relevant science is complex . . . and the costs and benefits of various strategies to address climate change have proved highly contentious.201

To address climate change and energy independence through agreements on renewable energy production, both a regional and a holistic solution are necessary. By first making an interstate agreement more specific to each state, each state’s department of the environment or public health202 determines the feasibility of renewable energy production from a cost-benefit analysis, comparing the costs of climate change203 in the future and the benefit of producing renewable energy for energy independence.204 The states that choose to participate with more stringent emissions standards and high production of renewable energy sources will be hubs for climate change reform in the United States. Once each state determines the amount of renewable energy the state can produce, the state will choose how to commit resources along with the other states that also choose to create an interstate agreement, with the intent of creating a treaty in the future. This proposal calls for congressional approval to hold the states accountable to each other and to the United States. However, if congressional approval is not obtained, the states will employ theories such as TOGAs and uncooperative federalism. Either with Congress’s approval or TOGAs and uncooperative federalism, the interstate agreement’s accountability and enforceability framework for each state will be one of the following methods: tax subsidies,205 regulatory approaches,206 or cap-and-trade programs.207

After the interstate agreement has been formed, this Comment proposes that the United States will be able to enter into treaties on climate change as a nation while allocating the risk to each state internally based on each state’s commitment under the interstate agreement. For the United States to enter into a binding, enforceable treaty with foreign countries, senatorial consent is required before the President may ratify the treaty.208 A binding and enforceable treaty, similar to the Kyoto Protocol but with enforcement mechanisms more like the WTO, prevents unrealistic expectations and provides a practical, working solution instead of unmet pledges. 209 While this treaty will bind the United States, each state that participates in the interstate agreement will be bound to both other states and the United States.210 Under this proposal, states will enter an agreement to indemnify the United States if the targets not met in the interstate agreement cause the United States to breach a binding, enforceable treaty.

Therefore, among the states that agree to this proposal, each level of government will contribute to reducing the contribution to climate change. The local government will provide information to determine how the state will contribute. The state will perform the cost-benefit analysis of entering into an interstate agreement and treaty.211 The United States will take the responsibility of uniting the states to enter into agreements with other nations. Thus, the United States will continue as a leader of innovation and escape any liability previously discussed212 from not participating in climate change reform.

B. Remaining Challenges

Because many environmental problems are of a global nature,213 it may be necessary to prevent a free rider problem where “one . . . receives the benefit of a good without contributing to its costs.”214

The proposal this Comment suggests is not a perfect plan but a creative solution for the United States to participate in global climate agreements and promote less controversy within Congress.215 As such, this proposal faces two main challenges. First, voluntary assent is necessary for states to comply with an interstate agreement and for the United States to join an enforceable, binding treaty. Second, for states, the capacity for renewable energy may not correlate with state officials or state legislatures’ policies on energy.216

First, because states consent to join the interstate agreement and the Senate and the President consent to a treaty, economic concerns may hinder consent.217 Appropriate consent may depend on Pareto efficiency218 rather than Kaldor-Hicks efficiency.219 Leakage—when a state may have other priorities and not enough resources to deal with the problem so that the externality being avoided is not offset—leads to nonparticipation which makes the state less likely over time to participate while enjoying the benefits of other states and participating as a free-rider.220 The beneficiaries pay for the benefits of restricting activity rather than forcing payment for the external costs of activities,221 which will only continue if the marginal payment yields more in benefits from controlling externalities.222

As Professor [Robert] Dorfman puts it, the crucial “complication” of international environmental problems is that “the world is divided into entities called ‘sovereign nations,’ each of which is entitled to use, or misuse, the transnational commons in whatever way it considers advantageous, unless it agrees voluntarily to forgo some or all of these rights.” If the status quo represents a property rule to emit, then the victim (the “beneficiary”) must negotiate to purchase the entitlement at a price high enough to cover the source’s cost of abatement.223

Therefore, assuming economic concerns predominantly drive states to act rather than a sense of moral obligation, individual states and the United States collectively consenting to this proposal along with the expenses for participation may prove to be a daunting impediment.

Second, a state’s renewable energy production does not necessarily correlate with the state’s renewable energy policies or incentives.224 For example, California is a leader in renewable energy but still produces a smaller percentage of renewable energy out of all energy production than some other states.225 Because the proposal suggests an increase in renewable energy sources, the willingness of leaders and legislatures of state governments to act226 in accordance with the proposed solution may be more of a benefit to the state than the ability of the state to produce renewable energy. 227 Divided states or states where the population approves of the interstate agreement but the state officials or legislature choose not to act in accordance with the proposal228 could pose an impediment to the interstate agreement. Even if this happens, if some states commit that are not regionally connected, such as California and New York, then the United States will still have a greater voice in international affairs regarding renewable energy sources and climate change.

CONCLUSION

While climate change remains a political debate in the United States, allocating risks to states that want the United States to participate in international climate change reform could pave the way for the United States to be a leader in climate change reform instead of continually displaying reluctance to address climate change. Under this proposal, the individual states in the United States that understand the importance and urgency behind addressing the effects of climate change commit to individualized standards through an interstate agreement. The United States will then use the interstate agreement to determine the United States’ capacity to enter enforceable, binding treaties in the future. If an individual state does not comply with the commitment, the state will be held accountable to other states and the United States for a breach, although the United States will still be held accountable to other countries. The United States’ willingness to enter into treaties from this allocation of risk will allow for better international relations since the United States will contribute to climate change reform, meeting other countries’ expectations.

#### Unchecked climate change causes extinction.

Bill McKibben 19. Schumann Distinguished Scholar at Middlebury College; fellow of the American Academy of Arts and Sciences; holds honorary degrees from 18 colleges and universities; Foreign Policy named him to their inaugural list of the world’s 100 most important global thinkers. "This Is How Human Extinction Could Play Out." Rolling Stone. 4-9-2019. https://www.rollingstone.com/politics/politics-features/bill-mckibben-falter-climate-change-817310/

Oh, it could get very bad.

In 2015, a study in the Journal of Mathematical Biology pointed out that if the world’s oceans kept warming, by 2100 they might become hot enough to “stop oxygen production by phyto-plankton by disrupting the process of photosynthesis.” Given that two-thirds of the Earth’s oxygen comes from phytoplankton, that would “likely result in the mass mortality of animals and humans.”

A year later, above the Arctic Circle, in Siberia, a heat wave thawed a reindeer carcass that had been trapped in the permafrost. The exposed body released anthrax into nearby water and soil, infecting two thousand reindeer grazing nearby, and they in turn infected some humans; a twelve-year-old boy died. As it turns out, permafrost is a “very good preserver of microbes and viruses, because it is cold, there is no oxygen, and it is dark” — scientists have managed to revive an eight-million-year-old bacterium they found beneath the surface of a glacier. Researchers believe there are fragments of the Spanish flu virus, smallpox, and bubonic plague buried in Siberia and Alaska.

Or consider this: as ice sheets melt, they take weight off land, and that can trigger earthquakes — seismic activity is already increasing in Greenland and Alaska. Meanwhile, the added weight of the new seawater starts to bend the Earth’s crust. “That will give you a massive increase in volcanic activity. It’ll activate faults to create earthquakes, submarine landslides, tsunamis, the whole lot,” explained the director of University College London’s Hazard Centre. Such a landslide happened in Scandinavia about eight thousand years ago, as the last Ice Age retreated and a Kentucky-size section of Norway’s continental shelf gave way, “plummeting down to the abyssal plain and creating a series of titanic waves that roared forth with a vengeance,” wiping all signs of life from coastal Norway to Greenland and “drowning the Wales-sized landmass that once connected Britain to the Netherlands, Denmark, and Germany.” When the waves hit the Shetlands, they were sixty-five feet high.

There’s even this: if we keep raising carbon dioxide levels, we may not be able to think straight anymore. At a thousand parts per million (which is within the realm of possibility for 2100), human cognitive ability falls 21 percent. “The largest effects were seen for Crisis Response, Information Usage, and Strategy,” a Harvard study reported, which is too bad, as those skills are what we seem to need most.

I could, in other words, do my best to scare you silly. I’m not opposed on principle — changing something as fundamental as the composition of the atmosphere, and hence the heat balance of the planet, is certain to trigger all manner of horror, and we shouldn’t shy away from it. The dramatic uncertainty that lies ahead may be the most frightening development of all; the physical world is going from backdrop to foreground. (It’s like the contrast between politics in the old days, when you could forget about Washington for weeks at a time, and politics in the Trump era, when the president is always jumping out from behind a tree to yell at you.)

But let’s try to occupy ourselves with the most likely scenarios, because they are more than disturbing enough. Long before we get to tidal waves or smallpox, long before we choke to death or stop thinking clearly, we will need to concentrate on the most mundane and basic facts: everyone needs to eat every day, and an awful lot of us live near the ocean.

FOOD SUPPLY first. We’ve had an amazing run since the end of World War II, with crop yields growing fast enough to keep ahead of a fast-rising population. It’s come at great human cost — displaced peasant farmers fill many of the planet’s vast slums — but in terms of sheer volume, the Green Revolution’s fertilizers, pesticides, and machinery managed to push output sharply upward. That climb, however, now seems to be running into the brute facts of heat and drought. There are studies to demonstrate the dire effects of warming on coffee, cacao, chickpeas, and champagne, but it is cereals that we really need to worry about, given that they supply most of the planet’s calories: corn, wheat, and rice all evolved as crops in the climate of the last ten thousand years, and though plant breeders can change them, there are limits to those changes. You can move a person from Hanoi to Edmonton, and she might decide to open a Vietnamese restaurant. But if you move a rice plant, it will die.

A 2017 study in Australia, home to some of the world’s highest-tech farming, found that “wheat productivity has flatlined as a direct result of climate change.” After tripling between 1900 and 1990, wheat yields had stagnated since, as temperatures increased a degree and rainfall declined by nearly a third. “The chance of that just being variable climate without the underlying factor [of climate change] is less than one in a hundred billion,” the researchers said, and it meant that despite all the expensive new technology farmers kept introducing, “they have succeeded only in standing still, not in moving forward.” Assuming the same trends continued, yields would actually start to decline inside of two decades, they reported. In June 2018, researchers found that a two-degree Celsius rise in temperature — which, recall, is what the Paris accords are now aiming for — could cut U.S. corn yields by 18 percent. A four-degree increase — which is where our current trajectory will take us — would cut the crop almost in half. The United States is the world’s largest producer of corn, which in turn is the planet’s most widely grown crop.

Corn is vulnerable because even a week of high temperatures at the key moment can keep it from fertilizing. (“You only get one chance to pollinate a quadrillion kernels of corn,” the head of a commodity consulting firm explained.) But even the hardiest crops are susceptible. Sorghum, for instance, which is a staple for half a billion humans, is particularly hardy in dry conditions because it has big, fibrous roots that reach far down into the earth. Even it has limits, though, and they are being reached. Thirty years of data from the American Midwest show that heat waves affect the “vapor pressure deficit,” the difference between the water vapor in the sorghum leaf’s interior and that in the surrounding air. Hotter weather means the sorghum releases more moisture into the atmosphere. Warm the planet’s temperature by two degrees Celsius — which is, again, now the world’s goal — and sorghum yields drop 17 percent. Warm it five degrees Celsius (nine degrees Fahrenheit), and yields drop almost 60 percent.

It’s hard to imagine a topic duller than sorghum yields. It’s the precise opposite of clickbait. But people have to eat; in the human game, the single most important question is probably “What’s for dinner?” And when the answer is “Not much,” things deteriorate fast. In 2010 a severe heat wave hit Russia, and it wrecked the grain harvest, which led the Kremlin to ban exports. The global price of wheat spiked, and that helped trigger the Arab Spring — Egypt at the time was the largest wheat importer on the planet. That experience set academics and insurers to work gaming out what the next food shock might look like. In 2017 one team imagined a vigorous El Niño, with the attendant floods and droughts — for a season, in their scenario, corn and soy yields declined by 10 percent, and wheat and rice by 7 percent. The result was chaos: “quadrupled commodity prices, civil unrest, significant negative humanitarian consequences . . . Food riots break out in urban areas across the Middle East, North Africa, and Latin America. The euro weakens and the main European stock markets lose ten percent.”

At about the same time, a team of British researchers released a study demonstrating that even if you can grow plenty of food, the transportation system that distributes it runs through just fourteen major choke-points, and those are vulnerable to — you guessed it — massive disruption from climate change. For instance, U.S. rivers and canals carry a third of the world’s corn and soy, and they’ve been frequently shut down or crimped by flooding and drought in recent years. Brazil accounts for 17 percent of the world’s grain exports, but heavy rainfall in 2017 stranded three thousand trucks. “It’s the glide path to a perfect storm,” said one of the report’s authors.

Five weeks after that, another report raised an even deeper question. What if you can figure out how to grow plenty of food, and you can figure out how to guarantee its distribution, but the food itself has lost much of its value? The paper, in the journal Environmental Research, said that rising carbon dioxide levels, by speeding plant growth, seem to have reduced the amount of protein in basic staple crops, a finding so startling that, for many years, agronomists had overlooked hints that it was happening. But it seems to be true: when researchers grow grain at the carbon dioxide levels we expect for later this century, they find that minerals such as calcium and iron drop by 8 percent, and protein by about the same amount. In the developing world, where people rely on plants for their protein, that means huge reductions in nutrition: India alone could lose 5 percent of the protein in its total diet, putting 53 million people at new risk for protein deficiency. The loss of zinc, essential for maternal and infant health, could endanger 138 million people around the world. In 2018, rice researchers found “significantly less protein” when they grew eighteen varieties of rice in high–carbon dioxide test plots. “The idea that food became less nutritious was a surprise,” said one researcher. “It’s not intuitive. But I think we should continue to expect surprises. We are completely altering the biophysical conditions that underpin our food system.” And not just ours. People don’t depend on goldenrod, for instance, but bees do. When scientists looked at samples of goldenrod in the Smithsonian that dated back to 1842, they found that the protein content of its pollen had “declined by a third since the industrial revolution — and the change closely tracks with the rise in carbon dioxide.”

Bees help crops, obviously, so that’s scary news. But in August 2018, a massive new study found something just as frightening: crop pests were thriving in the new heat. “It gets better and better for them,” said one University of Colorado researcher. Even if we hit the UN target of limiting temperature rise to two degrees Celsius, pests should cut wheat yields by 46 percent, corn by 31 percent, and rice by 19 percent. “Warmer temperatures accelerate the metabolism of insect pests like aphids and corn borers at a predictable rate,” the researchers found. “That makes them hungrier[,] and warmer temperatures also speed up their reproduction.” Even fossilized plants from fifty million years ago make the point: “Plant damage from insects correlated with rising and falling temperatures, reaching a maximum during the warmest periods.”

## Case

### Util

#### Util is the only egalitarian metric---anything else collapses cooperation on collective action crises and makes extinction inevitable

Khan 18 (Risalat, activist and entrepreneur from Bangladesh passionate about addressing climate change, biodiversity loss, and other existential challenges. He was featured by The Guardian as one of the “young climate campaigners to watch” (2015). As a campaigner with the global civic movement Avaaz (2014-17), Risalat was part of a small core team that spearheaded the largest climate marches in history with a turnout of over 800,000 across 2,000 cities. After fighting for the Paris Agreement, Risalat led a campaign joined by over a million people to stop the Rampal coal plant in Bangladesh to protect the Sundarbans World Heritage forest, and elicited criticism of the plant from Crédit Agricolé through targeted advocacy. Currently, Risalat is pursuing an MPA in Environmental Science and Policy at Columbia University as a SIPA Environmental Fellow, “5 reasons why we need to start talking about existential risks,” https://www.weforum.org/agenda/2018/01/5-reasons-start-talking-existential-risks-extinction-moriori/)

Infinite future possibilities I find the story of the Moriori profound. It teaches me two lessons. Firstly, that human culture is far from immutable. That we can struggle against our baser instincts. That we can master them and rise to unprecedented challenges. Secondly, that even this does not make us masters of our own destiny. We can make visionary choices, but the future can still surprise us. This is a humbling realization. Because faced with an uncertain future, the only wise thing we can do is prepare for possibilities. Standing at the launch pad of the Fourth Industrial Revolution, the possibilities seem endless. They range from an era of abundance to the end of humanity, and everything in between. How do we navigate such a wide and divergent spectrum? I am an optimist. From my bubble of privilege, life feels like a rollercoaster ride full of ever more impressive wonders, even as I try to fight the many social injustices that still blight us. However, the accelerating pace of change amid uncertainty elicits one fundamental observation. Among the infinite future possibilities, only one outcome is truly irreversible: extinction. Concerns about extinction are often dismissed as apocalyptic alarmism. Sometimes, they are. But repeating that mankind is still here after 70 years of existential warning about nuclear warfare is a straw man argument. The fact that a 1000-year flood has not happened does not negate its possibility. And there have been far too many nuclear near-misses to rest easy. As the World Economic Forum’s Annual Meeting in Davos discusses how to create a shared future in a fractured world, here are five reasons why the possibility of existential risks should raise the stakes of conversation: 1. Extinction is the rule, not the exception More than 99.9% of all the species that ever existed are gone. Deep time is unfathomable to the human brain. But if one cares to take a tour of the billions of years of life’s history, we find a litany of forgotten species. And we have only discovered a mere fraction of the extinct species that once roamed the planet. In the speck of time since the first humans evolved, more than 99.9% of all the distinct human cultures that have ever existed are extinct. Each hunter-gatherer tribe had its own mythologies, traditions and norms. They wiped each other out, or coalesced into larger formations following the agricultural revolution. However, as major civilizations emerged, even those that reached incredible heights, such as the Egyptians and the Romans, eventually collapsed. It is only in the very recent past that we became a truly global civilization. Our interconnectedness continues to grow rapidly. “Stand or fall, we are the last civilization”, as Ricken Patel, the founder of the global civic movement Avaaz, put it. 2. Environmental pressures can drive extinction More than 15,000 scientists just issued a ‘warning to humanity’. They called on us to reduce our impact on the biosphere, 25 years after their first such appeal. The warning notes that we are far outstripping the capacity of our planet in all but one measure of ozone depletion, including emissions, biodiversity, freshwater availability and more. The scientists, not a crowd known to overstate facts, conclude: “soon it will be too late to shift course away from our failing trajectory, and time is running out”. In his 2005 book Collapse, Jared Diamond charts the history of past societies. He makes the case that overpopulation and resource use beyond the carrying capacity have often been important, if not the only, drivers of collapse. Even though we are making important incremental progress in battles such as climate change, we must still achieve tremendous step changes in our response to several major environmental crises. We must do this even while the world’s population continues to grow. These pressures are bound to exert great stress on our global civilization. 3. Superintelligence: unplanned obsolescence? Imagine a monkey society that foresaw the ascendance of humans. Fearing a loss of status and power, it decided to kill the proverbial Adam and Eve. It crafted the most ingenious plan it could: starve the humans by taking away all their bananas. Foolproof plan, right? This story describes the fundamental difficulty with superintelligence. A superintelligent being may always do something entirely different from what we, with our mere mortal intelligence, can foresee. In his 2014 book Superintelligence, Swedish philosopher Nick Bostrom presents the challenge in thought-provoking detail, and advises caution. Bostrom cites a survey of industry experts that projected a 50% chance of the development of artificial superintelligence by 2050, and a 90% chance by 2075. The latter date is within the life expectancy of many alive today. Visionaries like Stephen Hawking and Elon Musk have warned of the existential risks from artificial superintelligence. Their opposite camp includes Larry Page and Mark Zuckerberg. But on an issue that concerns the future of humanity, is it really wise to ignore the guy who explained the nature of space to us and another guy who just put a reusable rocket in it? 4. Technology: known knowns and unknown unknowns Many fundamentally disruptive technologies are coming of age, from bioengineering to quantum computing, 3-D printing, robotics, nanotechnology and more. Lord Martin Rees describes potential existential challenges from some of these technologies, such as a bioengineered pandemic, in his book Our Final Century. Imagine if North Korea, feeling secure in its isolation, could release a virulent strain of Ebola, engineered to be airborne. Would it do it? Would ISIS? Projecting decades forward, we will likely develop capabilities that are unthinkable even now. The unknown unknowns of our technological path are profoundly humbling. 5. 'The Trump Factor' Despite our scientific ingenuity, we are still a confused and confusing species. Think back to two years ago, and how you thought the world worked then. Has that not been upended by the election of Donald Trump as US President, and everything that has happened since? The mix of billions of messy humans will forever be unpredictable. When the combustible forces described above are added to this melee, we find ourselves on a tightrope. What choices must we now make now to create a shared future, in which we are not at perpetual risk of destroying ourselves? Common enemy to common cause Throughout history, we have rallied against the ‘other’. Tribes have overpowered tribes, empires have conquered rivals. Even today, our fiercest displays of unity typically happen at wartime. We give our lives for our motherland and defend nationalistic pride like a wounded lion. But like the early Morioris, we 21st-century citizens find ourselves on an increasingly unstable island. We may have a violent past, but we have no more dangerous enemy than ourselves. Our task is to find our own Nunuku’s Law. Our own shared contract, based on equity, would help us navigate safely. It would ensure a future that unleashes the full potential of our still-budding human civilization, in all its diversity. We cannot do this unless we are humbly grounded in the possibility of our own destruction. Survival is life’s primal instinct. In the absence of a common enemy, we must find common cause in survival. Our future may depend on whether we

### 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.

### Solvency

#### No modelling---divergences in implementation inevitable, especially with an arbitrary standard.

Ma. Joy V. Abrenica 18. Professor, School of Economics, University of the Philippines Diliman. BALANCING CONSUMER WELFARE AND PUBLIC INTEREST IN COMPETITION LAW. 13:2 Asian J WTO & Int'l Health L & Pol'y 443. 2018. Pg 448-449

The economic approach to antitrust enforcement has been embraced not only by the U.S. and European Commission (hereinafter "EC"), but also by developing countries whose antitrust laws were very much influenced by these two regimes. The OECD describes the convergence among antitrust regimes as follows: There is general consensus that the basic objective of competition law is to protect and preserve competition as the most appropriate means of ensuring the efficient allocation of resources . . . in free market economies. While countries differ somewhat in defining efficient market outcomes, there is general agreement that the concept is manifested by lower consumer prices, higher quality products and better product choice. 22 But the adoption of a common framework has not resulted in uniform implementation of competition principles. This is because most competition regimes are still conditioned by the zeitgeist of their own competition law, as well as by social and political realities in the domestic front. Two opposing philosophies are driving antitrust enforcement in different directions. One perspective presumes that unencumbered markets are vulnerable to abuse of dominance and collusion among competing producers; thus vigorous enforcement is necessary to preserve competition. Another perspective holds that market competition is robust and could prevail upon any private attempt to suppress it; therefore, rigid enforcement is counterproductive as it could undermine rivalry, hinder innovation and thus harm consumers in the long term. Most regimes would strive for the middle ground, i.e., neither intransigent nor too lenient. However, the effects of and intent behind market behavior are rarely apparent and often difficult to discern. This could result in a finding of infringement when in fact the conduct is a legitimate response to competitive pressure (type 1 error), or a failure to foil an anticompetitive conduct as it is mistaken for an innocuous pursuit of efficiency (type 2 error). Both types of error could ruin competition. Indeed, striking the right balance in enforcement is arduous and mature jurisdictions are not exempted from the challenge. One observes notable disagreements between the U.S. and EC on such issues as refusal to deal and reverse patent payments, for example, as well as flip-flopping of decisions on various forms of vertical restraints. The divergence in views and inconsistencies in decision is probably inevitable as the understanding of economic behavior and market processes continue to evolve. Boudreaux explained: Almost all of the original bases for antitrust intervention have been shattered by sound economics. Price-cutting is no longer an obvious means of monopolizing; bigness is no longer believed to be inevitable, inevitably harmful, or perpetual; and the myriad contracting arrangements devised by actual market participants are increasingly understood to enhance competition despite having been ignored by authors of textbooks. The advances that have occurred in economic theorizing are generally abstruse demonstrations of theoretical possibilities. Only when these theories have been supported by solid empirical findings should they serve as the basis for policy . . .. (emphases added)23 Against this perplexed environment in the backdrop, the meshing of public interest and competition objectives adds further complication, uncertainty and unpredictability in competition enforcement.

#### System changes are infeasible---can’t get governmental or international buy-in---reform is comparatively quicker.

Ezra Klein 8/31/21. American journalist, political analyst, New York Times columnist, and the host of The Ezra Klein Show podcast. "Transcript: Ezra Klein Answers Listener Questions". No Publication. 8-31-2021. https://www.nytimes.com/2021/08/31/podcasts/transcript-ezra-klein-ask-me-anything.html

EZRA KLEIN: Yeah. And maybe we should do an episode on this. I have very complicated feelings about degrowth. So one is that it is tricky to talk about, as you say, because I find its advocates will continue to say that you’re defining it wrong. So let me use a definition from Hickel, which is, and I’m quoting him here, “Degrowth is a planned reduction of energy and resource throughput designed to bring the economy back into balance with the living world in a way that reduces inequality and improves human well-being.”

And so I’d note two things here. One is “designed.” Degrowth is, as its advocates understand it, a act of global economic planning really without equal anywhere in human history. It is an act of extraordinary central planning. So that’s one thing that is going to become important in my answer.

I’d say there’s part of this vision I’m sympathetic to, and then part of it that I just don’t think holds together. I would distinguish a critique of want and a critique of growth. And the way I would do that is that, as you hear if you listen to the show, I’m pretty critical of a lot of the ways capitalism generates desire.

Desire is something we build through advertising, through social mimicry. This is a show that is supported by advertising. This is part of the desire- generation complex in its business model. And we are told and taught to want a lot of things, not only that we don’t need, but that don’t make us happier. And so not all growth as measured by G.D.P. is good growth.

But a lot of what people want is fine, or great, or whatever. It’s their desire, and it’s not for me to tell them the jeans they’re interested in are incorrect. And a lot of it I don’t think is under the power of policymakers to control. I don’t think it’s all advertising. I don’t know that if you cut down advertising, the amount people would spend on consumption would go way down. They might simply consume other things.

And so I want people to have rich, materially fulfilling lives. And I think it’ll be a very hard piece to change. So in terms of having a counterweight to the materialism, the ideology of materialism in modern society, that’s a part of degrowth that I’m very open to.

But now let me talk about degrowth more in the terms of it is a direct political project, which is as an answer to climate change. I would cut this into a few pieces. Is degrowth necessary for addressing climate change? Is it the fastest way to address climate change? And is it desirable? It has to be at least one of those things to be the strategy you’d want to take.

And I don’t think it is. Let’s start with necessary. Many countries in Europe, even the United States, are growing while reducing their carbon footprint. Now, you could say they’re not doing so fast enough depending on the country. But they could all do so much faster if there was enough political will to deploy more renewable technology, to tax carbon, to do a bunch of things that we have not been able to pass. So it is clearly true that we can decouple growth and energy usage.

Hickel, to be fair, will say that that may be true. But given the speed at which we need to act, we can’t just be deploying renewable energy technology. It would also help the situation if we stopped using as much through material consumption. That is, I think, conceptually true and politically false.

I mean, let’s just state that speed is, first and foremost, a political problem

. There is a delta between where we are right now in terms of what we are doing on climate change and where we could be. That delta is big, and that delta gets bigger every year because it gets harder every year. And the time we have to act before we start getting some of the really truly catastrophic feedback loops in play is shortening. So you’re now talking here about the speed at which you can move politics.

So for something to be faster, it doesn’t just need to be faster if you implemented it. It needs to be something you can implement such it accelerates the politics of radical climate action. And that’s where I think degrowth completely falls apart. And I have tried to look for the answer people give on this, and I’ve never found one that is convincing.

So again, I’ll quote Hickel on this: “Degrowth has a discriminating approach to reducing economic activity. It seeks to scale down ecologically destructive and socially less necessary production, i.e., the production of S.U.V.s, arms, beef, private transportation, advertising and planned obsolescence” — by which he means there, the fact that expiration dates are built into a lot of our electronics — “while expanding socially important sectors like health care, education, care and conviviality.”

And I’d urge people to think about that for a minute. I mean, you can listen to that and you will assume correctly that I am sympathetic to the idea that a lot of those goods are not great. I’m a vegan. I don’t eat beef. I would like nobody else to eat beef.

I think that if the political demand of the climate movement becomes you don’t get to eat beef, you will set climate politics back so far, so fast, it would be disastrous. Same thing with S.U.V.s. I don’t like S.U.V.s. I don’t drive one. But if you are telling people in rich countries that the climate movement is for them not having the cars they want to have, you are just going to lose. You are going to lose fast.

We watched this happen for years before Elon Musk and some others began inventing cars that were both electrified and were actually cool cars. You weren’t going to get everybody in a Prius. You might, over time, get them into the post-Tesla generations of electronic vehicles.

This is where the politics of it for me fall apart. I’d at least like to see some empirical evidence for the claim that degrowthers are right, and that their appeal will speed the politics of doing hard things on climate change. Because I think it will do the opposite. And I don’t see politicians winning in the countries they would need to win on anything like this platform. Quite the contrary.

I watched the most effective attack against Joe Biden’s climate policies. It dominated the news for a day or two. It was Fox News just making up — just completely making up — a false claim that Biden was going to limit or restrict red meat.

ANNIE GALVIN: Right. [LAUGHS]

EZRA KLEIN: So my worry with degrowth is that it is trying to take the politics out of politics. It is attacking the flaws of the current strategy as not moving fast enough when the impediments are political, but then not accepting the impediments to its own political path forward.

I will say, because I think it’ll be weird to people if I don’t mention this, that there is the big problem, of course, that the rising generation of emissions is coming from China, from India. I think it’s something like ⅔ of emissions are now from middle income countries. That is only going up.

Hickel and other degrowthers will say that, yes, the point of this is that the rich countries, which have already used more than their fair share of the carbon budget, should cut their carbon usage so poor countries can grow. I cannot imagine how you are going to enforce this as a political and economic planning regime. How you will get rich countries to agree to do less so poor countries can have more. I mean, look at what has happened with vaccine hoarding.

I don’t want to say that this isn’t a good moral weight on the conversation or, in the long term, a good push for people to think about different ways of having growth, different ways of human flourishing. But the entirety — as the degrowth people will agree — the entire question of the climate change conversation is speed. And I just don’t see the argument for degrowth as being anything but an extraordinarily slower way of approaching the politics, probably counterproductive compared to what we’re doing, which is I think you can make tremendous strides on climate change by deploying renewable energy technologies and giving people the opportunity to have a more materially fulfilling life atop those technologies.

And by the way, when that happens in rich countries, as we have seen, it ends up subsidizing these renewable energy technological advances for poorer countries. So it is a fact that Germany and other countries did so much to subsidize solar for themselves, it has also made it possible for countries like China and India to have such a rapid advance in solar technology that it’s affordable for them to do a lot of their growth on that platform.

So I also think there are cross-subsidies in rich countries trying to maintain growth renewable energy deployment that end up helping poor countries change what they’re doing in a useful way, too. So that’s my take on degrowth. But I understand its appeal. I just don’t understand its politics.

### 1NC – Econ Turn

#### \*\*Wrecks all sectors of the economy.

Daren Bakst and Gabriella Beaumont-Smith 20. Senior Research Fellow in Agricultural Policy in the Thomas A. Roe Institute for Economic Policy Studies, of the Institute for Economic Freedom, The Heritage Foundation. Policy Analyst for Macroeconomics in the Center for Data Analysis, of the Institute for Economic Freedom. A Conservative Guide to the Antitrust and Big Tech Debate. Heritage Foundation. 12-1-2020. https://www.heritage.org/technology/report/conservative-guide-the-antitrust-and-big-tech-debate

The United States should reward success, not punish it. Yet, the “big is bad” mindset is all about punishment. It would move the country to a misguided federal government intervention of “too big to succeed.” This should be rejected. Some of the criticism of Big Tech is reasonable, but it fails to make the case for changing antitrust law. Conservative critics are right to be worried about censorship, but they should not let this worry lead them to use the wrong tool to address their concerns and thereby make bad policy choices.

Increasing the federal government’s control over the economy by using antitrust law to go after the technology sector would be a bad policy choice. Even worse, many of the changes would not merely affect the technology sector, but all sectors of the economy. Policymakers should recognize that antitrust law is perfectly capable of addressing genuine anticompetitive behavior. Conservatives should be the stalwarts of economic freedom and liberty, fighting back against these measures that could undermine Americans’ freedom and prosperity.

#### Eroding financial resilience causes war---that overcomes traditional barriers to conflict.

Jomo Kwame Sundaram & Vladimir Popov 19. Former economics professor, was United Nations Assistant Secretary-General for Economic Development, and received the Wassily Leontief Prize for Advancing the Frontiers of Economic Thought in 2007. Former senior economics researcher in the Soviet Union, Russia and the United Nations Secretariat, is now Research Director at the Dialogue of Civilizations Research Institute in Berlin “Economic Crisis Can Trigger World War.” <http://www.ipsnews.net/2019/02/economic-crisis-can-trigger-world-war/>.

Economic recovery efforts since the 2008-2009 global financial crisis have mainly depended on unconventional monetary policies. As fears rise of yet another international financial crisis, there are growing concerns about the increased possibility of large-scale military conflict.

More worryingly, in the current political landscape, prolonged economic crisis, combined with rising economic inequality, chauvinistic ethno-populism as well as aggressive jingoist rhetoric, including threats, could easily spin out of control and ‘morph’ into military conflict, and worse, world war.

Crisis responses limited

The 2008-2009 global financial crisis almost ‘bankrupted’ governments and caused systemic collapse. Policymakers managed to pull the world economy from the brink, but soon switched from counter-cyclical fiscal efforts to unconventional monetary measures, primarily ‘quantitative easing’ and very low, if not negative real interest rates.

But while these monetary interventions averted realization of the worst fears at the time by turning the US economy around, they did little to address underlying economic weaknesses, largely due to the ascendance of finance in recent decades at the expense of the real economy. Since then, despite promising to do so, policymakers have not seriously pursued, let alone achieved, such needed reforms.

Instead, ostensible structural reformers have taken advantage of the crisis to pursue largely irrelevant efforts to further ‘casualize’ labour markets. This lack of structural reform has meant that the unprecedented liquidity central banks injected into economies has not been well allocated to stimulate resurgence of the real economy.

From bust to bubble

Instead, easy credit raised asset prices to levels even higher than those prevailing before 2008. US house prices are now 8% more than at the peak of the property bubble in 2006, while its price-to-earnings ratio in late 2018 was even higher than in 2008 and in 1929, when the Wall Street Crash precipitated the Great Depression.

As monetary tightening checks asset price bubbles, another economic crisis — possibly more severe than the last, as the economy has become less responsive to such blunt monetary interventions — is considered likely. A decade of such unconventional monetary policies, with very low interest rates, has greatly depleted their ability to revive the economy.

The implications beyond the economy of such developments and policy responses are already being seen. Prolonged economic distress has worsened public antipathy towards the culturally alien — not only abroad, but also within. Thus, another round of economic stress is deemed likely to foment unrest, conflict, even war as it is blamed on the foreign.

International trade shrank by two-thirds within half a decade after the US passed the Smoot-Hawley Tariff Act in 1930, at the start of the Great Depression, ostensibly to protect American workers and farmers from foreign competition!

Liberalization’s discontents

Rising economic insecurity, inequalities and deprivation are expected to strengthen ethno-populist and jingoistic nationalist sentiments, and increase social tensions and turmoil, especially among the growing precariat and others who feel vulnerable or threatened.

Thus, ethno-populist inspired chauvinistic nationalism may exacerbate tensions, leading to conflicts and tensions among countries, as in the 1930s. Opportunistic leaders have been blaming such misfortunes on outsiders and may seek to reverse policies associated with the perceived causes, such as ‘globalist’ economic liberalization.

Policies which successfully check such problems may reduce social tensions, as well as the likelihood of social turmoil and conflict, including among countries. However, these may also inadvertently exacerbate problems. The recent spread of anti-globalization sentiment appears correlated to slow, if not negative per capita income growth and increased economic inequality.

To be sure, globalization and liberalization are statistically associated with growing economic inequality and rising ethno-populism. Declining real incomes and growing economic insecurity have apparently strengthened ethno-populism and nationalistic chauvinism, threatening economic liberalization itself, both within and among countries.

Insecurity, populism, conflict

Thomas Piketty has argued that a sudden increase in income inequality is often followed by a great crisis. Although causality is difficult to prove, with wealth and income inequality now at historical highs, this should give cause for concern.

Of course, other factors also contribute to or exacerbate civil and international tensions, with some due to policies intended for other purposes. Nevertheless, even if unintended, such developments could inadvertently catalyse future crises and conflicts.

Publics often have good reason to be restless, if not angry, but the emotional appeals of ethno-populism and jingoistic nationalism are leading to chauvinistic policy measures which only make things worse.

At the international level, despite the world’s unprecedented and still growing interconnectedness, multilateralism is increasingly being eschewed as the US increasingly resorts to unilateral, sovereigntist policies without bothering to even build coalitions with its usual allies.

Avoiding Thucydides’ iceberg

Thus, protracted economic distress, economic conflicts or another financial crisis could lead to military confrontation by the protagonists, even if unintended. Less than a decade after the Great Depression started, the Second World War had begun as the Axis powers challenged the earlier entrenched colonial powers.

They patently ignored Thucydides’ warning, in chronicling the Peloponnesian wars over two millennia before, when the rise of Athens threatened the established dominance of Sparta!

Anticipating and addressing such possibilities may well serve to help avoid otherwise imminent disasters by undertaking pre-emptive collective action, as difficult as that may be.

#### Those wars draw-in great powers---that outweighs.

Lawrence H. Summers 17. US Secretary of the Treasury (1999-2001) and Director of the US National Economic Council (2009-2010), former president of Harvard University, where he is currently University Professor. “Will the Center Hold?” <https://www.project-syndicate.org/onpoint/recession-or-financial-crisis-political-fallout-by-lawrence-h--summers-2017-12?a_la=english&a_d=5a37edac78b6c709b8d260dd&a_m=&a_a=click&a_s=&a_p=%2Fsection%2Feconomics&a_li=recession-or-financial-crisis-political-fallout-by-lawrence-h--summers-2017-12&a_pa=section-commentaries&a_ps>=.

The risk from a purely economic point of view is that the traditional strategy for battling recession – a reduction of 500 basis points in the federal funds rate – will be unavailable this year, given the zero lower bound on interest rates. Nor is it clear that the will or the room for fiscal expansion will exist.

This means that the next recession, like the last, may well be protracted and deep, with severe global consequences. And the political capacity for a global response, like that on display at the London G-20 Summit in 2009, appears to be absent as well. Just compare the global visions of US President Barack Obama and UK Prime Minister Gordon Brown back then with those of Trump and Prime Minister Theresa May today.

I shudder to think what a serious recession will mean for politics and policy. It is hard to imagine avoiding a resurgence of protectionism, populism, and scapegoating. In such a scenario, as with another financial crisis, the center will not hold.

But the greatest risk in the next few years, I believe, is neither a market meltdown nor a recession. It is instead a political doom loop in which voters’ conclusion that government does not work effectively for them becomes a self-fulfilling prophecy. Candidates elected on platforms of resentment delegitimize the governments they lead, fueling further resentment and even more problematic new leaders. Cynicism pervades.

How else can one explain how the candidacy of Roy Moore for a US Senate seat? Moore, who was twice dismissed for cause from his post on the Alabama Supreme Court, and who is credibly charged with sexually assaulting teenage girls when he was in his 30s, could enter the US Senate as many of his colleagues look the other way.

If a country’s citizens lose confidence in their government’s ability to improve their lives, the government has an incentive to rally popular support by focusing attention on threats that only it can address. That is why in societies pervaded by anger and uncertainty about the future, the temptation to stigmatize minority groups increases. And it is why there is a tendency for officials to magnify foreign threats.

We are seeing this phenomenon all over the world. Russian President Vladimir Putin, Turkish President Recep Tayyip Erdoğan, and Chinese President Xi Jinping have all made nationalism a central part of their governing strategy. So, too, has Trump, who has explicitly rejected the international community in favor of the idea that there is only a ceaseless struggle among nation-states for competitive advantage.

When the world’s preeminent power, having upheld the idea of international community for nearly 75 years, rejects it in favor of ad hoc deal making, others have no choice but to follow suit. Countries that can no longer rely on the US feel pressure to provide for their own security. America’s adversaries inevitably will seek to fill the voids left behind as the US retrenches.

### 1NC – Innovation Leadership

#### Failure to sustain innovation leadership makes a China war inevitable.

Hung Tran 21. Nonresident senior fellow at the Atlantic Council’s GeoEconomics Center, former executive managing director at the Institute of International Finance, and former deputy director at the International Monetary Fund. “Is the US-China strategic competition a cold war?” <https://www.atlanticcouncil.org/blogs/new-atlanticist/is-the-us-china-strategic-competition-a-cold-war/>.

The global economy has become more integrated, with China’s economy growing strongly—poised to soon take over the United States at market exchange rates and having already done so in terms of purchasing power parity. More importantly, China has become the top trading partner and creditor/investor for many countries. The size and penetration of the Chinese economy have rendered a strategy of containing China impractical and costly to all sides, and makes the US-China contention more protracted and difficult.

The West thus faces a dilemma: Efforts to decouple from China in order to limit its influence would hurt not only China but also Western countries and the global economy more broadly, but striking a trade deal with China to reduce tensions will likely help the Chinese economy perform better, making the strategic competition with Beijing more intractable.

The rivalry has slowly led to a bifurcation of the global economy, most discernible in high-tech areas such as the tension between digital authoritarianism and digital liberalism, artificial intelligence and surveillance technologies, satellite-based navigation for civilian and military uses, and 5G/6G telecommunications.

A balanced assessment

It’s important to remember that China has many weaknesses, including an aging population with a shrunken labor force, a secular decline in labor productivity, high levels of debt, environmental degradation, and social and economic inequalities. It is still an open question whether China can graduate from its old and trusted development model of mobilizing massive investment for exports to one driven by innovation—a model that tends not to thrive under political control.

However, it is equally important not to underestimate the domestic challenges facing the United States and several European countries. Confronted by aging populations and declining productivity, many affluent Western countries have been beset by populist backlashes against economic inequalities and social problems. Especially in the United States, the division has deepened to the extent that there is no shared perception of reality, let alone common ground for debate. This makes it difficult for the United States to build political consensus behind any sustained actions needed to deal with its challenges—even though the country has managed to overcome difficulties in the past and could do so again.

With or without the label “cold war,” the United States and China are locked in a protracted conflict over core national values, including economic and geopolitical interests. The fact that the Chinese economy is stronger than the Soviet Union’s decrepit economy, playing a key role in integrated global supply chains, while many Western countries suffer from internal divisions, makes the strategic competition more challenging for the West than the Cold War of the late twentieth century was. Of particular concern is the fact that the United States has suffered a steep fall in its Freedom House “Freedom in the World” score since 2010, denting much of its soft power. Consequently, the contestants in today’s conflict appear to be more evenly matched, making for a difficult struggle ahead—whatever you want to call it.

#### US-China competition isn’t defined by military strength, but relative innovation capacity. Outpacing China is the only way to prevent a war.

James Lewis 18. Senior vice president at the Center for Strategic and International Studies. “Technological Competition and China.” <https://www.csis.org/analysis/technological-competition-and-china>.

The United States and China are in a growing competition, perhaps verging on conflict, but it is not a nineteenth century competition between empires for control of territory and resources. Unlike great power competition in previous centuries, the focal point is not military strength or territorial expansion. This conflict is over control of the modern levers of power—global rules and institutions, standards, trade, and technology. The ability to create new technologies, particularly digital technologies (given their importance for politics, security, and economic growth) have become key factors in the U.S.-China relationship, which is marked by close commercial cooperation and deep governmental distrust. This disparity creates unavoidable tensions.

The link between technology, innovation, national security, and international power is now widely recognized. When Vladimir Putin says that the country that leads in artificial intelligence (AI) “will be the ruler of the world,” it is hyperbole, but hyperbole that confirms that political leaders recognize that the ability to innovate is a potent source of national power. In the digital age, national security and national power have different requirements shaped by technological change and cyberspace.

Innovation has become a central element of its international influence. This is not new—the U.S.-Soviet space race was a contest of the ability of different systems to produce new technologies, but those were unique government programs. Technological competition today is as much between companies as states. A country’s ability to innovate and produce advanced technologies provides economic strength, military power, and an intangible benefit of perceived leadership.

Both China and the United States have advantages and disadvantages in this contest, and while it is usual to focus on quantitative aspects—such as the number of engineers or patents and spending on research and development (R&D)—these are not the key determinants of technological competition between states. This competition is a contest of ideas on governance for investment, innovation, and the internet. The internet and global connectivity not only reshape the environment for competition but also create political and market forces that both nations find difficult to control.

#### Chinese technological rise is demonstrably worse---causes global instability and conflict.

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.

### 1NC – Cap Solves the Environment

#### Capitalism greatly increases the quality of life and environmental progress---free markets reduce pollution and emissions

Nick Loris 21. Nick Loris is the Deputy Director of the Thomas A. Roe Institute for Economic Policy Studies and Herbert and Joyce Morgan Fellow in Energy and Environmental Policy at The Heritage Foundation. “Free Economies are Clean Economies.” Conservative Coalition for Climate Solutions. 2021. https://c3solutions.org/wp-content/uploads/2021/04/Free-Economies-are-Clean-Economies-4.pdf

When it comes to economic, social and environmental progress, there is much to celebrate:

• More than one billion people have risen out of extreme poverty over the past 30 years.2

• The share of the global population that is undernourished is trending downward.3

• In 2018, the number of people without access to electricity fell below one billion people for the first time ever.4

• Death rates from air pollution, particularly indoor air pollution, declined substantially from 1990-2017.5

• In the U.S., the Environmental Protection Agency’s latest air quality trends report shows that common air pollutants have dropped a combined 77 percent since 1970.6

Despite taking significant strides forward in achieving a better quality of life and a healthier planet, we face a wide range of socioeconomic and environmental challenges. Some environmental challenges are localized, whether it is invasive species in a Great Lake or soil pollution in a Chinese province that stems from a number of industrial activities.7 Other issues are regional in nature. India, for instance, has some of the world’s poorest air quality from coal generation, fuel exhaust, industrial processes, crop burning and its geographic makeup.8 India’s pollution adversely affects the air quality of neighboring countries. And other challenges are global collective action problems, such as ocean plastics and climate change.9 **As discussed in more detail in subsequent sections, the absence of drivers of economic freedom can cause or exacerbate these environmental challenges.**

The Heritage Foundation launched its Index of Economic Freedom in 1995. Authors use several international datasets to score nearly 180 countries from 0 to 100.10 The U.S. scores tallied a 74.8 in the 2021 Index, placing the country squarely in the “mostly free” category and 21st in the world.

The Index of Economic Freedom labels countries in one of five groupings based on their score (repressed, mostly unfree, moderately free, mostly free and free). The indices in which the authors calculate the overall score include twelve sub-rankings in the following four categories.

1. Rule of law: property rights, judicial effectiveness, and government integrity;

2. Government size: fiscal health, government spending and tax burden;

3. Regulatory efficiency: business freedom, labor freedom, and monetary freedom; and

4. Open markets: trade freedom, investment freedom, and financial freedom.

Perhaps the most comprehensive measurement of a country’s environmental performance is Yale University’s Environmental Performance Index (EPI). The EPI, produced every other year, similarly scores a country on a 0-100 scale and includes 180 countries in its 2020 report.11 EPI includes 32 environmental indicators divided into 11 different issue categories. They fall into two broad categories:

1. Environmental health: Air quality, sanitation & drinking water, heavy metals and waste management.

2. Ecosystem vitality: Biodiversity & habitat, ecosystem services, fisheries, water resources, climate change, pollution emissions and agriculture.

While the Index of Economic Freedom does not measure environmental performance, the sub-rankings are critical inputs of a country’s environmental outcome. **When correlating the two indices, a strong, positive relationship exists between economically free economies and clean economies**.12 The Fraser Institute in Canada, which also produces a country by country ranking of economic freedom, analyzed the impact of economic freedom on air quality. In a 2014 report, authors concluded that, “**After controlling for the effects of income, political freedom, and other confounding variables, we find that a permanent one-point increase in the Economic Freedom of the World index results in a 7.15% decrease in concentrations of fine particulate matter in the long-run, holding all else equal. This effect is robust to many different model specifications and is statistically significant.**”13

The same study found some evidence of economic freedom resulting in lower carbon dioxide emissions, but the evidence was not as compelling as improvements in localized air pollution. Other studies have found more promising results. A 2019 article in the Journal of Developing Areas examined 24 African countries from 1995 to 2013 using trade freedom, business freedom, freedom from corruption and fiscal freedom as proxies for economic freedom. The authors found an improvement in environmental quality as measured by carbon dioxide emissions, with results on the different proxies varying by country income levels.14

**As shown in subsequent sections, the subcomponents that contribute to a country’s overall economic freedom are critical to improving the environment and reducing the risks of global climate change.**

### 1NC - Growth Solves

#### Growth solves Inequality.

Tejvan Pettinger 19. Economic teacher and graduate with a degree from Oxford University. "Benefits of economic growth." Economics Help. 12-14-2019. https://www.economicshelp.org/macroeconomics/economic-growth/benefits-growth/

Economic growth means an increase in real GDP – an increase in the value of national output, income and expenditure. Essentially the benefit of economic growth is higher living standards – higher real incomes and the ability to devote more resources to areas like health care and education.

[Chart Omitted]

real-gdp-1955

UK real GDP since 1955. Shows the magnitude of increased national output.

The benefits of economic growth include

benefits-growth

Higher average incomes. Economic growth enables consumers to consume more goods and services and enjoy better standards of living. Economic growth during the Twentieth Century was a major factor in reducing absolute levels of poverty and enabling a rise in life expectancy.

Lower unemployment. With higher output and positive economic growth, firms tend to employ more workers creating more employment.

[Chart Omitted]

unemployment-total

UK unemployment rises during a recession – falls during periods of economic growth.

Lower government borrowing. Economic growth creates higher tax revenues, and there is less need to spend money on benefits such as unemployment benefit. Therefore economic growth helps to reduce government borrowing. Economic growth also plays a role in reducing debt to GDP ratios.

[Chart Omitted]

uk-national-debt

A long period of economic growth in the post-war period helped reduce the UK debt to GDP ratio.

Improved public services. Higher economic growth leads to higher tax revenues and this enables the government can spend more on public services, such as health care and education e.t.c. This can enable higher living standards, such as increased life expectancy, higher rates of literacy and a greater understanding of civic and political issues.

Money can be spent on protecting the environment. With higher economic growth a society can devote more resources to promoting recycling and the use of renewable resources

Investment. Economic growth encourages firms to invest, in order to meet future demand. Higher investment increases the scope for future economic growth – creating a virtuous cycle of economic growth/investment.

Increased research and development. High economic growth leads to increased profitability for firms, enabling more spending on research and development. Also, sustained economic growth increases confidence and encourages firms to take risks and innovate.

Economic development. The biggest factor for promoting economic development is sustained economic growth. Economic growth in south-east Asia over the past few decades has played a major role in reducing absolute levels of poverty – increasing life expectancy.

More choice. In less developed economies, a large proportion of the population work in agriculture/subsistence farming, economic growth enables a more diverse economy with people able to work in service sector, manufacturing and having a greater choice of lifestyles.

### 1NC – Transition Fails

#### Even if growth is imperfect, the transition away fails.

Hubert Buch-Hansen 18. Associate Professor, Department of Business and Politics, Copenhagen Business School. “The Prerequisites for a Degrowth Paradigm Shift: Insights from Critical Political Economy.” *Ecological Economics* 146: 157-63. Emory Libraries.

Still, the degrowth project is nowhere near enjoying the degree and type of support it needs if its policies are to be implemented through democratic processes. The number of political parties, labour unions, business associations and international organisations that have so far embraced degrowth is modest to say the least. Economic and political elites, including social democratic parties and most of the trade union movement, are united in the belief that economic growth is necessary and desirable. This consensus finds support in the prevailing type of economic theory and underpins the main contenders in the neoliberal project, such as centre-left and nationalist projects. In spite of the world's multidimensional crisis, a pro-growth discourse in other words continues to be hegemonic: it is widely considered a matter of common sense that continued economic growth is required.

It is also noteworthy that economic and political elites, to a large extent, continue to support the neoliberal project, even in the face of its evident shortcomings. Indeed, the 2008 financial crisis did not result in the weakening of transnational financial capital that could have paved the way for a paradigm shift. Instead of coming to an end, neoliberal capitalism has arguably entered a more authoritarian phase (Bruff, 2014). The main reason the power of the pre-crisis coalition remains intact is that governments stepped in and saved the dominant fraction by means of massive bailouts. It is a foregone conclusion that this fraction and the wider coalition behind the neoliberal paradigm (transnational industrial capital, the middle classes and segments of organized labour) will consider the degrowth paradigm unattractive and that such social forces will vehemently oppose the implementation of degrowth policies (see also Rees, 2014: 97).

While degrowth advocates envision a future in which market forces play a less prominent role than they do today, degrowth is not an antimarket project. As such, it can attract support from certain types of market actors. In particular, it is worth noting that social enterprises, such as cooperatives (Restakis, 2010), play a major role in the degrowth vision. Such enterprises are defined by being ‘organisations involved at least to some extent in the market, with a clear social, cultural and/or environmental purpose, rooted in and serving primarily the local community and ideally having a local and/or democratic ownership structure’ (Johanisova et al., 2013: 11). Social enterprises currently exist at the margins of a system, in which the dominant type of business entity is profit-oriented, shareholder-owned corporations. The further dissemination of social enterprises, which is crucial to the transitions to degrowth societies, is – in many cases – blocked or delayed as a result of the centrifugal forces of global competition (Wigger and Buch-Hansen, 2013). Overall, social enterprises thus (still) constitute a social force with modest power.

Ougaard (2016: 467) notes that one of the major dividing lines in the contemporary transnational capitalist class is between capitalists who have a material interest in the carbon-based economy and capitalists who have a material interest in decarbonisation. The latter group, for instance, includes manufacturers of equipment for the production of renewable energy (ibid.: 467). As mentioned above, degrowth advocates have singled out renewable energy as one of the sectors that needs to grow in the future. As such, it seems likely that the owners of national and transnational companies operating in this sector would be more positively inclined towards the degrowth project than would capitalists with a stake in the carbon-based economy. Still, the prospect of the “green sector” emerging as a driving force behind degrowth currently appears meagre. Being under the control of transnational capital (Harris, 2010), such companies generally embrace the “green growth” discourse, which ‘is deeply embedded in neoliberal capitalism’ and indeed serves to adjust this form of capitalism ‘to crises arising from contradictions within itself’ (Wanner, 2015: 23).

In addition to support from the social forces engendered by the production process, a political project ‘also needs the political ability to mobilize majorities in parliamentary democracies, and a sufficient measure of at least passive consent’ (van Apeldoorn and Overbeek, 2012: 5–6) if it is to become hegemonic. As mentioned, degrowth enjoys little support in parliaments, and certainly the pro-growth discourse is hegemonic among parties in government.5 With capital accumulation being the most important driving force in capitalist societies, political decision-makers are generally eager to create conditions conducive to production and the accumulation of capital (Lindblom, 1977: 172). Capitalist states and international organisations are thus “programmed” to facilitate capital accumulation, and do as such constitute a strategically selective terrain that works to the disadvantage of the degrowth project.

The main advocates of the degrowth project are grassroots, small fractions of left-wing parties and labour unions as well as academics and other citizens who are concerned about social injustice and the environmentally unsustainable nature of societies in the rich parts of the world. The project is thus ideationally driven in the sense that support for it is not so much rooted in the material circumstances or short-term self-interests of specific groups or classes as it is rooted in the conviction that degrowth is necessary if current and future generations across the globe are to be able to lead a good life. While there is no shortage of enthusiasts and creative ideas in the degrowth movement, it has only modest resources compared to other political projects. To put it bluntly, the advocates of degrowth do not possess instruments that enable them to force political decision-makers to listen to – let alone comply with – their views. As such, they are in a weaker position than the labour union movement was in its heyday, and they are in a far weaker position than the owners and managers of large corporations are today (on the structural power of transnational corporations, see Gill and Law, 1989).

6. Consent

It is also safe to say that degrowth enjoys no “passive consent” from the majority of the population. For the time being, degrowth remains unknown to most people. Yet, if it were to become generally known, most people would probably not find the vision of a smaller economic system appealing. This is not just a matter of degrowth being ‘a missile word that backfires’ because it triggers negative feelings in people when they first hear it (Drews and Antal, 2016). It is also a matter of the actual content of the degrowth project.

Two issues in particular should be mentioned in this context. First, for many, the anti-capitalist sentiments embodied in the degrowth project will inevitably be a difficult pill to swallow. Today, the vast majority of people find it almost impossible to conceive of a world without capitalism. There is a ‘widespread sense that not only is capitalism the only viable political and economic system, but also that it is now impossible to even imagine a coherent alternative to it’ (Fisher, 2009: 2). As Jameson (2003) famously observed, it is, in a sense, easier to imagine the end of the world than it is to imagine the end of capitalism. However, not only is degrowth – like other anti-capitalist projects – up against the challenge that most people consider capitalism the only system that can function; it is also up against the additional challenge that it speaks against economic growth in a world where the desirability of growth is considered common sense.

Second, degrowth is incompatible with the lifestyles to which many of us who live in rich countries have become accustomed. Economic growth in the Western world is, to no small extent, premised on the existence of consumer societies and an associated consumer culture most of us find it difficult to completely escape. In this culture, social status, happiness, well-being and identity are linked to consumption (Jackson, 2009). Indeed, it is widely considered a natural right to lead an environmentally unsustainable lifestyle – a lifestyle that includes car ownership, air travel, spacious accommodations, fashionable clothing, an omnivorous diet and all sorts of electronic gadgets. This Western norm of consumption has increasingly been exported to other parts of the world, the result being that never before have so many people taken part in consumption patterns that used to be reserved for elites (Koch, 2012). If degrowth were to be institutionalised, many citizens in the rich countries would have to adapt to a materially lower standard of living. That is, while the basic needs of the global population can be met in a non-growing economy, not all wants and preferences can be fulfilled (Koch et al., 2017). Undoubtedly, many people in the rich countries would experience various limitations on their consumption opportunities as a violent encroachment on their personal freedom. Indeed, whereas many recognize that contemporary consumer societies are environmentally unsustainable, fewer are prepared to actually change their own lifestyles to reverse/address this.

At present, then, the degrowth project is in its “deconstructive phase”, i.e., the phase in which its advocates are able to present a powerful critique of the prevailing neoliberal project and point to alternative solutions to crisis. At this stage, not enough support has been mobilised behind the degrowth project for it to be elevated to the phases of “construction” and “consolidation”. It is conceivable that at some point, enough people will become sufficiently discontent with the existing economic system and push for something radically different. Reasons for doing so could be the failure of the system to satisfy human needs and/or its inability to resolve the multidimensional crisis confronting humanity. Yet, various material and ideational path-dependencies currently stand in the way of such a development, particularly in countries with large middle-classes. Even if it were to happen that the majority wanted a break with the current system, it is far from given that a system based on the ideas of degrowth is what they would demand.

### 1NC – Stakeholder Capitalism

#### Stakeholder cap solves---COVID is accelerating the transition to socially conscious corporations.

James Langton 21. Reporter for Investment Executive. "Covid-19 accelerates the rise of "stakeholder capitalism": S&P." Investment Executive. 01-19-2021. https://www.investmentexecutive.com/news/research-and-markets/covid-19-accelerates-the-rise-of-stakeholder-capitalism-sp/

\*Note: “ESG” means “environmental, social, and governmental”

The traditional corporate imperative of maximizing shareholder value is increasingly under siege from a shift to “stakeholder capitalism,” which has accelerated during the pandemic, says S&P Global Ratings.

In a new white paper, the rating agency examined the phenomenon of companies drifting away from their historical focus on maximizing shareholder returns toward creating long-term value for a broader audience, including customers, employees and society at large.

“Recent surges in sustainable investing and increasing market scrutiny of ESG factors are calling into question the purpose of corporations and asking where their responsibilities to society begin and end,” said Michael Wilkins, senior research fellow, sustainable finance, at S&P.

The Covid-19 pandemic has accelerated this trend. As governments have stepped in to help cushion the economic effects of the pandemic on businesses, expectations of corporate social responsibility have increased, S&P noted.

“The Covid-19 crisis has reaffirmed the materiality of sustainability-related risks and the deep links between businesses and their stakeholders across the value chains,” Wilkins said.

As a result, “companies are now expected to invest more in employee health and wellbeing, safety protocols, fortifying cyber security, and ensuring business continuity,” — and they ignore those priorities at their peril, the white paper said.

“The appearance of unduly profiting from the pandemic or excessively bowing to shareholder interests could result not only in reputational damage but also extend to undermining a company’s license to operate,” the paper said, noting that this approach has backfired on a number of companies.

“In contrast, other businesses are taking actions that may ultimately strengthen employee engagement, brand, reputation, and ultimately business resiliency.”

These results may be reflected in shareholder returns. Indeed, the paper noted that companies in the S&P 500 ESG index outperformed the S&P 500 index by 2.21% since the ESG index launched in January 2019.

“[The S&P 500 ESG index] suffered fewer losses and recovered faster than the S&P 500 during the pandemic,” the paper said.

“Covid-19 may have acted as stimulus for sustainability-related growth but also, indirectly, as an opportunity for corporations to refocus their priorities in line with market expectations around sustainable growth.”

While it remains to be seen the extent to which Covid-19 will lead to lasting fundamental changes, “it is likely that effective stakeholder management will become increasingly important for companies to successfully operate in a world of weakened public finances, social scars, and environmental degradation,” the paper said.

### AT: Degrowth---1NC

#### Growth is good---it’s positively correlated with welfare and degrowth can’t actualize the transition in time.

Kelsey Piper 21. Staff Writer for Vox's new vertical with a focus on the global poor, animal welfare, and risks affecting a stable future for our world. "Can we save the planet by shrinking the economy?" Vox. 8-3-2021. https://www.vox.com/platform/amp/future-perfect/22408556/save-planet-shrink-economy-degrowth

\*Charts in the original article omitted

There’s a lot of speculation here, and a lot of what degrowth’s critics would call hand-waving. Degrowth is fundamentally premised on the claim that we can cease to focus on growth while getting better than ever at addressing human needs. If that’s true, then that would certainly be great news.

But in many ways, it’s a vision more wildly optimistic — disconnected from actual policy results — than any of the more standard “sustainable development” models degrowthers criticize for being out of touch.

First, in the world today, there’s an extremely strong association between growth and welfare outcomes of every kind. GDP, while imperfect, is a better predictor of a country’s welfare state, outcomes for poor citizens in that country, and well-being measures like leisure time and life expectancy than any other measure.

“GDP does leave out non-commercialized activities that are welfare-enhancing,” economist Branko Milanovic writes in a rebuttal of degrowth:

It is, like every other measure, imperfect and one-dimensional. But ... it is imperfect at the edges while fairly accurate overall. Richer countries are countries that are generally better-off in almost all metrics, from education, life expectancy, child mortality to women’s employment etc. Not only that: richer people are also on average healthier, better educated, and happier. Income indeed buys you health and happiness. (It does not guarantee that you are a better person; but that’s a different topic.) The metric of income or GDP is strongly associated with positive outcomes, whether we compare countries to each other, or people (within a country) to each other.

The things degrowthers care about — leisure time, health care, life expectancy — are strongly correlated with societal wealth. The generosity of a welfare state and the availability of transfers to a state’s poorest people are also strongly correlated with societal wealth. Innovation, discovery, invention, and medical technology improvements are also strongly correlated with societal wealth.

[Chart omitted]

The strong correlation between child mortality and GDP per capita is apparent on the above graph. There are some outliers — some countries outperform or underperform their GDP somewhat, in terms of preventing child deaths — but in general, wealth strongly predicts child survival. No single, simple medical intervention causes the difference. Wealthier societies on average get better health outcomes across the board.

[Chart omitted]

This graph looks at child mortality not just by comparing rich countries to poor ones but also by comparing countries over time, as they get richer: Getting richer improves outcomes for children.

[Chart omitted]

Leisure time, too, has increased — and hours worked have declined — as the world has gotten wealthier.

It might be possible in principle to do better — to decouple, if you will, health and well-being from access to material resources, so that everyone is well-off with many fewer resources.

But the examples degrowthers point to remain speculative ones; if we ought to be skeptical, as degrowthers argue we should be, about the decoupling of wealth from ecological impact, we ought to be at least as skeptical about the prospects of decoupling wealth from living standards.

“In the end, economic growth is about the production of stuff that people need and then the consumption of those things by the people who need it,” Max Roser at Our World in Data, a research institute focused on finding, visualizing, and communicating historical economic and health data, told me. He added:

The money aspect, and the abstract concept of GDP, distract us and make it less obvious what it’s actually about. People want to have enough food, they need to go to the doctor, they need childcare, they want a good education. People need lots of stuff, and one thing that people care about are goods and services, and they need to be produced, and economic growth is about an increase in the quality and quantity of the goods and services that people need.

There’s also the knotty problem of who gets to decide which goods and services people choose to spend their money on. Many of the climate scientists I spoke to shared Hickel’s impatience for many specific carbon-intensive modern industries. “I’m not going to defend bitcoin,” the Breakthrough Institute’s Hausfather told me. (The cryptocurrency has attracted intense criticism for being astoundingly carbon-intensive.)

But there is a lot in between bitcoin and basic subsistence needs. And “enough for everyone who needs it” inherently requires value judgments about what people really need, and what things they value that are frivolous luxuries. That’s why so many anti-poverty programs have moved away from giving people “what they need” toward just giving them cash — that is, giving them wealth, which they can choose to spend however they please.

“Even poor people have so many needs for goods and services that you can’t possibly put them on a list and say, ‘Now we’re done here,’” Roser told me. “That’s the beauty of money, that you can just go out there and get what you need rather than what some researcher determines are your needs.”

Degrowth is unrealistic — and gaining traction

As a policy program, degrowth suffers from being both too radical and not radical enough.

There’s a lot of broad-brush policy prescriptions in the degrowth lit, but those details never really add up.

While it’s not a short book, Less Is More feels surprisingly sparse when it comes to envisioning how the changes it recommends could be brought about. The chapter on solutions recommends cutting the workweek and changing tax policy — two solid proposals — but then rounds that out by recommending ending technological obsolescence, advertising, food waste, and student debt.

I’m not particularly opposed to those policies. But they seem laughably inadequate for the magnitude of the task at hand: confronting the climate crisis. Degrowth successfully persuades that guiding humanity and our planet through the 21st century will be really, really hard — but not in a way degrowth particularly solves.

Where degrowth literature is relentlessly pessimistic about the prospect of our problems being solved under our current economic system, it turns oddly optimistic about the prospect that they’ll be solved once we embrace a different way of viewing wealth and progress. If cutting carbon emissions fast enough to matter requires shrinking the global economy by 0.5 percent a year indefinitely, starting right now, as the Nature paper estimates, that’ll take policy measures much larger and more ambitious than any proposed in Less Is More.

“If we are to avert catastrophic warming, we have to lower carbon emissions by a factor of two within the next 10 years. I find it highly implausible that capitalism/market economics will be abandoned by the world on that time frame,” Pennsylvania State University climatologist Michael Mann told me. “That means we have to act on the climate crisis within the framework of the current system.”

#### Decoupling solves---empirics prove---it happens because of market dynamics.

Andrew McAfee 20. Principal research scientist at MIT and the author of More From Less: The Surprising Story of How We Learned to Prosper Using Fewer Resources—and What Happens Next. "Why Degrowth Is the Worst Idea on the Planet." Wired. 10-06-2020. https://www.wired.com/story/opinion-why-degrowth-is-the-worst-idea-on-the-planet/amp

In some important areas, however, a very different pattern emerged after 1970: Growth continued, but environmental harm decreased. This decoupling occurred first with pollution, and first in the rich world. In the US, for example, aggregate levels of six common air pollutants have declined by 77 percent, even as gross domestic product increased by 285 percent and population by 60 percent. In the UK, annual tonnage of particulate emissions dropped by more than 75 percent between 1970 and 2016, and of the main polluting chemicals by about 85 percent. Similar gains are common across the highest-income countries.

How were these reductions achieved? The two possibilities are cleanup and offshoring. Either rich countries figured out how to reduce their “air pollution per dollar” so much that overall pollution went down even as their economies grew, or they sent so much of their dirty production overseas that the air at home got cleaner. The first of these paths reduces the total burden of human-caused pollution; the second just rearranges it.

The evidence is overwhelming that rich countries cleaned up their air pollution much more than they outsourced it. For one, a great deal of air pollution comes from highway vehicles and power plants, and rich countries haven’t outsourced driving and generating electricity to low-income ones. In fact, high-income countries haven't even offshored most of their industry. The US and UK both manufacture more than they did 50 years ago (at least until the Covid-19 pandemic sharply reduced output), and Germany has been a net exporter since 2000 while continuing to drive down air pollution. The rest of the world has been exporting its manufacturing pollution to Germany (to use degrowthers’ phrasing), yet Germans are breathing cleaner air than they were 20 years ago.

Rich countries have reduced their air pollution not by embracing degrowth or offshoring, but instead by enacting and enforcing smart regulation. As economists Joseph Shapiro and Reed Walker concluded in a 2018 study about the US, “changes in environmental regulation, rather than changes in productivity and trade, account for most of the emissions reductions.” Research about the cleanup of US waters also concludes that well-designed and enforced regulations have successfully reduced pollution.

It is true that the US and other rich countries now import lots of products from China and other nations with higher pollution levels. But if there were no international trade at all, and rich countries had to rely exclusively on their domestic industries to make everything they consume, they’d still have much cleaner air and water than they did 50 years ago. As a 2004 Advances in Economic Analysis and Policy study summarized: “We find no evidence that domestic production of pollution-intensive goods in the US is being replaced by imports from overseas.”

The rich world’s success at decoupling growth from pollution is an inconvenient fact for degrowthers. Even more inconvenient is China's recent success at doing the same. China’s export-led, manufacturing-heavy economy has been growing at meteoric rates, but between 2013 and 2017 air pollution in densely populated areas declined by more than 30 percent. Here again the government mandated and monitored pollution declines and so decoupled growth from an important category of environmental harm.

Prosperity Bends the Curve

China's progress with air pollution is heartening, but it's not surprising to most economists. It's a clear example of the environmental Kuznets curve (EKC) in action. Named for the economist Simon Kuznets, EKC posits a relationship between a country's affluence and the condition of its environment. As GDP per capita rises from an initial low level, so too does environmental damage; but as affluence continues to increase, the harms level off and then start to decline. The EKC is clearly visible in the pollution histories of today's rich countries, and it's now taking shape in China and elsewhere.

Also consider air pollution death rates around the world. As the invaluable website Our World in Data puts it, “Rates have typically fallen across high-income countries: almost everywhere in Europe, but also in Canada, the United States, Australia, New Zealand, Japan, Israel and South Korea and other countries. But rates have also fallen across upper-middle income countries too, including China and Brazil. In low and lower-middle income countries, rates have increased over this period.”

The EKC is a direct refutation of a core idea of degrowth: that environmental harms must always rise as populations and economies do. It's not surprising that today's degrowth advocates rarely discuss the large reductions in air and water pollution that have accompanied higher prosperity in so many places around the world. Instead, degrowthers now focus heavily on one kind of pollution: greenhouse gas emissions.

The claims made are familiar ones: that any apparent reductions in greenhouse gas emissions in rich countries are due to offshoring rather than actual decarbonization. Thanks to the Global Carbon Project, we can see if this is the case. GCP has calculated “consumption-based emissions” for many countries going back to 1990, taking into account imports and exports, yielding the greenhouse gas emissions embodied in all the goods and services consumed in each country each year.

For several of the world's richest countries, including Germany, Italy, France, the UK, and the US, graphs of consumption-based carbon emissions follow the familiar EKC. The US, for example, has 2reduced its total (not per capita) consumption-based CO2 emissions by more than 13 percent since 2007.

These reductions are not mainly due to enhanced regulation. Instead, they've come about because of a combination of tech progress and market forces. Solar and wind power have become much cheaper in recent years and have displaced coal for electricity generation. Natural gas, which when burned emits fewer greenhouse gases per unit of energy than does coal (even after taking methane leakage into account), has also become much cheaper and more abundant in the US as a result of the fracking revolution.

How We Learned to Lighten Up

Tech progress and price pressure aren't just leading to the demise of coal. They're also causing us to exploit the planet less in many other important ways, even as growth continues. In other words, EKCs are not just about pollution any more.

A good place to start examining this broad phenomenon of getting more from less is US agriculture, where we have decades of data on both outputs—crop tonnage—and the key inputs of cropland, water, and fertilizer. Domestic crop tonnage has risen steadily over the years and in 2015 was more than 55 percent higher than in 1980. Over that same period, though, total water used for irrigation declined by 18 percent, total cropland by more than 7 percent. That is, over that 35-year period, US crop agriculture increased its output by more than half while giving an area of land larger than Indiana back to nature and eventually using a Lake Champlain less water each year. This was not accomplished by increasing fertilizer use; total US fertilizer consumption in 2014 (the most recent year for which data are available) was within 2 percent of its 1980 level.

The three main fertilizers of nitrogen, potassium, and phosphorus (NKP) are an interesting case study. Their total US consumption (once other uses in addition to agriculture are taken into account) has declined by 23 percent since 1980, according to the United States Geological Survey. Yet some within the degrowth movement find ways to argue that these declines are also an illusion. These materials thus serve to clearly illustrate the differences in methodology, evidence, and worldview between ecomodernists like myself and degrowthers.

The USGS tracks annual domestic production, imports, and exports of NKP and uses these figures to calculate “apparent consumption” each year. Consumption of each of the three resources has declined by 16 percent or more from their peaks, which occurred no later than 1998. This seems like a clear and convincing example of dematerialization—getting more output from fewer material inputs.

As I argue in my book More From Less, dematerialization doesn’t happen for any complicated or idiosyncratic reason. It happens because resources cost money that companies would rather not spend, and tech progress keeps opening up new ways to produce more output (like crops) while spending less on material inputs (like fertilizers). Modern digital technologies are so good at helping producers get more from less that they're now allowing the US and other technologically sophisticated countries to use less in total of important materials like NKP.

Forest products provide another clear example of dematerialization in the US. Total annual domestic consumption of paper and paperboard peaked in 1999, and of timber in 2002. Both totals have since declined by more than 20 percent. Could these be mirages caused by offshoring that’s not properly captured? That’s highly unlikely, as the country is now onshoring more than it’s offshoring. The US has been a net exporter of forest products since 2009 and is now the world’s largest exporter of these materials.

Is the US economy also dematerializing its use of metals? Probably, but it’s hard to say for sure. The USGS tallies do show dematerialization in steel, aluminum, copper, and other important metals. But these figures don’t include the metals contained in imports of finished goods like cars and computers. America is a net importer of manufactured goods, so it could be that we’re using more metal year after year, but that much of this consumption is “hidden” from official statistics because of imports of heavy, complex products. However, my estimates indicate that this is extremely unlikely and that the country is in fact now reducing its overall consumption of metals.

### !D - Space War

#### No space war, and no impact if it does happen

Roger Handberg 17, Professor in the School of Politics, Security, and International Affairs at the University of Central Florida, 2017, “Is space war imminent? Exploring the possibility,” Comparative Strategy, Vol. 36, No. 5, p. 413-425

The assumption made is that space war will be successfully waged in both the heavens and on the Earth itself. This assumption, however, is grounded on several hypotheticals occurring. First, that total devastating strategic surprise can be achieved—the side attacked becomes so damaged and devastated that further resistance is impossible to sustain regardless of national will, since nuclear weapons overhang the entire enterprise. The analogy usually invoked for American audiences is a “Pearl Harbor” type attack. This scenario is premised on equivalent American incompetence and lack of readiness as exhibited in December 1941. One must note that Pearl Harbor ended as a strategic failure for Japan—it led to defeat because the attack mobilized U.S. power without hesitation, given the intense political divisions over whether to enter the worldwide conflicts already raging. The attack was a military failure because Navy carriers were not destroyed along with battleship row along with critical fuel facilities. Similar analogies invoke September 11, 2001 as the prototype for such attacks more recently, but the same caveats apply. Total surprise assumes that all relevant opponent systems and civilian assets are disabled and left vulnerable to follow on attacks. In fact, collapse of U.S. defenses leaves U.S. cities as hostages to the rulers of the heavens, or vice versa if the U.S. moves first. Space war is extremely destabilizing, as will be discussed, since survivability of one's strategic assets becomes problematic.

Second, surprise requires that sufficient offensive space assets be placed in orbit without triggering a response by other states—the scale of such technology deployment is in itself possibly self-defeating given high costs and a likely lack of launch capacity. In addition, much launch capacity is now international rather than national, so maintaining secrecy becomes even more difficult. Space as an operational environment suffers from excessive transparency, meaning any launches can be monitored and tracked by others with strong evidence as to what is being deployed. One must remember that the original satellite launches in the 1950s were accurately tracked by a British grade-school class as a science project. In addition, at least since the early 1960s, remote sensing has increased exponentially the global capability to detect buildup of military assets of differing types, whether in space or on the ground. Commercial remote-sensing capabilities further enhance the capacity to detect militarily relevant actions. For example, commercial imagery is accessed by private parties to monitor the North Korean missile and nuclear weapons programs, in effect expanding the capacity of the world to look in on various states' interior regions, scanning for relevant information, including weapons buildup and launch capabilities. Even construction of physical facilities for production of space assets or for other weaponry can be monitored, making surprise more difficult but not impossible, as demonstrated in earlier monitoring of North Korea and, in 1998, the nuclear tests by both Pakistan and India. That means if the ASAT weapons come from ground locations, there is a high probability that they can be detected but no guarantee exists that detection will in fact occur. The uncertainty will impact calculations of attack success.

Third, the most obvious initial attack of space-based assets will most likely come from cyber attacks, given that such actions do not necessarily require the scale of resources necessary for other modalities such as kinetic weapons, or even lasers or other energy-type weapons. One will have to position the weapons plus the infrastructure to permit rapid recycling of the weapons for the next attack. Firing off interceptors will likely be a one-off, meaning extremely precise targeting will be required if the attack is to be successful. Note that none of these systems require that individuals be placed in Earth orbit, despite the imagery describing such operations in fictional universes.

Deployment requires a large lift capacity for initial deployment plus replenishment of destroyed or inoperative space assets, since a space conflict assumes that assets will be lost either kinetically or be compromised by cyber or energy beams. In any case, the combatants must be able to recover their capabilities lost during the conflict; failure to do would mean defeat or at least stalemate, negating the reason for the attack. That raises a major question when one considers the problem or expectation that space war can be successfully conducted or defended. Operationally Responsive Space (ORS) remains a critical weak point for all potential space-war participants. Loss of space assets occurs routinely during operations, but actual combat losses can be exponential depending on the weaponry used, and replacing those losses becomes the race to the next level after the initial exchange or combat. Unfortunately, ORS remains a major weakness of the United States and likely other states; deploying replacement satellites remains a multiyear process, while launch capabilities are scheduled long in advance. The rise of multiple private-launch competitors may partially alleviate some of the delay but that remains problematic given that the military payloads may be competing with commercial vendors also trying to replace losses. The tradeoff is that. in principle, private-launch vendors may be able to do so more cheaply, but their capacity may be saturated by demand from the civil and commercial sectors, leaving few “uncommitted” launch options for military purposes. Normally this is not an issue, but the available launch options may be third party rather than national-flag carriers, which raises severe security concerns.

Fourth, several other assumptions become essential to make the strategy work, including that such an attack does not render Earth orbit so debris-saturated that further military space operations become impossible to sustain. Also, damage to civilian space assets remains, such that their continuation is possible if undamaged replacements can be quickly reintroduced to restart economically critical operations. Globalization has been fostered through satellite technologies. Their disruption can be devastating for all parties, regardless of who is the winner or the loser. What may occur is the graveyard of the modern economic system. No potential space participants would be immune to the damage, regardless of whether or not they were participants in the actual conflict.

Fifth, there must be no difficulty in separating potential targets from the enemy, allied states, and nonbelligerent states. This creates a situation in which the spread of space technologies globally complicates actions, expanding the range of participants beyond the combatants, much like earlier wars at sea, where there were the combatants' ships, along with those of nonbelligerents, including neutrals whom the combatants struggled to draw into the conflict on their side, or at least to render their services unavailable to the other side. The earliest discussion of space conflict was premised on Cold War analogies, meaning two major combatants, either U.S.–Russia, or U.S–-China, or even a three-way war. Presently, analyses focus on a bilateral conflict with the U.S. opposed to China and Russia. Whether that would occur is obviously unknown, despite political rhetoric about a Eurasia coalition of likeminded states. What it does is multiply the number of potential targets and complicates reactions to neutrals' actions to protect their interests or assets. The distinction between combatants and neutrals or third parties will be possibly blurred beyond separation. The byproduct of a kinetic space conflict is massive amounts of space debris, destroying or damaging most space assets regardless of their state sponsor or nationality. Initial attacks may be focused and precise, but the result is still the same. The debris generated by armed conflict will endure beyond the immediate clash. The obvious alternative is a strictly electronic attack on space assets' operating systems, leaving the satellites in orbit, although without the ability to move them or control possible erratic changes in orbit due to collisions with other space debris.

Other forms space war will take

Reality is more complicated—kinetic action produces debris, the ultimate deterrent to actual space war. Therefore, space war could likely track several distinct phases. The first is cyber attacks, which disable or destroy the working systems of the spacecraft or the ground-support network—in effect, a series of stealth attacks. Civilian satellites are extremely soft targets—defense requires a capacity to detect and analyze any attack on the spacecraft, not available presently for most commercial spacecraft due to cost considerations. Otherwise, one could use nuclear weapons to create electromagnetic pulses (EMP) which can fry unprotected electronics both in space and on the ground, depending on where the weapons are detonated. Interestingly, space war scenarios have some territorial war aspects in that any attacks on space assets will devastate both military and civilian targets without distinction between the war participants and civilians. Similar to unrestricted submarine warfare, all targets in the relevant area will become casualties or otherwise impacted in their operations.

Second, attacks that are conducted against the ground down links and/or communications systems, leaving the spacecraft without guidance or instructions, and also no information is returned to the commanders even if the satellites survive the initial onslaught. These can involve kinetic attacks against specific locations or insertion of special operations forces to render the facility inoperative. For example, antennas can be disabled or destroyed, disrupting operations until new facilities are brought online. Other alternatives could include kinetic weapons launched from space, “rods from God.”20 Air strike packages could include electronic warfare elements capable of scrambling or disrupting operations of such facilities even prior to physical strikes against the targets. Spacecraft not destroyed or disabled in the initial two stages of the attack can be directly attacked by “dazzling” their receivers, with laser impulses destroying the receivers for which there are few replacements without replacing the spacecraft physically.

Third, rapid replacement of inoperative satellites, regardless of the reasons, does not occur, which translates into a race for the third, possibly end, phase of the war, replenishment. Inability to replace losses may mean that none of the combatants are able to dominate in the end, meaning conventional conflict may be the outcome, although issues of global reach may confine conflicts to relatively small areas. In previous conventional conflicts, large-scale forces were moved, albeit slowly, across the globe to the conflict, i.e., Desert Shield morphing into Desert Storm after a nearly six-month buildup.

### AT: K-Waves

#### K-waves are bunk.

Theodore MODIS 17. Ph.D. in High Energy Physics, Columbia; Founder of Growth Dynamics, an organization specializing in strategic forecasting and management consulting. “A hard-science approach to Kondratieff's economic cycle.” *Technological Forecasting & Social Change* 122: 63-70. Emory Libraries.

Claims for long waves in economic activity have existed since the beginning of the Industrial Revolution. Among the early proponents of economic cycles was William S. Jevons (1835–1882) who linked business cycles to sunspot activity (Jevons, 1878). Later Henry Ludwell Moore (1869–1958) linked business cycles to climate variations arguing that a rainfall cycle affects agricultural markets, which affect industrial markets (Moore, 1914). The Russian economist Nikolai D. Kondratieff (1892–1938) deduced an economic cycle with a period of about fifty years from economic indicators alone. His classic work in 1926 resulted in his name being associated with this phenomenon (Kondratieff, 1935). Joseph A. Schumpeter (1883–1950) tried to explain the existence of economic cycles and in particular Kondratieff's cycle by attributing growth to the fact that major technological innovations come in clusters (Schumpeter, 1939). More recently, Bert de Groot and Philip Hans Franses have found a multiplicity of cycles in innovations (de Groot and Franses, 2008). And Andrey V. Korotayev, Julia Zinkina, and Justislav Bogevolnov have evidenced Kondratieff waves in global invention activity (Andrey, 2011).

One could argue that Kondratieff's cycle is the most successful among long-wave postulations. His name yields a quarter of a million hits in a Google search, and an economic research organization called International N. D. Kondratieff Foundation has been established in 1992 accredited by the Russian Academy of Sciences. Its charter is to coordinate interdisciplinary research, organize conferences and competitions, and award medals to Kondratieff-related contributors. In Russian economic circles the whole thing takes on the airs of a cult with an inexhaustible list of publications, see for example issues of the Kondratieff Waves yearbook (Anon, n.d.-a).

And yet, Kondratieff's work has been challenged by many respected economists from the very beginning. Critics doubted both the existence of Kondratieff's cycle and the causal explanation suggested by Schumpeter. Among vocal critics has been American economist Murray Rothbard (Rothbard, 1978). He argued that business cycles are “emphatically not periodic.” He called the Kondratieff cycle “mystical” and “the flimsiest ‘cycle’ of them all.” He questioned and discounted Kondratieff booms/depressions, and presented arguments showing that the Kondratieff cycle may seem regular at the very most for only three-and-a-half periods. He also criticized the fact that it is evidenced by studying prices, which do not accurately reflect the state of the economy.

Kondratieff's postulation ended up being largely ignored by contemporary economists for a variety of reasons. Since then it came in and out of vogue with changes in the economic climate. In the final analysis, however, the postulation's greatest weakness may have been the boldness of the conclusions drawn from such ambiguous and imprecise data as monetary and financial indicators. These indicators—just like price tags—are a rather frivolous means of assigning lasting value. Inflation and currency fluctuations due to speculation or politicoeconomic circumstances can have a large unpredictable effect on monetary indicators. Extreme swings have been observed. For example, Van Gogh died poor, although each of his paintings is worth a fortune today. The amount of work or beauty in his paintings has not changed since his death; counted in dollars, however, it has increased tremendously. Even the monitoring of innovations and invention activity is subject to human bias and uncertainty

that stem from the ambiguity involved in defining them and quantifying them.

### 1NC – Cap Sustainable

#### Cap’s sustainable---solves resource scarcity and climate change.

Rainer Zitelmann 21. German historian and author of “The Rich in Public Opinion.” "Consumption Presumption: Are Human Beings Destroying the World?" National Interest. 2-12-2021. https://nationalinterest.org/feature/consumption-presumption-are-human-beings-destroying-world-178114

Some people claim that we need to cut our consumption or there will be no hope for the planet. Such claims are based on the thesis that continued growth increases the rate at which the earth’s finite resources are consumed and, moreover, leads to irreversible climate change. And such warnings are by no means new. In 1970, for instance, the Club of Rome attracted a great deal of attention with the publication of The Limits to Growth. A Report for the Club of Rome’s Project on the Predicament of Mankind, which has to date sold more than thirty million copies in thirty languages. The book warned people to change their ways and had a clear message: the world’s raw materials, and in particular, oil would soon be used up. In twenty years, the scientists predicted, we would have used the very last drop of oil. Of course, the Club of Rome’s models for the depletion of oil—and almost all other major raw materials—were wrong. According to the scenarios presented in The Limits to Growth, we should now be living on a planet that has been devoid of natural gas, copper, lead, aluminum and tungsten for decades. And we were supposed to have run out of silver in 1985. Despite the bleak forecasts, as of January 2020, the United States Geological Survey estimated silver reserves worldwide at 560,000 tons.

More from Less

Employing an extensive array of data, the American scientist Andrew McAfee proves in his book More from Less that economic growth is no longer coupled to the consumption of raw materials. Data for the United States, for example, show that of seventy-two resources, from aluminum to zinc, only six are not yet post-peak. Nevertheless, despite the fact that the U.S. economy has grown strongly in recent years, consumption of many commodities is actually decreasing.

Back in 2015, the American environmental scientist Jesse Ausubel wrote an essay, “The Return of Nature: How Technology Liberates the Environment,” showing that Americans are consuming fewer and fewer raw materials per capita. Total consumption of steel, copper, fertilizer, wood and paper, which had previously always risen in line with economic growth, had plateaued and was now in constant decline.

Such across-the-board reductions in natural resource consumption are only possible because of much-maligned capitalism: companies are constantly developing more efficient production methods and reducing the amount of raw materials they consume. Of course, they are not doing this primarily to protect the environment but to cut costs.

What's more, a constant stream of innovations has promoted the trend of miniaturization or dematerialization. Just think of your smartphone. How many devices has your smartphone replaced and how many raw materials did they use to consume?

Calculator

Telephone

Video camera

Alarm clock

Voice recorder

Navigation system

Camera

CD-player/radio

Compass

Nowadays, many people no longer have a fax machine or street atlas because they have everything they need on their smartphone. Some even use their phones instead of a wristwatch. You used to need four separate microphones in your telephone, cassette recorder, Dictaphone and video camera, today you just need one—in your smartphone.

Fighting climate change with nuclear energy

The finite nature of the world’s natural resources is one argument against growth, climate change is another. Let’s take China as an example: China currently emits more CO2 than any other country in the world and is building a number of new nuclear power plants in order to achieve carbon neutrality by 2060. With the new build program well underway, China’s first new-generation nuclear power plant recently went into operation.

In the very near future, China intends to start exporting power plants. The latest generation of nuclear power plants is much safer than earlier models—and can play a pivotal role in the fight against climate change. In the United States, Joe Biden is already evaluating the advantages of small modular reactor (SMR) nuclear power plants. As the name suggests, SMRs are smaller than traditional nuclear fission reactors and offer a maximum capacity of three hundred megawatts. In the United Kingdom, for example, a consortium led by Rolls-Royce has announced plans to build up to sixteen SMR power plants.

So far, two reactors of this type are in operation, both onboard the floating nuclear power plant  “\Akademik Lomonosov, which supplies heat and electricity to the Siberian city of Pevec and its one hundred thousand inhabitants.

Anticapitalists blame capitalism for resource consumption and climate change. But political decisions—such as Germany’s decision to phase out nuclear energy—frequently have a negative impact on climate change.

Telling people to cut their consumption must seem like pure mockery to the hundreds of millions of people around the world who are still living in extreme poverty. What they need is more capitalism and economic growth. Just like in China, where the number of people living in extreme poverty has fallen from 88 percent in 1981 to less than 1 percent today. Andrew McAfee’s book has an optimistic message about how we don't have to turn back the clocks and cut our consumption: capitalism and technological progress are allowing us to steward the world’s resources, rather than stripping them bare.

# 2NC vs MoState KW

## Case

### OV

#### Capitalism solves war on a massive scale – it creates lock-in mechanisms that bind countries together and economically dampens conflict – robust studies

Dafoe 14 (Allan Dafoe & Nina Kelsey; assistant professor in political science at Yale & research associate in international economics at Berkeley; Journal of Peace Research, “Observing the capitalist peace: Examining market-mediated signaling and other mechanisms,” http://jpr.sagepub.com.proxy.lib.umich.edu/content/51/5/619.full)

Countries with liberal political and economic systems rarely use military force against each other. This anomalous peace has been most prominently attributed to the ‘democratic peace’ – the apparent tendency for democratic countries to avoid militarized conflict with each other (Maoz & Russett, 1993; Ray, 1995; Dafoe, Oneal & Russett, 2013).More recently, however, scholars have proposed that the liberal peace could be partly (Russett & Oneal, 2001) or primarily (Gartzke, 2007; but see Dafoe, 2011) attributed to liberal economic factors, such as commercial and financial interdependence. In particular, Erik Gartzke, Quan Li & Charles Boehmer (2001), henceforth referred to as GLB, have demonstrated that measures of capital openness have a substantial and statistically significant association with peaceful dyadic relations. Gartzke (2007) confirms that this association is robust to a large variety of model specifications. To explain this correlation, GLB propose that countries with open capital markets are more able to credibly signal their resolve through the bearing of greater economic costs prior to the outbreak of militarized conflict. This explanation is novel and plausible, and resonates with the rationalist view of asymmetric information as a cause of conflict (Fearon, 1995). Moreover, it implies clear testable predictions on evidential domains different from those examined by GLB. In this article we exploit this opportunity by constructing a confirmatory test of GLB’s theory of market-mediated signaling. We first develop an innovative quantitative case selection technique to identify crucial cases where the mechanism of market-mediated signaling should be most easily observed. Specifically, we employ quantitative data and the statistical models used to support the theory we are probing to create an impartial and transparentmeans of selecting cases in which the theory – as specified by the theory’s creators –makes its most confident predictions.We implement three different case selection rules to select cases that optimize on two criteria: (1) maximizing the inferential leverage of our cases, and (2) minimizing selection bias. We examine these cases for a necessary implication of market-mediated signaling: that key participants drew a connection between conflictual events and adverse market movements. Such an inference is a necessary step in the process by which market-mediated costs can signal resolve. For evidence of this we examine news media, government documents, memoirs, historical works, and other sources. We additionally examine other sources, such as market data, for evidence that economic costs were caused by escalatory events. Based on this analysis, we assess the evidence for GLB’s theory of market mediated costly signaling. Our article then considers a more complex heterogeneous effects version of market-mediated signaling in which unspecified scope conditions are required for the mechanism to operate. Our design has the feature of selecting cases in which scope conditions are most likely to be absent. This allows us to perform an exploratory analysis of these cases, looking for possible scope conditions. We also consider alternative potential mechanisms. Our cases are reviewed in more detail in the online appendix.1 To summarize our results, our confirmatory test finds that while market-mediated signaling may be operative in the most serious disputes, it was largely absent in the less serious disputes that characterize most of the sample of militarized interstate disputes (MIDs). This suggests either that other mechanisms account for the correlation between capital openness and peace, or that the scope conditions for market-mediated signaling are restrictive. Of the signals that we observed, strategic market-mediated signals were relatively more important than automatic market-mediated signals in the most serious conflicts. We identify a number of potential scope conditions, such as that (1) the conflict must be driven by bargaining failure arising from uncertainty and (2) the economic costs need to escalate gradually and need to be substantial, but less than the expected military costs of conflict. Finally, there were a number of other explanations that seemed present in the cases we examined and could account for the capitalist peace: capital openness is associated with greater anticipated economic costs of conflict; capital openness leads third parties to have a greater stake in the conflict and therefore be more willing to intervene; a dyadic acceptance of the status quo could promote both peace and capital openness; and countries seeking to institutionalize a regional peace might instrumentally harness the pacifying effects of liberal markets. The correlation: Open capital markets and peace The empirical puzzle at the core of this article is the significant and robust correlation noted by GLB between high levels of capital openness in both members of a dyad and the infrequent incidence of militarized interstate disputes (MIDs) and wars between the members of this dyad (Gartzke, Li & Boehmer, 2001). The index of capital openness (CAPOPEN) is intended to capture the ‘difficulty states face in seeking to impose restrictions on capital flows (the degree of lost policy autonomy due to globalization)’ (Gartzke & Li, 2003: 575). CAPOPEN is constructed from data drawn from the widely used IMF’s Annual Reports on Exchange Arrangements and Exchange Controls; it is a combination of eight binary variables that measure different types of government restrictions on capital and currency flow (Gartzke, Li & Boehmer, 2001: 407). The measure of CAPOPEN starts in 1966 and is defined for many countries (increasingly more over time). Most of the countries that do not have a measure of CAPOPEN are communist.2 GLB implement this variable in a dyadic framework by creating a new variable, CAPOPENL, which is the smaller of the two dyadic values of CAPOPEN. This operationalization is sometimes referred to as the ‘weak-link’ specification since the functional form is consonant with a model of war in which the ‘weakest link’ in a dyad determines the probability of war. CAPOPENL has a negative monotonic association with the incidence of MIDs, fatal MIDs, and wars (see Figure 1).3 The strength of the estimated empirical association between peace and CAPOPENL, using a modified version of the dataset and model from Gartzke (2007), is comparable to that between peace and, respectively, joint democracy, log of distance, or the GDP of a contiguous dyad (Gartzke, 2007: 179; Gartzke, Li & Boehmer, 2001: 412). In summary, CAPOPENL seems to be an important and robust correlate of peace. The question of why specifically this correlation exists, however, remains to be answered. The mechanism: Market-mediated signaling? Gartzke, Li & Boehmer (2001) argue that the classic liberal account for the pacific effect of economic interdependence – that interdependence increases the expected costs of war – is not consistent with the bargaining theory of war (see also Morrow, 1999). GLB argue that ‘conventional descriptions of interdependence see war as less likely because states face additional opportunity costs for fighting. The problem with such an account is that it ignores incentives to capitalize on an opponent’s reticence to fight’ (Gartzke, Li & Boehmer, 2001: 400.)4 Instead, GLB (see also Gartzke, 2003; Gartzke & Li, 2003) argue that financial interdependence could promote peace by facilitating the sending of costly signals. As the probability of militarized conflict increases, states incur a variety of automatic and strategically imposed economic costs as a consequence of escalation toward conflict. Those states that persist in a dispute despite these costs will reveal their willingness to tolerate them, and hence signal resolve. The greater the degree of economic interdependence, the more a resolved country could demonstrate its willingness to suffer costs ex ante to militarized conflict. Gartzke, Li & Boehmer’s mechanism implies a commonly perceived costly signal before militarized conflict breaks out or escalates: if market-mediated signaling is to account for the correlation between CAPOPENL and the absence of MIDs, then visible market-mediated costs should occur prior to or during periods of real or potential conflict (Gartzke, Li & Boehmer, 2001). Thus, the proposed mechanism should leave many visible footprints in the historical record. This theory predicts that these visible signals must arise in any escalating conflict, involving countries with high capital openness, in which this mechanism is operative Clarifying the signaling mechanism Gartzke, Li & Boehmer’s signaling mechanism is mostly conceptualized on an abstract, game-theoretic level (Gartzke, Li & Boehmer, 2001). In order to elucidate the types of observations that could inform this theory’s validity, we discuss with greater specificity the possible ways in which such signaling might occur. A conceptual classification of costly signals The term signaling connotes an intentional communicative act by one party directed towards another. Because the term signaling thus suggests a willful act, and a signal of resolve is only credible if it is costly, scholars have sometimes concluded that states involved in bargaining under incomplete information could advance their interests by imposing costs on themselves and thereby signaling their resolve (e.g. Lektzian & Sprecher, 2007). However, the game-theoretic concept of signaling refers more generally to any situation in which an actor’s behavior reveals information about her private information. In fact, states frequently adopt sanctions with low costs to themselves and high costs to their rivals because doing so is often a rational bargaining tactic on other grounds: they are trying to coerce their rival to concede the issue. Bargaining encounters of this type can be conceptualized as a type of war-of-attrition game in which each actor attempts to coerce the other through the imposition of escalating costs. Such encounters also provide the opportunity for signaling: when states resist the costs imposed by their rivals, they ‘signal’ their resolve. If at some point one party perceives the conflict to have become too costly and steps back, that party ‘signals’ a lack of resolve. Thus, this kind of signaling arises as a by-product of another’s coercive attempts. In other words, costly signals come in two forms: self-inflicted (information about a leader arising from a leader’s intentional or incidental infliction of costs on himself) or imposed (information about a leader that arises from a leader’s response to a rival’s imposition of costs). Additionally, costs may arise as an automatic byproduct of escalation towards military conflict or may be a tool of statecraft that is strategically employed during a conflict. The automatic mechanism stipulates that as the probability of conflict increases, various economic assets will lose value due to the risk of conflict and investor flight. However, the occurrence of these costs may also be intentional outcomes of specific escalatory decisions of the states, as in the case of deliberate sanctions; in this case they are strategic. Finally, at a practical level, we identify three different potential kinds of economic costs of militarized conflict that may be mediated by open capital markets: capital costs from political risk, monetary coercion, and business sanctions.

#### Competitiveness solves global war---it’s the bedrock of national security and international standing.

Zoë Baird 20. CEO and President of the Markle Foundation. A.B. Phi Beta Kappa and a J.D. from the University of California, Berkeley. “Equitable Economic Recovery Is a National Security Imperative”. https://www.markle.org/sites/default/files/Chapter-13-Baird-Equitable-Economic-Recovery.pdf

Broadly shared economic prosperity is a bedrock of America’s economic and political strength—both domestically and in the international arena. A strong and equitable recovery from the economic crisis created by COVID-19 would be a powerful testament to the resilience of the American system and its ability to create prosperity at a time of seismic change and persistent global crisis. Such a recovery could attack the profound economic inequities that have developed over the past several decades. Without bold action to help all workers access good jobs as the economy returns, the United States risks undermining the legitimacy of its institutions and its international standing. The outcome will be a key determinant of America’s national security for years to come.

An equitable recovery requires a national commitment to help all workers obtain good jobs—particularly the twothirds of adults without a bachelor’s degree and people of color who have been most affected by the crisis and were denied opportunity before it. As the nation engages in a historic debate about how to accelerate economic recovery, ambitious public investment is necessary to put Americans back to work with dignity and opportunity. We need an intentional effort to make sure that the jobs that come back are good jobs with decent wages, benefits, and mobility and to empower workers to access these opportunities in a profoundly changed labor market.

To achieve these goals, American policy makers need to establish job growth strategies that address urgent public needs through major programs in green energy, infrastructure, and health. Alongside these job growth strategies, we need to recognize and develop the talents of workers by creating an adult learning system that meets workers’ needs and develops skills for the digital economy. The national security community must lend its support to this cause. And as it does so, it can bring home the lessons from the advances made in these areas in other countries, particularly our European allies, and consider this a realm of international cooperation and international engagement.

Shared Economic Prosperity Is a National Security Asset

A strong economy is essential to America’s security and diplomatic strategy. Economic strength increases our influence on the global stage, expands markets, and funds a strong and agile military and national defense. Yet it is not enough for America’s economy to be strong for some—prosperity must be broadly shared. Widespread belief in the ability of the American economic system to create economic security and mobility for all—the American Dream— creates credibility and legitimacy for America’s values, governance, and alliances around the world.

After World War II, the United States grew the middle class to historic size and strength. This achievement made America the model of the free world—setting the stage for decades of American political and economic leadership.

Domestically, broad participation in the economy is core to the legitimacy of our democracy and the strength of our political institutions. A belief that the economic system works for millions is an important part of creating trust in a democratic government’s ability to meet the needs of the people.

The COVID-19 Crisis Puts Millions of American Workers at Risk

For the last several decades, the American Dream has been on the wane. Opportunity has been increasingly concentrated in the hands of a small share of workers able to access the knowledge economy. Too many Americans, particularly those without four-year degrees, experienced stagnant wages, less stability, and fewer opportunities for advancement.

Since COVID-19 hit, millions have lost their jobs or income and are struggling to meet their basic needs—including food, housing, and medical care.1 The crisis has impacted sectors like hospitality, leisure, and retail, which employ a large share of America’s most economically vulnerable workers, resulting in alarming disparities in unemployment rates along education and racial lines. In August, the unemployment rate for those with a high school degree or less was more than double the rate for those with a bachelor’s degree.2 Black and Hispanic Americans are experiencing disproportionately high unemployment, with the gulf widening as the crisis continues.3

The experience of the Great Recession shows that without intentional effort to drive an inclusive recovery, inequality may get worse: while workers with a high school education or less experienced the majority of job losses, nearly all new jobs went to workers with postsecondary education. Inequalities across racial lines also increased as workers of color worked in the hardest-hit sectors and were slower to recover earnings and income than White workers.4

The Case for an Inclusive Recovery

A recovery that promotes broad economic participation, renewed opportunity, and equity will strengthen American moral and political authority around the world. It will send a strong message about the strength and resilience of democratic government and the American people’s ability to adapt to a changing global economic landscape.

An inclusive recovery will reaffirm American leadership as core to the success of our most critical international alliances, which are rooted in the notion of shared destiny and interdependence. For example, NATO, which has been a cornerstone of U.S. foreign policy and a force of global stability for decades, has suffered from American disengagement in recent years. A strong American recovery—coupled with a renewed openness to international collaboration—is core to NATO’s ability to solve shared geopolitical and security challenges. A renewed partnership with our European allies from a position of economic strength will enable us to address global crises such as climate change, global pandemics, and refugees. Together, the United States and Europe can pursue a commitment to investing in workers for shared economic competitiveness, innovation, and long-term prosperity.

### Circumvention

#### Extend the Naidu and Posner evidence – firms will circumvent

#### Expand the scope of antitrust refers exclusively to formal law not enforcement---the plan is circumvented.

Sinisa Milosevic et al. 18. Commission for Protection of Competition, The Republic of Serbia. Dejan Trifunovic, Faculty of Economics, University of Belgrade, Belgrade, The Republic of Serbia. Jelena Popovic Markopoulos, Commission for Protection of Competition, The Republic of Serbia. “The Impact of the Competition Policy on Economic Development in the Case of Developing Countries”. Economic Horizons, May - August 2018, Volume 20, Number 2, 153 – 167. http://scindeks-clanci.ceon.rs/data/pdf/1450-863X/2018/1450-863X1802157M.pdf

The paper that analyzes the impact of the competition policy on the GDP growth in developing and developed countries in the Solow growth model framework is T. C. Ma’s (2011). The presence and scope of the competition policy is captured by the SCOPE variable that is defined in the paper by K. N. Hylton and F. Deng (2007). The overall effectiveness of the government’s application of policies, not only of the competition policy, is captured by the EFFICIENCY variable that is defined in the paper by D. Kaufmann, A. Kraay and M. Mastruzzi (2009). The results show that the SCOPE variable is not significant and the formal existence of the competition law cannot influence economic growth. The interacting variable of SCOPE x EFFICIENCY is named EFFLAW. For poor countries, the coefficient for this variable is 0.04 and is significant, whereas for rich countries the coefficient is 0.064 and is also significant. Therefore, the competition law must be complemented with the effective enforcement of this policy.

#### Courts fail.

Thomas Leary 8. Hogan & Hartson Law Firm, Former Commissioner at the Federal Trade Commission; Antitrust, “Perspectives on the Future Direction of Antitrust,” vol. 22

About thirty years ago, antitrust jurisprudence began to focus on economics rather than populist slogans. After some initial resistance, this new approach gained wide acceptance. Unfortunately, some courts have not recognized that economics is still an evolving discipline, and have failed to apply William Baxter’s admonition that a “sensible antitrust policy” should be “based on whatever it is we know at any particular moment about the economics of industrial organization.”

This failure is illustrated by three recent FTC defeats in the federal courts. Each case had special factual issues, but a common thread was the inability of the courts to absorb unfamiliar economic ideas.

The Eleventh Circuit’s 2005 Schering opinion on litigation settlements between pioneer and generic drug manufacturers was dead wrong on the burden of proof when infringement is disputed and in its application of the substantial evidence standard. But the court also was unable to appreciate the unusual economics of the industry, which enabled generics to profit more from litigation settlement than from outright victory. The usual judicial preference for settlements will simply eviscerate the Hatch-Waxman Act, designed to encourage litigation to judgment in this particular area.

The D.C. District Court in Whole Foods (2007) focused on price effects, usually a traditional and sound approach. But price was not the only significant dimension of competition between the merging grocery chains. They were the two largest providers of an innovative and differentiated shopping experience for consumers of premium “organic” foods. Whole Foods was not interested in the Wild Oats stores or its cash flow; it wanted to eliminate a chain that presented a unique competitive threat. We know that because the CEO said so, in unusually candid statements that the court simply ignored.

The D.C. Circuit Court in Rambus (2008) ignored factual findings, applied a questionable evidentiary standard, and wrongfully concluded that Rambus might have merely exploited an existing monopoly. It also failed to fully appreciate that demand side distortions (in the “market” for competing technologies) are just as economically harmful as the supply side distortions with which antitrust is usually concerned, and that proof of deception can depend on the reasonable subjective expectations of an audience.

These decisions also indicate that many courts no longer recognize the FTC’s special mission to provide purely prospective antitrust guidance. An extensive body of judicial precedent may have undercut the importance of this mission, and private litigation realities diminish prospects for purely prospective guidance. Out of frustration, the FTC may begin to rely more on its Section 5 unfairness authority. This could lessen the risk of retroactive consequences in private litigation but could also awaken concerns about revival of less disciplined agency discretion. More aggressive deployment of Section 5 would not necessarily be a retrograde step, however, so long as the agency remembers that freedom to enter uncharted territory beyond precedent is not the same as freedom to ignore evolving economic principles.

### AT: Degrowth---Fails---2NC

#### Degrowth fails---COVID recession proves.

C.J. Polychroniou interviewing Robert Pollin 21. Political scientist/political economist, author, and journalist who has taught and worked in numerous universities and research centers in Europe and the United States; Distinguished professor of economics and co-director of the Political Economy Research Institute at the University of Massachusetts-Amherst. "Degrowth Policies Cannot Avert Climate Crisis. We Need a Green New Deal." Truthout. 6-28-2021. https://truthout.org/articles/degrowth-policies-cannot-avert-climate-crisis-we-need-a-green-new-deal/?amp

In focusing on some critical specifics, I would also add that there is no way that a general project of degrowth can put the global economy onto a viable climate stabilization path. With the COVID-19 recession, the global economy just went through a powerful natural experiment to demonstrate this point. That is, during the pandemic in 2020, the global economy contracted by 3.5 percent, which the International Monetary Fund described as a “severe collapse … that has had acute adverse impacts on women, youth, the poor, the informally employed and those who work in contact-intensive sectors.” In other words, the pandemic produced an intense period of global “degrowth.” This recession did also produce a decline in emissions, as entire sections of the global economy were forced into lockdown mode. But the emissions decline amounted to only 6.4 percent over 2020. Remember, the IPCC tells us that we need to cut emissions by 45 percent as of 2030 and be at zero emissions by 2050. If the COVID recession only yields a 6.4 percent emissions reduction despite the enormous levels of economic pain inflicted, clearly “degrowth” cannot come close, on its own, to delivering a 45-percent emissions cut by 2030, much less a zero emissions global economy by 2050.

#### It fails---doesn’t solve emissions.

Kelsey Piper 21. Staff Writer for Vox's new vertical with a focus on the global poor, animal welfare, and risks affecting a stable future for our world. "Can we save the planet by shrinking the economy?" Vox. 8-3-2021. https://www.vox.com/platform/amp/future-perfect/22408556/save-planet-shrink-economy-degrowth

One big problem with degrowth is this simple fact: In the coming decades, most carbon emissions won’t be coming from rich countries like the US — they’ll be happening in newly middle-income countries, like India, China, or Indonesia. Already, developing nations account for 63 percent of emissions, and they’re expected to account for even more as they develop further and as the rich world decarbonizes.

Even if emissions in rich countries go to zero very soon, climate change is set to worsen as poorer countries increase their own emissions.

That will, of course, have deeply negative climate impacts. But the alternative is a nonstarter — should the world really prioritize curbing emissions and economic growth if it meant suppressing the growth of those countries?

Degrowthers see no dilemma here. What Hickel envisions is global movement in two directions: Poor countries could develop up to a certain level of prosperity and then stop; rich countries could develop down to that level and then stop. Thus, climate catastrophe could be averted, all while making the world’s poor more prosperous.

“Rich countries urgently need to reduce their excess energy and resource use to sustainable levels so our sisters and brothers in the global South can live well too,” Hickel put it. “We live on an abundant planet and we can all flourish on it together, but to do so we have to share it more fairly, and build economies that are designed around meeting human needs rather than around perpetual growth.”

From a climate change perspective, though, there’s a problem. First, it means that degrowth would do nothing about the bulk of emissions, which are occurring in developing countries.

Second, the global economy is more interconnected than Hickel implies. When Covid-19 hit, poor countries were devastated not just by the virus but by the aftershocks of virus-induced slowdowns in consumption in rich countries.

There’s some genuine appeal to the idea of an end to “consumerism,” but the pandemic offered a taste of how a sudden drop in rich-world consumption would actually affect the developing world. Covid-19 dramatically curtailed Western imports and tourism for a time. The consequences in poor countries were devastating. Hunger rose, and child mortality followed.

Covid-19, of course, wreaked direct economic havoc at the same time, with lockdowns having an especially negative impact on some poor countries; the effects of the pandemic and international demand shock were combined, and in some cases they’re hard to separate. But the United Nations, the World Bank, and expert analyses point to the decline in global consumption as a significant part of the picture.

Degrowthers reject this concern on two fronts: First, they argue that a sustained, deliberate reduction in consumption wouldn’t be anything like a recession. Recessions, they agree, are really bad, but that’s because consumption falls in affected sectors, instead of being targeted at things that don’t improve well-being. Degrowth, they say, would be different.

Second, they contend that there is some path to economic growth in poor countries that doesn’t rely on trade with rich ones — certainly some countries managed economic growth when the whole world was poor, after all.

Hickel’s perspective is that most trade between rich and poor countries is extractive, not mutually beneficial — and that maybe when that dynamic ceases, poor countries will have the chance for the catch-up growth they merit. That’s one take. But it means that degrowth’s case for not crushing the poor world is predicated on a speculative take on how those countries can grow — one that democratically elected leaders in those countries largely don’t share.

### 2NC – Econ Decline

#### A prolonged economic crisis spirals into world war – the world can’t survive another 2008 due to rising ethno-populism and nationalism – these become great power wars - Sundaram and Popov and Summers

#### Economic decline risks nuclear conflict

**Mann 14** (Eric Mann is a special agent with a United States federal agency, with significant domestic and international counterintelligence and counter-terrorism experience. Worked as a special assistant for a U.S. Senator and served as a presidential appointee for the U.S. Congress. He is currently responsible for an internal security and vulnerability assessment program. Bachelors @ University of South Carolina, Graduate degree in Homeland Security @ Georgetown. “AUSTERITY, ECONOMIC DECLINE, AND FINANCIAL WEAPONS OF WAR: A NEW PARADIGM FOR GLOBAL SECURITY,” May 2014, <https://jscholarship.library.jhu.edu/bitstream/handle/1774.2/37262/MANN-THESIS-2014.pdf>)

The conclusions reached in this thesis demonstrate how economic considerations within states can figure prominently into the calculus for future conflicts. The findings also suggest that security issues with economic or financial underpinnings will transcend classical determinants of war and conflict, and change the manner by which rival states engage in hostile acts toward one another. The research shows that security concerns emanating from economic uncertainty and the inherent vulnerabilities within global financial markets will present new challenges for national security, and provide developing states new asymmetric options for balancing against stronger states.¶ The security areas, identified in the proceeding chapters, are likely to mature into global security threats in the immediate future. As the case study on South Korea suggest, the overlapping security issues associated with economic decline and reduced military spending by the United States will affect allied confidence in America’s security guarantees. The study shows that this outcome could cause regional instability or realignments of strategic partnerships in the Asia-pacific region with ramifications for U.S. national security. Rival states and non-state groups may also become emboldened to challenge America’s status in the unipolar international system.¶ The potential risks associated with stolen or loose WMD, resulting from poor security, can also pose a threat to U.S. national security. The case study on Pakistan, Syria and North Korea show how financial constraints affect weapons security making weapons vulnerable to theft, and how financial factors can influence WMD proliferation by contributing to the motivating factors behind a trusted insider’s decision to sell weapons technology. The inherent vulnerabilities within the global financial markets will provide terrorists’ organizations and other non-state groups, who object to the current international system or distribution of power, with opportunities to disrupt global finance and perhaps weaken America’s status. A more ominous threat originates from states intent on increasing diversification of foreign currency holdings, establishing alternatives to the dollar for international trade, or engaging financial warfare against the United States.

### 2NC Innovation Leadership

#### Without US innovation leadership, China is able to overcome the US in overall competition ensuring a war – that escalates and goes nuclear – that’s Tran, Lewis, and Allison

Skolnik DOESN’T say that Russia or China’s don’t themselves via AI acquisition as an arms rase – China specifically does, proven by all our args

#### Also didn’t answer the warrant that China is worse for EVERYTHING - Failure to stop China allows them to establish a global dystopian surveillance state. Only Western democracies have self-correcting protections to safeguard citizens from over-stretch.

Charlie Campbell 19. East Asia Correspondent for TIME. "The Entire System Is Designed to Suppress Us': What the Chinese Surveillance State Means for the Rest of the World." https://time.com/5735411/china-surveillance-privacy-issues/.

Still, the risks are considerable. As Western democracies enact safeguards to protect citizens from the rampant harvesting of data by government and corporations, China is exporting its AI-powered surveillance technology to authoritarian governments around the world. Chinese firms are providing high-tech surveillance tools to at least 18 nations from Venezuela to Zimbabwe, according to a 2018 report by Freedom House. China is a battleground where the modern surveillance state has reached a nadir, prompting censure from governments and institutions around the globe, but it is also where rebellion against its overreach is being most ferociously fought.

“Today’s economic business models all encourage people to share data,” says Lokman Tsui, a privacy expert at the Chinese University of Hong Kong. In China, he adds, we are seeing “what happens when the state goes after that data to exploit and weaponize it.”

Some 1,500 miles northwest of where Mrs. Chen recovered her purse, surveillance in China’s restive region of Xinjiang has helped put an estimated 1 million people into “re-education centers” akin to concentration camps, according to the U.N. Many were arrested, tried and convicted by computer algorithm based on data harvested by the cameras that stud every 20 steps in some parts.

In the name of fighting terrorism, members of predominantly Muslim ethnic groups—mostly Uighurs but also Kazakhs, Uzbeks and Kyrgyz—are forced to surrender biometric data like photos, fingerprints, DNA, blood and voice samples. Police are armed with a smartphone app that then automatically flags certain behaviors, according to reverse engineering by the advocacy group Human Rights Watch. Those who grow a beard, leave their house via a back door or visit the mosque often are red-flagged by the system and interrogated.

Sarsenbek Akaruli, 45, a veterinarian and trader from the Xinjiang city of Ili, was arrested on Nov. 2, 2017, and remains in a detention camp after police found the banned messaging app WhatsApp on his cell phone, according to his wife Gulnur Kosdaulet. A citizen of neighboring Kazakhstan, she has traveled to Xinjiang four times to search for him but found even friends in the ruling Chinese Communist Party (CCP) reluctant to help. “Nobody wanted to risk being recorded on security cameras talking to me in case they ended up in the camps themselves,” she tells TIME.

Surveillance governs all aspects of camp life. Bakitali Nur, 47, a fruit and vegetable exporter in the Xinjiang town of Khorgos, was arrested after authorities became suspicious of his frequent business trips abroad. The father of three says he spent a year in a single room with seven other inmates, all clad in blue jumpsuits, forced to sit still on plastic stools for 17 hours straight as four HikVision cameras recorded every move. “Anyone caught talking or moving was forced into stress positions for hours at a time,” he says.

Bakitali was released only after he developed a chronic illness. But his surveillance hell continued over five months of virtual house arrest, which is common for former detainees. He was forbidden from traveling outside his village without permission, and a CCTV camera was installed opposite his home. Every time he approached the front door, a policeman would call to ask where he was going. He had to report to the local government office every day to undergo “political education” and write a self-criticism detailing his previous day’s activities. Unable to travel for work, former detainees like Bakitali are often obliged to toil at government factories for wages as miserly as 35¢ per day, according to former workers interviewed by TIME. “The entire system is designed to suppress us,” Bakitali says in Almaty, Kazakhstan, where he escaped in May.

The result is dystopian. When every aspect of life is under constant scrutiny, it’s not just “bad” behavior that must be avoided. Muslims in Xinjiang are under constant pressure to act in a manner that the CCP would approve. While posting controversial material online is clearly reckless, not using social media at all could also be considered suspicious, so Muslims share glowing news about the country and party as a means of defense. Homes and businesses now feel obliged to display a photograph of China’s President Xi Jinping in a manner redolent of North Koreans’ public displays for founder Kim Il Sung. Asked why he had a picture of Xi in his taxi, one Uighur driver replied nervously, “It’s the law.”

Besides the surveillance cameras, people are required to register their ID numbers for activities as mundane as renting a karaoke booth. Muslims are forced from buses to have their IDs checked while ethnic Han Chinese passengers wait in their seats. At intersections, drivers are ushered from their vehicles by armed police and through Tera-Snap “revolving body detector” equipment. In the southern Xinjiang oasis town of Hotan, a facial–recognition booth is even installed at the local produce market. When a system struggled to compute the face of this Western TIME reporter, the impatient Han women queuing behind berated the operator, “Hurry up, he’s not a Uighur, let him through.”

China strenuously denies human-rights abuses in Xinjiang, justifying its surveillance leviathan as battling the “three evils” of “separatism, terrorism and extremism.” But the situation has been described as a “horrific campaign of repression” by the U.S. and condemned by the U.N. Washington has also started sanctioning companies like HikVision whose facial–recognition technology is ubiquitous across the Alaska-size region. But Western aversion to surveillance is much broader and stems in no small part from abuses like the Facebook/Cambridge Analytica scandal, in which the “scraped” personal information of up to 87 million people was acquired by the political consultancy to swing elections around the world.

China is also rolling out Big Data and surveillance to inculcate “positive” behavior in its citizens via a Social Credit system. In China’s eastern coastal city of Rongcheng, home to 670,000 people, every person is automatically given 1,000 points. Fighting with neighbors will cost you 5 points; fail to clean up after your dog and you lose 10. Donating blood gains 5. Fall below a certain threshold and it’s impossible to get a loan or book high-speed train tickets. Some Chinese see the benefit. High school teacher Zhu Junfang, 42, enjoys perks such as discounted heating bills and improved health care after a series of good works. “Because of the Social Credit system, vehicles politely let pedestrians cross the street, and during a recent blizzard people volunteered to clear the snow to earn extra points,” she says.

Such intrusive government is anathema to most in the West, where aversion to surveillance is much broader and more visceral. Whether it’s our Internet browser history, selfies uploaded to social media, data scavenged from fitness trackers or smart-home devices possibly recording the most intimate bedroom conversations, we are all living in what’s been dubbed a “surveillance economy.” In her book The Age of Surveillance Capitalism, Shoshana Zuboff describes this as “human experience [broken down into data] as free raw material for commercial practices of extraction, prediction, and sales.”

When it comes to facial recognition, resistance is intense given the huge potential for indiscriminate data harvesting. The E.U. is reviewing regulations to give its citizens explicit rights over use of their facial-recognition data. While tech giants Microsoft and Amazon have already deployed the technology, they are also calling for clear legal parameters to govern its use. Other than privacy, there are equality issues too. According to a study by MIT Media Lab, facial-recognition software correctly identified white men 99% to 100% of the time, but that dipped as low as 65% for women of color. Civil-liberties groups are especially uneasy since facial recognition, despite its widespread use by American police, is rarely cited as evidence in subsequent court filings. In May, San Francisco became the first major U.S. city to block police from using facial–recognition software.

Even in China, where civil liberties have long been sacrificed for what the CCP deems the greater good, privacy concerns are bubbling up. On Oct. 28, a professor in eastern China sued Hangzhou Safari Park for “violating consumer privacy law by compulsorily collecting visitors’ individual characteristics,” after the park announced its intention to adopt facial–recognition entry gates. In Chongqing, a move to install surveillance cameras in 15,000 licensed taxicabs has met a backlash from drivers. “Now I can’t cuddle my girlfriend off duty or curse my bosses,” one driver grumbles to TIME.

Russia’s election meddling around the world highlights the risks of commercially harvested data being repurposed for nefarious goals. It’s a message taken to heart in Hong Kong, where millions have protested over the past five months to push for more democracy. These demonstrators have found themselves in the crosshairs after being identified via CCTV cameras or social media. Employees for state airline Cathay Pacific have been fired and others investigated based on evidence reportedly gleaned via online posts and private messaging apps.

This has led demonstrators to adopt intricate tactics to evade Big Brother’s all-seeing eye. Clad in helmets, face masks and reflective goggles, they prepare for confrontations with the police with military precision. A vanguard clutch umbrellas aloft to shield their activities from prying eyes, before a second wave advances to attack overhead cameras with tape, spray paint and buzz saws. From behind, a covering fire of laser pointers attempts to disrupt the recordings of security officers’ body-mounted cameras.

Fending off the cameras is just one response. When Matthew, 22, who used only his first name for his own safety, heads to the front lines, he always leaves his regular cell phone at home and takes a burner. Aside from swapping SIM cards, he rarely reuses handsets multiple times since each has a unique International Mobile Equipment Identity digital serial number that he says police can trace. He also switches among different VPNs—software to mask a user’s location—and pays for protest–related purchases with cash or untraceable top-up credit cards. Voice calls are made only as a last resort, he says. “Once I had no choice but to make a call, but I threw away my SIM immediately afterward.”

The Hong Kong government denies its smart cameras and lampposts use facial-recognition technology. But “it really comes down to whether you trust institutions,” says privacy expert Tsui. For Matthew, the risks are real and stark: “We are fighting to stop Hong Kong becoming another Xinjiang.”

Ultimately, even protesters’ forensic safeguards may not be enough as technology advances. In his Beijing headquarters, Huang Yongzhen, CEO of AI firm Watrix, shows off his latest gait-recognition software, which can identify people from 50 meters away by analyzing thousands of metrics about their walk—even with faces covered or backs to the camera. It’s already been rolled out by security services across China, he says, though he’s ambivalent about privacy concerns. “From our perspective, we just provide the technology,” he says. “As for how it’s used, like all high tech, it may be a double-edged sword.”

Little wonder a backlash against AI-powered surveillance is gathering pace. In the U.S., legislation was introduced in Congress in July that would prohibit the use of facial recognition in public housing. Japanese scientists have produced special glasses designed to fool the technology. Public campaigns have railed against commercial uses—from Ticket-master using facial recognition for concert tickets to JetBlue for boarding passes. In May, Democratic Congresswoman Alexandria Ocasio–Cortez linked the technology to “a global rise in authoritarianism and fascism.”

#### Threat accurate - Xi’s consolidation of power and empowerment of military leaders produces a surge of authoritarianism and military modernization.

Ted Galen Carpenter 18. Senior fellow in defense and foreign policy studies at the Cato Institute and a contributing editor at the National Interest, Ph.D. in U.S. diplomatic history from the University of Texas. “China’s Surging Authoritarian Nationalism Under Xi Jinping”. <https://www.cato.org/publications/commentary/chinas-surging-authoritarian-nationalism-under-xi-jinping>.

The announcement that Chinese President Xi Jinping was seeking to eliminate the limit on the number of terms he could serve is that latest in a series of ominous developments during his presidency. Although China has been a one-party state since the Communist revolution in 1949 that brought Mao Zedong to power, it has not had the characteristics of a true personal dictatorship since Mao’s death. Indeed, over the past two decades, the individuals who have occupied the post of president have been more akin to corporate chief executive officers, with other leaders of the Party elite acting as a board of directors exercising some check on that official’s power.

From the beginning of his tenure, Xi’s leadership has been different in both tone and substance. Under the guise of combatting (the very real) problem of corruption, he quietly but systematically purged officials that he suspected still might be influenced by his predecessors, Jiang Zemin and Hu Jintao, or who displayed independent, maverick tendencies. There has been a troubling hardline ideological aspect to his rule as well. Xi initiated a campaign to revitalize the Party, aiming at achieving a renewed commitment to Maoist principles. Pro-market academics also felt the chill of the new political environment, with several prominent reformers, including economist Mao Yushi, the 2012 recipient of the Cato Institute’s Milton Friedman Prize for Advancing Liberty, being effectively silenced.

The consolidation of Xi’s personal power, especially if it continues to exhibit neo-Maoist characteristics, not only has worrisome domestic implications, it has worrisome implications for China’s external behavior. Since the onset of the country’s market-oriented economic reforms in the late 1970s, Western - especially US - policy has been based on two assumptions. First, economic reforms would lead to a more open, tolerant political system, perhaps ultimately culminating in a full-fledged democracy. Not even the bloody 1989 Tiananmen Square crackdown caused that assumption to waver much; proponents of the thesis regarded the episode as a setback, not a definitive defeat. Second, a less autocratic China, fully integrated into the global economy, would become, in the words of former Deputy Secretary of State and President of the World Bank Robert Zoellick, a “responsible stakeholder” in the international diplomatic and economic system.

The failure of liberalizing political trends in China to rebound after Tiananmen Square, despite the passage of nearly three decades, raises serious doubts about the first assumption. That was true even before Xi’s efforts to narrow further the diversity of permissible views. Those moves, combined with his aggrandizement of personal power, call the entire Western thesis about economic liberalization creating irresistible momentum for political liberalization into question. The United States and its allies may be facing a ruthlessly authoritarian China, having just enough economic flexibility to be a truly potent challenger.

Potentially even more alarming is the assertive, if not abrasive, foreign policy that has become increasingly apparent under Xi Jinping. That pattern has not emerged yet with respect to policy regarding North Korea. Indeed, Beijing actually has become more cooperative with US-led efforts to halt Pyongyang’s ballistic missile and nuclear programs. However, it has shown up clearly in three other policy areas: the South China Sea, the East China Sea and Taiwan.

China has accelerated its land-reclamation efforts on several partially submerged reefs in the South China Sea. Some of the projects have become so extensive that Beijing has put military installations on the expanded surfaces, and in at least one case, built an airstrip. The Xi government also has exhibited complete defiance of a 2016 ruling by an international tribunal rejecting most of China’s expansive territorial claims in that body of water. Finally, Beijing’s warnings to the United States about US “freedom of navigation patrols” in the South China Sea have become increasingly strident.

China’s growing assertiveness toward Japan regarding disputed islands in the East China Sea (called the Senkakus in Japan and Diaoyus in China) is evident as well. In July 2017, Beijing escalated bilateral tensions dramatically when it sent six nuclear-capable bombers over the islands, and responded to Tokyo’s protests by telling Japanese leaders to “get used to” more flights of that nature. A few months earlier, Beijing warned the new Trump administration not to back Japan in the territorial dispute, despite established US policy to support the claim of its ally.

It is the Taiwan issue, though, where Xi’s government has shown the most worrisome signs of uncompromising behavior. Over the past two years, China has intensified its efforts to lure the small number of nations that still maintain diplomatic relations with Taipei to switch ties to Beijing. That effort is paying off. In late December 2016, Sao Tome broke relations with Taipei, and in June 2017, Panama did so. Other nations in Taiwan’s dwindling roster of political allies are now on Beijing’s target list.

Warnings that China will use force if necessary to prevent any “separatist” initiatives by Taiwan have become more insistent, if not downright threatening. The sharp increase in the number and scope of provocative Chinese military exercises in the Taiwan Strait and other nearby waters suggests that Xi’s government is not bluffing.

Those maneuvers are especially unsettling. China conducted 16 military drills in areas around Taiwan in 2017, compared to just eight in 2016 and even fewer during the years between 2008 and 2016. In July 2017, China’s aircraft carrier and escort vessels ostentatiously sailed through the Taiwan Strait on their way to Hong Kong. In that same month, numerous Chinese fighter planes, bombers, and reconnaissance aircraft flew near Taiwan as part of a military exercise. That trend has continued. Chinese military aircraft engaged in maneuvers near Taiwan’s northern coast in December 2017, and Beijing’s naval and air power exercises culminated in January 2018, when a flotilla, again including China’s aircraft carrier, traveled through the Taiwan Strait.

Taiwanese leaders are uneasy about the surge in Beijing’s saber-rattling statements and menacing military moves. Officials in Taipei asserted that the burgeoning military activity posed an “enormous threat” to Taiwan’s security. There are unsubtle indications coming from semi-official Chinese sources that Taiwan’s current de facto independence cannot continue much longer. Indeed, trial balloons in the state-controlled Chinese press suggest that the deadline for meaningful progress toward reunification could be as early as 2020 or 2021. The Taiwanese government is operating on the assumption that such a looming deadline might be real.

Any one of the above domestic or foreign policy developments would be cause for concern. Taken together, they suggest that China might be reverting to a virulently authoritarian country determined to pursue an abrasive, perhaps even aggressively revisionist, foreign policy. Granted, China potentially would have much to lose economically by engaging in such behavior, and that factor might be enough to deter Xi from embarking on such a course. But the looming prospect of Xi as a true dictator instead of being merely the head of a collective leadership should cause the United States and other Western powers to reassess all of their assumptions about China’s future conduct, both domestically and internationally.

#### Absent US pressure, China will export its surveillance state abroad and use debt trap diplomacy---even if they win Heg bad, the world has no alternative.

Richard Fontaine 18. \*\*President of the Center for a New American Security. He worked on the National Security Council staff and at the State Department during the Bush administration. \*\*Daniel Kliman is the senior fellow with the Asia-Pacific Security Program at the Center for a New American Security, and until July 2017 served at the U.S. Department of Defense. “On China’s New Silk Road, Democracy Pays A Toll.” <https://foreignpolicy.com/2018/05/16/on-chinas-new-silk-road-democracy-pays-a-toll/>

Much of Washington has fretted over China’s mercantilist approach to economics in general and views the Belt and Road Initiative largely through this lens. Yet the concerns over Beijing’s current approach should go beyond dollars and yuan. By fueling debt dependency, advancing a “China First” development model, and undermining good governance and human rights, the initiative offers a deeply illiberal approach to regions that contain about 65 percent of the world’s population and one-third of its economic output.

The hype surrounding the Belt and Road Initiative — Chinese President Xi Jinping’s signature initiative on the world stage — has recently shifted into overdrive. In China’s domestic politics, support for the project has come to signify loyalty to the country’s president-for-life. At the same time, the Belt and Road serves as an overarching narrative into which Beijing can fit its foreign economic policy in regions as disparate as the Arctic and Latin America. Yet the initiative’s rhetoric and branding should not obscure its core aim: to access markets and project influence and power throughout Eurasia and the Indian Ocean rim. And China has already dedicated significant resources to the effort: Estimates put total Belt and Road-related construction and investment at more than $340 billion from 2014 to 2017.

The United States cannot ignore the Belt and Road Initiative. The offer of financing and other assistance addresses a very real need in many countries for roads, ports, railways, telecommunications networks, and other infrastructure. And given that many see no credible alternative on offer, straight-out American opposition is bound to fail.

Instead, the Trump administration should try to shape the project, where possible, through a combination of engagement and pressure. At the same time, it is imperative to counter the initiative’s most illiberal elements. This means advancing a free, open, and sustainable model of development, fostering political resiliency in select countries, launching a new digital development fund, and more. Undertaken in concert with U.S. allies and partners, these kinds of moves will not demand massive new resources. But absent steps like them, Belt and Road-fueled illiberalism will spread across the globe unchecked.

To understand how the Belt and Road Initiative can threaten human rights and good governance, consider first how its projects are financed. Thus far, China has largely favored loans over grants. It is not a member of the Paris Club of major creditor nations, and it has shown little inclination to adhere to internationally recognized norms of debt sustainability, such as the sovereign lending principles issued by the United Nations Conference on Trade and Development. At the same time, many of the recipient countries participating in the project lack the capability to assess the long-term financial consequences of China’s loans — or they may simply accept them, assuming the bills will come due on a future government’s watch.

Ballooning, unsustainable debt is the predictable result. Sri Lanka, where in 2017 some 95 percent of government revenue went to debt repayment, represents the best-known example of Belt and Road’s negative impact on a country’s balance sheet. But Sri Lanka is only the most prominent case; a recent study by the Center for Global Development identified eight countries — Djibouti, the Maldives, Laos, Montenegro, Mongolia, Tajikistan, Kyrgyzstan, and Pakistan — that are at particular risk of debt distress due to future Belt and Road-related financing.

Naturally, large government-backed loans to foreign countries come with political strings attached. The potentially destructive international economic consequences of failing to make repayments breeds long-term dependence on China and expands Beijing’s influence. As a result, recipient countries will find their foreign-policy choices constrained — even if future governments seek to exit Beijing’s orbit.

Sri Lanka is again a case in point. There, the government of Maithripala Sirisena inherited a mountain of Belt and Road-related debt from its pro-Chinese predecessor and, despite a clear desire to move closer to India and the United States, had no recourse but to engage in a debt-for-equity swap with China. The deal left Beijing with a 99-year lease on the strategically located port at Hambantota.

The Belt and Road Initiative provides a vector through which China can exert influence well beyond countries’ foreign-policy choices. The geographic expanse covered by the initiative includes many nations with high levels of corruption, and with domestic institutions that range from fragile democracies to full-blown autocracies. With Chinese companies being generally less transparent than their international peers, and with Beijing’s zeal to curb bribery and corporate malfeasance limited to its domestic economy, a massive influx of Chinese funds into countries with weak governance is likely to exacerbate ongoing corruption problems. And given that some projects are clearly linked to geopolitical objectives — like gaining control over commercial assets with potential military uses — Beijing may well employ graft to ensure that foreign political elites look favorably on its offers.

China’s planned development of a “new digital Silk Road” has received comparatively less attention than other elements of the initiative but is equally troubling. China’s digital blueprint seeks to promote information technology connectivity across the Indian Ocean rim and Eurasia through new fiber optic lines, undersea cables, cloud computing capacity, and even artificial intelligence research centers. If realized, this ambitious vision will serve to export elements of Beijing’s surveillance regime. Indeed, Chinese technology companies already have a track record of aiding repressive governments. In Ethiopia, likely prior to the advent of Belt and Road, the Washington Post reports that China’s ZTE Corporation “sold technology and provided training to monitor mobile phones and Internet activity.” Today, Chinese tech giant Huawei is partnering with the government of Kenya to construct “safe cities” that leverage thousands of surveillance cameras feeding data into a public security cloud “to keep an eye on what is going on generally” according to the company’s promotional materials. Not all elements of China’s domestic surveillance regime are exportable, but as the “New Digital Silk Road” takes shape, the public and online spaces of countries along it will become less free.

Beyond fueling corruption and enhancing surveillance, the initiative will stifle free speech, at a minimum by strengthening Beijing’s ability to silence criticism. States financially beholden to China will become less willing to call out Beijing’s domestic human rights abuses, for instance, and less eager to object to its foreign-policy practices. This dynamic is already playing out within the European Union. In mid-2017, for the first time, the EU failed to issue a joint condemnation of China at the U.N. Human Rights Council. Greece, which had recently received a massive influx of Chinese investment into its Port of Piraeus, scuttled the EU statement.

Other cash-strapped democratic governments, when confronting the choice between Belt and Road’s immediate – even if one-sided – economic benefits and the need to defend human rights globally, may well follow Greece’s example. Similarly, companies dependent on the Chinese market are already acquiescing to Beijing’s demands – such as by firing an American employee who “liked” a pro-Tibetan independence tweet – and by self-censoring, as in the efforts by some Hollywood producers to ensure that films contain no lines (supportive of Tibet, say, or critical of Xi Jinping) that might arouse anger within the Chinese Communist Party. As the initiative extends its reach, it is easy to imagine government officials feeling similarly compelled.

China’s Belt and Road-related activism leaves the United States in a bind. Lacking additional billions of dollars in government-directed funds, a raft of state-owned enterprises, or well-capitalized banks linked to the government, Washington cannot simply outbid Beijing. Nor should it try to do so. Virtually no country would sign on to an “us or them” approach to the Belt and Road Initiative even if the United States were to offer such a stark alternative, and inducing infrastructure-strapped countries to “just say no” to Chinese funds is a tough sell. The best course for Washington is to offer a positive vision of physical and digital connectivity while taking concrete steps to limit the initiative’s most illiberal effects.

The Trump administration is off to a rhetorical start with its invocation of a “free and open Indo-Pacific,” to which it should couple a “free, open, and sustainable” model of development in that region and beyond. Drawing an implicit distinction with Belt and Road’s debt-fueled focus on hard infrastructure generally constructed with Chinese workers, the United States, together with other democracies such as Japan, European nations, and India, should advance an alternative approach. It should emphasize local capacity-building, the transfer of skills, responsible financing, quality, and innovation. These elements should become the watchword of the free, open, and sustainable model.

Although some governments willingly take on unsustainable debt to finance Belt and Road projects and channel contracts to Chinese companies behind closed doors, others simply lack the technical capacity to assess debt repayment and the long-term costs associated with specific infrastructure projects. The United States, working with its allies and partners, can play a critical role in helping to develop the human capital necessary to adequately determine whether a country should take on a Belt and Road project. This would include such mundane but important efforts as building technical financial assessment capacity, training procurement officials, and enhancing the project management skills of government officials.

The United States should also double down on its international support for democracy, civil society, and rule of law. Transparency, domestic checks and balances, and a free press can function as powerful impediments to the sort of corrupt backroom deals that leave China with enduring financial leverage and receiving governments with a long-term debt hangover. Even modest efforts in nondemocratic countries — to train investigative journalists, for example, or to strengthen the capacity of civil society organizations — may constrain China from pursuing the most one-sided Belt and Road deals.

Information technology connectivity is the one area in which the United States should most actively compete with China. Working with Europe and Japan, Washington could establish a dedicated development fund under the umbrella of the Organization for Economic Cooperation and Development that would finance digital development projects. Such a fund should only support companies that are committed to globally recognized rights of freedom of expression and privacy and that agree to an independent third-party audit of its software and hardware exports.

In March 2000, then-U.S. President Bill Clinton channeled the prevailing wisdom about China in pressing for approval of permanent normal trade relations with Beijing and its admission to the World Trade Organization. “Bringing China into the WTO,” Clinton said, “doesn’t guarantee that it will choose political reform.” Nevertheless, Clinton argued, “the process of economic change will force China to confront that choice sooner, and it will make the imperative for the right choice stronger.” The notion that borders open to trade and investment were bound to allow in liberal ideas struck many policymakers as entirely logical.

But that was an illusion. A richer and more globally connected China has not become a more democratic one — instead, Beijing’s economic strength now allows it to spread its own illiberal values to other countries. Nearly two decades after China’s entrance into the world economy, it is up to U.S. President Donald Trump to ensure that the illiberal values China is exporting under the guise of the Belt and Road Initiative do not take root across the globe.

#### Even if China is not globally revisionist, their drive for regional hegemony will cause conflict---their authors cite propaganda.

Oriana Skylar Mastro 19. Assistant professor of security studies at the Edmund A. Walsh School of Foreign Service at Georgetown University. “The Stealth Superpower: How China Hid Its Global Ambitions.” *Foreign Affairs* 98(1): 31.

But to focus on this reluctance, and the reassuring Chinese statements reflecting it, is a mistake. Although China does not want to usurp the United States' position as the leader of a global order, its actual aim is nearly as consequential. In the Indo-Pacific region, China wants complete dominance; it wants to force the United States out and become the region's unchallenged political, economic, and military hegemon. And globally, even though it is happy to leave the United States in the driver's seat, it wants to be powerful enough to counter Washington when needed. As one Chinese official put it to me, "Being a great power means you get to do what you want, and no one can say anything about it." In other words, China is trying to displace, rather than replace, the United States. The way that China has gone about this project has caused many observers to mistakenly conclude that the country is merely trying to coexist with American power rather than fundamentally overturn the order in Asia and compete with U.S. influence globally. In fact, ambiguity has been part of the strategy: Chinese leaders have recognized that in order to succeed, they must avoid provoking an unfavorable response, and so they have refrained from directly challenging the United States, replicating its orderbuilding model, or matching its globally active military. Although Beijing has pursued an indirect and entrepreneurial strategy of accumulating power, make no mistake: the ultimate goal is to push the United States out of the Indo-Pacific and rival it on the global stage. Until now, China has succeeded in growing without provoking. Yet there is a limit to how powerful a country can get without directly challenging the incumbent power, and China is now reaching that point. Under Xi, China has begun confronting American power head-on. Given the country's internal challenges, China's rise could still stall. But history has shown that in the vast majority of cases in which a country was able to sustain its rise, the rising power ended up overtaking the dominant power, whether peacefully or through war. That does not mean that the United States cannot buck the historical trend. To remain dominant, Washington will have to change course. It will have to deepen, rather than lessen, its involvement in the liberal international order. It will have to double down on, rather than abandon, its commitment to American values. And perhaps most important, it will have to ensure that its leadership benefits others rather than pursue a strategy based on "America first." HOW CHINA ROSE Throughout history, would-be powers have invented new ways of growing. The Mongol Empire connected lands through trade, the Qing dynasty built a tributary system, the United Kingdom collected colonies, the Soviet Union created ideologically linked spheres of influence, and the United States established an institutionalized order and a global military presence. China, too, has looked for new sources of power and has used it in ways not previously attempted. In the political realm, China has undertaken a combination of covert actions and public diplomacy to co-opt and neutralize foreign opposition. To shape the discourse on sensitive topics, it has set up hundreds of Confucius Institutes at universities around the world and launched English-language media outlets to disseminate the Chinese Communist Party's narrative. Chinese intelligence agents have even recruited Chinese citizens studying abroad to act as informants and pass along what Chinese students and professors are saying about their country. In Australia and New Zealand, China has sought to influence politics more directly, secretly donating money to preferred candidates. Beijing has been especially innovative in its use of economic power. The strategy here has been to finance infrastructure in the developing world in order to create dependent, and thus compliant, foreign governments. Most recently, those efforts have taken the form of the Belt and Road Initiative, a massive regional infrastructure project launched in 2013. China has spent about $400 billion on the initiative (and pledged hundreds of billions of dollars more), and it has convinced 86 countries and international organizations to sign some 100 related cooperation agreements. Chinese aid, which primarily takes the form of loans from banks controlled by the Chinese Communist Party, doesn't come with the usual Western strings attached: there are no requirements for market reforms or better governance. What China does demand from recipients, however, is allegiance on a number of issues, including the nonrecognition of Taiwan. As the analyst Nadege Rolland has written, the Belt and Road Initiative "is intended to enable China to better use its growing economic clout to achieve its ultimate political aims without provoking a countervailing response or a military conflict." The key is that Beijing has left the military dimensions of this project ambiguous, generating uncertainty within Washington about its true intentions. Many observers have wondered whether the Belt and Road Initiative will eventually have a strong military component, but that misses the point. Even if the initiative is not the prelude to an Americanstyle global military presence-and it probably isn't-China could still use the economic and political influence generated by the project to limit the reach of American power. For instance, it could pressure dependent states in Africa, the Middle East, and South Asia to deny the U.S. military the right to enter their airspace or access their ground facilities. China's entrepreneurialism is not limited to the economic and political realms; it also has a hard-power component. Indeed, perhaps nowhere has Beijing been more entrepreneurial than in its military strategy. Its "anti-access/ area-denial" (A2/AD) doctrine, for one thing, was a masterstroke of innovation: by developing relatively low-cost asymmetric military capabilities, the country has been able to greatly complicate any U.S. plan to come to the aid of Japan, the Philippines, or Taiwan in the event of war. For another thing, instead of confronting the United States to push its military out of the Asia-Pacific region, China has engaged in subtler activities, such as harassing U.S. ships and aircraft with nonmilitary means, which allow it to maintain a degree of deniability and discourage a U.S. response. Thanks to such tactics, China has made significant political and territorial gains without crossing the threshold into open conflict with the United States or its allies. China has also avoided sparking a concerted response from the United States by deliberately delaying the modernization of its military. As Chinese leader Deng Xiaoping famously put it, "Hide your strength, bide your time." Since countries tend to draw inferences about a challenger's intentions from the size and nature of its armed forces, China opted to first build up other types of powereconomic, political, and cultural-in order to project a less threatening image. When, in the 1970s, Deng started pursuing the "four modernizations"-of agriculture, industry, science and technology, and national defense-he saved military modernization for last. Throughout the 1980s, China focused first on building its economy; it then supplemented its burgeoning economic power with political influence, joining international institutions throughout the 1990s and the first decade of this century. At the turn of the millennium, China's military was still remarkably backward. Its ships didn't have the capability to sail safely far beyond visual range of the coastline, its pilots were not adept at flying at night or over water, and its nuclear missiles relied on outmoded liquid fuel. Most of its ground units did not have modern, mechanized equipment, such as up-to-date tanks. It was not until the late 1990s that China began modernizing its military in earnest. And even then, it focused on capabilities that were more appropriate for dominating Taiwan than projecting power more broadly. China also signaled that it sought to use its military for the global good, with Hu publicly announcing that its forces would focus more on peacekeeping and humanitarian relief than on war. Even China's infamous A2/AD doctrine was initially framed as a way of limiting the United States' ability to intervene in Asia rather than as a method for projecting Chinese power. China didn't launch its first aircraft carrier until 2012, and not until 2013 did it undertake the structural reforms that will eventually allow its military to contest U.S. primacy in the Indo-Pacific region in all domains. MINDING THE GAP Another key part of China's strategy of accumulating power concerns its relationship with the U.S.-led global order. Beijing has created uncertainty about its ultimate goals by supporting the order in some areas and undermining it in others. This pick-and-choose approach reflects the fact that China benefits greatly from parts of the current order. Permanent membership in the un Security Council allows it to help set the international agenda and block resolutions it disagrees with. The World Bank has lent China tens of billions of dollars for domestic infrastructure projects. The World Trade Organization, which China joined in 2001, dramatically opened up the country's access to foreign markets, leading to a surge in exports that drove a decade plus of impressive economic growth. But there are parts of the global order that China wants to alter. And the country has discovered that by exploiting existing gaps, it can do so without triggering immediate concern. The first type of gap in the order is geographic. Some parts of the world fall largely outside the order, either because they have chosen to absent themselves tor because they have been low priorities for the United States. In those places, where the U.S. presence tends to be weak or nonexistent, China has found that it can make significant inroads without provoking the hegemon. Thus, China initially chose to focus on leveraging its economic power to build influence in Africa, Central Asia, and Southeast Asia. It also doubled down on close relationships with unsavory regimes that the international community had ostracized, such as Iran, North Korea, and Sudan, which allowed it to increase its political power without threatening the United States' position. The second type of gap is thematic. In issue areas where the established order is weak, ambiguous, or nonexistent, China has sought to establish new standards, rules, norms, and processes that advantage it. Consider artificial intelligence. China is trying to shape the rules governing this new technology in ways that favor its own companies, legitimizing its use for domestic surveillance and weakening the voice of civil society groups that inform the debate about it in Europe and North America. When it comes to the Internet, meanwhile, China has been pushing the notion of "cyber-sovereignty." In this view, which contrasts with the Western consensus, cyberspace should be governed primarily by states, rather than a coalition of stakeholders, and states have the right to regulate whatever content they wish within their borders. To shift the norm in this direction, China has put the brakes on U.S. efforts to include civil society groups in the un Group of Governmental Experts, the main normsetting body for Western governments in cyberspace. Since 2014, it has also held its own annual World Internet Conference, which promulgates the Chinese view of Internet regulation. In the maritime realm, China is exploiting a lack of international consensus on the law of the sea. Although the United States insists that naval vessels' freedom of navigation is enshrined in international law, many other countries contend that warships have no automatic right of innocent passage through a country's territorial waters-an argument made not just by China but also by U.S. allies such as India. By taking advantage of these discrepancies (and the United States' failure to ratify the un Convention on the Law of the Sea), China is able to contest U.S. freedom-ofnavigation operations within the rubric of the existing international order. THE NEW COMPETITION Thanks to this novel strategy, China has been able to grow into one of the most powerful countries in the world, second, perhaps, only to the United States. And if it had chosen to persist with this strategy, the country would have continued to stay off the United States' radar screen. But rising powers can delay provocation for only so long, and the bad news for the United States-and for peace and security in Asia-is that China has now entered the beginning stages of a direct challenge to the U.S.-led order. Under Xi, China is unabashedly undermining the U.S. alliance system in Asia. It has encouraged the Philippines to distance itself from the United States, it has supported South Korea's efforts to take a softer line toward North Korea, and it has backed Japan's stance against American protectionism. It is building offensive military systems capable of controlling the sea and airspace within the so-called first island chain and of projecting power past the second. It is blatantly militarizing the South China Sea, no longer relying on fishing vessels or domestic law enforcement agencies to exercise its conception of sovereignty. It has even started engaging in military activities outside Asia, including establishing its first overseas base, in Djibouti. All these moves suggest one thing: China is no longer content to play second fiddle to the United States and seeks to directly challenge its position in the Indo-Pacific region.

### 2NC – Cap Solves Environment

#### Extend 1NC Loris

#### Growth saves the environment---it’s a luxury good that can only be addressed with strong, free economies

Nick Loris 21. Nick Loris is the Deputy Director of the Thomas A. Roe Institute for Economic Policy Studies and Herbert and Joyce Morgan Fellow in Energy and Environmental Policy at The Heritage Foundation. “Free Economies are Clean Economies.” Conservative Coalition for Climate Solutions. 2021. https://c3solutions.org/wp-content/uploads/2021/04/Free-Economies-are-Clean-Economies-4.pdf

WEALTH, PROSPERITY AND BENDING THE POLLUTION CURVE

Introductory economics teaches students the difference between inferior goods and normal goods. An individual buys less of an inferior good as his income increases, such as one-ply toilet paper or cheap beer. For normal or luxury goods, the individual buys more of that good when his income increases, switching from a cheap beer to craft beer or top-shelf scotch. **Similarly, taking care of the environment tends to be a luxury good.** People care more and devote more resources to protecting the environment when they have the means to do so. For instance, a 2011 study in Climate Change Economics examined peoples’ attitudes toward global warming after the 2008 recession.15 The authors found that as a state’s unemployment rate increases, Google searches for the term “global warming” decreases. Even in California, a declining economy changes how residents prioritize issue areas, and is “associated with a significant decrease in county residents choosing the environment as the most important policy issue.”16

**As Yale’s Index shows, there is a strong correlation between gross domestic product per capita and a country’s environmental score, noting that, “wealthy democracies typically rise to the top of our rankings.”**17 The framework underpinning the trend toward greater per capita wealth, stronger democracies, and less poverty is economic freedom. **Consequently, an economic system rooted in limited government and free enterprise should be central to a country’s environmental objectives.**

To see how this looks in practice, one could turn to the environmental Kuznets curve (EKC), which depicts an inverted-U relationship between both pollution and economic development.18

Economic growth initially leads to greater unwanted industrial byproducts as industrialization results in pollution and people and institutions prioritize jobs and income over the health of the environment. Over time, however, that wealth means more resources are available for environmental protection. Through a combination of government policies and through actions by individuals and the private sector, countries reduce those unwanted environmental byproducts. **Greater levels of wealth and prosperity mean people will not only place a higher priority on environmental protection, but it means they can afford the costs associated with pollution control technologies.**

People with more wealth can afford products and technologies that make life easier, healthier and cleaner. Even products many people take for granted, such as sanitizer, cleaning supplies and laundry detergents make life dramatically cleaner and healthier. The availability of sewage, sanitation and garbage collection substantially reduce exposure to toxins, pollution and potential diseases. As George Mason University economist Donald Boudreaux succinctly put it, **we are “cleaned by capitalism.”19**

The moment of when the inverted U in the Kuznets curve starts bending downwards depends on a number of factors and does not uniformly apply to all emissions. Studies have tested the EKC hypothesis using carbon dioxide as a proxy for environmental degradation, which shows mixed results. One study of Latin American and Caribbean countries confirmed an inverted U relationship between GDP and carbon dioxide emissions.20 A 2019 article in the International Journal of Environmental Studies tested the EKC hypothesis on 12 countries in east Africa, using income per capita and CO2 emissions and found a bellshape curve rather than an inverted U.21 Yet another study confirmed the EKC relationship between GDP and CO2 emissions in just nine of 44 countries.22

Perhaps the most promising study comes from Aarhus University (Denmark) economics professor Christian Bjørnskov. His 2020 paper shows that, “The available data from 155 countries observed in five-year periods between 1975 and 2015 indicate that economic freedom not only reduces overall CO2 emissions but also shifts the top point of the EKC to the left. As such, the evidence suggests that the transition to lower emissions technology appears at an earlier stage in economically free societies.”23

Although many studies use carbon dioxide as the environmental variable to test the EKC hypothesis, it is far from the only metric we should consider. Academic literature has also surveyed the relationship between economic growth and environmental metrics such as air pollution, water quality and soil degradation.24

For instance, a 2018 study in the Journal of Cleaner Production tested the EKC hypothesis on 15 low-, middle- and high-income countries (45 total) using an “ecological footprint” indicator. The ecological footprint metric adds to the literature by including a more comprehensive measurement of the environment. It includes direct and indirect environmental effects of farming, grazing, fishing, forestry, lands available for CO2 absorption, and human infrastructure. The study found, “The ecological footprint first tends to increase at initial level(s) of income, later tends to diminish through economic growth in each income group countries,” supporting the EKC hypothesis.25

Certainly, economic growth alone does not solve all of our planet’s problems. Different environmental threats are unique, complex and arise from a variety of issues and will likely warrant unique solutions. The emphasis on economic growth is not to oversimplify complex challenges but instead underscore the fact that higher levels of wealth and prosperity cannot be summarily dismissed, either. **Economic growth’s contribution and importance to a cleaner, healthier environment is unmistakable.**

#### Capitalism prevents pollution---an efficiency-oriented economy inherently reduces emissions.

Nicolas Loris 19. Former Deputy Director, Thomas A. Roe Institute Nick is an economist who focused on energy, environmental, and regulatory issues as the Herbert and Joyce Morgan fellow., . "Breathe Free: Capitalism Helps Protect the Environment." Heritage Foundation. 10-23-2019. https://www.heritage.org/environment/commentary/breathe-free-capitalism-helps-protect-the-environment

A recent Rasmussen poll found 20% of voters feel we should eliminate capitalism to protect the environment. That’s like saying we should eliminate teachers to improve education.

**Truth be told, capitalism has helped cleanse our planet — improving living standards while protecting the environment. Rather than eliminate capitalism, policymakers need to unleash it.**

**Markets incentivize efficiency by rewarding people for coming up with ways to do more or do better with less. People choose — and businesses make — more efficient products because it saves them money while delivering what customers want.**

Over the past decade, market forces have driven a massive transition within the energy industry. In 2008, coal provided roughly half of the country’s electricity generation. Now, coal’s share is about a quarter. **Increased production of natural gas has driven energy bills and emissions downward**.

In direct response to cheap gas, the Nuclear Energy Institute organized nuclear power plants nationally to find operating efficiencies that have reduced costs by 19%, saving consumers $1.6 billion and keeping emissions-free electricity in the marketplace.

The energy industry is far from the only sector that has made positive economic and environmental contributions. For instance, the cement industry is collaborating with the Massachusetts Institute of Technology to explore how to refine its processes in ways that will improve resiliency, reduce emissions and save lives. Investments in cement, steel, plastic and other building materials will make our houses and highways sturdier and our products more durable — with a smaller environmental footprint.

All of these activities result directly from free enterprise — companies providing consumers with the goods and services they want while using fewer resources and emitting fewer unwanted emissions.

As a country prospers, its citizens are better able to care for the environment and reduce pollutants emitted from industrial growth. In fact, The Heritage Foundation’s Index of Economic Freedom and Yale University’s Environmental Performance Index show a strong correlation between a country’s environmental performance and economic freedom (i.e., its embrace of capitalism).

### 2NC - Growth Good

#### Growth is good and there’s no transition---industrial ag feeds billions and degrowth won’t persuade anybody.

Collin Chambers 21. Writer for the Liberation School. "Degrowth: An environmental ideology with good intentions, bad politics." Liberation School. 7-20-2021. https://liberationschool.org/degrowth-a-politics-for-which-class/

Proponents of degrowth argue that there are absolute “planetary limits” and a fixed “carrying capacity” that cannot be surpassed by humans if we want to avoid ecological collapse. This is not only pessimistic in that it dismisses the idea that, under socialism, we could figure out new sustainable ways to grow, but it’s also completely devoid of class analysis. There’s no distinction between socially-produced limits and natural limits.

Degrowth is anti-modern, anti-technological, and anti-large scale production and infrastructure. Kallis argues that “only social systems of limited size and complexity can be governed directly rather than by technocratic elites acting on behalf of the populace… Many degrowth advocates, therefore, oppose even ‘green’ megastructures like high-speed trains or industrial-scale wind farms[!]” [13].

The same can be said about degrowth solutions to the problems the capitalist agricultural system creates. Proponents of degrowth propose small scale (both urban and rural) methods of agriculture production to replace industrial-scale agriculture. They, in fact, glorify and romanticize “peasant economies.”

Despite the problems of capitalist industrial agriculture, there are two main benefits of industrial-scale agriculture. First, it has drastically increased yields. At the present moment, there is enough food produced to feed 11 billion people. Second, industrial farming has thoroughly decreased the backbreaking labor needed for agricultural and food production. In 1790, 90 percent of the U.S. workforce labored on farms. In 1900, it was 35 percent[.] At the present moment, only one percent of the U.S. workforce works on farms [14].

Certainly, in any just society we would want to spread out food production more evenly amongst the population. But getting rid of industrial-scale agriculture and reverting to small-scale peasant and small landowner agriculture would require massive numbers of workers to go back to the land and perform backbreaking agricultural work. Such a transformation would inevitably reduce agricultural yield substantially, increasing the possibility of food insecurity and hunger among vast swathes of the population. And what would we do with the commodities and infrastructure we’d have to destroy to create such plots of land? Moreover, such a vision necessitates the redistribution of land from private ownership of large landholders. Is this achieved through revolution or through governmental reforms? In either case, if we’re struggling to reclaim land then why not broaden our horizons and redistribute land in the interests of the environment and the people, including Indigenous and other oppressed nations in the U.S.?

Degrowth is, furthermore, idealist and divorced from the material reality within which U.S. workers currently live. Matt Huber, a Marxist environmental geographer, argues that a “truly humane society must commit to relieving the masses from agricultural labor,” and that we cannot act as if “small-scale agricultural systems are much of a ‘material basis’ for a society beyond industrial capitalism” [15]. This is not to say that small-scale and urban farming are undesirable, but that they’re insufficient in a country like the U.S. The Cuban model of urban farming and agriculture–which is a heroic achievement of the Cuban Revolution–can’t simply be mapped onto this country or the rest of the world.

Additionally, we shouldn’t forgo modern technologies that already exist just because they are “large scale” or because they currently contribute to environmental degradation within capitalist society. Doing so would in effect produce more ecological waste!

In an important piece on capitalism and ecology, Ernest Mandel writes: “it is simply not true that modern industrial technology is inevitably geared towards destroying the environmental balance. The progress of the exact sciences opens up a very wide range of technical possibilities” [16]. Increased rates of pollution and environmental degradation occur because capitalists pursue profits at the expense of the environment, not because of the technologies themselves. Socialists have to distinguish between instruments of production and their use under capitalism.

Degrowth and building the class struggle

In the U.S., degrowth remains an ideology that is relatively socially isolated but gaining influence among environmentalists and some on the left. It’s an ideology of guilt rather than revolutionary action. The ideas from degrowth will not appeal to masses of exploited and oppressed people who actually need more, not less. Imagine, for example, canvassing and talking to people in working-class neighborhoods, trying to get them on board with a degrowth political platform. How do degrowth proponents think workers in oppressed neighborhoods respond if they were told they needed to consume less to fight climate change? Many of us already wait as long as possible in the winter to turn on our heat! As organizers, we would not get the time of day, and we wouldn’t even believe ourselves. Can you imagine organizing homeless and unemployed workers around a program of less consumption? Degrowth is an ideology fit for the privileged, and if they want to consume less, they should.

From the perspective of the practical class struggle, degrowth is particularly problematic. Degrowth has a rhetorical strategy problem. In an unequal country such as the U.S., is the discourse of less and “self-limitation” realistic and inspiring? Is this tactic energizing, does it speak to the needs of the exploited and oppressed, can it mobilize people into action?

#### Growth’s sustainable---markets are self-correcting and efficiency gains solve their impact

Cooper 16 — Mark Cooper (PhD, Director of Research at the Consumer Federation of America where has responsibility for energy, telecommunications, and economic policy analysis, Fellow at the Stanford Law School Center for Internet and Society, an Associated Fellow at the Columbia University Institute on Tele-Information, Fellow at The Donald McGannon Communications Center of Fordham University), 8-6-16, “Energy Justice in Theory and Practice: Building a Pragmatic, Progressive Road Map,” in The Palgrave Handbook of the International Political Economy of Energy, Springer, pg. 687-692

The Immense Leap in Material Well-Being Global Energy

Justice provides important data on several key energy-intensive activities that deeply affect daily life (heat, light, power and transportation). In Fig. 28.1 , I augment that data with measures on population, income and total energy consumption, as well as technological change and developments

Graphical user interface, application

Description automatically generated

Fig. 28.1 Indicators of progress in human material conditions (Sources: Based on data from: Benjamin, K. and Michael H. Dworkin, Global Energy Justice (Cambridge University Press, 2014, pp. 48, 312), heat, light transportation, power; Douglas North, Understanding the Process of Economic Change (Princeton, Princeton University Press, 2005), p. 89 US Bureau of the Census, https://www.census.gov/populaton/international/data/worldpop/table\_history.php , UN 1999 where available, average of lower and upper summary elsewhere. Wikipedia for 2000, https://en.wikipedia.org/wiki/World\_population\_estimates ; J. Bradford De Long, Estimates of World GDP, One Million BC–Present, Standard Chartered, Technology: Reshaping the Global Economy, January 19, 2015, p. 11, technologies. https://en.wikipedia.org/wiki/Westphalian\_sovereignty ) in the state. Figure 28.1 identifies rates of growth in key activities that define the material conditions in which people live. I use a 100-year view to calculate the rate of improvement, which is consistent with efforts to analyze distributive justice. Lighting, heating, power and transportation are energy-intensive activities that receive a great deal of attention in the discussion of energy poverty and justice. Light, heat and power are central to defining the standard of living and, hence, the energy justice analysis. The direct link between energy consumption and income is also central to that discussion. Starting with the emergence of capitalism and accelerating in the industrial era, these four services exhibited a dramatic decline in cost, which made them affordable for an ever increasing number of people. I include three measures of the overall outcome of the economic development process—population growth, output per capita and energy consumption per capita. North ( 2005 , p. 89) points to population for an obvious reason: Statistical data ... can get us part way in describing the magnitude of changes in the landscape. They provide dramatic evidence of the revolutionary changes in the human condition. Man’s subjugation of the uncertainties related to the physical environment is most clearly manifested in the explosive increases in population since the beginning of the modern age in the eighteenth century .... [T]his dramatic change along with major development in knowledge, technological progress, and scientific breakthroughs that contributed to this explosive development. The close correlation between GDP per capita and population is clear. GDP per capita and its growth have been the primary focal point of the analysis of economic growth and development for quite some time. The close correlation between GDP per capita and energy consumption per capita has also been a focal point of analysis. 12 The graph also identifies several technologies that are widely seen as ushering in fundamental shifts in economic activity. An important and obvious point to be made is that these involve power and transportation technologies. Three of the recent examples involve energy—steam, internal combustion engine and electricity. Substituting mechanical power for human and animal power constitutes a major leap. The shift to electricity, considered a General Purpose Technology (Jovanovic and Rousseau 2005 ), 13 was one of the key factors in the second industrial revolution. Finally, at the bottom, the graph shows key developments in the structure of policy making. The nation-state was a key development that enabled the process of economic growth to gain traction (Acemoglu and Robinson 2012 , Figure 5). The Westphalian state was a key development. Efforts to organize relations between states were the subject of a stream of treaties, but the graph shows the major eff orts to organize multilateral relations in the twentieth century. It is important to keep in mind that the graph is truncated. Prior to the year 1400, the rate of growth in the factors that affect material well-being was virtually nil. The data underscore the immense progress made in the material condition of society in the past three centuries. The dramatic change in the rates of progress is coincident with the emergence of capitalism and, in particular, the industrial revolution. The key message for the purpose of this analysis is strikingly clear. If we accept the proposition that human civilization dates back about 12 millennia, then the capitalist era is about 4% of human history. The industrial era covers the second half of that period. Measured by population, per capita income, heat, power, transportation, lighting, about 90 % of human progress has taken place in the most recent 2 % of human history, the very short period of capitalist industrialization. 14

The Virtuous Cycle of Progress and the Potential for Justice

The progressive capitalist frame for a theory of justice launches from this dramatic change in the human condition. Obviously, it postdates much of the thinking of the ancient philosophers and early modern (preindustrial) political theorists who naturally make up a large part of the intellectual and cultural heritage of the Western concept of justice, as discussed at length the Global Energy Justice . There has been a dramatic transformation of the terrain of justice in three ways.

• The capitalist industrial revolution has not only produced a dramatic improvement in the human condition, it has also created the possibility/hope/expectation that there will be a massive and continuing improvement in the material well-being of people. Mankind has been freed from endless poverty and expects continuous economic growth and improvement in material conditions.

• The improvement in material well-being comes with (and is in part dependent on) an increasing interdependence of economic activity (a refined division of labor and globalization).

• Increasing wealth and improvements in communications (which are made possible by changes in energy technology, i.e. electrification) have allowed more and more people to engage and participate more directly and force-fully in self-governance.

In the capitalist industrial era we no longer have to treat human history as a kind of zero-sum, depleting resource story. The current generation should not be chastised for overconsuming scarce resources as long as it produces the means to maintain and improve the prospects of future generations. For the past quarter of a millennium, the groundwork for a much higher standard of living has been laid by each successive generation. Perez ( 2002 ) argues that capitalist development needs to be progressive in the sense I use the term. Technology is the fuel of the capitalist engine (Perez 2002 , p. 155). The potential for production and productivity growth is considerable. What is needed for its realization is a new space for the unhindered expansion of markets, favoring economics of scale and fostering a new wave of investment. This essentially means that adequate regulation ... has to be established and an institutional framework favoring the real economy over the paper economy needs to be put in place ... So the rhythm of potential growth is modulated by the qualitative dynamics of effective demand (Perez 2002 , pp. 114–116). Since market saturation is one of the main limits encountered in deploying the growth potential of a technology revolution, ensuring consistent extension of markets is the way to facilitate the pursuit of those goals. Consequently, it is progressive distribution and worldwide advances in development that can best guarantee a continued expansion of demand (Perez 2002 , p. 124). The impact of progressive capitalism on the terrain of justice involves more than simple progress. It also reflects the structure and process by which capitalism creates progress. Two key processes are involved. A discussion of these broad issues is beyond the scope of this chapter and has been offered elsewhere (Cooper 2015 ). Here I emphasize two points that are central to the discussion of energy justice.

• First, the explanation asserts that capitalism has given birth to recursive feedback loops, virtuous circles and cycles, of creative destruction and construction that creates a spiral of progress.

• Second, the division of labor advances relentlessly, which ultimately increases human capital and promotes democratic equality.

The stark contrast between the twenty-first-century digital mode of production that is emerging and the twentieth-century mode of production described by Perez ( 2004 , 2009 ) underscores this process in several ways. First, the mass market production of the twentieth century was very much driven by fossil fuel consumption. The digital mode of production is much more dependent on electricity. Second, technologies are emerging to power more and more activity with electricity. Third, the heterogeneity of products creates niche markets. Fourth, the new division of labor is much more global and complex, shifting a great deal of activity and autonomy to the edge of the networks. The virtuous cycles of economic progress are interconnected in the sense that they tend to produce the key ingredients to solve the next great challenge that faces the economic system. Perez builds this into her model of capital-ism by linking Schumpeter’s concept of creative destruction to the equally powerful process of creative construction. The result is a spiral of development. While analysis of this process is also beyond the scope of this chapter, one aspect of the current phase of development is critical to the discussion of energy justice. Industrial revolutions produce the ingredients necessary to solve the challenges that they faced. This is certainly true of the third industrial revolution in the energy sector, the electricity sector in particular. Dynamic technological development has produced the tools for the transformation of the energy sector that can solve the problem of climate change, while dealing with the challenge of energy jus-tice. The central station model of base-load facilities combined with high cost peaking power and massive amounts of pollution, including greenhouse gas emissions, has been undercut by dramatically declining cost for distributed renewables and storage. The Information and Communications Technologies revolution has now made it possible to integrate and manage demand and supply rather than build central station, fossil-fuel-based powered facilities that passively follow load. Economic analyses of the cost of addressing energy justice that were offered as it became a topic of increasing attention a decade ago are obsolete as a result of dramatic innovation and competition (Cooper 2014b ). An electricity sector centered on smaller scale, more flexible resources should facilitate and lower the cost of addressing both energy poverty and cli-mate change. This technological revolution not only delivers affordable electricity, but it also does so in a manner that utilizes local resources and fosters local autonomy. As has always been the case, however, there is a struggle between the incumbent and the new entrant technologies over the speed and ultimate configuration of the new system and which values will be expressed by the system. In short, the energy sector, in general, and the electricity sector, in particular, are at the “turning point” (Perez 2002 ) or “critical juncture” (Robinson and Acemoglu 2012 ) of the “quarter-life crisis of the digital mode of production” (Cooper 2013b ). Political economy is about driving the economy in the right direction with policy. While the outcome is uncertain, the technological progress suggests that prospects are good for a successful deployment of the third industrial revolution.

### AT: Degrowth---Decoupling---2NC

#### Decoupling solves---empirics prove---it happens because of market dynamics.

Andrew McAfee 20. Principal research scientist at MIT and the author of More From Less: The Surprising Story of How We Learned to Prosper Using Fewer Resources—and What Happens Next. "Why Degrowth Is the Worst Idea on the Planet." Wired. 10-06-2020. https://www.wired.com/story/opinion-why-degrowth-is-the-worst-idea-on-the-planet/amp

In some important areas, however, a very different pattern emerged after 1970: Growth continued, but environmental harm decreased. This decoupling occurred first with pollution, and first in the rich world. In the US, for example, aggregate levels of six common air pollutants have declined by 77 percent, even as gross domestic product increased by 285 percent and population by 60 percent. In the UK, annual tonnage of particulate emissions dropped by more than 75 percent between 1970 and 2016, and of the main polluting chemicals by about 85 percent. Similar gains are common across the highest-income countries.

How were these reductions achieved? The two possibilities are cleanup and offshoring. Either rich countries figured out how to reduce their “air pollution per dollar” so much that overall pollution went down even as their economies grew, or they sent so much of their dirty production overseas that the air at home got cleaner. The first of these paths reduces the total burden of human-caused pollution; the second just rearranges it.

The evidence is overwhelming that rich countries cleaned up their air pollution much more than they outsourced it. For one, a great deal of air pollution comes from highway vehicles and power plants, and rich countries haven’t outsourced driving and generating electricity to low-income ones. In fact, high-income countries haven't even offshored most of their industry. The US and UK both manufacture more than they did 50 years ago (at least until the Covid-19 pandemic sharply reduced output), and Germany has been a net exporter since 2000 while continuing to drive down air pollution. The rest of the world has been exporting its manufacturing pollution to Germany (to use degrowthers’ phrasing), yet Germans are breathing cleaner air than they were 20 years ago.

Rich countries have reduced their air pollution not by embracing degrowth or offshoring, but instead by enacting and enforcing smart regulation. As economists Joseph Shapiro and Reed Walker concluded in a 2018 study about the US, “changes in environmental regulation, rather than changes in productivity and trade, account for most of the emissions reductions.” Research about the cleanup of US waters also concludes that well-designed and enforced regulations have successfully reduced pollution.

It is true that the US and other rich countries now import lots of products from China and other nations with higher pollution levels. But if there were no international trade at all, and rich countries had to rely exclusively on their domestic industries to make everything they consume, they’d still have much cleaner air and water than they did 50 years ago. As a 2004 Advances in Economic Analysis and Policy study summarized: “We find no evidence that domestic production of pollution-intensive goods in the US is being replaced by imports from overseas.”

The rich world’s success at decoupling growth from pollution is an inconvenient fact for degrowthers. Even more inconvenient is China's recent success at doing the same. China’s export-led, manufacturing-heavy economy has been growing at meteoric rates, but between 2013 and 2017 air pollution in densely populated areas declined by more than 30 percent. Here again the government mandated and monitored pollution declines and so decoupled growth from an important category of environmental harm.

Prosperity Bends the Curve

China's progress with air pollution is heartening, but it's not surprising to most economists. It's a clear example of the environmental Kuznets curve (EKC) in action. Named for the economist Simon Kuznets, EKC posits a relationship between a country's affluence and the condition of its environment. As GDP per capita rises from an initial low level, so too does environmental damage; but as affluence continues to increase, the harms level off and then start to decline. The EKC is clearly visible in the pollution histories of today's rich countries, and it's now taking shape in China and elsewhere.

Also consider air pollution death rates around the world. As the invaluable website Our World in Data puts it, “Rates have typically fallen across high-income countries: almost everywhere in Europe, but also in Canada, the United States, Australia, New Zealand, Japan, Israel and South Korea and other countries. But rates have also fallen across upper-middle income countries too, including China and Brazil. In low and lower-middle income countries, rates have increased over this period.”

The EKC is a direct refutation of a core idea of degrowth: that environmental harms must always rise as populations and economies do. It's not surprising that today's degrowth advocates rarely discuss the large reductions in air and water pollution that have accompanied higher prosperity in so many places around the world. Instead, degrowthers now focus heavily on one kind of pollution: greenhouse gas emissions.

The claims made are familiar ones: that any apparent reductions in greenhouse gas emissions in rich countries are due to offshoring rather than actual decarbonization. Thanks to the Global Carbon Project, we can see if this is the case. GCP has calculated “consumption-based emissions” for many countries going back to 1990, taking into account imports and exports, yielding the greenhouse gas emissions embodied in all the goods and services consumed in each country each year.

For several of the world's richest countries, including Germany, Italy, France, the UK, and the US, graphs of consumption-based carbon emissions follow the familiar EKC. The US, for example, has 2reduced its total (not per capita) consumption-based CO2 emissions by more than 13 percent since 2007.

These reductions are not mainly due to enhanced regulation. Instead, they've come about because of a combination of tech progress and market forces. Solar and wind power have become much cheaper in recent years and have displaced coal for electricity generation. Natural gas, which when burned emits fewer greenhouse gases per unit of energy than does coal (even after taking methane leakage into account), has also become much cheaper and more abundant in the US as a result of the fracking revolution.

How We Learned to Lighten Up

Tech progress and price pressure aren't just leading to the demise of coal. They're also causing us to exploit the planet less in many other important ways, even as growth continues. In other words, EKCs are not just about pollution any more.

A good place to start examining this broad phenomenon of getting more from less is US agriculture, where we have decades of data on both outputs—crop tonnage—and the key inputs of cropland, water, and fertilizer. Domestic crop tonnage has risen steadily over the years and in 2015 was more than 55 percent higher than in 1980. Over that same period, though, total water used for irrigation declined by 18 percent, total cropland by more than 7 percent. That is, over that 35-year period, US crop agriculture increased its output by more than half while giving an area of land larger than Indiana back to nature and eventually using a Lake Champlain less water each year. This was not accomplished by increasing fertilizer use; total US fertilizer consumption in 2014 (the most recent year for which data are available) was within 2 percent of its 1980 level.

The three main fertilizers of nitrogen, potassium, and phosphorus (NKP) are an interesting case study. Their total US consumption (once other uses in addition to agriculture are taken into account) has declined by 23 percent since 1980, according to the United States Geological Survey. Yet some within the degrowth movement find ways to argue that these declines are also an illusion. These materials thus serve to clearly illustrate the differences in methodology, evidence, and worldview between ecomodernists like myself and degrowthers.

The USGS tracks annual domestic production, imports, and exports of NKP and uses these figures to calculate “apparent consumption” each year. Consumption of each of the three resources has declined by 16 percent or more from their peaks, which occurred no later than 1998. This seems like a clear and convincing example of dematerialization—getting more output from fewer material inputs.

As I argue in my book More From Less, dematerialization doesn’t happen for any complicated or idiosyncratic reason. It happens because resources cost money that companies would rather not spend, and tech progress keeps opening up new ways to produce more output (like crops) while spending less on material inputs (like fertilizers). Modern digital technologies are so good at helping producers get more from less that they're now allowing the US and other technologically sophisticated countries to use less in total of important materials like NKP.

Forest products provide another clear example of dematerialization in the US. Total annual domestic consumption of paper and paperboard peaked in 1999, and of timber in 2002. Both totals have since declined by more than 20 percent. Could these be mirages caused by offshoring that’s not properly captured? That’s highly unlikely, as the country is now onshoring more than it’s offshoring. The US has been a net exporter of forest products since 2009 and is now the world’s largest exporter of these materials.

Is the US economy also dematerializing its use of metals? Probably, but it’s hard to say for sure. The USGS tallies do show dematerialization in steel, aluminum, copper, and other important metals. But these figures don’t include the metals contained in imports of finished goods like cars and computers. America is a net importer of manufactured goods, so it could be that we’re using more metal year after year, but that much of this consumption is “hidden” from official statistics because of imports of heavy, complex products. However, my estimates indicate that this is extremely unlikely and that the country is in fact now reducing its overall consumption of metals.

#### Decoupling is possible---here’s more empirics.

Leigh Phillips 19. Science writer and EU affairs journalist. He is the author of Austerity Ecology & the Collapse-Porn Addicts and The People's Republic of Walmart. "The degrowth delusion." openDemocracy. 8-30-2019. https://www.opendemocracy.net/en/oureconomy/degrowth-delusion/

We can see the first major error of the degrowth concept if we turn our attention to past environmental challenges that we have actually overcome. The evidence is clear that it is planning—typically regulation, but also via public-sector infrastructure spending and industrial policy—not reduction in economic growth, that was responsible for these victories.

It is worth remembering that we have solved a fair few ecological problems, from acid rain over the Great Lakes to air and water quality in many Western nations. Until the 1980s, sulphur dioxide pollution was tied tightly to economic growth in the OECD club of wealthier nations, but it is no longer. Not enough ecological problems have been solved to be sure, but we need to investigate where there has been success—largely thanks to the struggles of trade unions, impacted communities, and environmental groups—in order to learn the lessons of what works.

Where there has been subsequent deterioration after achieving such successes—such as the scandalously still-unresolved lead contamination of water in Flint, Michigan—this has been the result of neoliberal retreat from non-market intervention: privatisation, deregulation, regulatory capture, and underfunding or outsourcing of inspection. In the case of Flint, we can add to this list the neoliberal era's neglect of water infrastructure, particularly with respect to that servicing less-profitable minority and poor communities. Likewise, neoliberal racism that resulted in infrastructural breakdown and underconsumption of water resources by poor and racialised neighbourhoods was responsible for the water crisis in Cape Town, not overconsumption.

But perhaps the greatest environmental victory yet has been the healing of the ozone layer. In the 1980s, depletion of atmospheric ozone, particularly around the poles, was that era's version of existential ecological crisis. It was also no less threatening to humanity over the near term than climate change via an increase in skin cancer and immune deficiency disorders as well as negative impacts on terrestrial and near-surface aquatic food webs and biochemical cycles, and reduction in agricultural yields. And the cause was also anthropgenic [sic] emissions: this time primarily chlorofluorocarbons (CFCs) that were popularly understood, roughly correctly, as being used in refrigerators and aerosol sprays.

Since the 1987 Montreal Protocol ban on ozone-depleting substances, including CFCs, such emissions have declined by 98 percent (there has however been an uptick in unreported emissions since early this decade from east Asia, suggesting someone in the region is cheating). Ozone depletion reversed by the 2000s and full recovery is expected by 2075.

Having grown up in the 80s, I remember at the time bugging my mum to stop buying cans of hair spray. She did not follow my advice.

Thankfully my advice was not taken by policymakers either. Instead, the Montreal Protocol regulatorily intervened in the market against and over the wails and lobbying efforts of the industries affected.

Had we embraced degrowth with respect to ozone depletion by attempting to arrest growth in, say, the number of fridges in the world—or even reduce the total number—instead of regulation to enforce technology-switching, disaster would have befallen us. Saying "this many fridges and no more" would only have arrested the growth in emissions, not emissions tout court. (For the same reason today, it is not enough to keep greenhouse gas emissions steady, but eliminate them)

It simply would not have worked in any case, as by what right can developed nations tell the global south that they cannot keep their food fresh while they continue to do so? (Indeed, one might say that the socialist argument is instead: There still are not enough fridges in the world.)

Today there are more cans of hair spray and more fridges than ever before. The latter not least in the developing world, where refrigeration enhances quality of life through expansion of the range of food available, reducing food contamination, and improving nutrition. It also reduces food waste and therefore greenhouse gas emissions.

There has been an absolute decoupling of growth in the technologies that historically used ozone-depleting substances from growth in ozone depletion. The degrowth position maintains that absolute decoupling of growth from negative environmental impact is impossible, and that only relative decoupling—or reduced resource use per unit of production but increased production overall—is possible, but the story of ozone depletion shows this belief to be false. Economic growth has been absolutely, not relatively, decoupled from ozone depletion.

There are many, many other examples. Europe’s forests have grown by a third over the last century. Timber was used in almost every economic sector around 1900—for fuel, for furniture, house construction, even metal production—meaning that there was little forested areas left on the continent. But technological innovation in agriculture such as motorization, better drainage and irrigation reduced cropland as less area was needed to produce the same volume of food. In addition, there was a mass migration away from rural areas to the cities and, crucially, states after World War Two invested heavily in reforestation. Indeed, once a nation reaches a certain per capital income threshold, net deforestation ceases. Globally, tree cover has increased over the last 35 years.

Across the Atlantic, there were more dairy cows in the United States in 1870 than today, when the country has roughly ten times the population, according to the US Department of Agriculture. US crop production has increased even as agricultural inputs such as fertilizer, water and crop acreage have declined or plateaued, with the decline in fertilizer use being particularly sharp. Corn acreage has been absolutely decoupled from corn production. American potato yields continue to increase but the potato market is saturated, so potato production has plateaued, meaning that land is removed from production. Across the agricultural sector, this has meant an area of farmland the size of Washington State has been returned to nature, according to a forthcoming analysis by MIT business scholar Andrew McAfee.

McAfee also notes how US consumption of metals marched in lock-step with GDP until about the 1980s. Since then, consumption of important metals such as aluminium, nickel, copper, steel and gold have plateaued or declined. This takes into account imports and exports, so globalization is not the reason for this.

One important paper from degrowth advocates argues that this is simply because traded goods have a greater material impact than merely what is incorporated into them (think of the difference between an ingot of steel versus raw iron ore). Once this is taken into account, suggests another paper by a leading degrowth advocate, OECD absolute decoupling reveals itself to be a mirage, and globally economic growth remains as coupled to use of materials as ever—although, interestingly, that same paper notes this is primarily a result of offshoring of just construction materials.

But this is a global consideration of material inputs, so a range of sectoral absolute decouplings goes unnoticed, and global ones that are immaterial are likewise ignored. CFC absolute decoupling is global but unrecognized because measurement of material inputs doesn’t capture this. The sharp reduction in emissions of carbon monoxide, sulphur dioxide, nitrogen oxides, lead and particulate in Europe and America has come from regulation; they have not shifted overseas. US agricultural absolute decoupling has likewise not been a product of offshoring, as inputs here are primarily domestically sourced. A global decoupling of greenhouse gas emissions from growth (in principle feasible, but very far from being implemented) likewise would be missed by such an analysis.

And even more importantly, the very fact that there has already been a great many demonstrable examples of regional and global absolute decoupling in different sectors disproves the claim of the impossibility of absolute decoupling. The only question that remains is whether absolute decoupling can be extended across all sectors, or sufficient sectors as to eliminate undermining of ecosystem services.

Where free-market champions of absolute decoupling like McAfee are wrong however is their explanation for why it happens. McAfee believes it is vicious capitalist competition that drives technological innovation to reduce the costs of inputs. He concedes that some regulation is necessary, but fundamentally it’s market pressures that produce this of their own accord.

It is of course great when there is a happy coincidence of profitability and reduction of ecological harm, but if ever there is a conflict between these two, it’s profitability that wins out. And the reality is that America’s Clean Air Act, Clean Water Act and similar regulations across industry—in the face of furious opposition from private companies—have been responsible for most of the major environmental advances in the US. And the story is similar elsewhere. Since 2005, emissions had absolutely decoupled from global beef production, primarily as a result of the Brazilian Workers’ Party’s crackdown on the razing of forest for agricultural production—a magnificent success story currently being disastrously undone by that country’s hard-right government of Jair Bolsonaro. Denmark, a world leader in nitrogen pollution management, has achieved a reduction in fertilizer use even as agricultural output has increased through a muscular state-led nitrogen strategy across the agricultural sector that involves stringent regulation, RD&D funding and infrastructural build-out.

One might also respond that technology-switching away from fossil fuels is a much more difficult task than switching away from CFCs or nitrogen recycling. And the response must be that this is certainly true, as this shift affects almost every sector of the economy. But difficult is not the same thing as impossible. Eight major economies—France, Norway, Sweden, Switzerland, Ontario, Quebec, British Columbia and Paraguay—have already either largely or all-but completely decarbonized their electricity grids even as they enjoy economic growth (all by depending primarily on nuclear and/or hydroelectricity). These are models for the world. Cleaning up transport, industry and the built environment will likewise need a muscular public-sector interventionist approach.

### !D – Space War

#### No impact even if it happens.

Roger **Handberg**, Professor in the School of Politics, Security, and International Affairs at the University of Central Florida, **‘17**, Is space war imminent? Exploring the possibility, Comparative Strategy, Vol. 36, No. 5, p. 413-425

The assumption made is that space war will be successfully waged in both the heavens and on the Earth itself. This assumption, however, is grounded on **several hypotheticals** occurring. First, that total devastating strategic surprise can be achieved—the side attacked becomes so damaged and devastated that further resistance is impossible to sustain regardless of national will, since nuclear weapons overhang the entire enterprise. The analogy usually invoked for American audiences is a “Pearl Harbor” type attack. This scenario is premised on equivalent American incompetence and lack of readiness as exhibited in December 1941. One must note that Pearl Harbor ended as a strategic failure for Japan—it led to defeat because the attack mobilized U.S. power without hesitation, given the intense political divisions over whether to enter the worldwide conflicts already raging. The attack was a military failure because Navy carriers were not destroyed along with battleship row along with critical fuel facilities. Similar analogies invoke September 11, 2001 as the prototype for such attacks more recently, but the same caveats apply. Total surprise assumes that all relevant opponent systems and civilian assets are disabled and left vulnerable to follow on attacks. In fact, collapse of U.S. defenses leaves U.S. cities as hostages to the rulers of the heavens, or vice versa if the U.S. moves first. Space war is extremely destabilizing, as will be discussed, since survivability of one's strategic assets becomes problematic.

Second, surprise requires that **sufficient offensive space assets** be placed in orbit without triggering a response by other states—the scale of such technology deployment is **in itself** possibly **self-defeating** given high costs and a likely lack of launch capacity. In addition, much launch capacity is now **international** rather than national, so maintaining secrecy becomes even more difficult. Space as an operational environment suffers from excessive transparency, meaning any launches can be monitored and tracked by others with strong evidence as to what is being deployed. One must remember that the original satellite launches in the 1950s were accurately tracked by a British grade-school class as a science project. In addition, at least since the early 1960s, remote sensing has increased exponentially the global capability to detect buildup of military assets of differing types, whether in space or on the ground. Commercial remote-sensing capabilities further enhance the capacity to detect militarily relevant actions. For example, commercial imagery is accessed by private parties to monitor the North Korean missile and nuclear weapons programs, in effect expanding the capacity of the world to look in on various states' interior regions, scanning for relevant information, including weapons buildup and launch capabilities. Even construction of physical facilities for production of space assets or for other weaponry can be monitored, making surprise more difficult but not impossible, as demonstrated in earlier monitoring of North Korea and, in 1998, the nuclear tests by both Pakistan and India. That means if the ASAT weapon**s** come from ground locations, there is a high probability that they can be detected but no guarantee exists that detection will in fact occur. The uncertainty will impact calculations of attack success.

Third, the most obvious initial attack of space-based assets will most likely come from cyber attacks, given that such actions do not necessarily require the scale of resources necessary for other modalities such as kinetic weapons, or even lasers or other energy-type weapons. One will have to position the weapons plus the infrastructure to permit rapid recycling of the weapons for the next attack. Firing off interceptors will likely be a one-off, meaning extremely precise targeting will be required if the attack is to be successful. Note that none of these systems require that individuals be placed in Earth orbit, despite the imagery describing such operations in fictional universes.

Deployment requires a large lift capacity for initial deployment plus replenishment of destroyed or inoperative space assets, since a space conflict assumes that assets will be lost either kinetically or be compromised by cyber or energy beams. In any case, the combatants must be able to recover their capabilities lost during the conflict; failure to do would mean defeat or at least stalemate, negating the reason for the attack. That raises a major question when one considers the problem or expectation that space war can be successfully conducted or defended. Operationally Responsive Space (ORS) remains a critical weak point for all potential space-war participants. Loss of space assets occurs routinely during operations, but actual combat losses can be exponential depending on the weaponry used, and replacing those losses becomes the race to the next level after the initial exchange or combat. Unfortunately, ORS remains a major weakness of the United States and likely other states; deploying replacement satellites remains a multiyear process, while launch capabilities are scheduled long in advance. The rise of multiple private-launch competitors may partially alleviate some of the delay but that remains problematic given that the military payloads may be competing with commercial vendors also trying to replace losses. The tradeoff is that. in principle, private-launch vendors may be able to do so more cheaply, but their capacity may be saturated by demand from the civil and commercial sectors, leaving few “uncommitted” launch options for military purposes. Normally this is not an issue, but the available launch options may be third party rather than national-flag carriers, which raises severe security concerns.

Fourth, **several other assumptions** become essential to make the strategy work, including that such an attack does not render Earth orbit so debris-saturated that further military space **op**eration**s** become impossible to sustain. Also, damage to civilian space assets remains, such that their continuation is possible if undamaged replacements can be quickly reintroduced to restart economically critical operations. Globalization has been fostered through satellite technologies. Their disruption can be devastating for all parties, regardless of who is the winner or the loser. What may occur is the graveyard of the modern economic system. No potential space participants would be immune to the damage, regardless of whether or not they were participants in the actual conflict.

Fifth, there must be no difficulty in separating potential targets from the enemy, allied states, and nonbelligerent states. This creates a situation in which the spread of space **tech**nologies globally **complicates actions**, expanding the range of participants beyond the combatants, much like earlier wars at sea, where there were the combatants' ships, along with those of nonbelligerents, including neutrals whom the combatants struggled to draw into the conflict on their side, or at least to render their services unavailable to the other side. The earliest discussion of space conflict was premised on Cold War analogies, meaning two major combatants, either U.S.–Russia, or U.S–-China, or even a three-way war. Presently, analyses focus on a bilateral conflict with the U.S. opposed to China and Russia. Whether that would occur is obviously unknown, despite political rhetoric about a Eurasia coalition of likeminded states. What it does is multiply the number of potential targets and complicates reactions to neutrals' actions to protect their interests or assets. The distinction between combatants and neutrals or third parties will be possibly blurred beyond separation. The byproduct of a kinetic space conflict is massive amounts of space debris, destroying or damaging most space assets regardless of their state sponsor or nationality. Initial attacks may be focused and precise, but the result is still the same. The debris generated by armed conflict will endure beyond the immediate clash. The obvious alternative is a strictly electronic attack on space assets' operating systems, leaving the satellites in orbit, although without the ability to move them or control possible erratic changes in orbit due to collisions with other space debris.

Other forms space war will take

Reality is more complicated—kinetic action produces debris, the ultimate deterrent to actual space war. Therefore, space war could likely track several distinct phases. The first is cyber attacks, which disable or destroy the working systems of the spacecraft or the ground-support network—in effect, a series of stealth attacks. Civilian satellites are extremely soft targets—defense requires a capacity to detect and analyze any attack on the spacecraft, not available presently for most commercial spacecraft due to cost considerations. Otherwise, one could use nuclear weapons to create electromagnetic pulses (EMP) which can fry unprotected electronics both in space and on the ground, depending on where the weapons are detonated. Interestingly, space war scenarios have some territorial war aspects in that any attacks on space assets will devastate both military and civilian targets without distinction between the war participants and civilians. Similar to unrestricted submarine warfare, all targets in the relevant area will become casualties or otherwise impacted in their operations.

Second, attacks that are conducted against the ground down links and/or communications systems, leaving the spacecraft without guidance or instructions, and also no information is returned to the commanders even if the satellites survive the initial onslaught. These can involve kinetic attacks against specific locations or insertion of special operations forces to render the facility inoperative. For example, antennas can be disabled or destroyed, disrupting operations until new facilities are brought online. Other alternatives could include kinetic weapons launched from space, “rods from God.”20 Air strike packages could include electronic warfare elements capable of scrambling or disrupting operations of such facilities even prior to physical strikes against the targets. Spacecraft not destroyed or disabled in the initial two stages of the attack can be directly attacked by “dazzling” their receivers, with laser impulses destroying the receivers for which there are few replacements without replacing the spacecraft physically.

Third, rapid replacement of inoperative satellites, regardless of the reasons, does not occur, which translates into a race for the third, possibly end, phase of the war, replenishment. Inability to replace losses may mean that **none of the combatants are able to dominate** in the end, meaning conventional conflict may be the outcome, although issues of global reach may **confine conflicts to relatively small areas**. In previous conventional conflicts, large-scale forces were moved, albeit slowly, across the globe to the conflict, i.e., Desert Shield morphing into Desert Storm after a nearly six-month buildup.

#### No escalation from space war – resilience, deterrence and low level attacks

Cooper, 18

(Zack Cooper senior fellow for Asian security at the Center for Strategic and International Studies (CSIS). Thomas G. Roberts is a research assistant and program coordinator for the Aerospace Security Project at CSIS, "Deterrence in the Last Sanctuary," War on the Rocks, https://warontherocks.com/2018/01/deterrence-last-sanctuary/)

Until recently, resilience in space was largely an afterthought. It was assumed that a conflict in space would likely lead to or precede a major nuclear exchange. Therefore, the focus was on cost-effective architectures that maximized satellite capabilities, often at the cost of resilience. Recently, however, some have hoped that new architectures could enhance resilience and prevent critical military operations from being significantly impeded in an attack. Although resilience can be expensive, American investments in smaller satellites and more distributed space architectures could minimize adversary incentives to carry out first strikes in space. In the late 20th century, minor escalations against space systems were treated as major events, since they typically threatened the superpowers’ nuclear architectures. Today, the proliferation of counter-space capabilities and the wide array of possible types of attacks means that most attacks against U.S. space systems are unlikely to warrant a nuclear response. It is critical that policymakers understand the likely break points in any conflict involving space systems. Strategists should explore whether the characteristics of different types of attacks against space systems create different thresholds, paying particular attention to attribution, reversibility, the defender’s awareness of an attack, the attacker’s ability to assess an attack’s effectiveness, and the risks of collateral damage (e.g., orbital debris). Competitors may attempt to use non-kinetic weapons and reversible actions to stay below the threshold that would trigger a strong U.S. response. The 2017 National Security Strategy warns: Any harmful interference with or an attack upon critical components of our space architecture that directly affects this vital U.S. interest will be met with a deliberate response at a time, place, manner, and domain of our choosing. In order to fulfill this promise, the United States will want to ensure that it has capabilities to respond both above and below various thresholds to ensure a full-spectrum of deterrence options for the full range of potential actors. In the first space age, the two superpowers had largely symmetric capabilities and interests in outer space (with a few notable exceptions). In the second space age, however, the space domain includes many disparate players with vastly different asymmetric capabilities and interests. The United States is more reliant on space than any other country in the world, but it also retains greater space capabilities than any of its competitors. Although the 2011 National Security Space Strategy states, “Space capabilities provide the United States and our allies unprecedented advantages in national decision-making, military operations, and homeland security,” this also means that that the United States has more to lose. From the dawn of the first space age, Americans understood the many benefits that could come from the peaceful uses of space and the great harm that could result from hostile uses of space. In 1962, President John F. Kennedy addressed the dilemma of how to reap the benefits of space without conflict, stating only if the United States occupies a position of pre-eminence can we help decide whether this new ocean will be a sea of peace or a new terrifying theater of war… space can be explored and mastered without feeding the fires of war, without repeating the mistakes that man has made in extending his writ around this globe of ours. For 60 years, space has been the exception: the one domain that has remained free from the scars of war. By better understanding the dynamics of the second space age, we may be able to keep it that way.

### K Waves

#### Can’t scientifically prove K-waves.

Theodore MODIS 17. Ph.D. in High Energy Physics, Columbia; Founder of Growth Dynamics, an organization specializing in strategic forecasting and management consulting. “A hard-science approach to Kondratieff's economic cycle.” *Technological Forecasting & Social Change* 122: 63-70. Emory Libraries.

In my career I have published over 100 articles in scientific and business journals, some of which I am proud of. Unfortunately, the publication that has drawn most attention, if I judge by the number of reads reported in ResearchGate, is an article titled “Sunspots, GDP, and the Stock Market” that reports evidence for some correlation between stock-market moves and sunspot activity (Modis, 2007). However, it is possible that a series of numbers generated randomly also correlates in a non-negligible way with a given time series.

I have made a simulation study to explore the possible correlation of randomly generated data with sunspot-activity data. I generated 25,000 time series with random data normally distributed with an average and a sigma equal to those of the sunspot data.

Fig. 12 shows one example where the random data seem to correlate significantly with the sunspot data. For every one of the sunspot peaks (intermittent line), rather regularly spaced every 11 years, there is a corresponding peak in the random data (gray line), and six of the eight peaks line up rather well. An uninformed reader would be hard-pressed to say that all this lining-up is accidental. And yet, the correlation coefficient is 0.42 implying that only 18% of the gray line can be explained by the intermittent line.

Fig. 13 shows a histogram of the correlations with sunspots for the 25,000 randomly generated events. As expected, the average correlation is zero, meaning there is no correlation. But there is a distribution indicating a probability of 2.5% for correlations with |r | ≧ 0.45. In other words 25 times in a thousand, such correlation—which is not far from the average correlation in Figs. 2–11—can emerge with randomly generated data. And this should be taken as a limit because similar simulations for variables with less structure than sunspots—Figs. 6-8 display only 2 to 3 periods as opposed to 8 periods for sunspots—would yield more correlation with random events more easily.

In order for their discoveries not to be accidental observations physicists demand confidence levels of 99.99997% (five sigma), or about 1 in 3.5 million chances of being wrong. “Softer” scientists may settle for confidence levels of 99.73% (three sigma), or 27 in 10,000. One way or another, the evidence for the existence of the Kondratieff cycle presented in this article would be challenged to claim scientific rigor and thus acquire the characterization of “a scientific discovery”. Therefore economists like Murray Rothbard will be allowed to continue denying the very existence of this phenomenon.

#### Cybernetics mean the next K-wave is the last and results in sustainability, not war.

Leonid E. GRININ ET AL. 17. \*\*Chief Research Fellow, National Research University Higher School of Economics; PhD. “Forthcoming Kondratieff wave, Cybernetic Revolution, and global ageing.” *Technological Forecasting & Social Change* 115(February): 52-68. Emory Libraries.

The sixth K-wave (about 2020 to the 2060/70s), like the first K-wave, will proceed generally during completion of the production revolution (see above). However, there is an important difference. During the first K-wave the duration of one phase of the industrial production principle significantly exceeded the duration of the whole K-wave. But now one phase of the K-wave will exceed the duration of one phase of production principle. This alone should essentially modify the course of the sixth K-wave; the seventh wave will be feebly expressed or will not occur at all (on the possibility of the other scenario see above). Such a forecast is based also on the fact that the end of the Cybernetic Revolution and distribution of its results will promote integration of the World System and a considerable growth of influence of new universal regulating mechanisms. It is quite reasonable, taking into account the fact that the forthcoming final phase of the Cybernetic Revolution will be the revolution in the regulation of systems. Thus, the management of the economy should reach a new level. K-waves appeared at a certain phase of global evolution and they are likely to disappear at its certain phase.

Change or disappearance of the long-wave cyclicality may also be supported by the intensification of the process of global ageing. By the end of the 21st century, this process will encompass almost all the countries of the world. And thanks to achievements of Cybernetic Revolution the life expectancy is likely to be significantly higher than today even in developed countries. But accordingly one should take into account the point that elderly populations are much more conservative. This conservatism is very likely to be a certain obstacle to the high rate of technological progress.

Thus, ironically, though over the next few decades the population ageing will contribute to technological progress, by the end of the century, it is likely to contribute to the deceleration of scientific and technological development. Thus, it is possible that the population ageing, together with the improvement of planning capabilities, may facilitate the transition of global society to a more calm and slow development (which, incidentally, may be rather close to sustainable development, of which so much is said).

# 1NR v MoState Kw

#### No escalation from space war – resilience, deterrence and low level attacks

Cooper, 18

(Zack Cooper senior fellow for Asian security at the Center for Strategic and International Studies (CSIS). Thomas G. Roberts is a research assistant and program coordinator for the Aerospace Security Project at CSIS, "Deterrence in the Last Sanctuary," War on the Rocks, https://warontherocks.com/2018/01/deterrence-last-sanctuary/)

Until recently, resilience in space was largely an afterthought. It was assumed that a conflict in space would likely lead to or precede a major nuclear exchange. Therefore, the focus was on cost-effective architectures that maximized satellite capabilities, often at the cost of resilience. Recently, however, some have hoped that new architectures could enhance resilience and prevent critical military operations from being significantly impeded in an attack. Although resilience can be expensive, American investments in smaller satellites and more distributed space architectures could minimize adversary incentives to carry out first strikes in space. In the late 20th century, minor escalations against space systems were treated as major events, since they typically threatened the superpowers’ nuclear architectures. Today, the proliferation of counter-space capabilities and the wide array of possible types of attacks means that most attacks against U.S. space systems are unlikely to warrant a nuclear response. It is critical that policymakers understand the likely break points in any conflict involving space systems. Strategists should explore whether the characteristics of different types of attacks against space systems create different thresholds, paying particular attention to attribution, reversibility, the defender’s awareness of an attack, the attacker’s ability to assess an attack’s effectiveness, and the risks of collateral damage (e.g., orbital debris). Competitors may attempt to use non-kinetic weapons and reversible actions to stay below the threshold that would trigger a strong U.S. response. The 2017 National Security Strategy warns: Any harmful interference with or an attack upon critical components of our space architecture that directly affects this vital U.S. interest will be met with a deliberate response at a time, place, manner, and domain of our choosing. In order to fulfill this promise, the United States will want to ensure that it has capabilities to respond both above and below various thresholds to ensure a full-spectrum of deterrence options for the full range of potential actors. In the first space age, the two superpowers had largely symmetric capabilities and interests in outer space (with a few notable exceptions). In the second space age, however, the space domain includes many disparate players with vastly different asymmetric capabilities and interests. The United States is more reliant on space than any other country in the world, but it also retains greater space capabilities than any of its competitors. Although the 2011 National Security Space Strategy states, “Space capabilities provide the United States and our allies unprecedented advantages in national decision-making, military operations, and homeland security,” this also means that that the United States has more to lose. From the dawn of the first space age, Americans understood the many benefits that could come from the peaceful uses of space and the great harm that could result from hostile uses of space. In 1962, President John F. Kennedy addressed the dilemma of how to reap the benefits of space without conflict, stating only if the United States occupies a position of pre-eminence can we help decide whether this new ocean will be a sea of peace or a new terrifying theater of war… space can be explored and mastered without feeding the fires of war, without repeating the mistakes that man has made in extending his writ around this globe of ours. For 60 years, space has been the exception: the one domain that has remained free from the scars of war. By better understanding the dynamics of the second space age, we may be able to keep it that way.

### K Waves

#### Can’t scientifically prove K-waves.

Theodore MODIS 17. Ph.D. in High Energy Physics, Columbia; Founder of Growth Dynamics, an organization specializing in strategic forecasting and management consulting. “A hard-science approach to Kondratieff's economic cycle.” *Technological Forecasting & Social Change* 122: 63-70. Emory Libraries.

In my career I have published over 100 articles in scientific and business journals, some of which I am proud of. Unfortunately, the publication that has drawn most attention, if I judge by the number of reads reported in ResearchGate, is an article titled “Sunspots, GDP, and the Stock Market” that reports evidence for some correlation between stock-market moves and sunspot activity (Modis, 2007). However, it is possible that a series of numbers generated randomly also correlates in a non-negligible way with a given time series.

I have made a simulation study to explore the possible correlation of randomly generated data with sunspot-activity data. I generated 25,000 time series with random data normally distributed with an average and a sigma equal to those of the sunspot data.

Fig. 12 shows one example where the random data seem to correlate significantly with the sunspot data. For every one of the sunspot peaks (intermittent line), rather regularly spaced every 11 years, there is a corresponding peak in the random data (gray line), and six of the eight peaks line up rather well. An uninformed reader would be hard-pressed to say that all this lining-up is accidental. And yet, the correlation coefficient is 0.42 implying that only 18% of the gray line can be explained by the intermittent line.

Fig. 13 shows a histogram of the correlations with sunspots for the 25,000 randomly generated events. As expected, the average correlation is zero, meaning there is no correlation. But there is a distribution indicating a probability of 2.5% for correlations with |r | ≧ 0.45. In other words 25 times in a thousand, such correlation—which is not far from the average correlation in Figs. 2–11—can emerge with randomly generated data. And this should be taken as a limit because similar simulations for variables with less structure than sunspots—Figs. 6-8 display only 2 to 3 periods as opposed to 8 periods for sunspots—would yield more correlation with random events more easily.

In order for their discoveries not to be accidental observations physicists demand confidence levels of 99.99997% (five sigma), or about 1 in 3.5 million chances of being wrong. “Softer” scientists may settle for confidence levels of 99.73% (three sigma), or 27 in 10,000. One way or another, the evidence for the existence of the Kondratieff cycle presented in this article would be challenged to claim scientific rigor and thus acquire the characterization of “a scientific discovery”. Therefore economists like Murray Rothbard will be allowed to continue denying the very existence of this phenomenon.

## Regs

## FTC

## Uncoop fed

### 2NC---AT: PDB

#### No perm do both:

#### A. The perm ends dissent by forcing the states to be allies with the federal government, which prevents the ongoing friction that is necessary to solve.

Elizabeth Weeks Leonard, 10. Visiting Professor of Law at the University of Georgia and Professor of Law at the University of Kansas. “Rhetorical Federalism: The Value of State-Based Dissent to Federal Health Reform” 39 Hofstra L. Rev. 111. https://digitalcommons.law.uga.edu/fac\_artchop/769/

A. Uncooperative Federalism

Uncooperative federalism, a theory articulated by Jessica BulmanPozen and Heather Gerken,48 suggests that even when states actively refuse to cooperate with the federal government, their resistance may be beneficial. 49 To understand uncooperative federalism, it is helpful to place the theory in the context of other federalism theories. BulmanPozen and Gerken offer the following matrix, which I slightly modify, in their footnote 18.50

Table

Description automatically generated

The vertical axis represents the normative position of what states should do: either they should serve as rivals or challengers to the federal government, or they should serve as friends or allies with the federal government. The horizontal axis identifies two strategies to facilitate healthy federal-state relations: either the power of states as sovereigns, or the power of states as servants. The authors note that most existing scholarship falls in Box 1, the state autonomy or dual sovereignty view of federal-state relations, or Box 4, the cooperative federalism view. 51 Their theory fills Box 2, the affirmative case for states as rivals and challengers from the posture of servants.

For Box 3, Bulman-Pozen and Gerken suggest Roderick Hills's "functional theory. 52 Hills favors state autonomy not so that states can operate as dual or separate sovereigns, but so that they can bargain effectively for their role within a cooperative, integrated federal regime. 53 States, under their reserved powers, hold a property right to refuse to lend state administrative processes to implement federal policies, which right they can sell in a freely negotiated trade, like any other private contractor.54 Cooperation is a good thing, but only when the federal government "purchases" state services through voluntary agreements.

Dual sovereignty or state autonomy, like uncooperative federalism, urges states to rival and challenge the federal government but from the posture of sovereign powers. Values associated with the dual sovereignty view include providing alternative, more accessible forums for citizen participation in the political process. 56 In addition, different territories may have different tastes and needs, especially on social policy matters.57 The diversity of approaches creates a "political market," allowing citizenry a choice of "laws, customs, and attitudes,'""8 and ultimately, exit rights.59 States also serve as laboratories of democracy, experimenting and crafting solutions to problems, which approaches can be borrowed by other states and the federal government.60

The dual sovereignty scholarship recognizes the value of dissent, especially state-level dissent, within the federal system. 61 Dissent "contributes to the marketplace of ideas, engages electoral minorities[,]... and facilitates self-expression., 62 The Framers envisioned friction, clashes, and jarring as part of the constitutional design.63 States may act as lobbyists and litigants, challenging federal policies and laws. 64 Objections may be voiced by states qua states, 65 or by states as spokespersons for individuals.66

Cooperative federalism, by contrast, envisions the federal government and states working together as partners to address common problems or implement legislation. 67 States serve as supportive allies, freely and voluntarily, albeit often with strong encouragement, implementing federal policies.68 Conditional spending programs,69 such as Medicaid, are prime examples of cooperative federalism. 70 Under its spending power, Congress entices states to enact laws or implement programs by conditioning federal funding on states' compliance with broad federal requirements, 7' even though the federal government cannot directly regulate states or "commandeer" state regulatory authorities to implement, administer, or enforce federal programs.7 ACA employs several cooperative federalism strategies, including conditional spending, conditional preemption, grants, and contracts, to engage state cooperation in implementing the massive package of health care reforms.73

Uncooperative federalism focuses on the power that states wield precisely because of their subservient posture vis-A-vis the federal government.7 4 The theory emphasizes the "power of the servant" and "the ways in which integration can serve as a distinct source of strength., 75 Lacking adequate financial resources or regulatory reach to implement comprehensive programs, the federal government often depends on states to implement and administer federal policies. 76 Because Congress cannot simply mandate states to administer federal programs, it must offer carrots, such as conditional funding or block grants, or sticks, such as conditional preemption or threats to usurp state implementation.77 In so doing, the federal government cedes considerable power and discretion to states. For example, under Medicaid, states must comply with broad federal requirements but otherwise are free to tailor their state plans to meet their citizens' particular needs, still receiving federal matching dollars for every state dollar spent.7 8 Even though the federal government ultimately holds the threat of revoking federal funds or taking over state programs, financial, political, and practical realities may render that threat an empty one. 79

States' power as servants also derives from their integration into federal program implementation.80 State regulators and policymakers have regular interaction with federal authorities in administering complex, cooperative programs. State actors may develop subject-matter specialization within certain areas, such as environmental or health policy, which transcends federal and state lines of authority.81 A related source of power derives from the fact that states serve two masters: the federal government and their state constituents.82 Voters' dissenting views give states the political will and capital to challenge federal policies.

Bulman-Pozen and Gerken conclude that uncooperative federalism can be useful within a well-functioning federal system.8 3 Friction between the federal government and states fosters a rich dialogue, clarifies accountability, and encourages political participation. 4 Doctrinal implications of the uncooperative federalism theory suggest that commandeering, which is considered unacceptably intrusive on state autonomy to Box 1 adherents, perhaps should be allowed or encouraged under Box 2 because it engenders dissent.8 5 Uncooperative federalism, like state autonomy or dual sovereignty, prefers narrow preemption but not because state power should be interpreted as broadly as possible but, rather, as a way to create larger overlapping spheres of federal and state regulatory authority thereby ensuring ongoing conflict and jarring.8 6

#### B. Current court doctrine prioritizes preemption over commandeering---reversing them is essential for strong uncooperative federalism.

Anne Richardson Oakes and Ilaria Di Gioia 17. Ph.D., Director at the Center for American Legal Studies at Birmingham City University Law School; Ph D. candidate, Lecturer at the Center for American Legal Studies at Birmingham City University Law School. “Uncooperative Federalism or Dinosaur Constitutionalism: The Affordable Care Act and the Language of States Rights’\*” Birmingham City University. 7/25/2017. <http://www.open-access.bcu.ac.uk/4833/>

As Professors Bulman-Pozen and Gerken point out, traditional states’ rights arguments fit a model of federalism in which autonomous states rival the federal government from a position of outsider.75 The alternative model of “co-operative federalism” allocates to the states only a subservient role as “supportive insiders--servants and allies to the federal government” with, as Bulman-Pozen and Gerken put it, no “fully developed account of the ways in which states playing the role of federal servant can also resist federal mandates, the ways in which integration--and not just autonomy--can empower states to challenge federal authority”76 If the negative connotations of state challenges to federal authority are to be discarded, what is needed is new constitutional theorising with a new conceptual framework and vocabulary that can not only accommodate but accord value to challenge, dissent and even resistance at state-level. Bulman-Pozen and Gerken’s “uncooperative federalism” which celebrates state strength at the heart of the federal regulatory state offers just such a model, not least because of their “counter-intuitive” conclusions concerning current Supreme Court federalism doctrine:

In our view, a strong commitment to uncooperative federalism would lead you to conclude that the Supreme Court has two central doctrines of federalism backwards. Rather than proscribe commandeering and expansively construe preemption as it does now, a Court attentive to uncooperative federalism should allow commandeering and cabin preemption. By fostering integration and overlap in regulatory spheres, this doctrinal 180 would facilitate state dissent while pushing federal engagement with state challenges.77

Given the current political balance on the Supreme Court and the likely impact of future presidential nominees, we are tempted to say that at the present time, this is for the birds. We return therefore to the point where we began this paper and President Obama’s observations concerning the negative history of states’ rights arguments. This history needed to be addressed, he continued, “so that [opponents] understand if I am concerned about leaving it up to states to expand Medicaid that it may not simply be because I am this power-hungry guy in Washington who wants to crush states’ rights but, rather, because we are one country and I think it is going to be important for the entire country to make sure that poor folks in Mississippi and not just Massachusetts are healthy”78

#### Now is key---this conservative court would switch to commandeering first because of partisanship, but bad GOP arguments prevent it---the perm prevents the necessary legal battle.

Arnab Datta 21. senior counsel at Employ America. “The GOP’s Long-Game Plan to Thwart Biden’s Agenda Is Already in Action” Slate. 3/24/2021. https://slate.com/news-and-politics/2021/03/stimulus-bill-gop-lawsuits-janet-yellen.html

In defense of the provision, the Treasury Department has argued that such “reasonable conditions are used all the time,” and pointed out that the law does not in fact prohibit tax cuts. Rather, it requires that states not use the appropriated money to offset revenue losses from tax cuts. Substantively, the Treasury Department is right—the bill deploys the spending power, which has long been considered Congress’ least restricted power. Nevertheless, the Supreme Court limited this power when it struck down the mandatory Medicaid expansion in the Affordable Care Act, and it could take the same aggressive approach here. In other words, this lawsuit raises issues that an opportunistic conservative judiciary could use to limit the power of the federal government, a difficulty the Biden administration is likely to face again and again.

To understand the lawsuit, it’s worth considering the relevant conditions attached to the appropriation. First, states can only use the funds in certain ways, like filling fiscal shortfalls, investing in infrastructure, or aiding those affected by the pandemic. A state must also certify that it requires the funds to carry out these activities. And second, states receiving funds cannot reduce their net tax revenue for three years. The logic between these conditions should be clear—if a state can’t fill these gaps with its own revenue, surely it can’t afford to reduce revenue either.

But that is basically what the GOP governors are requesting—that states be allowed to use federal funds to pay for tax cuts. And their legal arguments are tailor-made for a judiciary hostile to the federal government.

Both the Ohio suit and the attorneys general’s letter make three basic arguments. The first is that the tax provision is too ambiguous. In Pennhurst, the Supreme Court held that federal grants to states are “in the nature of a contract,” and so the conditions must be unambiguous to give clear notice. Here, the conditions state that funds cannot be used to “either directly or indirectly offset a reduction in the net tax revenue of such State or territory.” The GOP argument suggests there is a lack of clarity in what it means to “indirectly” offset a net tax revenue reduction, making this condition “hopelessly ambiguous.” But with the presence of both “directly” and “indirectly,” the statute can be read to prohibit using the funds to offset any net decrease in tax revenue. And the GOP’s second argument concedes this exact point, relying on the assumption that the legislation is plain in its intention to prevent states from reducing net tax revenue. They suggest that the provision would amount to an “unprecedented and unconstitutional … federal usurpation of essentially one half of the State’s fiscal ledgers” by limiting the states’ ability to lower taxes. They argue that the provision would create a system that “would eliminate the democratic accountability that federalism serves to protect” by prohibiting governors from enacting any tax cuts. In their view, this amounts to a violation of the 10th Amendment.

But this is just not true. The bill doesn’t prohibit tax cuts. Instead, it requires—as a condition for choosing to accept aid—that states do not affirmatively choose to decrease net tax revenues. Governors still have policy control over the tax side of their balance sheet: Any number of tax cuts could be passed so long as they were balanced out by increased revenue elsewhere.

Finally, the GOP argues that the statute is unduly coercive, claiming states have no choice but to accept these funds during a pandemic. While the Supreme Court has not identified a clear, bright-line rule to determine what constitutes undue coercion, the Court did strike down mandatory Medicaid expansion in NFIB v. Sebelius. But this provision should be distinguishable from Medicaid expansion, given that the ARP funding is a temporary measure and affects policy for just three years. And while failing to adhere to the Medicaid conditionality would have resulted in a total loss of federal Medicaid funding for the state, the ARP conditionality does not threaten existing funding that states rely on. Essentially, the condition provides important protection to the federal government—that a contractual agreement to share burdens arising from revenue loss remain shared.

Although the GOP arguments don’t hold up to serious scrutiny, a judiciary inclined to diminish the federal government’s power to enact progressive change may still support them. If this lawsuit were vigorously litigated by both parties, a 6–3 conservative majority on the Supreme Court could build on NFIB and further limit the ability of the federal government to enact policy change through the spending power.

Therefore, in responding to this suit, Yellen faces a precarious choice. To fight the claim that the condition is unambiguous, the government would likely have to argue that the law unambiguously states that any tax policy change that creates a net revenue loss would need to be offset with a revenue increase. But such a broad provision could be seen as heavy-handed and push a conservative judiciary to find a violation of the anti-commandeering doctrine.

Alternatively, the Treasury Department could provide clarity on the tax provision through rulemaking. Per the Chevron doctrine, which makes commonsense regulation easier, courts would defer to an agency’s clarification of an ambiguous statute. But this could create a doctrinal conflict, as the Supreme Court has not considered whether a statute subject to the Pennhurst clear-notice rule can be clarified with agency regulation through Chevron deference. Until now this conflict between Pennhurst and Chevron has been the subject of scholarly work, and a few lower court cases, but this lawsuit could put the issue before the Supreme Court for the first time. If that happens, the current conservative-dominated Supreme Court, which is hostile to regulation, could respond by narrowing Chevron deference (if only slightly) while simultaneously weakening the federal spending power.

How can Democrats respond? The statute gives Yellen broad authority to issue necessary regulations. She could provide guidance to determine how the contract set forth in the ARP is to be executed, further rooting it in a clear burden-sharing agreement. First, the secretary could specify what particular fiscal effects qualify for this funding, such as revenue shortfalls, infrastructure gaps exposed by the pandemic, or inadequate revenue to restore services and rehire state employees let go earlier in the pandemic. Next, the Secretary could align that guidance with the certification process. Per the statute, states must provide certification that they require “the payment or transfer to carry out the activities specified.” A rigorous certification process would further strengthen the contractual nature of the appropriation. The secretary could add further guidance that the funding must be used to fill the gap between insufficient expected revenues and the stated intended use. These actions could strengthen the legal case that this statute is a contractual agreement. Of course, states are free to cut tax revenues if they so desire, but because this appropriation is a contractual agreement to burden-share, states shouldn’t be allowed to release their share of the burden after getting the money.

It’s possible that this lawsuit goes nowhere and the substantial costs of litigation for both sides deter further action. But regardless of what happens, the GOP will surely launch more legal attacks on the federal spending power. With the GOP shut out of the presidency and both houses of Congress, it will turn to the branch of government where it still exerts firm control: the judiciary. This case symbolizes a core challenge for the Biden administration: designing policy that can withstand a conservative legal onslaught. That battle will require legal argumentation and the use of regulatory power described above.

But perhaps most importantly, it demands a unique level of care and attention during the legislative process. Democrats must ensure they don’t provide easy bait for conservatives to further limit the federal government’s power. Justice John Roberts has already reinvented 10th Amendment federalism jurisprudence to gut not just the Medicaid expansion but also the Voting Rights Act. Justices Neil Gorsuch, Clarence Thomas, and Brett Kavanaugh stand ready to destroy the federal government’s ability to regulate to further progressive goals. At times, this may require sacrificing short-term progressive victories to ensure future ones can endure.

#### However, uniformity wins them, and other federal actors, over.

Mitchel Herian 11. Research Specialist at the University of Nebraska Public Policy Center, M.A. and Ph.D. from the University of Nebraska-Lincoln. *Governing the States and the Nation: The Intergovernmental Policy Influence of the National Governors Association*. Kindle.

The second reason it is advantageous to examine the NGA rather than individual governors is that a number of factors suggest that governors would be more effective in securing state-friendly policies for the states at large if they worked together. For example, governors are responsible for handling many of the federal funds that are granted to the states. Thus, they actively lobby Congress for policies that are favorable to them and their states, and it would make sense for governors to take a collective approach to such lobbying efforts. Obviously, the congressional delegation from Texas is unlikely to be swayed by the preferences of the governor of North Dakota, save for ideological or partisan reasons. In contrast, a united front by all governors—the most powerful policy actors within the states, and the central managers of federal funds flowing to the states—is more likely to gain the attention of all key federal policy actors.

However, the effort necessary to align the governors introduces a classic collective action problem (Olson 1965) that is somewhat distinct from those faced by other interest groups. Clearly, it is difficult to achieve unanimity among all governors on every issue that comes before them. Therefore, the NGA provides a place for governors to aggregate their policy preferences in a singularly stated policy position that, ideally, represents the interests of the governors and the states and provides the solution to the collective action problem that the governors face. Thus, the NGA is even more important to study because it provides the tools that governors use to organize their activities so that they can work together for maximum effectiveness.

### 2NC---Will Solve

#### Uniform state leveraging overcomes their solvency deficits on federalism being dead. This revitalizes it, because all governors are wrokign together.

#### A. The federal government cannot afford to say no—they are forced to concede.

Heather K. Gerken and Joshua Revesz 17. Professor of Law at Yale Law School and a third-year student at Yale Law School. “Progressive Federalism: A User’s Guide” Democracy Journal, Spring No. 44. <https://democracyjournal.org/magazine/44/progressive-federalism-a-users-guide/>

Needless to say, though, the devil is in the details. So below we offer a “user’s guide” that identifies four ways that progressive leaders—from Jerry Brown and Bill de Blasio to small-city mayors—can push back against federal policy and force compromise. And, in doing so, we hope to persuade even the most fervent nationalist to become a fan of federalism. While we fashion this as a progressive user’s guide, it could, in theory, work just as well for conservatives should they lose the presidency in 2020. That’s precisely the point.

Types of Resistance

We often forget that the federal government’s administrative capacity is modest, relatively speaking. Excluding the military, it employs just short of three million personnel. Its 2015 budget (excluding defense, Social Security, and mandatory spending obligations) was less than $600 billion. Together, state and local governments dwarf these figures, with more than 14 million workers and a combined budget of more than $2.5 trillion.

Because of this, Washington can’t go it alone. When Congress makes a law, it often lacks the resources to enforce it. Instead, it relies on states and localities to carry out its policies. Without those local actors, the feds cannot enforce immigration law, implement environmental policy, build infrastructure, or prosecute drug offenses. Changing policies in these areas—and many more—is possible only if cities and states lend a hand. This arrangement creates opportunities for federal-state cooperation. But it also allows for “uncooperative federalism”: State and local officials can use their leverage over the feds to shape national policy.

This means that states can shape policy simply by refusing to partner with the federal government. This form of resistance involves more than mere obstruction. It allows progressive states to help set the federal agenda by forcing debates that conservatives would rather avoid and by creating incentives for compromise. When states opt out of a federal program, it costs the federal government resources and political capital. That’s why President Trump has a lot more incentive to compromise with Democrats in Sacramento than with those on the Hill.

Examples of uncooperative federalism abound. For example, red states and blue states alike objected to some of the PATRIOT Act’s expansive surveillance and detention rules as an attack on civil liberties. Rather than just complaining, they instructed their officials not to collect or share certain information with the feds unless the actions accorded with the states’ constitutions.

Or consider marijuana. Federal dependence on the states is so pronounced in criminal law that Vanderbilt law professor Robert Mikos has argued that states can “nullify” federal marijuana law by withdrawing enforcement resources. Colorado and Washington have already done so. These changes may be entrenched enough that even Jeff Sessions’s marijuana-hostile Department of Justice won’t be able to change the equation.

On other occasions, states have avoided a head-on confrontation with the feds and instead waged wars of attrition. For example, consider the response to the No Child Left Behind Act, perhaps the centerpiece of George W. Bush’s domestic policy. States accepted the federal grant money, but slow-walked reforms and often fudged testing standards. Their recalcitrance won out: The Bush Administration gave up and granted states so many waivers that they effectively gutted the federal program. The war has continued with the Obama Administration, which has struggled to rope states and localities into cooperating with its education agenda.

#### B. Federal reliance on state enforcement creates leverage

Austin Raynor 15. JD, University of Virginia School of Law. “The New State Sovereignty Movement” *Indiana Law Journal*, Vol. 90, Issue 2. <https://www.repository.law.indiana.edu/ilj/vol90/iss2/4/>

Finally, opposition laws are capable of exerting a direct influence on both the federal government’s enforcement priorities and its substantive policies. The statutes with the most significant real-world impact in this respect fall into two categories: those that exempt conduct from state penalties and those that prohibit state officers from assisting in the enforcement of federal law.233 The former may convince the federal government to allocate enforcement resources elsewhere in order to address conduct criminalized under both state and federal regimes, while the latter may induce the federal government to alter its substantive policies in order to coax states into offering enforcement assistance.

The War on Drugs represents the most prominent setting in which state laws have significantly influenced federal enforcement priorities. The federal government lacks the resources to comprehensively enforce its marijuana ban: “[o]nly 1 percent of the roughly 800,000 marijuana cases generated every year are handled by federal authorities.”234 As a result, the federal government must carefully choose where to allocate its enforcement capital. Widespread state legalization235 of medical236 marijuana has apparently convinced the Department of Justice (DOJ) to moderate its prosecution of individuals who use the drug in compliance with state regulations.237 Attorney General Eric Holder announced in 2009 that “it will not be a priority to use federal resources to prosecute patients with serious illnesses or their caregivers who are complying with state laws on medical marijuana.”238

A contemporaneous memorandum issued to United States Attorneys reaffirms this policy,239 but is careful to note that “clear and unambiguous compliance with state law” does not “create a legal defense to a violation of the Controlled Substances Act.”240 The policy contained in the memorandum is therefore “intended solely as a guide to the exercise of investigative and prosecutorial discretion.”241 Thus, although state medical marijuana statutes are incapable of neutralizing federal penalties, they have achieved limited success by prompting (at least for now) a reallocation of federal enforcement resources.242 The current policy may even survive the transition to a new administration insofar as it creates reliance interests and special interest groups that serve as impediments to change.

Opposition statutes are also capable of influencing the federal government’s substantive agenda. Enactments that prohibit state officers from assisting in the enforcement of federal law are especially likely to have this effect for two reasons. First, state opposition can sensitize federal officials to constitutional concerns they had not previously been inclined to address. This phenomenon may already have materialized in the War on Terror, where local opposition to Patriot Act enforcement has repeatedly forced federal officials to publicly confront civil liberties issues that they would have preferred to ignore.243

Second, the federal government may be inclined to modify its position in order to induce state enforcement assistance. The War on Terror again serves as a paradigmatic example. Federal authorities lack the manpower to ensure national security on their own.244 And, under the anticommandeering rule, the federal government cannot mandate that state officers provide aid.245 It therefore has a powerful incentive to moderate its substantive position in order to persuade reluctant or dissenting states to cooperate.246 In short, federal dependence on state assistance may compel national lawmakers to grant concessions to state concerns in order to achieve federal policy objectives.247 Although the secrecy surrounding Patriot Act implementation makes a comprehensive evaluation difficult, certain indicators suggest that an effect of this nature may already have occurred.248

#### C. Federal antitrust resources are scarce, which wins them over.

Bruce H. Kobayashi and Joshua D. Wright 20. Professor of Law at George Mason University and the Executive Director of the Global Antitrust Institute, respectively. “Antitrust Exemptions and Immunities in the Digital Economy” 11/19/2020. The Global Antitrust Institute Report on the Digital Economy 30. <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3733747>

C. The Appropriate Role of State Attorneys General in Federal Antitrust Disputes

Federalism most often refers to the vertical relationship between the federal government and the states. Divergent viewpoints among antitrust enforcers can strain the system, thus comity and deference are crucial to efficient antitrust enforcement. A merger or acquisition is often scrutinized by multiple enforcers with multi-dimensional relationships.

For example, the Sprint/T-Mobile merger involved the Antitrust Division and Federal Communications Commission, who share a horizontal relationship, and state attorneys general, with which the federal agencies share a vertical relationship. Disagreement between enforcers may occur at either level.98 The merger between the two telecommunications firms was cleared by the FCC, the Antitrust Division, and ten state attorneys general.99 Although a settlement agreement—which required divestitures— was in the process of being approved, several other state attorneys general filed a lawsuit to block the merger anyway.100 Assistant Attorney General Makan Delrahim questioned the relief sought by the states,101 citing the federal agencies’ expertise in the matter.102 He noted that “a minority of states and the District of Columbia” were “trying to undo [the nationwide settlement],” a situation he believed was “odd.”103 Delrahim reaffirmed states’ rights to sue for antitrust violations but criticized their attempt to seek relief inconsistent with the federal government’s settlement.104

States may also enter settlement agreements with merging parties that are repugnant to sound antitrust enforcement. For example, in UnitedHealth Group/Sierra Health Services, the Nevada Attorney General required the merged firm to submit $15 million in charitable contributions which were not related to any antitrust violation.105 Similarly, Massachusetts entered a settlement agreement with two hospitals that required increased spending on select programs and the creation of other projects and programs unrelated to antitrust concerns.106

On the other hand, state antitrust enforcement can play a useful role in supplementing federal antitrust enforcement. First, the use of state autonomy within a federal system allows state and local governments to act as social "laboratories," where laws and policies are created and tested at the state level of the democratic system, in a manner similar (in theory, at least) to the scientific method.107 Thus, even if states enter into agreements with merging parties that the federal authorities view as anticompetitive or that impose ineffective remedies for the anticompetitive effects that would be generated by the merger, the information generated by such actions can be invaluable inputs into retrospective analyses of the competitive effects of mergers. These analyses are based on causal empirical designs which require both observation of post-merger price and quality effects from consummated mergers and the ability to compare these effects with a credible control group.108 For example, state interventions such as COPA or Certificate on Need Laws that allow hospital mergers that generate competitive effects in local geographic markets facilitate retrospective studies of hospital mergers that can be used to validate and improve the economic models and other tools used to predict merger effects.109

Second, in a system of federalism, the state enforcement of both the state and federal antitrust laws can be a valuable complementary resource that supplements scarce federal resources. Conflicts between the federal and state antitrust authorities are generated by the use of a cooperative or “marble cake” approach to federalism, where the tasks of the state and federal agencies are relatively undefined, overlapping, and imperfectly coordinated. In contrast, a “dual” or “layer cake” federalism approach, where power is divided ex-ante between the federal and state governments in clearly defined terms, can mitigate direct conflicts between state and federal authorities discussed above.

One such approach would be to divide authority for mergers on whether the effects of the transaction were contained within a state.110 For example, merger transactions with largely intra-state competitive effects would be left to the appropriate state authority to investigate and challenge if found to be anticompetitive. This would include many small mergers with local within-state geographic markets. But it would also include some larger mergers with intra-state effects, including large hospital mergers.111 Responsibility for mergers with interstate implications, such as the Sprint/TMobile merger mentioned above, would be allocated to the federal agencies.112

#### D. Uniformity wins over all federal policy actors. That’s herian from the perm debate

#### E. It has empirically worked across multiple policy arenas.

David A. Lied 13. Correspondent at The Associated Press. “Federal nullification efforts give local, federal police conflicting orders.” 6/21/2013. Police1. https://www.police1.com/federal-law-enforcement/articles/federal-nullification-efforts-give-local-federal-police-conflicting-orders-jA2JbyrzZKGgyZeE/

The Missouri legislation is perhaps the most extreme example of a states' rights movement that has been spreading across the nation. States are increasingly adopting laws that purport to nullify federal laws — setting up intentional legal conflicts, directing local police not to enforce federal laws and, in rare cases, even threatening criminal charges for federal agents who dare to do their jobs.

An Associated Press analysis found that about four-fifths of the states now have enacted local laws that directly reject or ignore federal laws on marijuana use, gun control, health insurance requirements and identification standards for driver's licenses. The recent trend began in Democratic leaning California with a 1996 medical marijuana law and has proliferated lately in Republican strongholds like Kansas, where Gov. Sam Brownback this spring became the first to sign a measure threatening felony charges against federal agents who enforce certain firearms laws in his state.

Some states, such as Montana and Arizona, have said "no" to the feds again and again — passing states' rights measures on all four subjects examined by the AP — despite questions about whether their "no" carries any legal significance.

"It seems that there has been an uptick in nullification efforts from both the left and the right," said Adam Winkler, a professor at the University of California at Los Angeles who specializes in constitutional law.

Yet "the law is clear — the supremacy clause (of the U.S. Constitution) says specifically that the federal laws are supreme over contrary state laws, even if the state doesn't like those laws," Winkler added.

The fact that U.S. courts have repeatedly upheld federal laws over conflicting state ones hasn't stopped some states from flouting those federal laws — sometimes successfully.

About 20 states now have medical marijuana laws allowing people to use pot to treat chronic pain and other ailments \_ despite a federal law that still criminalizes marijuana distribution and possession. Ceding ground to the states, President Barack Obama's administration has made it known to federal prosecutors that it wasn't worth their time to target those people.

Federal authorities have repeatedly delayed implementation of the 2005 Real ID Act, an anti-terrorism law that set stringent requirements for photo identification cards to be used to board commercial flights or enter federal buildings. The law has been stymied, in part, because about half the state legislatures have opposed its implementation, according to the National Conference of State Legislatures.

About 20 states have enacted measures challenging Obama's 2010 health care laws, many of which specifically reject the provision mandating that most people have health insurance or face tax penalties beginning in 2014.

After Montana passed a 2009 law declaring that federal firearms regulations don't apply to guns made and kept in that state, eight other states have enacted similar laws. Gun activist Gary Marbut said he crafted the Montana measure as a foundation for a legal challenge to the federal power to regulate interstate commerce under the U.S. Constitution. His lawsuit was dismissed by a trial judge but is now pending before the 9th U.S. Circuit Court of Appeals.

"The states created this federal monster, and so it's time for the states to get their monster on a leash," said Marbut, president of the Montana Shooting Sports Association.

The Supreme Court ruled in 1997 that local police could not be compelled to carry out provisions of a federal gun control law. But some states are now attempting to take that a step further by asserting that certain federal laws can't even be enforced by federal authorities.

A new Kansas law makes it a felony for a federal agent to attempt to enforce laws on guns made and owned in Kansas. A similar Wyoming law, passed in 2010, made it a misdemeanor. The Missouri bill also would declare it a misdemeanor crime but would apply more broadly to all federal gun laws and regulations — past, present, or future — that "infringe on the people's right to keep and bear arms."

U.S. Attorney General Eric Holder sent a letter in late April to the Kansas governor warning that the federal government is willing to go to court over the new law.

"Kansas may not prevent federal employees and officials from carrying out their official responsibilities," Holder wrote.

Federal authorities in the western district of Missouri led the nation in prosecutions for federal weapons offenses through the first seven months of the 2013 fiscal year, with Kansas close behind, according to a data clearinghouse at Syracuse University.

Felons illegally possessing firearms is the most common charge nationally. But the Missouri measure sets it sights on nullifying federal firearms registrations and, among other things, a 1934 law that imposes a tax on transferring machine guns or silencers. Last year, the federal government prosecuted 83 people nationally for unlawful possession of machine guns.

So what would happen if a local prosecutor actually charges a federal agent for doing his or her job?

"They're going to have problems if they do it — there's no doubt about it," said Michael Boldin, executive director of the Tenth Amendment Center, a Los Angeles-based entity that promotes states' rights. "There's no federal court in the country that's going to say that a state can pull this off."

Yet states may never need to prosecute federal agents in order to make their point.

If enough states resist, "it's going to be very difficult for the federal government to force their laws down our throats," Boldin said.

#### F. The fiscal and political costs are too high, and the federal government relies on state for too much

Heather Gerken 17. Professor of Law at Yale Law School “We’re about to see states’ rights used defensively against Trump.” Vox. 1/20/2017. https://www.vox.com/the-big-idea/2016/12/12/13915990/federalism-trump-progressive-uncooperative

Progressives have long been skeptical of federalism, with the role that “states’ rights” played in the resistance to the civil rights act and desegregation typically featuring prominently in their criticism. Its ugly history even led one 20th-century scholar to insist that “if one disapproves of racism, one should disapprove of federalism.” Even now, with every national institution in the hands of the GOP, progressives associate federalism with conservatism and shy away from invoking the language of federalism to change the policies they oppose.

That is a mistake. Federalism doesn’t have a political valence. These days it’s an extraordinarily powerful weapon in politics for the left and the right, and it doesn’t have to be your father’s (or grandfather’s) federalism. It can be a source of progressive resistance — against President’s Trump’s policies, for example — and, far more importantly, a source for compromise and change between the left and the right. It’s time liberals took notice.

Here are three important ways progressives can take a chapter from the conservatives’ playbook and use their control over state and local governments to influence the national agenda, shape policy results, and encourage political compromise. If Jerry Brown or Andrew Cuomo or Eric Garcetti is looking for a “to do” list for the next four years, it’s here.

Uncooperative federalism

People assume that if Congress changes a law, everything changes on a dime. They forget that Congress depends heavily on states and localities to implement federal policy.

The federal government doesn’t have enough resources to deal with immigration, enforce its own drug laws, carry out its environmental policies, build its own infrastructure, or administer its health care system. Instead, it relies on the states to do much of this work. We call such arrangements between the states and federal government “cooperative federalism.” But we forget that they create many opportunities for what Jessica Bulman-Pozen and I have called “uncooperative federalism.”

Progressives at the state and local level can influence policy simply by refusing to partner with the federal government. By doing so, they force issues onto the national agenda, foregrounding debates that the Republicans would rather avoid. More importantly, defeating state or local opposition costs fiscal resources and political capital the federal government would rather employ elsewhere.

The GOP-controlled federal government can’t put cops on every beat or bureaucrats at every desk; it needs state and local officials to get its agenda through. If blue states and cities refuse to implement Trump’s agenda, Republicans will sometimes be forced to compromise rather than pay a political and fiscal price.

### 2NC---Solves

#### Revitalizing uncooperative federalism solves---

#### A. Internationally---that’s Weatherholtz---states can form interstate agreements which fills the gap for federal inaction while allowing international agreements and treaties to be formed

#### B. Systemically---Effectively incorporating conflict with uncooperative federalism into climate regulatory regimes pushes incentives at all levels.

Hari M. Osofsky 11. Associate Professor at the University of Minnesota Law School, Associate Director of Law, Geography & Environment, Consortium on Law and Values in Health, Environment & the Life Sciences and Affiliated Faculty, Geography and Conservation Biology at the University of Minnesota. “Diagonal Federalism and Climate Change: Implications for the Obama Administration” ALABAMA LAW REVIEW, Volume 62, Number 2. <https://scholarship.law.umn.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1193&context=faculty_articles>

Cooperative federalism's greatest advantage as a basis for climate change regulation is its ability to create coordinated multiscalar action in which each actor provides its unique contribution. A number of scholars and policymakers have taken significant steps to sketch a framework for cooperative action. They are exploring the nuances of how collaboration might work among specific entities in particular policy areas. This analysis makes clear that cooperative approaches, if crafted well, incentivize action while making room for innovation. For instance, a Center for Progressive Reform study by William Andreen and others presents how localities states, and the federal government can work together on this problem.222 Alice Kaswan has also published an interesting cooperative federalism proposal bringing together these three levels of government, and Holly Doremus and W. Michael Hanemann have argued that the Clean Air Act provides a cooperative federalism model that could be used in crafting effective climate change legislation.223 Some dynamic environmental approaches combine cooperative federalism with other theories. For example, Brad Karkkainen's analysis of information-forcing environmental regulation brings together cooperative federalism and new governance approaches to consider how "[p]roperly structured, penalty default rules might be used to induce meaningful participation in locally devolved, place-based, collaborative, public-private hybrid, new governance institutions, aimed at integrated, adaptive, experimentalist management of watersheds and other institutions." 224 This particular combination of cooperative federalism and new governance approaches allows for innovative structures that encompass the multidimensionality of these problems.

However, other dynamic federalism scholars have questioned the extent to which cooperative models can capture the disagreement over climate change policy choices, and as a result, a stream of scholarship focusing on uncooperative federalism has emerged. This scholarship includes those directly terming their model "uncooperative," such as Karen Bridges, Kirk Junker, and Jessica Bulman-Pozen and Heather Gerken.225 But the literature also contains work like that of Ann Carlson and Robert Schapiro, which incorporates conflict in the dynamics they highlight.226 In addition, some scholars, such as William Buzbee, Ann Carlson, Robert Glicksman and Richard Levy, Alexandra Klass, and Bejamin Sovacool have looked at these questions of cooperation and conflict in a preemption context, arguing for the important complementary role that state and local efforts and state court common law litigation play in the broader environmental regulatory picture.227 Overall, this scholarship dealing with the limits of cooperative models explores the way in which disagreement over time should be brought into a federalist regulatory scheme.

This scholarship on conflict within federalism highlights two potential difficulties facing cooperative schemes. First, conflict exists. As Robert Schapiro has noted, cooperative schemes may struggle at times to address differences adequately and to include all relevant actors.228 Certainly, in the U.S. climate change context, states have and continue to vary greatly in how they want to approach the problem, as represented by the states on both sides of Massachusetts v. EPA. \*229

Second, and at least as importantly, conflict has value. Regulatory schemes that include opportunities for dissent, such as through citizen suit provisions, can potentially incorporate divergent views more effectively, as well as make sure that pressure remains on policymakers to think through tough issues.2 30 In two recent high-profile examples of conflict over motor vehicle emissions regulation-Massachusetts v. EPA and the California CAA waiver dispute-the change in presidential administration during their ultimate resolution helped to shape more rigorous national approaches. These approaches will continue to evolve as the Obama Administration develops its regulatory approach more fully over time in collaboration with California and automobile companies and attempts to navigate the intense partisan politics of climate change.231 However, as these examples illustrate, the Obama Administration will often need a mix of cooperation and conflict in this evolution over time to achieve effective multiscalar climate regulation; the conflict helps to air differences and to create pressure for action, while the cooperation allows for coordination and collaboration.

In sum, an effective diagonal strategy could be developed further through a combination of approaches skewed in any of the four dimensions. The key to creating the needed crosscutting interactions is to ensure that incentives for a variety of skews exist in a situationally appropriate fashion. Part IV examines what those incentives might be in the context of the Obama Administration's approach to motor vehicles regulation. It builds upon this Part's assessment of where skews lie in each of these dimensions to examine future possibilities for diagonal strategies in this area.

#### C. Federally---Revitalizing uncooperative federalism invigorates state litigation that balances out regulatory capture and polarization---without state involvement, it’s try or die.

Albert C. Lin 20. Professor of Law at University of California, Davis, School of Law. “Uncooperative Environmental Federalism: State Suits Against the Federal Government in an Age of Political Polarization.” *The George Washington Law Review,* Vol. 88:890. https://www.gwlr.org/wp-content/uploads/2020/08/88-Geo.-Wash.-L.-Rev.-890.pdf

Admittedly, policymaking through litigation is less than ideal. Federal judges are unelected, and litigation contributes to policy gridlock, piecemeal results, and uncertainty. State-versus-federal suits, however, can advance federalism interests and promote the separation of powers. Moreover, defenders of state public law litigation contend that these suits should be considered not in isolation, but in comparison to alternative, and perhaps more problematic, lawsuits that private plaintiffs would otherwise bring.

Consistent with the notion of uncooperative federalism, litigation against the federal government asserts state autonomy while potentially advancing federalism values of divided authority, accountability, and local control.325 This is most obvious when states defend their policymaking authority under cooperative federalism schemes or in the face of federal preemption.326 Yet many disputes that are primarily over national policy have a federalism component as well. For example, in Hodel v. Indiana, the state, in challenging federal restrictions of surface coal mining on prime farmland, contested both the overall national policy and the policy’s impact on states’ traditional authority over local land use.327

Successful state lawsuits can check abuses of power by the federal government and serve as deliberately chosen mechanisms for making policy.328 Even if state challenges to federal policy ultimately fail, the litigation process itself can still promote deliberation and democratic values. State public law litigation can provide a forum for direct public opposition between states and the federal government, offer a channel for states to express independent views, and force states and the federal government to provide a public accounting of their policies and underlying policy justifications.329 Consistent with dynamic federalism’s appreciation of the virtues of interactive state and federal involvement, state lawsuits against the federal government can enrich the dialogue on national policy.

State public law litigation on environmental matters often involves challenges to agency actions rather than federal statutes. For this important category of challenges, a separation of powers rationale further supports state suits. In theory, policymaking through federal agencies is less likely to be responsive to state concerns than policymaking in Congress, where states exercise influence through their elected representatives.330 To be sure, states can, and often do, participate in federal rulemaking,331 and federal legislators may look beyond concerns of the state or district they represent. The lack of direct voting power in administrative processes, however, arguably restricts states’ influence. State-driven challenges to agency policymaking can promote greater consideration of state interests and serve as checks on a federal executive branch that has become increasingly reliant on unilateral action to overcome congressional gridlock.332 These suits can also force the federal government to bargain with the states and can moderate the effects of polarization.333

Perhaps most importantly, the desirability of state public law litigation should not be considered in a vacuum.334 Lemos and Young have pointed out that industry, nongovernmental organizations, and other private actors often will sue to challenge a federal action, regardless of whether states sue.335 Litigation is almost inevitable for environmental policy initiatives. A 2016 Congressional Research Service report observed that “[v]irtually all major EPA regulatory actions are subjected to court challenge.”336 Even during the 1980s, when state suits challenging national policies were rare, former EPA Administrator William Ruckelshaus estimated that eighty percent of the EPA’s rules resulted in litigation.337 It thus seems unlikely that eliminating state-filed lawsuits would significantly impact the volume of environmental suits against the federal government. 338 Often, states are simply adding their voices to an already crowded courtroom. In contrast to industry or other nongovernmental plaintiffs, though, a state-plaintiff represents the public interest, albeit a state-centered notion of the public interest.339 Compared to private mechanisms for aggregating diffuse interests, state governments may be preferable plaintiffs because of their greater “democratic accountability” and “unique institutional perspectives.”340

Finally, many state challenges to national environmental policies—including various lawsuits surrounding federal climate policy— assert APA and similar statutory claims that a federal agency has acted arbitrarily, ignored procedural requirements, or failed to perform nondiscretionary duties.341 A reasonable argument can be made that APA claims—as well as most claims invoking other statutory or regulatory standards—require little policymaking by the courts. In most instances, courts simply enforce the law or ensure that an agency is acting within the discretion granted to it by Congress. Requiring an agency to adhere to legal constraints is not the same as engaging in policymaking. Thus, when the Supreme Court “h[eld] the EPA to standards of public rationality and evidence-based argument” in Massachusetts v. EPA, it determined that the EPA could not evade the problem of climate change by claiming a lack of statutory authority, and thereby left the policymaking to the EPA.342

#### D. State-federal bargaining solves and improves federal climate policy.

Jean Galbraith 17. Assistant Professor, University of Pennsylvania Law School. June 2017. “Book Review: Cooperative and Uncooperative Foreign Affairs Federalism.” Harvard Law Review. 130 Harv. L. Rev. 2131.

Broadly speaking, Glennon and Sloane argue that states and cities constantly engage in activities with transnational implications and that constitutional law should be capacious in permitting these activities. Central to Glennon and Sloane's account is a description of the kinds of transnational work that states and cities are doing in practice (pp. 55-76). For the most part, the authors see states and cities as seeking to fill voids left by federal inaction in the transnational space (pp. 45-55). Their account should cheer liberal hearts. States and cities are not just trying to look after their citizens abroad, ensure security at home, and bring in more foreign investment. They are also [\*2133] working to slow climate change, promote human rights, and push back against oppressive foreign regimes. Of course, this is only some states and cities. Others are pursuing policies at the other end of the spectrum, such as laws seeking to crack down on undocumented immigrants. Nonetheless, Glennon and Sloane's celebration of states, and especially cities, as potential guardians of liberal values feels eerily prescient in the wake of the 2016 election.

Glennon and Sloane draw a contrast between the dynamic state and local practice that they document and the contours of current Supreme Court doctrine. For Glennon and Sloane, the Court gets most issues of federalism and foreign affairs at least a bit wrong, and some quite wrong. They explore numerous aspects of the doctrine -- dormant preemption, statutory preemption, the relationship between state law and federal common law, the treaty power, and the ability of states to enter into agreements with foreign governments. It is only in the last of these areas that they are unqualifiedly approving of the current law, and this is because the Supreme Court has not developed doctrine but has instead left untouched an increasingly permissive practice (p. 277). In the other areas, Glennon and Sloane offer careful analysis and thoughtful critiques of existing doctrine. One need not agree with each of their characterizations and preferred solutions to find their book to be an informative and valuable contribution to the literature on federalism and foreign affairs.

Yet Glennon and Sloane's doctrinal focus does not adequately excavate the ways in which states and local governments engage in foreign affairs and how these ways relate to federal law and practice. It brings to mind a scene in Huckleberry Finn, in which Tom Sawyer insists that he and Huck must dig a tunnel with case-knives rather than pickaxes because he has "read all the books that gives any information about these things [and t]hey always dig out with a case-knife." n6 After hours of fruitless labor, Tom then sets down his case-knife and says, "Gimme a case-knife." n7 As Huck narrates, "I didn't know just what to do -- but then I thought. I scratched around amongst the old tools, and got a pickaxe and give it to him, and he took it and went to work, and never said a word. He was always just that particular. Full of principle." n8

Glennon and Sloane's focus on the constitutional aspects of foreign affairs federalism as determined by the Supreme Court has some kinship with a case-knife. It works very well for some things, but not so well for understanding how various branches and levels of government [\*2134] are empowered or constrained with respect to foreign affairs. One reason for this, which Glennon and Sloane acknowledge, is simply that Supreme Court doctrine is not always a reliable guide to practice in foreign relations law, because the Court's interventions are sporadic, discrete, and heavily limited by justiciability doctrines. More fundamentally, Glennon and Sloane pay relatively little heed to how actions by the federal political branches may affect the behavior of state and local governments. Instead, they largely assume that state and local governments are engaging against a backdrop of federal inaction. This leads them to pay particular attention to the doctrine of dormant foreign affairs preemption and to emphasize the virtues of states and cities as laboratories of democracy. Where they do consider how action by the federal political branches might affect state and local engagement in foreign affairs, they look almost exclusively at issues of preemption.

But the increasingly transnational nature of our society has done much more than raise the likelihood of state and local involvement in transnational issues. It has also made it much more likely that the federal political branches and state or local governments will find themselves interacting with respect to these issues. Such interactions have long been a mainstay of domestic federalism. The phrase "cooperative federalism" speaks to how the federal political branches can encourage state and local governments to pursue federal policies, including through the use of federal funding. n9 More recently, Professors Jessica Bulman-Pozen and Heather Gerken have used the phrase "uncooperative federalism" to describe the ways in which state and local governments can in turn shape or resist these federal policies. n10 Much of foreign affairs federalism -- indeed, I suspect most of foreign affairs federalism -- is now cooperative or uncooperative.

Climate policy provides a good example. Glennon and Sloane portray progressive state and local governments as having stepped up to act on climate change mitigation, including by embracing international standards, "despite the federal government's failure to ratify the Kyoto Protocol" (p. 62). They identify efforts undertaken by California as a leading example (pp. 62-63). Reading their description, one might think that state and local governments are standing alone against climate [\*2135] change and that their legal ability to do so turns on their power to regulate against a backdrop of federal silence. In practice, however, the most important developments with respect to climate regulation have involved interactions between the federal and state political branches. During the George W. Bush Administration, the biggest impact that liberal states had with respect to climate change was likely their distinctly uncooperative decision to sue the Environmental Protection Agency for failing to regulate greenhouse gases under the Clean Air Act. n11 Their victory in that case in turn provided California and other states with some authority to regulate greenhouse gas emissions under the cooperative federalism scheme set forth in the Clean Air Act. n12 At least since that time, debate in the courts around the legality of California's actions has centered on the scope of the Clean Air Act and administrative law principles, not on dormant foreign affairs preemption. n13

### Fed overreach doesn’t happen in this specific case

#### Tenth Amendment anti commandeering doctrine prevents executive and judicial actions that try to coerce states.

Jonathan Remy Nash 16. Hall Professor of Law and Associate Dean for Research AT Emory University School of Law. “Doubly Uncooperative Federalism and the Challenge of U.S. Treaty Compliance” Columbia Journal of Transnational Law, Vol. 55, No. 3, 2016. <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=29696732>. \*edited for gendered language

Executive Order Directed Toward the States

The power of executive orders to compel state compliance with a treaty is limited. The Court in Medellín made clear that the President lacks the unilateral power to convert a non-self-executing treaty into domestic law.123 The Court emphasized that Congress had to be involved in a decision to make a treaty effective domestically— whether by ratifying a self-executing treaty or by enacting executing legislation pursuant to a non-self-executing treaty.124 For this reason, the President’s attempt to achieve the same goal via executive order ran afoul of constitutional separation of powers.125 The Medellín Court left open the possibility that the President might validly exercise such power in other settings, such as where a treaty was selfexecuting or where Congress has indicated some intent to have a non-self-executing treaty apply domestically through the enactment of executing legislation.126

Of course, whatever leeway the President enjoys via executive power is necessarily circumscribed by the anticommandeering principle.127 Surely the President cannot compel a state to act on his own if ~~he~~ (they) could not achieve the same goal together with Congress.

3. Lawsuit Brought by the Federal Government Directly Against a State

Consider next whether the federal government might sue to compel a state to comply with a treaty. The federal government’s ability to proceed will be at its maximum in the rare settings where Congress has explicitly authorized such actions.128

Consider now the possibility of having the federal government obtain an injunction against a state to compel compliance with a self-executing treaty.129 While sovereign immunity poses no bar,130 the rest of the legal landscape here is less than clear. The Supreme Court has recognized the federal government’s standing to bring such an action only in dicta.131 At the same time, lower federal courts have allowed such suits,132 to the applause of some commentators.133

Still, the legality of such suits is not without controversy. The federal government has argued before the ICJ that, even where action by a state might result in a breach of an international obligation, as a consequence of federalism, “Federal Government officials do not have the legal power to stop [that action] peremptorily.”134 Indeed, the questionable legality of such suits—perhaps combined with the public reaction to such efforts—may itself be a barrier to such litigation being pursued.135

Once again, it seems that the anticommandeering principle limits the national government’s ability to harness the federal judiciary to compel states to enact laws (even if a treaty calls for the enactment of such laws).136 Were that not the case, the government would have access to an end-run around the principle.

### Their card specifically talks about coercion via withholding spending

#### Spending doesn’t coerce the states

#### A. durable fiat means that the action of the counterplan has to happen---the condition must occur, otherwise vote neg on the aff never happening

#### B. Administrative entrenchment ensures states can weather financial coercion and partisanship.

Jesse M. Cross and Shelley Welton 21. Both are Assistant Professors at the University of South Carolina School of Law. “Making Federalism Work: Lessons From Health Care For The Green New Deal" University of Richmond Law Review, Spring 2021, Volume 55. 4/22/2021. https://lawreview.richmond.edu/2021/05/20/making-federalism-work-lessons-from-health-care-for-the-green-new-deal/

C. Administrative Entrenchment

A final type of entrenchment that the ACA experience speaks to could be labeled “administrative entrenchment.” This refers to the idea that, when a state administers a federal program over an extended period, the state often will develop a competent bureaucracy to manage the program. Eskridge and Ferejohn have spoken to this quality of institutional entrenchment,183 and Gluck has noted its relevance to state-level bureaucracies administering federal programs, including Medicaid.184 Chief Justice Roberts also identified administrative entrenchment in the Medicaid context in NFIB, remarking that threats to take away state Medicaid funds are unduly coercive partly because “the States have developed intricate statutory and administrative regimes over the course of many decades to implement their objectives under existing Medicaid.”185

According to research from several academic fields, new reform projects can receive two important benefits when they are designed as expansions of administratively entrenched programs.186 First, this entrenchment can provide state-level policymakers and stakeholders with confidence in a state’s ability to undertake additional reform projects, thereby potentially making these pivotal actors more receptive to such projects.187 Second, this entrenchment provides state governments with a heightened capacity to design and implement these new programs, ideally resulting in greater effectiveness and efficiency in program administration.188

In theory, therefore, administrative entrenchment should offer increased likelihood of adoption and increased effectiveness in implementation. In practice, the experience of the ACA reflects these predictions, albeit with some wrinkles caused by hyperpartisanship.189 At least two studies of the Act’s implementation have concluded that, despite the overriding role of partisanship, existing state administrative capacity still increased the likelihood of states undertaking the Medicaid expansion.190 In particular, these studies suggest that administrative capacity may have played a role in convincing a handful of Republican-controlled states to adopt the expansion. As one study described it: “Partisanship is a constraint, but it is not a death sentence. [The Medicaid expansion suggests that] [e]nhanced administrative resources and attention to established policy trajectories may offer strategic levers and points of intervention to moderate the depressive effects of party control where they exist.”191

In light of these studies, it is reasonable to conclude that prior administrative entrenchment of the Medicaid program has been another factor contributing to the comparatively high rate of state participation in Medicaid expansion, relative to Exchange participation. As such, it provides another reason, albeit a modest one, to consider designing new reforms as expansions of existing federalism-oriented programs.

The experience of the Medicaid expansion more clearly affirms the continued relevance of the second benefit cited by research into administrative entrenchment: more effective and successful implementation among participating states. In the case of the Exchanges, several states that created state Exchanges found themselves overwhelmed by technical and administrative difficulties— setbacks so severe that some states entirely abandoned their state Exchanges in favor of hybrid or federally run Exchanges.192 By contrast, no state appears to have encountered comparable administrative setbacks in its Medicaid expansion. There is good reason to think that these contrasts in implementation are attributable, in significant part, to the fact that the Medicaid expansion utilized entrenched state-level Medicaid administrations, whereas the Exchange-based reforms did not draw upon comparable state-level bureaucracies (or, at a minimum, required entrenched state-level bureaucrats to undertake relatively novel tasks).193

In sum, the ACA’s experience suggests that one way to ensure broader uptake of federalism-based programs, and thus more fulsome accomplishment of programmatic goals, is to build upon entrenched administrative structures and statutory programs. Such buttressing cannot assure success, or ward off legal risk, but does enhance the chances of a program garnering the political and practical support needed to spread more widely among the states.

#### C. Economic, and other, incentives no longer explain whether states concede to federal policy.

Jesse M. Cross and Shelley Welton 21. Both are Assistant Professors at the University of South Carolina School of Law. “Making Federalism Work: Lessons From Health Care For The Green New Deal" University of Richmond Law Review, Spring 2021, Volume 55. 4/22/2021. <https://lawreview.richmond.edu/2021/05/20/making-federalism-work-lessons-from-health-care-for-the-green-new-deal/>

II. THE USES (AND LIMITS) OF FEDERAL FUNDS AND INCENTIVES

Particularly since the New Deal, federal programs routinely have relied on the power of economic incentives to induce desired activity by state and private actors.81 In relying upon incentives, program designers have assumed that these are economically rational actors, who will undertake federally desired projects so long as it makes financial sense to do so.82 In prior decades, this economic-rationality assumption has proven accurate. There have been notable exceptions, of course—with poorer southern states sometimes proving less responsive to federal welfare program enticements than their wealthier northern counterparts, for example.83 Yet a variety of studies examining state action have concluded that, by and large, state governments are indeed rationally responsive to economic inducements.84 And a host of landmark federal statutes have successfully leveraged economic incentives to achieve desired reforms.85 This story changed, however, with the ACA.

A. Motivating States

The story of Medicaid expansion offers a particularly salient lesson about the present-day limits of economic incentives. In practice, this expansion presented states with a choice either to adopt the Medicaid expansion or to retain their pre-ACA Medicaid program. The question, therefore, was whether the economic incentive of further federal subsidization would induce states to expand their Medicaid programs. (Recall that this ultimate state choice was different from that intended by the architects of the ACA, who meant to give states the draconian choice between adopting the Medicaid expansion and abandoning their Medicaid programs entirely—a structure the Supreme Court rejected in NFIB.86)

Even as modified by the Court in NFIB, the financial incentives for states to adopt the expansion were overwhelming. As Part I explained, the federal government covered 100 percent of a state’s expansion-related costs for an initial three-year period—and, in future years, it would never cover less than ninety percent of costs.87 These rates far exceeded the federal contribution rates under the traditional Medicaid program, which range in practice from fifty percent to seventy-seven percent.88 Moreover, the costs that states would bear regarding expansion would be partly offset by the reduction of uncompensated care within the state, the cost of which typically falls heavily on the state (or its health care system).89

Despite this powerful financial incentive, many states declined to expand.90 In the wake of the Act’s passage, factions within the Republican Party began to argue that state expansion was a form of complicity with the ACA, and these factions persuaded a number of state-level party leaders not to pursue expansion.91 By 2016, the final year in which states could receive 100 percent federal compensation for expansion-related services, nineteen states still had not decided to expand.92 Today, twelve states still have not undertaken the expansion (see Figure 1).

A picture containing chart

Description automatically generated

It seems, then, that partisan loyalty has trumped economic rationality in many southern and some midwestern and western states. One might have hypothesized that states with the direst health care needs would be most likely to overcome partisan wrangling. But several studies have concluded that financial factors (and, in particular, levels of state economic need) have not driven state decisions on Medicaid expansion.94 Moreover, states that had particularly lean Medicaid programs prior to the ACA, and which therefore stood to gain the most via expansion, have proven particularly unlikely to expand.95 The impact of federal financial incentives under the expansion, it seems, has been far more muted than prior federal experience and pre-ACA research would suggest.

The experience with Exchanges under the ACA reinforces these lessons about the limited effect of incentives on states (although, in this case, not with respect to economic incentives). As rational actors, it was thought, states would prefer to establish their own Exchanges rather than defer to federal Exchanges, to maximize their control over the state’s insurance market. This incentive presumably would weigh most heavily upon Republican-controlled states that traditionally have voiced concern for states’ rights and local control over policymaking.96 As Republican grassroots campaigns and lobbying organizations pressed party leaders to abstain from all participation in the Act’s reforms, however (such as by mailing envelopes of string to Scott Walker to impugn his proposed attachment to federal funds),97 various Republican-controlled states elected to defer to federal Exchanges.98 For 2021, there are fifteen state Exchanges, six federally supported Exchanges, six state-federal partnership Exchanges, and twenty-four federally facilitated Exchanges (see Figure 2).

Diagram

Description automatically generated

As with the Medicaid expansion, therefore, the Exchange-based reforms underscore that, in the current hyperpartisan landscape, politics may often trump the types of rationality assumed by incentive-driven regulatory approaches.

One reasonable conclusion to draw from the ACA’s experience with targeted state incentives might be that these are no longer a wise tool for statutory design. But the ACA experience also offers a more nuanced lesson. It instructs that when economic incentives are used, it is vital to buttress them with “backstop” policies—i.e., with policies that, in the absence of rational economic behavior, will apply and achieve statutory goals. When states elected not to create state-run Exchanges, a backstop policy ensured that Exchanges nonetheless would exist in these states—in this case, in the form of federally run Exchanges.100 As a result, Exchanges now exist in all fifty states (see Figure 2, supra).101

By contrast, when states opted not to pursue the Medicaid expansion, there was no fallback policy to provide the expansion population with insurance by other means. (Perversely, many of these individuals do not even receive as a fallback the subsidies that are provided to low-income individuals on the Exchanges; those subsidies assumed a mandatory Medicaid expansion and, therefore, were not drafted to apply to individuals below the poverty line.102) The lack of a backstop policy was due to the fact that, as originally drafted, the ACA intended to make the decision to forego Medicaid expansion so draconian that no state was thought likely to object.103 But following the NFIB opinion, which rendered state Medicaid expansion more voluntary, hyperpartisan politics trumped economic rationality. As a result, vulnerable populations in nonexpansion states—which amount to approximately 4.4 million people nationwide—are simply going uninsured.104 The presence or absence of a legislative backstop to guard against irrationality among the states, therefore, has proved a crucial design difference between the Act’s two reforms—a difference that has allowed the Exchanges to be more successful than the Medicaid expansion with respect to the goal of expanded health care access. (Indeed, in a sad twist of irony, Erin Ryan has suggested that inclusion of a federal Medicaid backstop might have saved the Medicaid program as originally drafted, since states would not have faced the “all-ornothing dilemma” that rejecting Medicaid expansion posed in the original ACA.105)