# NU – Round 6 – Emory BW vs UTD BM

# 1NC

## 1---K

### K Capitalism---1NC

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

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

I. Neoliberal Reason

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

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

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

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

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

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

II. From Keynesian State Capitalism to Neoliberal Deregulation

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

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

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

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

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

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

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

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

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

#### Capitalism drives extinction and structural violence

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

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

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

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

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

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

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

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

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

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

## 2--- Notice Cp

### \*Notice and Comments CP---1NC

#### Text: The United States federal government should delegate antitrust rulemaking authority to a new expert agency. The agency should begin notice-and-comment rulemaking to prohibits agricultural mergers that cause a significant increase in concentration

#### Solves the case, engages notice and comment, and avoids courts disads.

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Without the informational benefits of expertise and notice-and-comment rulemaking, the Court may be a poor choice to define the broad proscriptions of the Sherman Act. Framed this way, the problem has an obvious solution: give the power to interpret the Act to an expert agency.240 This idea has academic support already, 241 and the case for it is strengthened by this Article's observation that the Court has tried to approximate administrative decision making by relying on amicus briefs. The obvious candidates for reallocation are the two existing antitrust agencies: the Department of Justice's Antitrust Division and the FTC.

A. The Agency Solution

Using agencies to give specific meaning to American antitrust's most important statute means avoiding the problems with the Court's current quasi-administrative process for rulemaking. As adjudicators, agency experts would know what kind of economic evidence is necessary for an efficient solution and would be better able to understand it when it is presented by the parties. Repeat exposure to antitrust cases would only reinforce this advantage, while also giving the administrative judges a broader perspective on what kinds of conflicts commonly arise in competition law, a perspective necessary for efficient policy making in the first instance. A Supreme Court Justice hears about one antitrust case a year, hardly the cross section of controversies necessary to make efficient economic policy writ large.

Agencies could take policy making a step further using notice-and-comment rulemaking. Unlike in adjudication, regulation by rulemaking can be initiated without the formal requirements of a case or controversy and a proper appeal to the Supreme Court. Informal letters of complaint could spark an investigation. A rule-making agency could announce its intention to regulate publicly and provide a convenient venue for, or even solicit, expert opinions on the economic impact of the proposed rule. Not only would it have the benefit of these numerous perspectives, but it would also have the obligation to respond to them in a reasoned manner. Its rule would be subject to judicial review, affording an opportunity to catch mistakes 242 or invalidate rules that do nothing but deliver rents to special interests.

Another advantage of rulemaking, an option for agencies but not for the Court, since it only operates through adjudication, is that rulemaking regulates behavior ex ante, while resolution of economic policy through cases is necessarily ex post. Antitrust courts worry obsessively about "chill"--deterring procompetitive behavior with overly broad rules for liability.2 43 In fact, the overruling of Dr. Miles in Leegin implies that the entire twentieth century was a period of inefficient business practices and stunted innovation in distribution because of an early misunderstanding of RPM. Only after a long and expensive period of litigation was Leegin redeemed for breaking the law by effecting a change in the law, and only after Leegin was issued were similar firms, perhaps walking the Colgate line better than Leegin, redeemed for wanting some control over their product's ultimate retail price.24 4 The problem of ex post rulemaking is made worse by the treble damages afforded successful plaintiffs suing under the Sherman Act.2 4 5 To create a new form of liability, the Court has to punish a firm threefold for complying with standing antitrust norms. Thus Supreme Court lawmaking in antitrust is a kind of one-way ratchet.246

The result of the current ex post scheme is that "antitrust law leaves considerable gaps between what is permissible and what is optimal." 2 47 With judges making the rules one case at a time, this gap is justifiable. As discussed above, when judges are not economically sophisticated enough to know where "optimal" lies, 24 8 laissez-faire is a very inexpensive regulatory regime for courts to follow, and raising the level of regulation would effect a kind of taking of property from firms operating under the status quo. So if the Court is making antitrust policy, laissez-faire may be the only sensible approach. But that is not to say that it is the most sensible approach. An agency could provide firms with the necessary clarity-ex ante-that they need when conducting business in a world where competitive behavior so closely resembles anticompetitive conduct. The current state of affairs is that much more is illegal on the books than antitrust lawyers think is actually likely to be struck down in a court.24 9 Lawyers thrive in such a legally uncertain world, but firm efficiency suffers.

#### Key to democracy and court acquiescence---notice and comment engages participants and creates deference.

Harry First and Spencer Weber Waller 13. Harry First, New York University School of Law. Spencer Weber Waller, Loyola University Chicago School of Law. “Antitrust’s Democracy Deficit”. Fordham Law Review, Volume 81 Issue 5 Article 13. https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=4890&context=flr

Redressing antitrust’s democracy deficit on the procedural side can be done with the tools of administrative law. Administrative law is the body of law that controls the procedures of governmental decision making.151 It allows interested persons to participate in decisions that affect their interests. Normally, it requires appropriate notice, the right to be heard, fair procedures, protection of fundamental rights, and judicial review of the resulting decision. These basic features are present in the administrative laws of most foreign legal systems and are part of a growing international consensus.152 The tradeoff is that the decisions of administrative agencies that properly follow these strictures normally are granted a degree of deference as to the interpretation of the laws they enforce.153 Frequently, but not inevitably, private parties also have the right to proceed with actions for damages against private parties who violate their regulatory obligations and even against the government itself when it acts unlawfully, either substantively or procedurally. These tools of administrative law are available to make antitrust enforcement decisions more transparent and more responsive to the interests that the antitrust laws were meant to serve, thereby promoting both better decision making and greater democratic legitimacy.

CONCLUSION

Free markets and free people cannot be assured by the efforts of technocrats. Ultimately, both come about through the workings of democratic institutions, respectful of the legislature’s goals and constrained from engaging in arbitrary action. Antitrust has moved too far from democratic institutions and toward technocratic control, in service to a laissez-faire approach to antitrust enforcement. We need to move the needle back. Doing so will strengthen the institutions of antitrust, the market economy, and the democratic branches of government themselves.

#### Democracy solves war

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Despite Churchill’s famous quip—“Democracy is the worst form of government, except for all those other forms that have been tried from time to time”2—democracy is seen as a source of both domestic and international flourishing. Democracy, understood roughly for now as a political system with wide suffrage in which power is allocated to officials by popular election, can solve or help solve a host of problems with stunning success. It can solve the problem of revolutionary violence that condemns autocratic regimes, because mass politics can work at the ballot box rather than the streets. It can help solve the problem of famine, because the systems of free public communication and discussion that are essential to democratic politics are the backbone of the markets that have made democratic societies far richer than their competitors. It can help solve the problem of environmental despoliation, which occurs when those operating polluting factories (whether private citizens or the state) do not need to answer for harms visited upon a broad public. And democracy has been famously thought to help solve the problem of war, in the guise of the idea of the “peace amongst democratic nations”—an idea emerging with Immanuel Kant in the Age of Enlightenment and given new energy with the wave of democratization at the end of the twentieth century.

## 3---Japan DA

### Japan---1NC

Japan DA

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

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

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

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

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

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

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

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

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

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

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

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

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

IV. Extraterritorial antitrust and foreign deregulation

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

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

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

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

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

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

II. Extraterritorial Application of U.S. Antitrust Laws

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NO RIGHTS

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

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

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

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

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

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

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

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

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

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

NO LIMITS

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

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

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

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

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

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

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

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

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

TAKING AIM

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

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

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

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

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

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

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

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

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

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

## 4 --- FTC DA

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

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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.

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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 FT C’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.”

## 5 - CP

#### The United States Congress should pass a law that prohibits agricultural mergers that cause a significant increase in concentration

#### Congress solves.

Bill Baer et al 20. Visiting fellow in governance studies at The Brookings Institution, previously served as the assistant attorney general of the Antitrust Division and as the acting associate attorney general of the U.S. Department of Justice and in a variety of roles at the Federal Trade Commission, including director of the Bureau of Competition. “Restoring competition in the United States” Washington Center for Equitable Growth. 11-19-20. <https://equitablegrowth.org/research-paper/restoring-competition-in-the-united-states/?longform=true>

Substantive antitrust reforms Over the past 40 years, the **federal courts** have increasingly advanced a **skeptical and cramped view of the antitrust laws.** They often rely on economic assumptions that, at best, are **no longer valid** and, at worst, **never were**.10 As a result, the courts **increasingly saddle plaintiffs with inappropriate burdens**, making it unnecessarily difficult to prove meritorious cases and allowing anticompetitive conduct to escape condemnation.11 In two recent merger cases, for example, courts expressed doubt that a company would use its enhanced market power to increase its profits.12 **Courts too often reject the best, direct evidence of anticompetitive harm**, and instead require an elaborate analysis of indirect evidence of market definition, market share, and market power.13 In the recent Federal Trade Commission v. Qualcomm Inc. case, the U.S. Court of Appeals for the Ninth Circuit even concluded, bizarrely, that harm to customers is not a relevant anticompetitive harm.14 Together, **flawed legal precedent and erroneous economic reasoning** create a daunting hurdle to effective antitrust enforcement. The resulting harm goes far beyond the effects in individual cases. None of this is what Congress intended when it passed the Sherman Antitrust Act of 1890 and subsequent antitrust laws over the course of the 20th century. Without **further legislative direction**, the courts are almost certain to continue to narrow antitrust protections. **Market power will increase**. More consumers and companies will buy goods and services from dominant firms. More small business and workers will sell to, or work for, firms with monopsony power. **Less innovation will occur.** And the negative byproducts of market power—**increased inequality**, less diversity of voices, and increased concentration of political power—**will worsen.** Without **significant legislative reform**, more vigorous antitrust enforcement likely will have only a **modest impact on market power.** Although effective litigation strategies can limit or overturn bad legal precedents or develop new ones, **that process is painfully slow.** It can take years to achieve even a single success. And given the **current perspective of the federal courts**, there is no guarantee that aggressive litigation strategies will be successful. Congress need not passively accept today’s cramped interpretation of the antitrust laws. It should once again reassert its commitment to competition by updating our antitrust laws and **directing the courts to better protect competition,** consumers, and workers. Legislation allows Congress to make broad policy judgments about what the antitrust laws should prohibit and the **best legal rules for achieving those results.**

## 6: Court Politics

#### The Supreme Court will decline to overturn Roe v. Wade now—Roberts’ influence the conservative bloc is key

Ziegler 21 (Mary - law professor at Florida State University, “The potential silver lining for supporters of abortion rights,” 5/20/21, https://www.bostonglobe.com/2021/05/20/opinion/potential-silver-lining-supporters-abortion-rights/)

Dobbs v. Jackson Women’s Health involves a Mississippi law banning abortion at or after 15 weeks of pregnancy, with exceptions for some medical emergencies and severe fetal abnormalities. Most abortions — over 92 percent, according to the most recent data from the Centers for Disease Control and Prevention — occur in the first trimester, and if the Mississippi law is allowed to stand, those wouldn’t be blocked. But pro-choice Americans have reason to be concerned. To uphold Mississippi’s law, the court’s conservative six-justice majority would have to overturn at least part of Roe v. Wade and the abortion-rights cases that followed it. That’s because Roe recognized a right to choose abortion before fetal viability — the point at which survival outside the womb is possible — which is usually somewhere between 22 and 24 weeks. Because Mississippi’s ban would kick in much earlier, the court will be able to uphold it only by eliminating Roe’s language about fetal viability or by reversing Roe altogether. Of course, predicting the outcome of abortion cases has proved to be devilishly hard. In the early 1990s, the Supreme Court had a six-justice conservative bloc and a case teed up to reverse Roe, yet the justices balked when the moment came. It’s certainly possible that something similar could happen this time around. Chief Justice John Roberts, who cares about safeguarding the court’s legacy (and his own), may persuade his conservative colleagues not to go all the way to eliminating abortion rights.

#### Ruling against big business interests drains Roberts’ capital—counter to conservative lobbying efforts

Pickerill 17 (J. Mitchell – Professor of Political Science at Northern Illinois University & Cornell W. Clayton- - Professor of Government at Washing State University, “The Roberts Court and Economic Issues in an Era of Polarization,” p. 695-98, *Case Western Reserve Law Review*, Volume 67, Issue 3, https://core.ac.uk/download/pdf/214111285.pdf)

A. The Emergence of a Conventional Wisdom: The Roberts Court is Decidedly Pro-Business By now, the Roberts Court’s reputation as a pro-business Court has become something like the conventional wisdom for Supreme Court scholars and commentators. In 2008, Jeffrey Rosen wrote an article titled Supreme Court, Inc. in New York Times Magazine.7 Rosen argued that, whereas the Court had embraced a form of “economic populism” throughout most the latter half of the twentieth century, by the 2000s it had transformed into a decidedly pro-business venue.8 A generation ago, progressive and consumer groups petitioning the court could count on favorable majority opinions written by justices who viewed big business with skepticism—or even outright prejudice. The economic populist William O. Douglas, a former New Deal crusader who served on the court from 1939 to 1975, once unapologetically announced that he was “ready to bend the law in favor of the environment and against the corporations.”9 Today, however, as Rosen pointed out, “there are no economic populists on the court, even on the liberal wing.”10 In addition to quoting pro-business statements from members of the so-called liberal wing of the Roberts Court at the time, Rosen noted that, when compared to prior years, the proportion of cases involving business interests was up about ten percent during the early years of the Roberts Court.11 Rosen also highlighted several cases involving antitrust law, corporate mergers, punitive damages, and product liability in which the interests of big business seemed to be faring well in the Court.12 These cases didn’t seem to split the Roberts Court along conventional ideological lines. In a 2009 law review article, Rosen reported that, when he asked Justice Stephen Breyer about the Court’s probusiness orientation, “he did acknowledge that there might be a difference between constitutional cases, where Justices have strong preconceptions and philosophical commitments, and more technical, statutory cases, where they are more open-minded and amendable to argument.”13 Finally, Rosen explained the pro-business shift as a function of a decades-long effort by conservative and business groups to counter the effects of consumer groups and public interest litigation groups like Public Citizen. 14 In particular, he credited the U.S. Chamber of Commerce’s lobbying efforts and the National Chamber Litigation Center, established in 1977, for advocating business interests in state and federal courts. 15 Various examples and statistics indicated that through filing amicus briefs on behalf of business interests, the Chamber was successful both in persuading the Court to grant certiorari and on the merits in particular cases. Although Rosen’s article garnered much attention, he was not the only journalist or commentator claiming the Court was “probusiness.”16 For example, writing for Bloomberg Business, Michael Orey declared that the Roberts Court was “open for business.”17 And in an article in the Wall Street Journal, Brent Kendall explained that the Supreme Court is “making it easier for companies to defend themselves from the kinds of big lawsuits that have bedeviled them for decades.”18 Some legal academics agreed. For instance, Erwin Chemerinsky wrote that “the Roberts Court is the most pro-business Court of any since the mid-1930s.”19 All of this attention to the Roberts Court and its business decisions led to further academic research and scholarship examining whether and to what extent the Roberts Court could be considered “pro-business.”20 Much of the early characterization of the Roberts Court as “probusiness” has been based on specific Supreme Court decisions, such as Ledbetter v. Goodyear Tire & Rubber Co.21 and Riegel v. Medtronic, Inc., 22 or specific Supreme Court terms, such as the 2006 term in which the U.S. Chamber of Commerce won in thirteen of the fifteen cases in which it had filed a brief.23 Nonetheless, there have also been more systematic analyses of the Court and its disposition toward business interests. Lee Epstein, William Landes, and Richard Posner conducted one of the most well-known systematic empirical analyses of the Supreme Court and business interests.24 In their study, Epstein, Landes, and Posner selected Supreme Court decisions from the 1946 term through the 2011 term of the Court in which a business entity was a litigant.25 They analyzed the likelihood that business entities would prevail in the Court over time.26 Controlling for numerous factors, they concluded: Whether measured by decisions or Justices’ votes, a plunge in warmth toward business during the 1960s (the heyday of the Warren Court) was quickly reversed; and the Roberts Court is much friendlier to business than either the Burger or Rehnquist Courts, which preceded it, were. The Court is taking more cases in which the business litigant lost in the lower court and reversing more of these—giving rise to the paradox that a decision in which certiorari is granted when the lower court decision was antibusiness is more likely to be reversed than one in which the lower court decision was pro-business. The Roberts Court also has affirmed more cases in which business is the respondent than its predecessor Courts did.27 Thus, the Epstein, Landes, and Posner empirical study seems to confirm the conventional wisdom.

#### U.S. reproductive rights policy models globally

GFW 17 (Global Fund for Women; January 20; Feminist fundraising organization devoted to global gender justice movements; GFW, “Women’s movements matter more than ever: A critical moment for global women’s rights,” <https://www.globalfundforwomen.org/what-we-do/voice/campaigns/build-movements-not-walls/womens-movements-a-critical-moment-for-global-womens-rights/>)

We have decades of proof that U.S. policies and leadership directly influence policies and decisions globally, and we know that it is women who are often most acutely impacted—for better or for worse. For example, we know that U.S. policies can directly block women’s access to reproductive health and rights. The ‘Global Gag Rule’ prohibited U.S. foreign aid to any organization that delivers abortion services, but was repealed by President Obama. Before the law’s repeal, there was a massive chilling effect on many global efforts for reproductive health—and in one of his first executive actions as President, Trump reinstated and expanded the Global Gag Rule, which will have damaging impacts on women’s access to critical health care ranging from maternal care to sex education, to access to contraception and HIV and AIDS prevention and services. Conversely, the U.S. State Department’s leadership on issues such as ending child marriage has been a positive global force for advancing women’s rights. The U.S.’s stance on human rights is critical to protecting women’s rights all over the world—especially in armed conflict and political turmoil as it is in such scenarios that sexual violence escalates and women’s needs and voices are often silenced. At this moment of transition, women’s movements around the world are poised to ensure that women’s voices are heard and that human rights are not rolled back. They tell us that they will continue to advocate for key issues like reproductive rights, ending sexual violence in conflict, and girls’ rights. They are determined to grow and flourish, to make connections, and to work together across borders. “At a time of transition like this it is understandable to worry about the future, especially for women and girls,” says Musimbi Kanyoro, President and CEO of Global Fund for Women. “But I’ve worked my entire career with women’s movements around the world, and because of them, I remain hopeful. At this critical moment, women’s movements are becoming stronger, more global, and more inclusive than ever before. When they have access to the resources and tools that they need, they are a force to be reckoned with. As we commit to resisting regressions in women’s rights and advocating for what we believe in, let’s all work together to #BuildMovementsNotWalls.” Global Fund for Women spoke with our network of women activists and grassroots leaders from around the world to better understand their hopes and concerns in relation to the new U.S. President and his administration, and the potential for impact on their own work. From Brazil to Iraq, and from Nigeria to the Ukraine and Israel, women’s rights leaders are examining the potential repercussions for women and girls. They offer advice for people in the U.S. for movement-building and resistance, and share their hopes for a strong, collective force that will fight across borders against rollbacks to rights and threats to activists. A critical global moment for women’s rights The transition of power in the U.S. comes at a critical time for women’s rights around the world. Women all around the world are facing threats to their fundamental rights, ranging from abortion access and ending sexual violence to racial justice and environmental rights. Global movements for reproductive health and rights—including campaigns for access to contraceptives and safe and legal abortion—are at a critical moment. They are under threat in countless places, including in Latin America and the Caribbean where maternal mortality rates from unsafe abortions are highest, and facing powerful opposition from religious and cultural fundamentalists and others. Groups working with refugee women and girls also face a pivotal moment. The vast majority of Syrian refugee women and girls are hosted in Lebanon, Turkey, and Jordan, where women’s groups are focused on providing core services including anti-violence training and healthcare while empowering refugee women with knowledge about their rights, leadership skills, and economic opportunities—and these women’s groups are advocating for critical changes in national laws that restrict refugees’ access to jobs, hospitals, and other basic rights citizens have. Concerns are escalating about how the policies of a new U.S. administration may impact their work. Feminist activists globally are increasingly facing fears for their safety. For example, in Egypt, Turkey, and several other countries, we’ve witnessed an escalating crackdown on feminist and human rights activism, including harassment against women human rights defenders and threats to journalists and academics. In many places—such as the Inter-American Commission on Human Rights and Court—U.S. influence is a critical factor in enforcing mechanisms for their protection. In countries from Sub-Saharan Africa to Asia and the Pacific, grassroots women are coming together to protect their land and water rights amid climate change and increased violence to improve their own farming and local food sources, and to increase their economic opportunities. Women are standing up against rollbacks to rights, resisting the rise of conservatism, blocking dangerous anti-women policies, and fearlessly defending women’s rights amid conflicts and political and economic crises. Conservative leadership is on the rise in many countries around the world and women’s groups are joining forces to share their strategies of resistance. Connecting the dots in threats to fundamental rights globally—and learning together “As far as women and other civil society organizations [in Africa] are concerned, all progressive issues might suffer under a Trump Presidency,” says Bisi Adeleye-Fayemi, co-founder of African Women’s Development Fund and Global Fund for Women Board Member. “Women’s rights, sexual and reproductive rights, climate change, LGBTQ individuals, Muslim people, refugees… are not likely to get the attention they deserve—they will probably get the wrong kind of attention.” Indeed, policy stances in the U.S. will have a direct impact on global communities and situations. And by and large, many of the key human rights issues that are coming into play in U.S. domestic policy including access to reproductive health and rights and ending violence against women, are issues that are under the spotlight in other places around the world. U.S. leadership could play a significant role—either in moving the needle positively on these critical issues, or in condoning or precipitating the rollback of hard-won gains.

#### Expanding reproductive freedom slows overpopulation—extinction

Engelman 11 (Robert; May 2011; Vice President for Programs at the Worldwatch Institute, M.Sc. from Columbia University; Solutions, “An End to Population Growth: Why Family Planning Is Key to a Sustainable Future,” vol. 2)

In a joint statement in 1993, representatives of 58 national scientific academies stressed the complexities of the population-environment relationship but nonetheless concluded, “As human numbers increase, the potential for irreversible changes of far-reaching magnitude also increases. … In our judgment, humanity’s ability to deal successfully with its social, economic, and environmental problems will require the achievement of zero population growth within the lifetime of our children.”3 In 2005, the United Nations’ Millennium Ecosystem Assessment identified population growth as a principal indirect driver of environmental change, along with economic growth and technological evolution.4 In October 2010, a group of US and European climate and demographic researchers published findings from an integrated assessment model calculating the impact of various population scenarios on fossil-fuel carbon dioxide emissions over the coming century. If world population peaked at close to 8 billion rather than 9 billion, along the lines described in a low-fertility demographic projection published by the UN Population Division, the model predicted there would be a significant emissions savings: about 5.1 billion tons of carbon dioxide by 2050 and 18.7 billion tons by century’s end.5 What if we could prove wrong the popular conviction that a future with 9 billion people and a growing population is inevitable? Suppose we could demonstrate that world population size might peak earlier and at a lower level if government policies aimed not at reproductive coercion but at individual reproductive freedom? Suppose such policies aimed to help all women and girls prevent unwanted pregnancies and conceive only when they want to bear a child? This article presents new data on births resulting from women’s active intentions to become pregnant. The hypothesis it probes may appear counterintuitive: if, starting at any moment, all pregnancies in the world resulted from each woman’s intent to give birth, human population would immediately shift course away from growth toward decline within a few decades. An Ethical Basis for Action to Slow Population Growth What can societies that value democracy, self-determination, human rights, personal autonomy, and privacy do to include demographic change among strategies for environmental sustainability? An important answer may lie in a relatively untested set of principles adopted by almost all the world’s nations at a 1994 UN conference held in Cairo. The third of three once-a-decade governmental conferences on population and development, it produced a program of action that abandoned the strategy of “population control” by governments in favor of a focus on the health, rights, and well-being of women.6 An operating assumption of this program is that when women have access to the information and means that allow them to choose the timing of pregnancy, the intervals between births lengthen, average family size shrinks, and teen births become less frequent. All of these improve maternal and child survival and slow population growth.7 Experts disagree on how reproductive autonomy compares with other strategies in slowing that growth. Some assume economic growth is the most effective means, although birthrates rose along with prosperity in many countries after World War II and remain relatively high in several wealthy oil-exporting nations in which women have fewer rights and lower status than men.8 Moreover, some analysts argue that the arrow of causation operates more in the other direction, with low fertility stoking economic growth.9 There is a more robust and demonstrable correlation between female educational attainment and fertility. Worldwide, women with no schooling have an average of 4.5 children, while those who have spent at least a year or more in primary school have just three. Women who complete at least a year or two of secondary school have 1.9 children—well below replacement fertility rates. With one or two years of advanced education for women, average childbearing rates fall even further, to 1.7.10 On this basis alone, those interested in depressing population growth rates might want to focus on improving women’s educational attainment. Questions remain about whether education alone can bring about declines in fertility without other supporting conditions, especially easy, affordable access to a range of contraceptive options. Similar uncertainties cloud understanding of exactly how improved child survival and the empowerment of women affect fertility. Improving both factors certainly contributes to later births and smaller families and is valuable regardless of its demographic impacts. But without clear data on the magnitude of these influences, interventions related to schooling, child survival, and women’s empowerment are rarely seen as core aspects of governmental population policy. This brings us to family planning. Access to safe and reliable contraception has exploded since the mid-twentieth century. An estimated 55 percent of all heterosexually active women worldwide now use modern contraceptive methods, while an additional seven percent use less reliable traditional methods.11 As the use of birth control has spread, fertility has plummeted from a global average of five children per woman in 1950 to barely more than 2.5 today.1

## Adv 1

### 1 – Food Prices Turn

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

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

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

#### Plan increases food prices

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

There are clear economic reasons as to why farms are getting larger and many small farms are struggling. Technology has made it feasible for many firms to produce large quantities of food at low cost. This trend has been present for decades, at least since the early 1970s when then-Secretary of Agriculture Earl Butz (in)famously told farmers to “get big or get out.” These technological innovations have increased the fixed costs (e.g. more expensive farm equipment) but lowered the marginal cost of production (e.g. reduced the cost of farming an additional acre). This has had the effect of lowering prices of agricultural products, thus putting pressure on farmers who do not have these scale efficiencies. Therefore, **breaking up “big ag”** could **have the disastrous effect of raising food prices, which would likely have a disproportionate impact on poorer households**.

### 2 – Anti trust no solve

#### Antitrust applied to ag regulation fails, gets circumvented

Sergey Zyryanov, et. al 21. Sergey is an associate professor, since 2007 - Professor of the Department of Clinical Pharmacology of Russian State Medical University (RSMU). Anastasia Kalmykova, Tatyana Levonenkova, Ekaterina Kozlova, and Olyesya Starodubova. "New trends in regulation of agriculture." In E3S Web of Conferences, vol. 273, p. 08018. EDP Sciences, 2021.

4 Food safety and environmental protection

These areas are much more regulated. At the same time, we can see regulatory purposes conflict. Regulating relations methods in agriculture are extremely diverse, they can be aimed at achieving different goals (environmental protection, labour safety, product safety, support for farmers, **antitrust regulation**, etc.). Each direction of regulation, defined by a corresponding goal, is considered to be risk management, and different regulators may be responsible for it. For any of these goals it is necessary to achieve compromises. In addition, it is sometimes difficult to say which of the goals is more important. Thus, we need tools through which it is possible to reach compromises and make reasonable decisions. The cost-benefit analysis is one of such tools. Margot J. Pollans argues that interagency cooperation or executive oversight are also used as tools [10]. In fact, there are much more such tools. For example, the Conservation Stewardship Program (USDA) is used as payments to farmers for implementing environmental practices. However, it is noted that such programs are not popular among farmers [11]. The program of labelling products as environmentally friendly, introduced in 1990, was promising. The Organic Foods Production Act, similar programs are now being introduced in other countries, too. However, their implementation shows ambiguous results [12, 13]. We can make examples when the regulator actually imposes certification and labelling of products as environmentally friendly on manufacturers. The environmental damage caused by agriculture as a result harms agriculture itself, making risks of soil erosion, water scarcity, and reduced resistance to pests and diseases [14]. But measures to counteract these consequences increase production costs such as crop rotation and reducing the use of pesticides. The report of the US Environmental Protection Agency notes that farmers are aging, their average age is 57 years old, and they are not going to give their business to their children and grandchildren, and this is reflected in their behaviour and interest in environmental protection [10]. The USDA has significant power to set standards for dairy products, meat, and poultry. Its structure includes the Food Safety Inspection Service, conducting inspections of farms and enterprises. Other agricultural products are regulated by the FDA [15]. In 2010 FDA got more power to ensure products safety and began to implement proactive regulation instead of the traditional surgical intervention after detecting a violation[16]. In accordance with the FSMA, adopted by the US Congress in 2011, the FDA’s power was further expanded, its focus in food safety was shifted to prevention. According to the law manufacturers and importers of food products must to make the risk analysis, develop the preventive HARPC control plans (improved HACCP, aimed at critical points) [17]. In addition, the law ordered the FDA to develop safety regulations for fresh food production, approved in 2015 and called as the FSMA. The regulatory structure introduced by the USDA in the 1990s obliged regulated organizations to develop plans to reduce the risk to food safety and to implement production control. It is the "hazard analysis and critical control points" ("HACCP") system. This is an example of the transition from a command and control style of regulation to a promising "management-style regulation" [18]. Regulators all over the world, regardless of the areas of regulation, gradually abandon the command and control model of regulation based on deterrence with the threat of sanctions, and this is not accidental – empirical studies show that in reality people behave more honestly [19]. As for the USDA, the implementation of the management-based regulation in the form of HACCP was supposed to be successful, since its activity is limited to the production only of meat, poultry and milk, and its inspectors always visited factories, but the regulation was unsuccessful because of the lack of trained specialists with knowledge about potential sources of microbial contamination. The plans of the enterprises turned out to be formal, and their revision needs long work. The USDA is not able to cover all the enterprises with inspections. Despite this, the tests showed a significant reduction of salmonella in meat in comparison with the basic data for a few years of the HACCP program implementation. And the CDC surveillance presented an overall reducing morbidity of tracked pathogens for five years. The program also affected environmental issues. During this time, we can see a decrease in the use of toxic pesticides. In this case, the principle of mutual learning and competition of regulated persons is used. Companies introduce new techniques it makes it possible to save on fertilizers, pesticides, and fines for pollution. Neighbours quickly adopt this experience and it becomes widespread. The current Food Safety Act provides for the approval of the FDA performance standards, supporting the best manufacturing practices (GAP) and providing flexible regulation and the right for farmers to choose ways of reaching requirements set by these standards. However, the problem is complicated by conflicting requirements, high costs that farmers often are not able to do. For example, the requirement to sterilize the soil from pathogenic bacteria can lead to the microbial diversity loss and the decrease in soil productivity and the need to use more fertilizers [20]. The Marketing agreement Act of 1937 concluded by manufacturers and sellers is an interesting example of the regulation of leaf salad safety after the outbreak of intestinal disease in California in 2006 The LGMA Marketing agreement is an obligation of the parties to comply with the standards of the agreement to undergo the procedure of voluntary certification and obtain the right to use the conformity mark. The California Department of Food and Agriculture (CDFA) has the power to make inspections from time to time for compliance with LGMA standards. The parties formed the Leafy Green Products Handler Advisory Board, managing the voluntary agreement between the firms and, on the basis of a contract with the CDFA, conducts an external audit of the leafy salad production [21]. It should be noted that the LGMA has almost reached the universal acceptance of its standards in California Excessive enforcement may be due to the behavioural characteristics of the regulator's employees. The transition to management-style regulation makes their work more complicated, increases the qualification requirements. The field employee is not always able to understand the individual management decision of the farmer. In addition, farmers themselves often understand purposes of regulation and their role in it in different ways. Taking into consideration that product safety requirements are more strict, than environmental ones, that the FDA supervision is primarily focused on achieving the first goal, farmers are left to their own in prioritizing, it can be assumed that they will pay more attention to product safety. Pollans notes that the Food Safety Act includes several trade-off management tools such as the cost-benefit analysis, the National Environmental Policy Act ("NEPA") compliance requirement, and the notice-and-comment in rulemaking procedure, but they do not work properly [10]. The co-regulation, the creation of non-state control organizations and the partial delegation of the inspection process to such external auditors is another promising tool [9]. However, in connection with this there is a problem of ensuring the proper supervision by the regulator. This problem can be solved before the rule-making procedure beginning, during the development and the adoption of standards, during their validity period.

Before the rule-making process beginning, it is necessary to determine two important things on which the success (or failure) of regulation depends. These are how the legislator distributes the subjects of competence and powers of regulators, and how extensive the powers will be given to them. There are risks connected with insufficient attention of the agency, ignoring related aspects and threats because of its own problems, and duplication of powers (tunnel vision). It is possible to reduce the number of these risks by establishing mandatory consultations with other regulators and executive oversight by OIRA, by other means provided for by the Administrative Procedure Act, Regulatory Flexibility Act, etc. Limited information on the basis of which the agency makes regulation is also the reason of risks in the rule-making process. Researchers note selective influence when the regulator pays more attention to one of the areas of its activity. Pollans gives an example with Forest Service. Forest Service has to provide environment protection and regulate forest resources extraction, but it is accused of ignoring environmental problems [10]. The notice and comment process provided by the Administrative Procedure Act also plays an important role. The Administrative Procedure Act makes it possible to take into consideration own opinions of farmers and all the interested groups of the population, whose interests may be affected by the developed solutions. At last, after the final adoption of the rules, it is also possible to manage trade-offs. The important role in this process belongs to courts, but a regulator that remains committed to flexible regulation can do more by using performance standards, which only set goals, and the regulated persons can choose the most effective and convenient ways for achieving such goals. Although new strategies appear in regulatory practice, the competition of regulatory objectives is still an unsolved problem, which is more and more compounded by the competition of regulatory agencies. 5

Conclusion

We in brief presented some challenges faced by regulators trying to ensure the development of agriculture, protect farmers, the environment, and the rights of consumers to food safety. Of course, because of the limited scope of the article, we could not investigate all the issues and means of regulation which coincide modern ideas about the forms, methods and limits of state interference into the private sector of the economy, such as agriculture. We did not investigate mandatory insurance, taxation, farm subsidy programs, the involvement of external auditors and industry associations, and we did not concern the analyses of the internal threats (lack of information, scarce resources, unclear goals, lack of mission understood and accepted by employees, low qualifications of employees, lagging behind in the development of technology, the economy digitalization, bureaucratic obstacles, regulatory capture and corruption). According to our analyses regulatory agencies are forced to make decisions in difficult conditions of information lack, unpredictable changes, high probability of diseases spread, changes in supply and demand, political processes which the regulator cannot always influence, large territories where regulated persons operate. The regulation of agriculture is also extremely difficult for other reasons because simultaneously several regulatory agencies regulate this industry, and each of them strive to achieve several competing goals. In these conditions, regulators can no longer act the old-fashioned way. This is expensive and inefficient. They are forced to develop new regulatory strategies, involve regulated persons in this activity, using management-based regulation technology, carry on trilateral negotiations, and take into consideration opinions of interested parties at the notes and comments stage in administrative procedures during developing rules and standards. Thus, the post-ante analysis of regulation and the obtained results, the identification of problems and shortcomings, training based on this information, and the adjustment of regulatory models and strategies are very important components of the regulatory process. The regulator should be responsible for the results of this activity to politicians, society and regulated persons.

### 3 – Food Security

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

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

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

#### Food shortages are the most likely trigger for nuclear war.

FDI 12, (“International Conflict Triggers and Potential Conflict Points Resulting from Food and Water Insecurity Global Food and Water Crises Research Programme”, May 25, 2012, Future Directions International <http://www.futuredirections.org.au/files/Workshop_Report_-_Intl_Conflict_Triggers_-_May_25.pdf>)

There is a growing appreciation that the conflicts in the next century will most likely be fought over a lack of resources. Yet, in a sense, this is not new. Researchers point to the French and Russian revolutions as conflicts induced by a lack of food. More recently, Germany’s World War Two efforts are said to have been inspired, at least in part, by its perceived need to gain access to more food. Yet the general sense among those that attended FDI’s recent workshops, was that the scale of the problem in the future could be significantly greater as a result of population pressures, changing weather, urbanisation, migration, loss of arable land and other farm inputs, and increased affluence in the developing world.¶ In his book, Small Farmers Secure Food, Lindsay Falvey, a participant in FDI’s March 2012 workshop on the issue of food and conflict, clearly expresses the problem and why countries across the globe are starting to take note. .¶ He writes (p.36), “…if people are hungry, especially in cities, the state is not stable – riots, violence, breakdown of law and order and migration result.” “Hunger feeds anarchy.” This view is also shared by Julian Cribb, who in his book, The Coming Famine, writes that if “large regions of the world run short of food, land or water in the decades that lie ahead, then wholesale, bloody wars are liable to follow.” He continues: “An increasingly credible scenario for World War 3 is not so much a confrontation of super powers and their allies, as a festering, self-perpetuating chain of resource conflicts.” He also says: “The wars of the 21st Century are less likely to be global conflicts with sharply defined sides and huge armies, than a scrappy mass of failed states, rebellions, civil strife, insurgencies, terrorism and genocides, sparked by bloody competition over dwindling resources.” As another workshop participant put it, people do not go to war to kill; they go to war over resources, either to protect or to gain the resources for themselves. Another observed that hunger results in passivity not conflict. Conflict is over resources, not because people are going hungry. A study by the International Peace Research Institute indicates that where food security is an issue, it is more likely to result in some form of conflict. Darfur, Rwanda, Eritrea and the Balkans experienced such wars. Governments, especially in developed countries, are increasingly aware of this phenomenon.¶ The UK Ministry of Defence, the CIA, the US Center for Strategic and International Studies and the Oslo Peace Research Institute, all identify famine as a potential trigger for conflicts and possibly even nuclear war.

## Adv 2

### 1 – Small Farms Bad - Warming

#### Small farms hurt our ability to fight global warming.

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

Two members of Congress earlier this month introduced legislation advancing a food reform movement promising to help resolve the great environmental and nutritional problems of the early 21st century. The intent is to remake the agricultural landscape to look more like it did decades ago. But unless the most basic laws of economics cease to hold, the smallholder farming future envisioned by the local farming movement could jeopardize natural habitat and climate change mitigation efforts, while also endangering a tenuous and temporary victory in the battle against human hunger. The “Local Farms, Food and Jobs Act” sponsored by Senator Sherrod Brown of Ohio and Representative Chellie Pingree of Maine, throws about $200 million to local farm programs. That’s a rounding error in the $3.7 trillion federal budget. But the bill follows on a federal rule that gives preference to local farms in contract bidding for school lunches. It also builds on high-profile advocacy by Michelle Obama, who has become a leader of the food reform movement, joining the likes of Michael Pollan, the author of The Omnivore’s Dilemma, and famed-chef Alice Waters. The bill’s introduction came as the world population hit 7 billion, a milestone that provides a stark reminder of the challenge agriculture faces to feed a world population expected to grow to 9 billion by 2050. Experts estimate that in the next 50 years, the global food system likely needs to produce as much food as it did in the previous 10,000 years combined. Amid heightened concern about global climate change, it has become almost conventional wisdom that we must return to our agricultural roots in order to contain the carbon footprint of our food by shortening the distance it travels from farm to fork, and by reducing the quantity of carbon-intensive chemicals applied to our mono-cropped fields. But implicit in the argument that local farming is better for the environment than industrial agriculture is an assumption that a “relocalized” food system can be just as efficient as today’s modern farming. That assumption is simply wrong. Today’s high crop yields and low costs reflect gains from specialization and trade, as well as scale and scope economies that would be forsaken under the food system that locavores endorse. Specialization and Trade Economists have long recognized the welfare gains from specialization and trade. The case for specialization is perhaps nowhere stronger than in agriculture, where the costs of production depend on natural resource endowments, such as temperature, rainfall, and sunlight, as well as soil quality, pest infestations, and land costs. Different crops demand different conditions and vary in their resilience to shocks. So California, with mild winters, warm summers, and fertile soils produces all U.S.-grown almonds and 80 percent of U.S. strawberries and grapes. Idaho, on the other hand, produces 30 percent of the country’s russet potatoes because warm days and cool nights during the season, combined with rich volcanic soils, make for ideal growing conditions. In 2008, according to the USDA, Idaho averaged 383 hundredweight of potatoes per acre. Alabama, in contrast, averaged only 170 hundredweight per acre. Is it any wonder Idaho planted more acres of potatoes than Alabama? Forsaking comparative advantage in agriculture by localizing means it will take more inputs to grow a given quantity of food, including more land and more chemicals—all of which come at a cost of carbon emissions. It is difficult to estimate the impact of a truly locavore farming system because crop production data don’t exist for crops that have not historically been grown in various regions. However, we can imagine what a “pseudo-locavore” farming system would look like—one in which each state that presently produces a crop commercially must grow a share proportional to its population relative to all producers of the crop. I have estimated the costs of such a system in terms of land and chemical demand. My conservative estimates are that under the pseudo-locavore system, corn acreage increases 27 percent or 22 million acres, and soybean acres increase 18 percent or 14 million acres. Fertilizer use would increase at least 35 percent for corn, and 54 percent for soybeans, while fuel use would climb 23 percent and 34 percent, for corn and soybeans, respectively. Chemical demand would grow 23 percent and 20 percent for the two crops, respectively. A locavore-like production system would require an additional 60 million acres of cropland, 2.7 million tons more fertilizer, and 50 million pounds more chemicals. In order to maintain current output levels for 40 major field crops and vegetables, a locavore-like production system would require an additional 60 million acres of cropland, 2.7 million tons more fertilizer, and 50 million pounds more chemicals. The land-use changes and increases in demand for carbon-intensive inputs would have profound impacts on the carbon footprint of our food, destroy habitat and worsen environmental pollution.

**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.”

### 2 – Small Farms Bad - Water

**Small farms increase wreck water quality**

Jessica K. **Leet &** David C. **Volz, 13.** Department of Environmental Health Sciences, Arnold School of Public Health, University of South Carolina, “Improving Waste Management Strategies for Small Livestock Farms.” Environ. Sci. Technol. 2013, 47, 21, 11940–11941.

In recent years, there has been growing public concern over the environmental and human health issues associated with livestock production. In particular, water quality is typically considered the issue of greatest concern because of potential impacts on drinking water, as well as aquatic ecosystems. Contaminants from animal waste generated from livestock operations can be transported into surface and groundwater through various routes, such as leaking storage lagoons, runoff from land application, and flooding.(1) These contaminants include nutrients, pathogens, heavy metals, pharmaceuticals, and natural/synthetic hormones. Although large regulated livestock farms dominate national discussions and debates, **smaller unregulated livestock farms** may **also contribute to potential adverse impacts on water quality**, particularly at the local and regional scale. Therefore, we argue that incentives and programs for smaller farms are needed to improve waste management and enhance water quality. Animal feeding operations (AFOs) have become the norm for producing livestock. AFOs are defined by the United States Environmental Protection Agency (U.S. EPA) as operations that are 1) “stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period” and 2) have no vegetation grown within the operation lot during a normal growing season.(2) Concentrated animal feeding operations (CAFOs) are AFOs defined as medium or large operations by species-specific animal capacity thresholds or small operations when pollutant discharge exceeds criteria established by the Clean Water Act. Any CAFO that has potential to release waste is required to obtain a permit through the National Pollution Discharge Elimination System (NPDES) and develop a Nutrient Management Plan (NMP). Similar to historic trends in U.S. crop production, from the 1980s to late 1990s livestock operations were increasingly consolidated to greater numbers of larger operations.(1) However, this trend toward an increase in large CAFOs halted and, over the past decade, the number of large livestock operations has remained steady.(3) CAFOs account for only ∼15% of AFOs, with the remainder (∼85%) represented by small, unregulated AFOs across all species of livestock. For example, ∼97% of cattle farms have less than 500 head and, for beef alone, the majority of production (>50%) occurs within small AFOs.(4) However, these small operations often **lack the resources** **to efficiently manage animal waste**, leading to **greater potential for unintended adverse impacts on environmental health**. While there is a recognized need for better understanding CAFO-induced water quality impacts and improving CAFO regulations, currently there is little attention paid to the potential impact of smaller, unregulated livestock farms. When CAFO-generated animal waste is stored and land-applied under controlled conditions, it can be utilized as an efficient fertilizer for nearby agricultural fields. Although the farming community generally values environmental stewardship, smaller livestock operations face many challenges when managing animal waste, including a lack of (1) sufficient land for fertilizer application, (2) adequate storage capacity for animal waste, (3) transportation for excess waste, and (4) advanced technology to effectively assess and monitor soil nutrient levels and demands. As smaller AFOs are not required to develop NMPs and apply for NPDES permits, these operations likely have practices that **impair water quality** and are noncompliant with CAFO regulations, such as animals grazing directly in adjacent bodies of water, overapplication of animal waste to crop fields, and inadequate protection of manure piles.(5) While there is a public perception that large “factory” farms adversely impact water quality, the reality is that **larger CAFOs**, unlike smaller, unregulated AFOs, **have more available resources and financial incentives** to develop and comply with efficient NMPs. For this reason, improved incentives and programs are needed to encourage smaller AFOs, those not regulated by the U.S. EPA, to improve waste management, especially given that these farms contribute the large majority of livestock production.

#### Small farms hurt our ability to fight global warming.

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

Two members of Congress earlier this month introduced legislation advancing a food reform movement promising to help resolve the great environmental and nutritional problems of the early 21st century. The intent is to remake the agricultural landscape to look more like it did decades ago. But unless the most basic laws of economics cease to hold, the smallholder farming future envisioned by the local farming movement could jeopardize natural habitat and climate change mitigation efforts, while also endangering a tenuous and temporary victory in the battle against human hunger. The “Local Farms, Food and Jobs Act” sponsored by Senator Sherrod Brown of Ohio and Representative Chellie Pingree of Maine, throws about $200 million to local farm programs. That’s a rounding error in the $3.7 trillion federal budget. But the bill follows on a federal rule that gives preference to local farms in contract bidding for school lunches. It also builds on high-profile advocacy by Michelle Obama, who has become a leader of the food reform movement, joining the likes of Michael Pollan, the author of The Omnivore’s Dilemma, and famed-chef Alice Waters. The bill’s introduction came as the world population hit 7 billion, a milestone that provides a stark reminder of the challenge agriculture faces to feed a world population expected to grow to 9 billion by 2050. Experts estimate that in the next 50 years, the global food system likely needs to produce as much food as it did in the previous 10,000 years combined. Amid heightened concern about global climate change, it has become almost conventional wisdom that we must return to our agricultural roots in order to contain the carbon footprint of our food by shortening the distance it travels from farm to fork, and by reducing the quantity of carbon-intensive chemicals applied to our mono-cropped fields. But implicit in the argument that local farming is better for the environment than industrial agriculture is an assumption that a “relocalized” food system can be just as efficient as today’s modern farming. That assumption is simply wrong. Today’s high crop yields and low costs reflect gains from specialization and trade, as well as scale and scope economies that would be forsaken under the food system that locavores endorse. Specialization and Trade Economists have long recognized the welfare gains from specialization and trade. The case for specialization is perhaps nowhere stronger than in agriculture, where the costs of production depend on natural resource endowments, such as temperature, rainfall, and sunlight, as well as soil quality, pest infestations, and land costs. Different crops demand different conditions and vary in their resilience to shocks. So California, with mild winters, warm summers, and fertile soils produces all U.S.-grown almonds and 80 percent of U.S. strawberries and grapes. Idaho, on the other hand, produces 30 percent of the country’s russet potatoes because warm days and cool nights during the season, combined with rich volcanic soils, make for ideal growing conditions. In 2008, according to the USDA, Idaho averaged 383 hundredweight of potatoes per acre. Alabama, in contrast, averaged only 170 hundredweight per acre. Is it any wonder Idaho planted more acres of potatoes than Alabama? Forsaking comparative advantage in agriculture by localizing means it will take more inputs to grow a given quantity of food, including more land and more chemicals—all of which come at a cost of carbon emissions. It is difficult to estimate the impact of a truly locavore farming system because crop production data don’t exist for crops that have not historically been grown in various regions. However, we can imagine what a “pseudo-locavore” farming system would look like—one in which each state that presently produces a crop commercially must grow a share proportional to its population relative to all producers of the crop. I have estimated the costs of such a system in terms of land and chemical demand. My conservative estimates are that under the pseudo-locavore system, corn acreage increases 27 percent or 22 million acres, and soybean acres increase 18 percent or 14 million acres. Fertilizer use would increase at least 35 percent for corn, and 54 percent for soybeans, while fuel use would climb 23 percent and 34 percent, for corn and soybeans, respectively. Chemical demand would grow 23 percent and 20 percent for the two crops, respectively. A locavore-like production system would require an additional 60 million acres of cropland, 2.7 million tons more fertilizer, and 50 million pounds more chemicals. In order to maintain current output levels for 40 major field crops and vegetables, a locavore-like production system would require an additional 60 million acres of cropland, 2.7 million tons more fertilizer, and 50 million pounds more chemicals. The land-use changes and increases in demand for carbon-intensive inputs would have profound impacts on the carbon footprint of our food, destroy habitat and worsen environmental pollution.

# 2NC

## Cap K

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

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

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

As they put it:

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

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

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

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

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

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

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

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

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

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

COVID-19 and the Capitalist Food System

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

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

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

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

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

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

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

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

### FW

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

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

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

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

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

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

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

#### 4 - The aff is utopian. Criticism is a prerequisite to formulating new solutions.

Detlev Zwick 13. Associate Professor of Marketing at Schulich School of Business, York University, Toronto “The myth of metaphysical enclosure: A second response to Adam Arvidsson,” *Ephemera*, Vol. 13, No. 2, May 2013, p. 413-419, Accessed Online through Emory Libraries

Now that we know that Arvidsson and I in fact agree on the ideological position espoused by his theory of a productive consumer publics and the accompanying notion of the reputation economy, what about his two charges against me mentioned above? The first accusation was that my criticism of his desire to develop a theory of the social within neoliberal capitalism rather than against it was naïve and outdated. Arvidsson seems to believe that the task of a social scientist today is to be realistic, meaning to take as immutably real the fact of capitalism. There are a couple of points I would like to make about this intellectual position.

First, it is interesting to see in Arvidsson's excitement for the new digital public that for him everything seems possible with the Internet: the use of common resources, the formation of new public spaces and entirely new civil societies, collective forms of production across vast and complex networks of communication, truly democratic decision-making, individual empowerment, brand-building without a marketer in control, even the end of private property! And yet one thing seems impossible: the end of neoliberal capitalism. When it comes to that, we need to be 'realistic'.

Second, how naïve is my critique of capitalism really? To be sure, it certainly is not so naïve as to conjure up as our way forward the idea of 20th century communism. This idea of communism, in its state socialist form, has been soundly discredited and should be abandoned. But should we therefore give up our aspirations for a world where all social relations are not structured by capital and through commodities? Besides, there is something truly peculiar going on these days. As Indian social philosopher Saroj Giri (2010) points out, media today are full of anti-capitalist rants almost to a point where one could be forgiven for thinking that capitalism is the devil on its last legs. Stories about corrupt bankers, polluting companies, abusive labor conditions in Chinese factories and the diamond mines of Africa, corporate bribery of government officials in India and Nigeria and so on abound even in well-known bastions of capitalist propaganda such as the Wall Street Journal and the Financial Times. Capitalism's greatest cheerleaders, the Harvard Business Review and its publishing arm H BSP, have also been busy churning out articles and books by business scholars and consultants replete with surprisingly frank scolding of the stewards of global capitalism for being greedy and selfish, and of companies for being polluting, unfair, short-sighted, cheating and scheming and, most importantly, for putting the capitalist system at risk of imminent collapse (see e.g. Barton, 2011; Bower et al., 2011; Haque, 2011).

The important point I would like to make at this juncture is that with my critique of contemporary capitalism, I find myself firmly placed at the centre of contemporary business discourse, not at its margins, as Arvidsson seems to believe. If there is one position today that should be characterized as naïve and Utopian, it is the one that posits that the same system that brought us to the point we are at today (rapidly rising inequality and economic apartheid, rampant de- politization, environmental catastrophe and so on) can somehow fix with its left hand what its right hand destroyed. On what basis, other than Utopian faith, can one make such a claim?

Obviously, Arvidsson is not the only one suggesting that capitalism can be fixed in spite of itself. It is a popular position among people across a wide political spectrum, from right-wing libertarians to several so-called leftist groups and their hopes for saving what remains of the social-democratic welfare state. What all of these supporters of capitalism - including Arvidsson - fail to explain to the rest of us is how a system designed to grow, create many more losers than winners, exploit natural resources and pollute the environment will suddenly and miraculously contain itself and create collectively shared resources, many more winners than losers and environmental health. Let's remember that Arvidsson started his rejoinder with a bit of Hegel, but when it comes to assessing the potential of capitalism as a totality, Hegel conveniently no longer features. But hasn't Zizek in particular made the point that if we are to really understand capitalism with Hegel we cannot separate the positive from its negations. The negative - Foxconn, ongoing civil war in the Congo, rising unemployment and recurring economic crises and so on - cannot be understood as aberrations of the totality of capitalism but as its constitutive parts. Therefore, anyone proposing to fix capitalism from within needs to answer the question of what kind of negativity he or she is willing to accept as part of the new and improved capitalism (how much pollution is OK, how much unemployment is OK, how much war is OK, etc.). I think it is not only justified, but today more important than ever, to ask, who here between the two of us is the radical Utopian?

The second charge against my initial response was that all that criticizing is all well and good but, unless it is combined with a solution, such criticism is not constructive. A reactionary response to criticism that aims at foreclosing critical discourse, such a demand for constructiveness and practical solutions, should be rejected unconditionally. First, on moral grounds, why should it be acceptable for someone who posits as a 'solution' a Utopian fantasy (hence no solution at all) to demand from his or her detractors a solution? Second, we should reject the notion that criticism should always be constructive on theoretical grounds. Constructivist criticism is a kind of criticism that accepts the coordinates of the real within which the criticized object resides. If criticism rejects the assumptions on which the critiqued rests, or put differently, if criticism rejects as unacceptable the entire symbolic universe that make possible the criticized object, then it cannot be called constructive.

Often, then, constructive criticism becomes meaningless criticism. For example, how would one provide constructive criticism of Hitler's ideological and political project? Such a task would make little sense because it would cast a priori Hitler's Third Reich as a reasonable entity (see Horkheimer, 2004). Similarly, when Arvidsson calls for us to start behaving like reasonable and constructive people, what he means is that we should accept the coordinates of his argument - for example, that neoliberal capitalism has to be accepted as a reality and by doing so we can move beyond it - as a reasonable entity. Trying to change these coordinates becomes unreasonable and unconstructive.

Here again we should remember Zizek's advice to the Wall Street occupiers not to speak to all those agents of reason, those pragmatists, from Clinton to Obama to Goldman Sachs. At such moments of resistance and defiance, silence becomes the most radical act against pragmatic politics, the kind of politics that wants to resolve the problem step by step in a realistic way, rather than addressing it at its roots (see Zizek, 2008). Because what would Arvidsson's response be to anything outside the existing coordinates he sees structuring the domain of social and economic relations? Perhaps, then, this is not the time to articulate solutions when we are still struggling to ask the right questions. This sentiment is expressed perfectly by a joke Zizek told at Occupy Wall Street2'

In an old joke from the defunct German Democratic Republic, a German worker gets a job in Siberia; aware of how all mail will be read by censors, he tells his friends: 'Let's establish a code: if a letter you will get from me is written in ordinary blue ink, it is true; if it is written in red ink, it is false'. After a month, his friends get the first letter written in blue ink: 'Everything is wonderful here: stores are full, food is abundant, apartments are large and properly heated, movie theatres show films from the West, there are many beautiful girls ready for an affair - the only thing unavailable is red ink'.

The point of the joke is that without the red ink, we lack the very language to articulate our reality. Paraphrasing Zizek, what this lack of red ink means is that all the main terms we use to designate the present situation - 'productive consumer publics', 'informal economy and freedom', 'common resources', etc. - are false terms, mystifying our perception of the situation instead of allowing us to think it. Before we offer solutions, we need the red ink.

### L – Agribusiness

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

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

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

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

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

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

Expansion

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

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

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

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

### AT: Inevitable

#### Not historically inevitable

Ehrenreich ‘21 [Ben Ehrenreich. Journalist, author of Desert Notebooks: A Roadmap for the End of Time. “We’re Hurtling Toward Global Suicide.” The New Republic. 3-18-21. <https://newrepublic.com/article/161575/climate-change-effects-hurtling-toward-global-suicide> //shree]

As transcendent as the notion is made to sound, the “economy” is not a god or a temple. It is the order that maintains these inequalities: a highly contingent network of relations among human beings and between humans and the rest of the planet. Like everything we might ever hope to make, it is transitory and eminently changeable. Homo sapiens have walked the earth for at least 300,000 years, but coal-fueled industrial capitalism is less than 200 years old. Its latest, fully globalized stage has been around for just a few decades, even if its roots lie in colonial dynamics that date back a few centuries. Our specific modern exaltation of “growth” dates only to the years that followed World War II. It is younger than Joe Biden, Mitch McConnell, Nancy Pelosi, and Donald Trump. Like them, it cannot survive much longer.

Last year, GDP growth in the United States fell 3.5 percent. Emissions tumbled, too. The only other time in the last three decades that they have dropped significantly was, not coincidentally, also the last time the economy contracted. But if it’s guided with intent, the cessation of endless growth does not have to mean impoverishment. The most recent “Emissions Gap Report” from the United Nations Environment Program (UNEP) projects that warming could be successfully limited to 1.5 degrees Celsius if the richest one percent reduced “their current emissions by at least a factor of 30,” which would allow the poorest 50 percent of the planet’s population to increase their per capita emissions “by around three times their current levels.” For the latter, a threefold jump in consumption is the difference between constant want and a life of basic dignity. Billionaires who drop to 1/30th of their fortunes are still multimillionaires.

As innocuous as it may sound, “growth” should be understood to describe the frenzied ruination of nearly every ecosystem on the planet so that its richest human inhabitants can hold on to their privileges for another generation or two. Rejecting the idolatry of growth means tilting the organization of our societies toward other social goods—health, for instance, and the freedom to exist on a planet that is not on fire. This should not be unimaginable. There are infinite other ways to organize a society, and the fact that we are not widely and urgently discussing them is at this point nothing short of criminal. There are voluminous literatures on degrowth, on circular economies, on mutual aid, and, yes, on socialism, too. There is the 99.999 percent of human history during which we managed to not significantly alter the atmosphere or wipe out such an enormous portion of the species with whom we share the planet. There is the living experience of every indigenous community in the United States, and of others around the globe that have been forced to invent ways to resist and survive a system determined to erase them.

### Cap Sustainable

#### Cap is unsustainable:

#### A – Ag collapse – short term

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

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

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

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

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

#### B – Carbon bubble, peak oil

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

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

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

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

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

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

Endless growth will generate minerals scarcity within decades

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Profit stifles innovation – patents, licensing agreements, and non-compete agreements.

Bee 18 [Vanessa A. Bee. Senior Litigation Counsel at the Consumer Financial Protection Bureau with a JD from Harvard Law. Innovation Under Socialism. 10-24-2018. <https://www.currentaffairs.org/2018/10/innovation-under-socialism> ]

The profit motive and exclusive proprietary rights are central to capitalist innovation. By law, private firms must prioritize the interest of their shareholders, which tends to be interchangeable with making as much money as possible. Accordingly, investments in any stage of the innovative process must eventually produce profits. To maximize profit, private firms jealously guard the value of their invention through regulations and restrictive contracts. Statutes and regulations help protect their trade secrets. The U.S. Patent and Trademarks Office routinely grants them utility and design patents that “exclude others from making, using, offering for sale, or selling … or importing the invention” for 20 years after the patent is issued. They enforce licensing agreements that can limit the uses and dissemination of all or part of their inventions. To further frustrate efforts to innovate on the back of their inventions, private firms subject their former employees to non-compete agreements that can severely limit them from using their knowledge and skills on competing projects for a period following their departure. Breaches carry dire consequences like expensive lawsuits, big money judgments, and other enormous hassles.

### 2AC 4 – transition wars

#### No transition wars

#### A – History

Walt 20. [Stephen, Robert and Renée Belfer professor of international relations at Harvard University and a columnist for Foreign Policy. Will a Global Depression Trigger Another World War?. Foreign Policy. 5-13-2020. https://foreignpolicy.com/2020/05/13/coronavirus-pandemic-depression-economy-world-war/]

On balance, however, I do not think that even the extraordinary economic conditions we are witnessing today are going to have much impact on the likelihood of war. Why? First of all, if depressions were a powerful cause of war, there would be a lot more of the latter. To take one example, the United States has suffered 40 or more recessions since the country was founded, yet it has fought perhaps 20 interstate wars, most of them unrelated to the state of the economy. To paraphrase the economist Paul Samuelson’s famous quip about the stock market, if recessions were a powerful cause of war, they would have predicted “nine out of the last five (or fewer).”

Second, states do not start wars unless they believe they will win a quick and relatively cheap victory. As John Mearsheimer showed in his classic book Conventional Deterrence, national leaders avoid war when they are convinced it will be long, bloody, costly, and uncertain. To choose war, political leaders have to convince themselves they can either win a quick, cheap, and decisive victory or achieve some limited objective at low cost. Europe went to war in 1914 with each side believing it would win a rapid and easy victory, and Nazi Germany developed the strategy of blitzkrieg in order to subdue its foes as quickly and cheaply as possible. Iraq attacked Iran in 1980 because Saddam believed the Islamic Republic was in disarray and would be easy to defeat, and George W. Bush invaded Iraq in 2003 convinced the war would be short, successful, and pay for itself.

The fact that each of these leaders miscalculated badly does not alter the main point: No matter what a country’s economic condition might be, its leaders will not go to war unless they think they can do so quickly, cheaply, and with a reasonable probability of success.

Third, and most important, the primary motivation for most wars is the desire for security, not economic gain. For this reason, the odds of war increase when states believe the long-term balance of power may be shifting against them, when they are convinced that adversaries are unalterably hostile and cannot be accommodated, and when they are confident they can reverse the unfavorable trends and establish a secure position if they act now. The historian A.J.P. Taylor once observed that “every war between Great Powers [between 1848 and 1918] … started as a preventive war, not as a war of conquest,” and that remains true of most wars fought since then.

The bottom line: Economic conditions (i.e., a depression) may affect the broader political environment in which decisions for war or peace are made, but they are only one factor among many and rarely the most significant. Even if the COVID-19 pandemic has large, lasting, and negative effects on the world economy—as seems quite likely—it is not likely to affect the probability of war very much, especially in the short term.

#### B – COVID proves – receding from globalization is peace inducing

Walt 20. [Stephen, Robert and Renée Belfer professor of international relations at Harvard University and a columnist for Foreign Policy. Will a Global Depression Trigger Another World War?. Foreign Policy. 5-13-2020. https://foreignpolicy.com/2020/05/13/coronavirus-pandemic-depression-economy-world-war/]

But war could still be much less likely. The Massachusetts Institute of Technology’s Barry Posen has already considered the likely impact of the current pandemic on the probability of war, and he believes COVID-19 is more likely to promote peace instead. He argues that the current pandemic is affecting all the major powers adversely, which means it isn’t creating tempting windows of opportunity for unaffected states while leaving others weaker and therefore vulnerable. Instead, it is making all governments more pessimistic about their short- to medium-term prospects. Because states often go to war out of sense of overconfidence (however misplaced it sometimes turns out to be), pandemic-induced pessimism should be conducive to peace.

Moreover, by its very nature war requires states to assemble lots of people in close proximity—at training camps, military bases, mobilization areas, ships at sea, etc.—and that’s not something you want to do in the middle of a pandemic. For the moment at least, beleaguered governments of all types are focusing on convincing their citizens they are doing everything in their power to protect the public from the disease. Taken together, these considerations might explain why even an impulsive and headstrong warmaker like Saudi Arabia’s Mohammed bin Salman has gotten more interested in winding down his brutal and unsuccessful military campaign in Yemen.

Posen adds that COVID-19 is also likely to reduce international trade in the short to medium term. Those who believe economic interdependence is a powerful barrier to war might be alarmed by this development, but he points out that trade issues have been a source of considerable friction in recent years—especially between the United States and China—and a degree of decoupling might reduce tensions somewhat and cause the odds of war to recede.

For these reasons, the pandemic itself may be conducive to peace. But what about the relationship between broader economic conditions and the likelihood of war? Might a few leaders still convince themselves that provoking a crisis and going to war could still advance either long-term national interests or their own political fortunes? Are the other paths by which a deep and sustained economic downturn might make serious global conflict more likely?

One familiar argument is the so-called diversionary (or “scapegoat”) theory of war. It suggests that leaders who are worried about their popularity at home will try to divert attention from their failures by provoking a crisis with a foreign power and maybe even using force against it. Drawing on this logic, some Americans now worry that President Donald Trump will decide to attack a country like Iran or Venezuela in the run-up to the presidential election and especially if he thinks he’s likely to lose.

This outcome strikes me as unlikely, even if one ignores the logical and empirical flaws in the theory itself. War is always a gamble, and should things go badly—even a little bit—it would hammer the last nail in the coffin of Trump’s declining fortunes. Moreover, none of the countries Trump might consider going after pose an imminent threat to U.S. security, and even his staunchest supporters may wonder why he is wasting time and money going after Iran or Venezuela at a moment when thousands of Americans are dying preventable deaths at home. Even a successful military action won’t put Americans back to work, create the sort of testing-and-tracing regime that competent governments around the world have been able to implement already, or hasten the development of a vaccine. The same logic is likely to guide the decisions of other world leaders too.

#### C – Alt stabilizes the economy

Kallis et al 18 [Giorgos. ICTA, Autonomous University of Barcelona. Vasilis Kostakis. ICREA. Steffen Lange. Ragnar Nurkse School of Innovation and Governance and Berkman Klein Center for Internet & Society, Harvard University. Barbara Muraca. Institute for Ecological Economy Research. Susan Paulson. College of Liberal Arts, Oregon State University. Matthias Schmelzer. Center for Latin American Studies. Research On Degrowth. Annual Review of Environment and Resources. 2018. 43. 298-299]

Although literature explicitly addressing degrowth economics is young (65), economists have long raised similar questions. Classical economists considered the concept of a stationary state, where economic growth eventually and unintentionally ends, be it due to limits to the division of labor (Smith) or a confined supply of land (Ricardo). Whereas Smith and Ricardo painted a dark picture of the stationary state in contexts with high levels of economic inequality, Mill argued that distributional policies could lead to a high degree of social welfare (66). Economists may share politicians’ obsession with growth, but there is nothing in neoclassical models to suggest that zero or negative growth is incompatible with full employment or economic stability. In recent years, several authors have investigated no-growth economies in the context of established macroeconomic theories. From a neoclassical supply-side perspective, Irmen (67) shows that market economies do not always generate growth, nor do they need growth to function. Lange (68) tests several models and shows that the major condition for stable degrowth is a decline in the supply of production factors—labor and/or natural resources—and a reduction of working hours (51). Heikkinen (69) and Bilancini & D’Alessandro (70) develop neoclassical models in which decreases in labor supply lead to stable degrowth with increasing social welfare, as consumption losses are overcompensated by more free time, allowing enjoyment of nonmaterial relational goods. In Keynesian models, the primary condition for an end of growth is constant aggregate demand. Fontana & Sawyer (71) emphasize the role of investments: If firms invest less, wage income stabilizes and growth is low. Exploring conditions for a stable steady-state, Lange (68) examines the economic circle the other way around: The central condition for zero growth is nonincreasing demand by households and government, which leads to low levels of investment by firms. In this model, nongrowing economies have zero net investments and savings and a constant sum of consumption and government spending. Lack of growth does not mean lack of change. Zero change in net investments may entail increased investments in one sector (e.g., renewable energies), compensated by disinvestment in another (e.g., coal). Fontana & Sawyer (71) show that with government deficit, private savings can still be positive. High levels of employment can be achieved in nongrowing economies by reducing average working hours, shifting employment toward labor intensive sectors, and/or redirecting technological change to increase resource rather than labor productivity (68).

### 2AC 5 – Human Nature

#### New link – human nature is propaganda

**Spritzler** ‘**12** [John Spritzler holds a Doctor of Science degree in Biostatistics from the Harvard School of Public Health "human nature," New Democracy World. <http://newdemocracyworld.org/culture/human_nature.html>]

Human nature is not the same as capitalist nature, no matter what the capitalists want us to believe. Human beings create cultures. Cultures embody values about how relations between people ought to be. Being selfish or sharing is a behavioral choice determined in large part by one's culture.

Conflicting cultures have developed, especially conflicting class cultures. Classes of human beings have arisen that dominate, oppress and exploit other human beings, and they have created a culture that legitimizes and even glorifies their oppressive relation to others. But these oppressive classes that survive by taking economic wealth from those who actually produce it are numerically small. The majority of human beings whose labor produces all the wealth of society have developed a very different culture.

The culture of the people who produce the wealth of society is different because we are a social species; we produce the things and services we need for survival and for our comfort and enjoyment only by cooperating with others. Cooperation requires mutual trust. The reason why the Golden Rule is universally honored as the basis of morality (as discussed here), and the reason why it is therefore incorporated into every major religion, is because it is the basis for establishing the trust that cooperation and hence human survival requires.

There is a class culture that says to be selfish. And there is a conflicting class culture, enshrined in the Golden Rule, that says to share.

It is well known by anthropologists that hunter-gatherer societies are extremely egalitarian. For example in the journal, Current Anthropology, Vol. 35, No 2 (April 1994) online here, on page 176 one reads, "Yet the universality of egalitarianism in hunter-gatherers suggests that it is an ancient, evolved human pattern." This Big Fact contradicts the Big Lie that human nature is innately selfish and that inequality is simply what human nature inevitably produces.

In this regard it is worth reading a passage from Peter Kropotkin's Mutual Aid: A Factor of Evolution. In his chapter, "Mutual Aid Among Savages," he writes about the "Hottentots, who are but a little more developed than the bushmen":

"Lubbock describes them as 'the filthiest animals.' and filthy they really are. A fur suspended to the neck and worn till it falls to pieces is all their dress; their huts are a few sticks assembled together and covered with mats, with no kind of furniture within. And though they kept oxen and sheep, and seem to have known the use of iron before they made acquaintance with the Europeans, they still occupy one of the lowest degrees of the human scale. And yet those who knew them highly praised their sociability and readiness to aid each other. If anything is given to a Hottentot, he at once divides it among all present--a habit which, as is known, so much struck Darwin among all Fuegians. He cannot eat alone, and, however hungry, he calls those who pass by to share his food. And when Kolben expressed his astonishment thereat, he received the answer: 'That is Hottentot manner.' But this is not Hottentot manner only: it is an all but universal habit among the 'savages.' Kolben, who knew the Hottentots well and did not pass by their defects in silence, could not praise their tribal morality highly enough.

"'Their word is sacred,' he wrote. They know 'nothing of the corruptness and faithless arts of Europe.,' 'They live in great tranquility and are seldom at war with their neighbors.' They are 'all kindness and goodwill to one another....One of the greatest pleasures of the Hottentots certainly lies in their gifts and good offices to one another,' 'The integrity of the Hottentots, their strictness and celerity in the exercise of justice, and their chastity, are things to which they excel all or most nations in the world.'"

The Hottentots are, of course, the same species as us. Their innate human nature enabled them to develop an extremely egalitarian culture. That means that our innate human nature (whatever it may be) enables us to do the same, contrary to the Big Lie of capitalism.

Some defend the Big Lie by arguing that human nature may permit egalitarianism within a tribe, but it also causes tribes to wage war against each other. But the anthropological evidence does not support the assertion, made by the Nobel Peace Prize laureate and Warmonger in Chief, Barack Obama, that "war appeared with the first man." As John Horgan writes in his The End of War:

"The Homo genus emerged about 2 million years ago and Homo sapiens about two hundred thousand years ago. But the oldest clear-cut relic of lethal group aggression is not millions or hundreds of thousands of years old. It is a 13,000-year-old gravesite along the Nile River in the Jebel Sahaba region of Sudan. Excavated in the 1960s, the site contains fifty-nine skeletons,twenty-four of which bear marks of violence, such as embedded projectile points.

"What's more, the Jebel Sahaba site is an outlier. Most of the other evidence for warfare dates back no more than 10,000 years. The oldest known homicide victim--as opposed to war casualty--was a young man who lived 20,000 years ago along the Nile...

"Sarah Blaffer Hrdy, an anthropologist and authority on both primates and early humans, believes that our human and proto-human ancestors were at least occasionally violent. Given how often fights occur among virtually all primates, including humans, 'we can be fairly certain that lethal aggression occasionally broke out' in the Paleolithic era, she says. 'It would be amazing if it did not.' But Hrdy sees no persuasive evidence that war--which she defines as 'organized aggression between groups with the intent of killing those in other groups'--is either ancient or innate." [pg. 30-31]

Nor does it require living in primitive conditions for egalitarianism to arise. The modern labor movement, with all its strikes and campaigns for things like the Eight Hour Day, and the social movements against racial discrimination (e.g., the U.S. Civil Rights Movement and the Global Anti-Apartheid Movement) are all examples of the mass support for making the world more equal.

The fact that when polled, most Americans say they want health care to be a right of all people, and furthermore say they would agree to paying higher taxes to make it so, cannot be explained by any theory that includes the capitalist Big Lie about human nature being mainly motivated by self-interest.

Workers often continue their labor strikes far beyond the point when they have any chance at all of making up in higher wages all of the wages they have already lost during the strike, not to mention homes foreclosed for lack of money to make the mortgage payments and cars repossessed. This was the case in the Hormel meatpackers strike in the 1980s in Minnesota. Why do they do this? A striker explained why this way, as recounted by Dave Stratman in his We CAN Change the World (pdf):

"Like the British miners, the striking meatpackers understood that far more was at stake than their specific demands. In a speech to supporters in Boston in February, 1986, Pete Winkels, business agent of Local P-9, made this clear: 'Our people are never going to get back what we've already lost financially. We know that. But we're fighting for our families and for the next generation. And we're not going to give up.'

"Since it was precisely the strikers and their families who suffered the economic and emotional costs of the strike, the explanation that "we're fighting for our families and for the next generation" has to be interpreted in a class context. "For the next generation" was a phrase the strikers used again and again to describe why they were fighting, as if these words encapsulated their feelings about creating a future very different from where things seem headed, not just for their immediate families, but for other people like themselves."

The Hormel strike, and many others like it, was a struggle to make the world more equal; as a fight for merely personal self-interest it would have been crazy to continue the strike, as the strikers well knew.

During the Spanish Revolution that involved millions of people in almost half of Spain in 1936-9 peasants expropriated the land from the rich landowners. They invariably decided to own it collectively instead of dividing it up into parcels to be owned individually. Some collectives abolished money altogether and those that didn't made changes in the direction of economic equality, such as paying people according to the size of their family instead of their education or job type. If the Big Lie of human nature were true it would be very difficult to explain how this could have happened. But it did happen. Economic production by these egalitarian collectives actually increased, by the way, refuting the notion that nobody works in an egalitarian society.

From the most common everyday acts of kindness, such as people I see everyday getting up and giving their seat on the subway to an elderly person, to epic struggles for equality, there is abundant proof that the capitalist assertion about human nature being the same as capitalist nature is flat out false. There are countless Big Facts that refute it.

A Big Lie Requires Big Propaganda

It takes great effort to keep a Big Lie afloat. Let's look at one way the capitalists try to do it.

George Orwell joined the Spanish Revolution and wrote about it in his Homage to Catalonia, which describes an egalitarian society created by the Spanish people at this time. Of course Orwell also wrote Animal Farm to warn the world that Communists in the Soviet Union, for all their talk about equality, were just as bad as the capitalists, and wanted a world in which "some are more equal than others." Orwell was not making a statement about human nature; he was making a statement about Communists. Almost every American school child has read Animal Farm or at least has heard the famous line about how the Pigs were more equal than others. But virtually no American learned in our public schools about even the existence of Homage to Catalonia, never mind read it. Instead they are given Animal Farm and encouraged to view it as a wise book about human nature being selfish. They are also given Lord of the Flies by Nobel Prize-winning William Golding, a book whose theme is that human nature is vicious and selfish.

This is no accident. The capitalists need to work very hard to keep people ignorant about the truth of human nature. They need people to hear the Big Lie repeated over and over, so they will accept, as "natural" and "inevitable," the greed-based unequal society that capitalists love so dearly. After reading Animal Farm and Lord of the Flies, many of our youth go to colleges where the number one major is "Business." Here they learn to accept and work with the fundamental premises of economics and marketing, all versions of the Big Lie about human nature. Those who become teachers learn that the purpose of education is to enable American children to compete with non-Americans in the world economy when they leave school, again the premise being that competing against others and looking out for #1 is what life is all about--it's human nature.

#### Human nature is geared against capitalism.

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

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

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

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

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

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## Congress CP

#### Congress key to predictability---the plan constitutional objections cause confusions.

Derrian Smith 19. J.D., 2019, Indiana University Maurer School of Law; B.A., 2016, Indiana University - Indianapolis. "Taming Sherman's Wilderness." Indiana Law Journal, vol. 94, no. 3, Summer 2019, p. 1223-1246. HeinOnline.

CONCLUSION

The Sherman Act, by its vague and sweeping language, is a broad delegation of authority to the Supreme Court. Congress sent us into the wilderness-law students and generalist judges alike. In light of swelling desire for the antitrust laws to be more effective against modern-day competition foes, Congress should update the Sherman Act. The common-law approach has not achieved the stability one would expect of a statute levying hefty criminal sanctions, and the Court appears to approximate agency rulemaking on an increasingly frequent basis. Delegating rulemaking authority to an antitrust agency may be a viable solution. But there are some draw backs-namely constitutional objections to which the Sherman Act may be vulnerable, especially if an agency delegation were not accompanied by some level of additional statutory clarity. Even if the agency solution proves unworkable, Congress should address head-on the growing need for clarity, predictability, and stability, which the Sherman Act significantly fails to provide.

## Court Ptx

#### Roberts’ capital is key—pushes Barrett and Kavanaugh in institutionalist directions

Robinson 21 (Kimberly; June 18; Reporter; Bloomberg Law, “Barrett Channels Roberts’ ‘Go-Slow’ Approach in Landmark Cases,” <https://news.bloomberglaw.com/us-law-week/barrett-channels-roberts-go-slow-approach-in-landmark-cases>)

The U.S. Supreme Court’s newest justice is showing signs that she’s more aligned with John Roberts and Brett Kavanaugh in the center than she is with her other conservative colleagues, refusing to support broad rulings that could shake the court’s credibility. Amy Coney Barrett is “starting to show her stripes” as a moderate who prefers small movements in the law, not huge shifts, South Texas College of Law Houston professor [Josh Blackman](https://www.stcl.edu/about-us/faculty/josh-blackman/) said. The justices handed down victories to both liberals and conservatives on Thursday saving the [Affordable Care Act](https://www.supremecourt.gov/opinions/20pdf/19-840_6jfm.pdf) again but siding with a religious group in the latest battle over [LGBT protections](https://www.supremecourt.gov/opinions/20pdf/19-123_g3bi.pdf). Roberts, the chief justice, is viewed as an institutionalist who wants to conserve the public’s confidence in the court. So far, he favors incremental shifts in the law. “That’s been one of the Chief’s primary goals all along,” said Case Western Reserve law professor [Jonathan Adler](https://case.edu/law/our-school/faculty-directory/jonathan-h-adler). He recently gained an ally in Kavanaugh in this pursuit, and it appears Barrett may join their ranks. The court as a whole has has largely agreed in cases this year. The unanimous decision in the LGBT case was the 25th time the justices were unanimous in 41 rulings so far this term. There are 15 to go in coming days. But the big test for Barrett will be next term starting in October when the justices will tackle hot-button issues like guns, abortion, and possibly affirmative action. “It is a very conservative Court, even if we will only get glimpses of it this year,” said UC Berkeley law school Dean [Erwin Chemerinsky](https://www.law.berkeley.edu/our-faculty/faculty-profiles/erwin-chemerinsky/). Kicking the Can Both the Affordable Care Act and LGBT rulings were “very, very narrow,” Georgia State law professor [EricSegall](https://law.gsu.edu/profile/eric-j-segall/) said. In the Obamacare case, California v. Texas, the 7-2 majority handed down a procedural ruling to avoid undoing the landmark 2010 law. The justices said red states led by Texas didn’t have a legal basis—or standing—to challenge it. Only Justices Samuel Alito and Neil Gorsuch would have voted to gut the act, long a priority of Republicans. The LGBT ruling, while unanimous in its outcome, was splintered in its reasoning. Hiding under the 9-0 breakdown was a dispute about whether to overturn the court’s divisive ruling in Employment Division v. Smith, which sparked the passage of the bipartisan Religious Freedom Protection Act and mini state versions across the country. The court in Smith refused to require an exception from Oregon’s prohibition on peyote, saying religious objectors don’t get a free pass on “generally applicable” laws. On opposite ends in the court’s LGBT ruling were the liberal justices—Stephen Breyer, Sonia Sotomayor, and Elena Kagan—along with Roberts, who wanted to uphold the court’s precedent in Smith, and the court’s most conservative members—Clarence Thomas, Alito, and Gorsuch—who wanted it overruled once and for all. In the middle was Barrett, joined by Kavanaugh, who acknowledged Smith‘s shortcomings but was concerned with the fallout should the court overrule it. “Yet what should replace Smith?” Barrett asked in a short concurrence. Both cases were a punt, Blackman said, with the issues likely to return to the court at some point in the future. End of the World But the ACA and LGBT cases, along with the extraordinary agreement all term, suggests a majority of the justices don’t think it’s the right time to make major changes in the law. “In the throes of everything"—the pandemic, Barrett’s first term, Kavanaugh’s biting confirmation, calls for Breyer to retire, and the caustic 2020 presidential election—"they didn’t want to shock the world this year,” Segall said. “Preserving the court’s own political capital is incredibly important to the justices because they know their only capital is the confidence of the American people,” he added. Adler said the court has developed a sort of 3-3-3 split—that is, three liberals, three conservative justices willing to chuck precedents they don’t agree with, and three conservative justices hesitant to overturn cases they may disagree with. Roberts, Kavanaugh, and now, apparently, Barrett make up that last group. Adler said that split will create some interesting pressures for the three justices in the middle next term, when—as Segall said—"the world will end.” The end of the world was a reference—in part—to the court’s abortion case, which could call into question the landmark ruling in Roe v. Wade and later cases.

#### Roberts is the key vote in abortion cases—pushes the Court away from partisan fights

Parker 21 (Douglas M. – LLB from Cornell Law School, “Blog No. 291. The Supreme Court and Abortion,” 5/29/21, http://www.rinocracy.com/2021/05/29/blog-no-291-the-supreme-court-and-abortion/)

Nevertheless, one factor that might lead the Court to act with caution would be a reluctance to propel the institution further into the political arena. Chief Justice Roberts, in particular, is well known for attempting to insulate the Court from partisan politics, a quest that has become increasingly difficult. Already, pressure from progressives has led President Biden to appoint a commission to consider possible changes in the structure of the Court. While it is unlikely that any report from the commission will lead to action in the near future, an overturning of Casey would add fuel to the fire. Roberts surely does not want the Court to become a centerpiece in the bitter campaigns to be fought for the 2022 Congressional elections. Still, it remains to be seen how influential his instinct to protect the institution will be.

#### Thumpers are snapshots, not trends---overall court politics are in ideological alignment.

Barnes ’21 [Robert; July 2; Reporter covering the U.S. Supreme Court; Washington Post, “Barrett moves Supreme Court to the right, but cautiously,” <https://www.washingtonpost.com/politics/courts_law/supreme-court-barrett-first-term/2021/07/02/34b576a6-da63-11eb-bb9e-70fda8c37057_story.html>]

If the right wing of the court is sometimes fragmented, the term’s decision-making ended Thursday with a burst of partisan acrimony over voting rights that held true to the court’s 6-to-3 ideological divide.

The court’s conservatives, all nominated by Republican presidents, interpreted a key section of the Voting Rights Act in a way that will make it much harder to challenge a spate of strict new voting regulations enacted across the country by Republican-led state legislatures.

The court’s three liberals, all nominated by Democratic presidents, united behind a fierce dissent written by Justice Elena Kagan. “The majority writes its own set of rules,” Kagan wrote, accusing the majority of inhabiting “a law-free zone” unconnected to the act’s words or Congress’s intent.

Alito, the majority opinion’s author, in turn accused Kagan of employing “misdirection” and embarking on a “radical project” to empower federal courts at the expense of state legislatures.

But vitriolic volleys between the court’s two ideological wings were more of an exception to the term than the rule.

“Perhaps the most remarkable feature of this term was that the entire court seemed to go out of its way to find common ground,” said Gregory G. Garre, who for a time was solicitor general under President George W. Bush. “The term saw surprising consensus across ideological lines in high-profile cases.”

The court was unanimous in ruling against the NCAA and its prohibition on colleges offering generous academic-related perks to student-athletes. The justices found a narrow way [to rule that Philadelphia must continue to allow a Catholic agency](https://www.washingtonpost.com/politics/courts_law/supreme-court-philadelphia-foster-care-lgbtq/2021/06/17/3408a0c4-cf6f-11eb-8cd2-4e95230cfac2_story.html?itid=lk_inline_manual_26) to participate in vetting potential foster-care parents even though it will not accept same-sex couples to be foster parents.

[The court ruled, 8 to 1, that a school had gone too far](https://www.washingtonpost.com/politics/courts_law/supreme-court-cheerleader-snapchat-free-speech/2021/06/23/09b905ba-d42a-11eb-a53a-3b5450fdca7a_story.html?itid=lk_inline_manual_27) in punishing a high school cheerleader for a profane, off-campus rant on social media, the first time in 50 years the court had sided with a student in a major First Amendment case.

#### Abortion is top-of-the-docket---stronger signal.

Stevenson ’21 [Peter; May 20; Senior Political Producer; Washington Post, “Chief Justice John Roberts: From key swing vote to potential bystander?” <https://www.washingtonpost.com/politics/2021/05/20/chief-justice-john-roberts-key-swing-vote-potential-bystander/>]

When President Donald Trump made his third and final [Supreme Court](https://www.washingtonpost.com/politics/courts_law/supreme-court-abortion-roe-v-wade/2021/05/17/cdaf1dd6-b708-11eb-a6b1-81296da0339b_story.html?itid=lk_inline_manual_5) nomination, putting Barrett in the seat previously occupied by Ruth Bader Ginsburg, the court became more conservative than it had been [in more than 50 years](https://www.washingtonpost.com/politics/2020/09/22/if-trump-appoints-third-justice-supreme-court-would-be-most-conservative-its-been-since-1950/?itid=lk_inline_manual_5). With a conservative majority on the court, Republicans hope justices could make a series of landmark decisions on issues their electorate is passionate about. At the top of that list is abortion rights.

By the time Trump took office, Republicans had succeeded in making the nomination of Supreme Court justices an issue that drives voter turnout in a way Democrats couldn’t. In exit polls conducted after Trump’s election in 2016, [one-fifth of voters said court nominations](https://www.washingtonpost.com/politics/2020/09/18/where-polling-stands-supreme-court-vaults-into-top-tier-campaign-issues/?itid=lk_inline_manual_8) were the most important factor in their vote, and those voters broke for Trump by a 15-point margin.

When Ginsburg died last September, handing Trump the opportunity to make a third nomination and swing the court even further to the right, it became a more urgent issue for Democrats. About two-thirds of Joe Biden supporters said Supreme Court nominees were “very important” to their vote in an August 2020 Pew Research [poll](https://www.pewresearch.org/politics/2020/08/13/important-issues-in-the-2020-election/), while about 6 in 10 Trump supporters said the same.

But Trump was already on his way to nominating Barrett, a right-leaning justice who gave conservatives on the court what amounts to a majority. That got Republicans excited — and made Democrats nervous — about the possibility of the court making the kind of rulings conservatives have had on their wish list for decades, starting with overturning Roe v. Wade, the landmark abortion case.

#### The Texas decision tells us nothing about how the Court will rule in Dobbs—the Texas law did not present the same precedent issues the Mississippi law does

Ziegler 9/1/21 (Mary - law professor at Florida State University, “Supreme indifference: What the Texas case signals about the court’s treatment of abortion,” https://www.scotusblog.com/2021/09/supreme-indifference-what-the-texas-case-signals-about-the-courts-treatment-of-abortion/)

In some ways, the court’s inaction can tell us only so much about the fate of Roe v. Wade and Casey, which the justices are slated to consider this coming term in Dobbs v. Jackson Women’s Health Organization, a case about a Mississippi law that bans most abortions after 15 weeks. While Texas has tried to avoid a confrontation with Roe and Casey through its private-enforcement scheme, the Mississippi case will all but force the justices to reverse or transform the court’s most important abortion precedents. Mississippi outlaws many abortions before viability — the point at which survival is possible outside the womb — notwithstanding the fact that Roe and Casey disallow undue burdens on the right to choose abortion before viability. To uphold Mississippi’s law, the court will have to reverse Roe outright or declare an end to viability as a limit on abortion bans. The Texas case does not require the same kind of sea change, especially given the emergency posture in which it came up to the court. Lower courts have upheld narrower laws allowing for lawsuits against abortion providers while purporting to enforce Roe and Casey (the U.S. Court of Appeals for the 5th Circuit, in Okpalobi v. Foster, is the most prominent example). The justices might yet respond to the Texas providers’ emergency application — or may simply think that providers cannot sue the state judges they have hauled into court. Besides, the best chance for supporters of abortion rights is to lean on precedent. Chief Justice John Roberts wrote at length about the importance of stare decisis in voting to strike down a Louisiana abortion restriction last year in June Medical Services v. Russo. Justices Brett Kavanaugh and Amy Coney Barrett spoke at length about respect for precedent during their confirmation hearings. Reversing Roe and Casey would upend nearly a half century of jurisprudence. Allowing S.B. 8 to go into effect does not as obviously contradict precedent — or expose the court to backlash. Siding with Mississippi in Dobbs in what is sure to be a closely watched opinion next June seems risky. Allowing Texas’ law to go into effect through inaction in the middle of a night when the court is not even in session, not so much. But the court’s willingness to allow Texas to functionally outlaw abortions sends a powerful message. The justices have shown that they can respond quickly to emergency applications when the spirit moves them. It is possible that one or more of the justices is writing a lengthy dissent that explains the wait here. Just the same, the court’s silence seems to mark a fundamental break with the respect the justices have long shown those on either side of the abortion issue. Saying nothing suggests that there was no emergency — and that a massive shift in abortion law in one of the nation’s largest states is a matter of no particular import. Americans opposed to abortion will celebrate Texas’ law as a crucial step toward the protection of the nation’s most vulnerable. Supporters of abortion rights mourn that the court has effectively reversed Roe without saying a word. Only the justices themselves seem to think that the matter is not worthy of comment. The court’s silence cannot tell us whether the court will reverse Roe openly this June or in a subsequent decision. Inaction on the emergency application does not reveal much about how the court’s new 6-3 conservative majority views precedent; nor does it establish whether Roberts’ commitment in June Medical will persist (or whether Barrett, who replaced the late Justice Ruth Bader Ginsburg after June Medical was handed down, will share that commitment). But the events of the past 24 hours do raise questions about whether the court will approach Dobbs as the legacy-defining case that it is. The Supreme Court’s membership has changed, but the gravity of the abortion issue has not. Dobbs gives the justices a second chance to show that they have not forgotten.

#### Reject their politically-charged blogosphere evidence (it was slate for god sake)—the Texas case was decided on purely procedural grounds and has nothing to do with how the Court will rule in Dobbs

Feldman 9/2/21 (Noah – Professor of Law at Harvard Law School, “Will the Supreme Court Overturn Roe? We Don’t Know: Noah Feldman,” *Bloomberg Law*, https://www.bloomberglaw.com/bloomberglawnews/us-law-week/XDK8HAG4000000?bna\_news\_filter=us-law-week#jcite)

A day after the Constitution-flouting Texas anti-abortion law went into effect, a divided Supreme Court ruled on Wednesday that it won’t block the law before it can grapple with a concrete case that tests it in practice. The five most conservative justices agreed to an unsigned, one-and-a-half-page opinion that said the law might or might not be unconstitutional, but that given its unusual form, which delegates enforcement to private citizens instead of state authorities, it was too legally complicated to issue an emergency injunction blocking the law. In four separate dissents, the three liberals plus Chief Justice John Roberts said the law should have been blocked anyway. Every nonlawyer on the planet — and no doubt a few lawyers, too — is likely to read this outcome as prefiguring a 5-to-4 vote to overturn Roe v. Wade, the 1973 precedent that made abortion a constitutional right. Later this year, the court will address a Mississippi anti-abortion law that lacks the cleverly diabolical enforcement mechanism of the Texas law but is equally unconstitutional. Indeed, the day after the law went into effect and before the Supreme Court ruled, many non-lawyers who were so unfamiliar with court procedures that they didn’t know it would eventually issue a ruling on the Texas law had already concluded that they knew how the upcoming Mississippi case would come out. That’s a possible interpretation of the latest opinion, to be sure. But the opinion for the five conservatives explicitly denied it. “We stress,” said the justices, “that we do not purport to resolve definitively any jurisdictional or substantive claim in the applicants’ lawsuit.” That’s lawyer-speak for saying both that the law could still be unconstitutional and that there might still be some procedural way to block its operation. For good measure, the opinion said the challengers “have raised serious questions regarding the constitutionality of the Texas law.” These formulations indicate that at least some of the five conservatives who joined it wanted to take pains not to send the message that Roe v. Wade is sure to be overturned. What is less clear is whether anyone on the political battlefield wants to hear that message. The pro-choice camp will doubtless spend the months until the court term ends in June whipping up public sentiment, either in the hopes of changing the outcome or turning any decision overturning Roe into the impetus for packing the court or producing a heavy Democratic turnout in the 2022 midterm elections. The pro-life camp has an equal interest in making the overturning of Roe seem inevitable. Consequently, neither side cares much for dispassionate analysis. But the fact remains that the majority in the Texas ruling did not address the underlying issues, so it would be premature to predict the outcome in the Mississippi case based on it.

#### 2ac 4 Excess birth rate turns every impact and slowing population growth solves them.

Smail ’17 [Kenneth; Summer 2017; Professor of Anthropology Emeritus, Department of Anthropology, Kenyon College; The Social Contract, “The ‘Malthusian Dilemma’ Revisited: Excessive human numbers in a world of finite limits,” vol. 27]

Consider the following thought experiments. Examine any late twentieth/early twenty-first century problem, whether environmental, economic, political, social, or moral, and ask whether its solution would be made easier—or more difficult—by a steadily growing population. Or conversely, imagine trying to resolve, or at least accommodate, these same problems in a context where population size—whether global or local—has either stabilized or slowly begun to decline. Or consider the following challenge posed by Bartlett (1998): “Can you think of any problem, on any scale, from microscopic to global, whose long-term solution is in any demonstrable way aided, assisted, or advanced by having larger populations at the local level, the state level, the national level, or globally?” Or finally, might it be legitimate to ask whether the Earth suffers not so much from a “shortage” of resources as it does from a “longage” (or surfeit) of people (Hardin 1999)?

In what follows, I take the position that increasingly rapid population growth during the past century has played a central role in causing, or at least in further exacerbating, the numerous systemic problems— ecological, economic, political, social, and moral—that currently face our species. Although recognition of this fundamental fact has been slow in coming, there is now a growing realization that “demographic fatigue” can not only overwhelm the efforts of many less-developed nations, particularly those whose populations and corresponding infra-structural needs double (or more) every generation, but can also sap the strength of even the most robust and stable political and economic systems (Brown et al. 1999).

#### **Accessible family planning’s key to avert irreversible warming tipping points---benefits are short-term and huge**

John Guillebaud 16, emeritus professor of family planning and reproductive health at University College London, 5/20/16, “Voluntary family planning to minimise and mitigate climate change,” BMJ, http://www.bmj.com/content/353/bmj.i2102

Simply put, climate change is caused by excessive production of greenhouse gases. As highlighted by the late Professor Tony McMichael, the “cause(s) of the causes” should not be overlooked.1 With climate change already close to an irreversible tipping point, urgent action is needed to reduce not only our mean (carbon) footprints but also the “number of feet”—that is, the growing population either already creating large footprints or aspiring to do so. Wise and compassionate promotion of contraceptive care and education in a rights based, culturally appropriate framework offers a cost effective strategy to reduce greenhouse gases. This article outlines the evidence for voluntary accessible family planning as a strategy to reduce greenhouse gas emissions and mitigate climate change. What is the relation between population and environmental impact? During 1971-72, Ehrlich and Holdren identified three factors that create humanity’s environmental (including climatic) impact, related by a simple equation2: Environmental impact, I =P×A×T in which A is affluence (material consumption and the concomitant “effluence” of pollutants such as carbon dioxide (CO2) per person); T is technology impact per person (in which fossil fuels measure more highly than solar based energy); and P is population (the number of people). Population’s effect on the other two factors is multiplicative. Reducing P can reduce environmental impact if the other factors are constant. In fig 1⇓, for example, fewer people requiring food would manifestly reduce the startling 30% of greenhouse gas emissions from agriculture and meat production combined (including CO2 from deforestation, methane from livestock, and nitrous oxide from fertilisers).3 That said, other contributory factors, including the worldwide trend towards higher meat consumption, must also be reversed. Population trends Since 1850, substantial lowering of death rates, first through public health and later through antibiotics, along with slow falls in birth rates, have led to a global population of more than 7400 million people by June 2016, a sevenfold increase. The total fertility rate is the projected mean number of children born to an average woman in her lifetime on current demographic assumptions or, in shorthand, the “average family size.” Given world average mortality, countries achieving total fertility rates of 2.1 have replacement fertility, yet their populations continue to increase for roughly 60 years because of demographic momentum (see below). Since the mid-20th century the world’s mean fertility rate has reduced from 5.2 to 2.5, and 46% of people live where the mean family size is equal to or below parental replacement fertility.4 In 2013 an influential film by Hans Rosling, Don’t Panic—The Facts About Population,5 suggested that the population problem was essentially solved. However, there is some “bad news.” Firstly, fertility patterns vary by country: 45% of the world lives in areas where total fertility rates range from 2.1 to 5, and 9% where they exceed 5. In the 48 countries designated by the United Nations as least developed, population is projected to triple by 2100.4 In much of sub-Saharan Africa fertility reduction has stalled.6 7 The UN’s latest median world population projection of 11.2 billion by 2100 is predicated on continuing reductions in fertility rate; without them, the constant fertility variant projects to roughly 28 billion by 2100.3 A second problem is “inexorable demographic momentum” as a result of the population “bulge” of young people who were born when fertility rates were higher and are yet to start their families. That phrase was used in a widely publicised scenario based report Human Population Reduction is not a Quick Fix for Environmental Problems.8 However, the scenarios have been criticised for ignoring country-to-country variability and hence understating the “enormous social and economic benefits that family planning adopting nations have experienced in one generation compared with their non-adopting neighbours”—that is, the benefits are not long delayed.9 10 Voluntary family planning omitted in climate change coverage As already noted, three factors affect environmental impact, yet most climate change discussions focus only on technology and consumption. Even if unremitting population growth is recognised (as, for example, in the Living Planet Report by the World Wide Fund for Nature with the Global Footprint Network)11 it is usually treated as a “given,” something to be measured and (hopefully) adapted to, not as something that is sensitive to policy intervention. This is analogous to monitoring a bucket that is filled from a running tap and, when it’s close to overflowing, discussing complex measures to make the only available bucket larger, rather than turning off the tap. Doctors can have an important role in putting family planning on to the agenda (box 1).