# 1NC

### T Private---1NC

#### Private sector is for profit---the aff is the voluntary sector.

Investopedia 20. Fact checked by MARCUS REEVES Reviewed by THOMAS BROCK on December 25, 2020 “Private Sector”. https://www.investopedia.com/terms/p/private-sector.asp

What is the Private Sector?

The private sector is the part of the economy that is run by individuals and companies for profit and is not state controlled. Therefore, it encompasses all for-profit businesses that are not owned or operated by the government. Companies and corporations that are government run are part of what is known as the public sector, while charities and other nonprofit organizations are part of the voluntary sector.

#### Business practices are money making.

Farlex Financial Dictionary 12. © 2012 Farlex, Inc. All Rights Reserved. https://financial-dictionary.thefreedictionary.com/Business+Practice

Business Practice

Any tactic or activity a business conducts to reach its objectives. Ultimately, a business's objective is to make money. Business practices are the ways it attempts to do so in the most cost effective way. A company may have rules for business practices to ensure that its employees are efficient in their work and abide by applicable laws. See also: Business ethics.

#### Explodes the topic to millions of affirmatives about NGOs, religious organizations, and charities. They don’t link to any core disads about the economy or private sector which kills negative ground and is a voter for fairness.

### T-Scope---1NC

#### The scope of competition law defines it goals---attempts to meet current goals by banning practice are implementation questions.

ESE No Date. Erasmus School of Economics (as per their website, “The Erasmus Center for Economic and Financial Governance is an international multidisciplinary network of leading researchers and societal stakeholders initiated by researchers from Erasmus School of Economics and Erasmus School of Law. ECEFG conducts interdisciplinary research (law, economics and political science) and contributes to current debates in public and in academia on issues relating to European and global economic and financial governance.”). "Competition Policy". <https://www.eur.nl/en/ese/affiliated/ecefg/research/competition-policy>

Competition Policy

Research in this field consists of two broad areas. The first area – Theory and Implementation of Competition Law and Policy – refers to fundamental and applied research into topics that are traditionally seen as the core of competition policy. The second area – Scope of Competition Law and Policy – refers to all research on the effect and desirability of including new considerations in competition law and policy in order to address the challenges of our time, such as the increasing power of big tech firms, or global warming.

Theory and Implementation of Competition Policy

This covers for instance collusion, abuse of dominance, mergers, market regulation and state aid. Some examples of research topics are:

* the practices firms can use to engage in collusion and its welfare consequences;
* the practices firms can use to abuse a dominant position and its welfare consequences;
* which practices can be considered proof of such activities;
* how to regulate access to a market;
* how to properly assess the effects of a particular practice or merger;
* the practices, by which the state and public authorities distort competition such as subisidies and tax measures
* the interpretation and application of EU and national competition law by Competition Authorities and Courts and the extent to which they achieve the goals of competition policy

Scope of Competition Policy

The effectiveness of European competition law and policy in combination with rapid technological changes have raised questions about its proper scope. Which policy objectives can and should be pursued by means of competition law and policy, and which should be delegated to other legal fields and policies? Some examples of specific research questions include:

* Can and should competition law be used to protect the privacy of consumers on the internet?
* Information gathered by firms can be used to increase their own profits. How does this affect consumers, and what does this depend on? Can and should competition law deal with market power derived from information gathering? For instance, should the big five tech giants be forced to divest activities?
* Should competition policy also include considerations of economic inequality or environmental effects?
* Can competition law remain effective if it is used for more than safeguarding fair competition?

#### That means the aff must replace the consumer welfare standard.

Trevor Wagener 21. "The Curse of Tradeoffs: Neo-Brandeisians vs. Consumers". Disruptive Competition Project. 5-21-2021. https://www.project-disco.org/competition/052121-the-curse-of-tradeoffs-neo-brandeisian-antitrust-versus-consumers/

Neo-Brandeisians seek to replace the longstanding objective and principles-based framework of the consumer welfare standard in antitrust enforcement with an amorphous, process-based framework guided by an ethos one Neo-Brandeisian described as: “Big is bad. Just don’t let big firms merge. The end.” A movement dedicated to replacing a consumer welfare-maximizing approach with an assortment of competing goals has proven unable to offer a quantified, systematic cost-benefit analysis justifying such a radical change, instead relying upon anecdotal evidence and moving prose. The many goals of the Neo-Brandeisian approach are often rhetorically appealing, but the rhetoric hides a simple truth: When you target every variable, you effectively target none. Addressing a wide range of goals through antitrust policy requires de-emphasizing consumer welfare, creating fundamental tradeoffs expected to harm consumers relative to the status quo.

The willingness to sacrifice consumer welfare in order to achieve other ends is a defining characteristic of Neo-Brandeisian antitrust. This is illustrated by concrete Neo-Brandeisian critiques, which typically emphasize perceived harms to businesses rather than harms to consumers. For example, the Neo-Brandeisian activist group American Economic Liberties Project (AELP) published a pair of policy briefs on May 3 that criticize online service operators for a litany of purported inconveniences to businesses over a combined 22 pages, but struggle to quantify any harms to ordinary consumers and users. Those few purported harms to consumers that AELP raised are distinctly qualitative rather than quantitative, consistent with the broader reluctance of prominent Neo-Brandeisian thinkers to conduct a rigorous quantitative cost-benefit analysis of their antitrust policy prescriptions relative to the consumer welfare standard.

#### Vote negative for limits and ground---only “change goals” creates key economy and legal disads over what antitrust should consider---the affs topic races to tiny exemptions and technical changes with no core ground.

### Courts CP---1NC

#### Courts should announce that they will substantially increase prohibitions on anticompetitive business practices by the private sector that are exempted from its core antitrust laws as free exercise.

#### Solves the case and avoids FTC tradeoff.

Colombo ’18 [Ronald; Spring 2018; Professor of Law at Hofstra University, J.D. from New York University; St. John’s Law Review, “An Antitrust Approach to Corporate Free Exercise Claims,” vol. 92]

Political will may not exist to propose new RFRAs or amend old RFRAs. Further, administrative agencies may lack the energy or resources to take into account all of the potential religious liberty implications of the regulations they promulgate. Consequently, if all else fails, the judiciary could readily effectuate the principles outlined in this article in their rendering of RFRA and state-RFRAs-and even the First Amendment to the extent applicable.

In all the cases appropriately brought under RFRA, as well as practically all the cases brought under state RFRAs, and in a narrow band of cases brought under the First Amendment itself,27 3 the government is put to the burden of demonstrating a "compelling government interest" in order to prevail in denying the sought-after exemption.27 4 In assessing whether this burden has been met, with regard to corporate claimants, courts could consider the market power of said claimants. In other words, courts could factor into their analysis the degree to which a corporate claimant wields market power. The greater a claimant's market power, the more compelling the government's interest as to that claimant if the law is one concerning access or antidiscrimination. 27 5

### Regs CP---1NC

#### The United States federal government should

#### - ban unfair business practices excused under free exercise through non-antitrust regulations.

#### - broadcast a stream of religiously unifying political messages

#### - implement religious solidarity programs

#### - not rejoin the 2015 Iran Nuclear Deal

#### - substantially increase sanctions on Iran

#### - openly declare support for an Israeli one-state solution

#### - eliminate all financial aid to Palestine

#### - recommit to global multilateral solutions addressing arms racing, environmental collapse, and emerging technology

#### - substantially increase funding for global education programs that focus on teaching religious tolerance and pluralism

#### - pass the Do No Harm Act.

#### Plank 1 solves by PIC’ing out of anti-trust legislation and the FTC and DOJ as enforcers---other agencies’ regulations solve.

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

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

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

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

#### Planks 2 and 3 solve religious freedom and civil war---their author is talking about Trump, and says the CP is better. Emory = Yellow

1AC Laitman ’17 [Michael; August 25; Professor of Ontology and Theory of Knowledge, Ph.D. in Philosophy from the Russian Academy of Science; News Max, “There Will Be No Winners in the Second Civil War,” <https://www.newsmax.com/michaellaitman/america-civil-war-newt-gingrich-don-lemon/2017/08/25/id/809867/>]

Referencing Dennis Prager’s [piece](https://townhall.com/columnists/dennisprager/2017/01/24/americas-second-civil-war-n2275896), “America's Second Civil War,” Gingrich added, “What you’re seeing with Antifa, what you’re seeing on college campuses, what you’re seeing, to some extent, in the bureaucracy, is a real division of the country. …I wish we could all sing Kumbaya and come together but I don’t think that’s what’s gonna happen. …As a historian, my view is pretty straightforward: one side or the other wins.”

America is already so rife with extremists on both sides of the political aisle that many people see war not only as imminent, but as virtually inevitable. If that’s the case, we’d better get busy digging ourselves bunkers… and graves.

And not just in the U.S. A civil war in America will not end in America. If the country plunges into battle, many will be vying for the loot. China, Russia, North Korea, Iran, and others will destroy whatever the war doesn’t, the American empire will become history, and a third world war, with multiple nuclear powers, will follow. There will be no winners because, to quote Machiavelli, “Wars begin when you will, but they do not end when you please.”

Is there really no alternative?

I think there is, or I wouldn’t be writing here. In my [previous column](http://www.newsmax.com/MichaelLaitman/charlottesville-trump-america-first/2017/08/18/id/808440/), I noted that President Trump needs to take a more appeasing tone in order to start building national cohesion. It’s great to state, “No matter our color, creed, religion or political party, we are ALL AMERICANS FIRST,” but doing so right after the Charlottesville murderous car ramming is the epitome of poor timing. Such statements should be part of the president’s routine, not rare occasions.

Trump excels in using social media. If he uses it to broadcast a constant stream of unifying messages, notwithstanding the cynicism of the press, he will win over the American people’s hearts regardless of their political affiliation.

I wholly agree that America requires massive infrastructure projects. But the real infrastructure of the country is its people, not its asphalt roads or railroads. The administration needs to implement ASAP solidarity programs that will create a uniform American identity. People need to learn that an ideology that undermines freedom of speech, freedom of religious practice, and freedom of the press, cannot use the First Amendment to legitimize itself.

Even more importantly, people need to learn that plurality of views is not a recipe for war; it is precisely what has made America great in the first place. When people of different approaches and views strive for the same goal, they are far more likely to achieve it. If the goal is the well-being of all Americans, the entire country will benefit from it, and this goal should top the priority list of every American.

It might not seem possible to patch up the divided United States, but 1) no one has ever sincerely tried, and 2) the other option is war.

With my students, I have developed simple and easily applicable techniques that create a sense of unity and connection even among the most [unlikely populations](https://www.youtube.com/watch?v=CfnnotwX7Yc&feature=youtu.be), such as Israeli Jews and Palestinian Arabs, ultra-Orthodox and devout agnostics, and affluent and needy. These techniques work wonders wherever we have tried them: North America, Western and Eastern Europe, and in Israel.

Today’s world is pushing toward connection. The interconnectedness of reality requires that we learn how to work in a world where everyone is dependent on everyone else. When we think in terms of “one side or the other wins,” we cannot succeed because we are perpetuating a mindset of separation. This will inevitably create unions of extremists that will feed on hatred of the other side, which in turn will lead to war. The only way to avoid this route is to make unity mainstream.

If this seems unrealistic, think of your own body. Without the unity of radically different organs all working in unison for the common cause of sustaining you and keeping you healthy, you would not exist. Therefore, unity is not unrealistic; it is the only realistic option for society.

The sooner we make American solidarity the prime value of America, the better it is for the entire country. Any decision that Trump’s administration and Congress make from here on should first and foremost promote unity and solidarity because this is truly the only realistic option.

#### Planks 4-7 solve Israel---their ev is a criticism of potential actions Biden could take. The CP reverses them. Emory = Yellow

1AC Pressman ’21 [Jeremy and Dov Waxman; June 17; Professor of Political Science studying Middle Eastern Politics at the University of Connecticut, Ph.D. from the Massachusetts Institute of Technology; Director of the Nazarian Center for Israel Studies and Professor of Political Science at the University of Los Angeles at California, Ph.D. from the School of Advanced International Studies at Johns Hopkins University; Washington Quarterly, “The Rocky Future of the US-Israeli Special Relationship,” vol. 44]

After four harmonious years of US-Israeli relations, during which the Trump administration was closely aligned with the Israeli government led by Prime Minister Benjamin Netanyahu, the US-Israeli relationship is bound to come under strain during the next four years of Joe Biden’s presidency. Although President Biden himself has always been a strong supporter of Israel since his early days in the US Senate, his administration’s policies and preferences will almost certainly differ substantially from those favored by the Israeli government—whether it is led by Netanyahu or Naftali Bennett (who is farther to the right than Netanyahu).

On the hot-button issues of Iran’s nuclear program and the Israeli-Palestinian conflict, it is already clear that the Biden administration is trying to reverse several of the policies of its predecessor—policies that the Israeli government enthusiastically supported. President Biden wants the United States to rejoin the 2015 nuclear agreement and get Iran to fully comply with it again. To do that, he will need to lift crippling US sanctions on Iran, which will be widely viewed in Israel as a dangerous concession to Tehran. By ending the “maximum pressure” campaign that the Trump administration waged against Iran with Israel’s encouragement, the Biden administration will likely face fierce criticism from Israel and from right-wing pro-Israel groups in the United States.

The Biden administration’s efforts to restore the decades-old, pre-Trump US policy toward the Israeli-Palestinian conflict—engaging with both sides, acting as an even-handed mediator (or, at least, trying to appear so), and promoting a two-state solution—will also elicit opposition from Israel and its right-wing American supporters. While the Biden administration won’t reverse US recognition of Jerusalem as Israel’s capital or move its embassy back to Tel Aviv,[1](https://www.tandfonline.com/doi/full/10.1080/0163660X.2021.1934999) it may well renounce Trump’s one-sided peace plan (which would have allowed Israel to formally annex a third of the West Bank) and revoke Mike Pompeo’s statement that Israeli settlements are not inconsistent with international law. In late March, US Ambassador Linda Thomas-Greenfield reaffirmed US concern about Israeli settlement activity.[2](https://www.tandfonline.com/doi/full/10.1080/0163660X.2021.1934999)

In order to reset US relations with the West Bank-based Palestinian Authority (PA)—which were badly damaged by the Trump administration’s punitive actions against the Palestinians and its embrace of the Israeli right’s “Greater Israel” agenda of permanent Israeli rule over most, if not all, of the West Bank—the Biden administration has already resumed some US aid to the Palestinians as well as US financial contributions to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).[3](https://www.tandfonline.com/doi/full/10.1080/0163660X.2021.1934999) The Biden administration will also try to reopen a US consulate in East Jerusalem and allow the Palestinians to reopen their diplomatic mission in Washington DC, which the Trump administration closed in 2018.[4](https://www.tandfonline.com/doi/full/10.1080/0163660X.2021.1934999) None of these steps, however, are likely to be free of controversy, especially now that there is no longer a bipartisan American consensus on the need for a negotiated two-state solution to the Israeli-Palestinian conflict.

#### Plank 8 solve their LIO impact---their ev says the US needs to recommit to multilateral institutions, the CP does that in the areas that their Harari ev says it’s necessary.

#### Plank 9 solves extremism---their ev says education programs are key. Emory = Yellow

1AC Saiya ’18 [Nilay; August 10; Senior Fellow with the Religious Freedom Institute’s South and Southeast Asia Action Team and Assistant Professor of Public Policy and Global Affairs at Nanyang Technological University; Weapon of Peace, “Religious Liberty and American Foreign Policy,” Ch. 5]

How might the world look different today had extremists like Osama bin Laden or Abu Bakr al-Baghdadi been raised in climates of religious tolerance where they would have been exposed to competing interpretations of Islam, minority religious beliefs and nonreligious conceptions of a good society instead of being inculcated exclusively into the radical traditions of Ibn Taymiyyah and Muhammad ibn Abd al-Wahhab? Would al Qaeda and ISIS have come into existence? Would Saudi Arabia still be one of the world’s leading exporters of extremism? Would Iraq have descended into a horrific cauldron of sectarian violence? How might Pakistan look different today had President Muhammad Zia ul-Haq invited freedom of thought instead of pushing his country toward an intolerant rendering of religion and reviving a fundamentalist brand of Islam in an attempt to secure support from the religious establishment? Would it still be one of the world’s most terror-prone countries? Would Egypt have faced a prolonged Islamist insurgency in the 1990s had Islamists not been banned, imprisoned and tortured under the repressive reigns of Gamal Nasser and Anwar Sadat? Would Egyptian doctor Ayman al-Zawahiri have been drawn to radicalism and eventually become the leader of al Qaeda after the assassination of Osama bin Laden? What if after the collapse of the Soviet Union, Russia had refused to align itself with the Orthodox Church and control minority groups? Would it be facing the same militant challenge on its southern tier that it does today? How might Turkey, Tunisia, Iran and Malaysia look different today had they embraced, rather than repressed, the ideas of Muslim reformers like Fethullah Gulen, Rached Ghannouchi and Abdolkarim Soroush? And what would have happened if the United States had put greater pressure on its allies to embrace religious liberty as a way to root out extremist ideas and promote tolerance? Would 9/11 still have occurred?

#### Plank 10 solve religious freedom---the plan fails because RFRA has gone too far, only the CP solves.

Barry Lynn 16. Executive Director of Americans United for Separation of Church and State. “First, Do No Harm: How to Restore A Federal Religious Freedom Law.” https://www.au.org/blogs/wall-of-separation/first-do-no-harm-how-to-restore-a-federal-religious-freedom-law.

RFRA, of course, was never intended to do any of these things. It was conceived as a way to protect an individual’s right to religious freedom; it was never meant to be a mechanism for controlling what others do or taking away their rights.

As someone who worked on RFRA’s passage, I am deeply disappointed that the law is being misused in these ways. We should not allow people to engage in discrimination or the denial of services under the guise of religious liberty. Such an outcome both harms others and ultimately deteriorates this fundamental freedom. I believe it’s past time to get back to the original understanding of RFRA and indeed, real religious liberty.

Today, U.S. Reps. Joseph P. Kennedy III (D-Mass.) and Robert C. “Bobby” Scott (D-Va.) introduced legislation to do just that. The Do No Harm Act would restore RFRA by preserving its power to protect religious liberty but also clarifying that it may not be used to harm others.

The bill simply says that RFRA shouldn’t be used to create religious exemptions to laws that are designed to protect our neighbors, like those prohibiting discrimination, requiring equal pay and protecting children’s welfare. It also says government officials and employees can’t use RFRA to refuse to provide services to the public; we all deserve to be treated equally by our government.

At the same time, this bill ensures that RFRA will remain a vital way to protect religious exercise, such as for Sikh soldiers barred by Army regulations from serving their country while wearing their articles of faith or Native Americans prohibited from using eagle feathers in their religious ceremonies.

The Do No Harm Act furthers religious freedom. We are free to believe or not, as we see fit, and to practice our faith – but we may not act in a way that causes harm to others. This understanding of religious liberty is enshrined in the First Amendment to the U.S. Constitution. And fundamentally, this is a basic tenet we all understand: We should treat others fairly, as we would like to be treated.

The Do No Harm Act honors this.

#### It specifically solves religious exemptions.

Colombo ’18 [Ronald; Spring 2018; Professor of Law at Hofstra University, J.D. from New York University; St. John’s Law Review, “An Antitrust Approach to Corporate Free Exercise Claims,” vol. 92]

Much of the law that regulates businesses is administrative in nature. Indeed, the contraceptive mandate that precipitated the Hobby Lobby case was exactly that: a Health and Human Services regulation.2 70 Prior to promulgating their regulations, administrative agencies are ordinarily required to circulate their proposals for notice and comment.2 7 1 Properly conducted, this circulation should bring to light many-hopefully most-potential problems that the proposed regulation would present to certain individuals on account of their religious beliefs and/or practices. In response to this information, administrative agencies would be well-advised to craft religious exemptions to effectuate the principles outlined above. Namely, generous exemptions for firms and businesses to the extent that they lack market power. This is completely within their power under the First Amendment, as explicitly recognized by the Supreme Court in Employment Division v. Smith.2 72

### States CP---1NC

#### The 50 state governments and all relevant sub-national entities should increase prohibitions on anticompetitive private business practices that are exempted from core antitrust laws as free exercise.

#### Their 1AC solvency advocate says states solve better---RFRA has no authority over state antitrust laws.

Barak D. 1AC Richman 13. Professor of Law and Business Administration, Duke University. “Saving the First Amendment from Itself: Relief from the Sherman Act Against the Rabbinic Cartels.” Pepperdine Law Review. Vol. 39: 1347, 2013. [https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=3009&context=faculty\_scholarship](https://secure-web.cisco.com/1Vu3yo-CTwZv6Hz1qgZr23P7snHROl599mcAvjooeGfM10TNy2OURtaM2CUDrCCaIjnupapbkSfM8O2j5yQYfZ882PLSdtBqDtyx3vjoFNE20CUfe43j970zsW9kBS9B86x9qH-5odriKxHWmzI5qiWNpK5EIv2o2lLTEiHI6uj4Cw3UUBobPeaBBug9RHiUfrsv3IvHdwxSnWB8M9y3xlB6E56quLyzi6ZWsFyRXfRIh5OB6hbufxNa4lYNeUpvKXhwpwY7gM7v8XQAQ65X0mhA1BqdMcY7TqNOT7aztjNrg65_QaDf_YQLUWzP4fRaTNcwjInfR_gfxQ2ijbJbNzkv9-WjG3uStcJX4NJ2yP8Idl2ZAgqoFqljECxjDpWTeo99UuLlEkp4vgLUsy7rX9dt0x1g-qsVaFtuUpXuSiMOVXRQa7zVQQ6434AIX-1W0UxAiBNp1sRTEq534YazY-Adcg2SciMr8rXam0YgTt7GjU7CdNjChqzqhE28Cb5JtbZpM8oOqIvY-Bh_nAWA9tA/https%3A%2F%2Fscholarship.law.duke.edu%2Fcgi%2Fviewcontent.cgi%3Farticle%3D3009%26context%3Dfaculty_scholarship)

RFRA therefore does not curtail state law, including the individual competition laws that each state has enacted.55 Many of these state competition laws “use statutory language that tracks the federal statutes closely [and] by either statute or state supreme court declaration, they hold that on substantive issues federal case law should be regarded as precedential.”56 Although Congress, through RFRA, might have curtailed application of federal antitrust laws, it has no authority to limit state antitrust laws, which by and large are substantively equivalent.57

In the wake of the City of Boerne ruling, sixteen states also enacted so called “mini-RFRA” laws to reinstate pre-Smith protections of religious conduct against their own laws.58 Therefore, just as RFRA could be read as a limitation of the Sherman Act, mini-RFRAs might similarly limit some corresponding state antitrust statutes. In these sixteen “mini-RFRA states,” application of the antitrust laws is subject to pre-Smith protections. In the thirty-four states without mini-RFRA statutes, however, there is no such limitation. Therefore, even if RFRA and mini-RFRAs are broadly interpreted to limit applying competition laws to the conduct of religious organizations, they still do not limit the application of state antitrust laws in these thirty-four states.

#### Pre-emption is wrong---Boerne v. Flores changed the scope of RFRA.

Whitney K. Novak 20. Legislative Attorney Congressional Research Service. “The Religious Freedom Restoration Act: A Primer.” <https://crsreports.congress.gov/product/pdf/IF/IF11490>.

The scope of RFRA changed as a result of City of Boerne v. Flores, 521 U.S. 507 (1997), where the Court held that RFRA’s application to states and local governments was beyond Congress’s power under Section 5 of the Fourteenth Amendment. The Section 5 power, according to the Court, is “remedial,” allowing Congress to act only in instances where there is evidence of a pattern of conduct that violates the Fourteenth Amendment. The Court determined that because Congress had not established a widespread pattern of religious discrimination, RFRA could not be justified as a remedial measure designed to prevent unconstitutional conduct. Instead, the Court viewed RFRA as an attempt to substantively change the meaning of the free exercise clause, which was outside of Congress’s power over the states. As a result of the Court’s decision, RFRA no longer applies to states or localities but continues to constrain federal government action. Many states, however, have passed their own versions of RFRA that apply to state and local laws of general applicability.

### FTC DA---1NC

#### FTC focused on supply chain investigation now---key to solve the crisis.

The Strategic Sourceror 12/14/21. Leading industry blog that focuses on providing news, tips, and best practices for a variety of procurement, supply chain, and strategic sourcing categories. “FTC Seeks Supply Chain Data From Major Retailers, Suppliers.” https://www.strategicsourceror.com/2021/12/ftc-seeks-supply-chain-data-from-major.html

Just as the supply chain is made up of many players and contributors, the bottlenecks that currently exist are a product of many factors. In an attempt to identify the root causes of the congestion, the Federal Trade Commission is getting involved.

As the agency announced in a prepared statement, the FTC has formally called upon several household-name retailers and suppliers to turn over all their internal documents and data that relate to supply chain management. These companies include Walmart — the world's largest employer — Proctor & Gamble, Amazon and Associated Wholesale Grocers Incorporated, among others. In a 4-0 vote, the commission that comprises the FTC was unanimous in its decision to issue the order to the aforementioned companies.

Lina Khan, chairperson for the FTC, noted the inquiry is designed to get a better understanding of where the supply chain bottlenecks exist and how to best resolve them.

"The FTC has a long history of pursuing market studies to deepen our understanding of economic conditions and business conduct, and we should continue to make nimble and timely use of these information-gathering tools and authorities," Khan said.

The order is designed to inform a study that the FTC is currently putting together related to the ongoing supply chain challenges affecting the global economy. Khan noted that the 6(b) study — the title deriving from Section 6(b) of the FTC Act, which authorizes the agency to conduct such investigations — is meant to "shed light on market conditions and business practices" that may have exacerbated the disruptions or contributed to added instability.

#### FTC resources are finite and new priorities trade off with existing work.

David McCabe 18. Tech policy reporter for Axios, 5/7/18. “Mergers are spiking, but antitrust cop funding isn't.” https://www.axios.com/antitrust-doj-ftc-funding-2f69ed8c-b486-4a08-ab57-d3535ae43b52.html

The number of corporate mergers has jumped in recent years, but funding has stagnated for the federal agencies that are supposed to make sure the deals won’t harm consumers.

Why it matters: A wave of mega-mergers touching many facets of daily life, from T-Mobile’s merger with Sprint to CVS’s purchase of Aetna, will test the Justice Department's and Federal Trade Commission’s ability to examine smaller or more novel cases, antitrust experts say.

What they’re saying: “You have finite resources in terms of people power, so if you are spending all of your time litigating big mergers … there might be some investigations where decisions might have to be made about which investigations you can pursue,” said Caroline Holland, who was a senior staffer in DOJ’s Antitrust Division under President Obama and is now a Mozilla fellow.

What's happening:

More mergers are underway now than at any point since the recession. The total number of transactions reported to the federal government in fiscal year 2017, and not including cases given expedited approval or where the agencies couldn't legally pursue an investigation, is 82% higher than the number reported in 2010 and 55% higher than the number reported in 2012.

Funding for antitrust officials who weigh the deals hasn’t kept pace. The funding for the Department of Justice’s antitrust division has fallen 10% since 2010, when adjusted for inflation. That's in line with the broader picture: not adjusting for inflation, the Department's overall budget increased just slightly in 2016 and 2017.

Funding for the FTC has fallen 5% since 2010 (adjusted for inflation).

An FTC spokesperson declined to comment on funding levels and Antitrust Division officials didn't provide a comment.

Driving the news: Merger and acquisition activity is up 36% in the United States compared to the same time last year, according to Thomson Reuters data from April.

Several deals under government review have gotten national attention, including Sinclair’s purchase of Tribune's TV stations or T-Mobile’s deal with Sprint, which stands to reduce the number of national wireless providers from four to three.

Meanwhile, the Justice Department is awaiting the ruling on its lengthy legal effort to block AT&T’s proposed $85 billion purchase of Time Warner.

Yes, but: It’s not the attention-grabbing mega-mergers that advocates worry will get less of a close look thanks to a shortage of funds. Instead, some say budget limitations are likely to matter when officials are deciding which smaller or "borderline" deals to investigate further.

“Sometimes there’s nothing there,” said Holland of the agency's early investigations. “Other times, it might be, ‘This is kind of a close call, and we’ve got three or four close calls and we need to pick one of them.’"

"It could mean settlements get accepted that otherwise wouldn’t, or deals that should be challenged aren’t," said Michael Kades of the Washington Center for Equitable Growth, an antitrust-enforcement-friendly think tank that has done extensive research on the topic, in an email.

#### Supply chain shortage wrecks ag.

Deann Gayman 21. News & Public Relations Writer/Editor Office of University Communication University of Nebraska–Lincoln, 10/25/21. “Supply chain crunches affecting agriculture — from farm to table.” https://news.unl.edu/newsrooms/today/article/supply-chain-crunches-affecting-agriculture-from-farm-to-table/

Just as consumers are feeling the supply chain headaches, so too are farmers, food processors and shelf stockers. Nearly everything from fertilizer for fields, feed ingredients for livestock to harvesting fresh produce has been impacted by shortages that have slowed the supply chain to a crawl.

Erkut Sönmez, associate professor of supply chain management and analytics at the University of Nebraska–Lincoln, said these issues are not going to go away anytime soon, due to a number of factors. Supply chains are complex and even just one issue going wrong can impact the rest of the process.

“What we are experiencing currently is a perfect storm, as we are having both supply shocks and demand shocks simultaneously in several different industries,” Sönmez said. “The disruptions to the agricultural supply chains are more apparent and important compared to other supply chains. On one side, we have a shortage of food supply while people are looking for food, and on the other, we have food actually rotting or going bad in containers in some parts of the world.”

Sönmez has been following the ag supply chain closely. He said capacity limitations exist from the beginning of the supply chain to the end.

“For example, in terms of farmers, they have been seeing significant labor shortages, especially in fresh produce,” he said. “Millions of pounds of fresh produce are not being harvested. This was a significant problem even before the pandemic, and with the current labor shortages (it has gotten worse).”

Producers are also experiencing shortages of raw materials, such as amino acids for livestock feed and glyphosate for herbicide, making their inputs more expensive. In addition, farmers have increasing concerns of not being able to repair their equipment in the middle of the harvest season due to a substantial spare parts shortage that has been intensified by ongoing labor strikes.

At the end of the supply chain, grocers are experiencing product stockouts frequently.

Sönmez said the biggest problems are in transportation. Consumers are likely to see more price increases in food, due to rising freight prices and other issues. Moving raw materials, as well as fresh produce, has become significantly more expensive. Rail and truck deliveries have slowed also because of the labor shortage that is hitting nearly every economic sector.

Another major problem, amplified by the pandemic, has been the inflexibility of plants that process some of the food consumers buy. Sönmez explained that most plants are designed to handle specific types of food and can’t switch when demand changes.

**Food insecurity causes conflict and war---continued US leadership is key and no one fills the vacuum**

**Flowers**, director of the Global Food Security Project and the Humanitarian Agenda at the Center for Strategic and International Studies (CSIS), **‘18**

(Kimberly, “Keeping it Stable: The Connection Between Hunger and Conflict,” January 31, <https://www.georgetownjournalofinternationalaffairs.org/online-edition/2018/1/31/keeping-it-stable-the-connection-between-hunger-and-conflict)>

Although achieving this SDG’s targets in totality is unlikely, a global focus on reducing poverty, malnutrition, and hunger around the world **remains essential** both as a universal moral value in a world of inequalities, and as an important contributor to economic growth and **national security**. The United States has been a **global leader** in **addressing the root causes** of hunger and poverty through **agricultural development**, including President Obama’s leadership role in creating the L’Aquila Initiative at the 2009 G8 summit in Italy. The initiative emerged in **response to a food price crisis** and resulted in a promise by donors to provide $22 billion in agricultural development assistance over three years.

It is **more critical now than ever** for leaders within the Trump administration to continue to leverage that progress, starting with gaining a better understanding of the complexity of global food insecurity and its inherent connection with conflict. As food insecurity is both a cause and a consequence of conflict, addressing food insecurity goes well beyond a moral obligation; **it is a national security imperative.**

A lack of access to food can **spark unrest** among civilian populations, particularly when triggered by food **price spikes**. Hungry populations are more likely to express their discontent with unresponsive or corrupt leadership, perpetuating a **cycle of political instability** and further undermining long-term economic development. In addition, governments and non-state actors alike can **use food as a strategic instrument of war**, as witnessed in instances spanning from Sudan’s civil conflict in the 1990s to President Bashar al-Assad’s war-torn Syria today. In Syria, all sides have used food as a tool to **control** and **expel** populations. ISIS has used food resources as both a source of **funding** and a lure for **recruitment**. Food **weaponization** further **underscores the importance of United States** action to protect food security abroad and recognize strategies employed to transform a basic necessity into a military tool.

Today, between 1.2 and 1.5 billion people live in fragile, conflict-ridden states. These conflicts have pushed over 56 million people into crisis and emergency levels of food insecurity. The U.N. estimates that 65 million people are internally displaced within their own countries or are refugees in other countries. These numbers continue to rise as conflicts and violence **escalate across the world,** in countries like **Yemen**, South **Sudan**, and **Syria**, causing social and economic devastation. Meanwhile, the number of people dependent on humanitarian assistance has mushroomed. Projections indicate that by 2030, more than two-thirds of the world’s poor could be living in fragile countries.

The international community is increasingly recognizing the **linkages** between **food insecurity** and **political instability.** Sharp rises in global food prices in 2007 and 2008 sparked riots and street demonstrations in more than 40 countries across the world. Since political leaders started paying attention to this connection, there has been notable progress in increasing international attention and funding to address the root causes of hunger and poverty. The United States has dedicated roughly $1 billion to agricultural development since 2010 through its global food security programs. Thanks to the bipartisan Global Food Security Act that passed in July 2016, multiple U.S. agencies are implementing a global food security strategy that reduces poverty, bolsters resilience, and improves nutrition.

Even the U.S. intelligence community has noticed food security challenges. In November 2015, the National Intelligence Council released an assessment that linked food insecurity to political instability and conflict. The report states that the overall risk of food insecurity in many countries, **compounded** by demographic shifts and constraints on key resources such as land and water, **will increase** during the next decade. The assessment concludes that in some countries, declining food security will contribute to social disruptions and **large-scale political instability** or conflict. The intelligence community’s highlighting of the importance of food security as a diplomacy tool and security strategy broadens the number of stakeholders who are tracking, responding to, and mitigating food insecurity. It is no longer solely a focus for policymakers in the development space.

After nearly a decade of progress, global hunger is again on the rise. A U.N. report on food security and nutrition released last year estimates that 815 million people, or 11 percent of the global population, are chronically malnourished, an increase of nearly 40 million people over the previous year. Conflict and climate change are the two primary causes of this reversed trend. More than half of those experiencing extreme hunger live in countries affected by protracted conflict. Droughts and natural disasters also pose a serious threat to food security, particularly to smallholder farmers vulnerable to a volatile climate.

The 2017 State of Food and Agriculture report explains that conflict and climate change are responsible for rising global hunger levels. Smallholder farmers around the world will be forced to adjust to changing rainfall patterns and severe droughts and floods, which will directly impact their crops and incomes. Many weeds, pests, and pathogens are influenced by climate and thrive in warm conditions. Severe floods can wipe out fields and block market transportation routes, reducing smallholders’ abilities to maintain a sustainable income. Researchers, including those at the National Academies of Science, conclude that human-induced climate change and drought is one of the root causes of Syria’s conflict. Climate change thus places an added burden on countries with limited resources already struggling to feed their populations, as declining agricultural growth and incomes can create displacement and heighten hunger.

Food insecurity and climate change are not the sole cause of the conflict in Syria, but their contribution to the country’s instability cannot be ignored. Investing in international development programs and humanitarian **assistance** that fosters agricultural-led growth and **strengthens the resilience** of vulnerable people can **create peace**, improve lives, and **reduce conflict.** U.S. foreign policy priorities should include strengthening the health and prosperity of those less fortunate before a crisis occurs because our investments can help prevent a crisis in the first place. As Former Secretary of Defense Robert M. Gates said, “Development is a lot cheaper than sending soldiers.”

### K---1NC

#### The 1AC’s competitive-state model reinforces taken-for-granted nationalism---it makes answering transnational questions impossible.

Pauli Kettunen 21. Professor of Political History in the Social Science Faculty of University of Helsinki. "Welfare state, competition state, security state: Nationalism in nation-state responses to crossborder mobilities." In Remapping Security on Europe’s Northern Borders, pp. 201-220. Routledge, 2021.

Democratic welfare nationalism, competitiveness-seeking nationalism, and security-seeking nationalism appear as rational nation-state policies and are generally not associated with nationalism. It is reasonable to argue that the persistent limits of the conventional use of “nationalism” outside specialist studies of nations and nationalism indicate the power of nationalism as a taken-for-granted mode of thought and action. Taken-for-granted nationalism seems to be reinforced by the intertwining of democratic welfare nationalism with competitiveness-seeking and security-seeking nationalism. There is thus a self-reinforcing circle. The extent to which globalisation is defined as a national challenge reinforces the role of competitiveness and security in political agenda setting, and the extent to which competitiveness and security frame the political agenda assists them to maintain national perspectives to globalisation.

From the welfare-state, competition-state, and security-state perspectives “nationalism” is not a tool for self-description, but for condemning xenophobic and racist far-right nationalism. However, the taken-for-granted nationalism justifying the nation-state limits of these perspectives provides a readymade framework for xenophobic nationalism. The distinctions between us and others and between the internal and external are a shared point of departure, but instead of policies recognising their interdependencies, xenophobic nationalism turns the us-other distinction into an exclusionary us-against-them divide, and the internal-external distinction into a motive for stricter borders.

The emphasis on the national “us” in mainstream modes of combining welfare-state, competition-state, and security-state arguments may facilitate populist protests that accuse the elite of betraying the people. There are similarities with how the nation as an imagined community provided subordinated social groups with the criteria for a collective critique of existing society and created preconditions for the labour movement. However, while the working class was able to motivate its demands by referring to its central role in the production of life’s necessities, the social divides associated with current projects for a national competitive community give little scope for such arguments.

We may find that an insoluble tension appears between what is recognised as the institutional preconditions of competitiveness, and how its content is conceived. At the same time as egalitarian institutions and participatory practices can be defended as preconditions for knowledge-based competitiveness, true membership in a competitive community is a matter of individual competitiveness. This in turn consists of communicative and innovative skills, talent, and a reflexive capacity to monitor oneself from the perspective of competitiveness. Besides winners and losers, some people cannot even participate in this competition.

Individual deficiencies or the unavoidable imperatives of the global economy tend to be offered as explanations for grievances. Welfare-state policies aim to improve individual capacities and compensate for job losses, yet it is far from self-evident that people willingly accept individualised or naturalised explanations. Political implications may be found in constructions demarcating collective threat images and in the support for right-wing populist parties that have managed, not least in the Nordic countries, to merge nostalgic welfare nationalism and xenophobic nationalism.

While the emphasis on “us” in the making of national competitive communities is an integral part of global capitalism, the same transformations may also either erode the solidarity based on common spatial ties or open new crossnational and crossterritorial perspectives for defining “us”. A multicircle non-divisive understanding of “us” would arguably require a transnational democratic dimension in defining problems and solutions. Inspiration may be found in the ideas of policy coordination beyond nation states and European regional integration that Gunnar Myrdal proposed in his 1950s critique of the nationalism of democratic Western welfare states. In any case, even good answers to questions of national competitiveness and security fail to answer questions of democracy, citizenship, social equality, and the ecological preconditions of life. There is a risk that the reinforced emphasis on the competition-state and security-state aspects of the nation state will make it even more difficult to formulate such questions to effectively recognise that they are simultaneously local, national, European, and global.

#### Vote negative to challenge the Westphalian frame. Taken-for-granted nationalism is up for contestation and determines the scope of justice ---the “who” of politics predetermines the “what” of policy. Only shifting the grammar of argument can address the global nature of crisis.

Nancy Fraser 05. Henry A. and Louise Loeb Professor of Political and Social Science and professor of philosophy at The New School. “Reframing Justice in a Globalizing World, NLR 36, November–December 2005.” New Left Review. https://newleftreview-org.proxy.library.emory.edu/issues/ii36/articles/nancy-fraser-reframing-justice-in-a-globalizing-world

Globalization is changing the way we argue about justice.footnote1 Not so long ago, in the heyday of social democracy, disputes about justice presumed what I shall call a ‘Keynesian-Westphalian frame’. Typically played out within modern territorial states, arguments about justice were assumed to concern relations among fellow citizens, to be subject to debate within national publics, and to contemplate redress by national states. This was true for each of two major families of justice claims—claims for socioeconomic redistribution and claims for legal or cultural recognition. At a time when the Bretton Woods system facilitated Keynesian economic steering at the national level, claims for redistribution usually focused on economic inequities within territorial states. Appealing to national public opinion for a fair share of the national pie, claimants sought intervention by national states in national economies. Likewise, in an era still gripped by a Westphalian political imaginary, which sharply distinguished ‘domestic’ from ‘international’ space, claims for recognition generally concerned internal status hierarchies. Appealing to the national conscience for an end to nationally institutionalized disrespect, claimants pressed national governments to outlaw discrimination and accommodate differences among citizens. In both cases, the Keynesian-Westphalian frame was taken for granted. Whether the matter concerned redistribution or recognition, class differentials or status hierarchies, it went without saying that the unit within which justice applied was the modern territorial state.footnote2

To be sure, there were always exceptions. Occasionally, famines and genocides galvanized public opinion across borders. And some cosmopolitans and anti-imperialists sought to promulgate globalist views.footnote3 But these were exceptions that proved the rule. Relegated to the sphere of ‘the international’, they were subsumed within a problematic that was focused primarily on matters of security, as opposed to justice. The effect was to reinforce, rather than to challenge, the Keynesian-Westphalian frame. That framing of disputes about justice generally prevailed by default from the end of the Second World War to the 1970s.

Although it went unnoticed at the time, this framework lent a distinctive shape to arguments about social justice. Taking for granted the modern territorial state as the appropriate unit, and its citizens as the pertinent subjects, such arguments turned on what precisely those citizens owed one another. In the eyes of some, it sufficed that citizens be formally equal before the law; for others, equality of opportunity was also required; for still others, justice demanded that all citizens gain access to the resources and respect they needed in order to be able to participate on a par with others, as full members of the political community. The argument focused, in other words, on exactly what should count as a just ordering of social relations within a society. Engrossed in disputing the ‘what’ of justice, the contestants apparently felt no necessity to dispute the ‘who’. With the Keynesian-Westphalian frame securely in place, it went without saying that the ‘who’ was the national citizenry.

Today, however, this framework is losing its aura of self-evidence. Thanks to heightened awareness of globalization, and to post-Cold War geopolitical instabilities, many observe that the social processes shaping their lives routinely overflow territorial borders. They note, for example, that decisions taken in one territorial state often have an impact on the lives of those outside it, as do the actions of transnational corporations, international currency speculators, and large institutional investors. Many also note the growing salience of supranational and international organizations, both governmental and non-governmental, and of transnational public opinion, which flows with supreme disregard for borders through global mass media and cybertechnology. The result is a new sense of vulnerability to transnational forces. Faced with global warming, the spread of aids, international terrorism and superpower unilateralism, many believe that their chances for living good lives depend at least as much on processes that trespass the borders of territorial states as on those contained within them.

Under these conditions, the Keynesian-Westphalian frame no longer goes without saying. For many, it has ceased to be axiomatic that the modern territorial state is the appropriate unit for thinking about issues of justice, and that the citizens of such states are the pertinent subjects of reference. The effect is to destabilize the previous structure of political claims-making—and therefore to change the way we argue about social justice.

This is true for both major families of justice claims. In today’s world, claims for redistribution increasingly eschew the assumption of national economies. Faced with transnationalized production, the outsourcing of jobs, and the associated pressures of the ‘race to the bottom’, once nationally focused labour unions look increasingly for allies abroad. Inspired by the Zapatistas, meanwhile, impoverished peasants and indigenous peoples link their struggles against despotic local and national authorities to critiques of transnational corporate predation and global neoliberalism. Finally, wto protestors directly target the new governance structures of the global economy, which have vastly strengthened the ability of large corporations and investors to escape the regulatory and taxation powers of territorial states.

In the same way, movements struggling for recognition increasingly look beyond the territorial state. Under the umbrella slogan ‘women’s rights are human rights’, for example, feminists throughout the world are linking struggles against local patriarchal practices to campaigns to reform international law. Meanwhile, religious and ethnic minorities, who face discrimination within territorial states, are reconstituting themselves as diasporas and building transnational publics from which to mobilize international opinion. Finally, transnational coalitions of human-rights activists are seeking to build new cosmopolitan institutions, such as the International Criminal Court, which can punish state violations of human dignity.

In such cases, disputes about justice are exploding the Keynesian-Westphalian frame. No longer addressed exclusively to national states or debated exclusively by national publics, claimants no longer focus solely on relations among fellow citizens. Thus, the grammar of argument has altered. Whether the issue is distribution or recognition, disputes that used to focus exclusively on the question of what is owed as a matter of justice to community members now turn quickly into disputes about who should count as a member and which is the relevant community. Not just the ‘what’ but also the ‘who’ is up for grabs.

Today, in other words, arguments about justice assume a double guise. On the one hand, they concern first-order questions of substance, just as before. How much economic inequality does justice permit, how much redistribution is required, and according to which principle of distributive justice? What constitutes equal respect, which kinds of differences merit public recognition, and by which means? But above and beyond such first-order questions, arguments about justice today also concern second-order, meta-level questions. What is the proper frame within which to consider first-order questions of justice? Who are the relevant subjects entitled to a just distribution or reciprocal recognition in the given case? Thus, it is not only the substance of justice, but also the frame, which is in dispute. The result is a major challenge to our theories of social justice. Preoccupied largely with first-order issues of distribution and/or recognition, these theories have so far failed to develop conceptual resources for reflecting on the meta-issue of the frame. As things stand, therefore, it is by no means clear that they are capable of addressing the double character of problems of justice in a globalizing age.footnote4

In this essay, I shall propose a strategy for thinking about the problem of the frame. I shall argue, first, that theories of justice must become three-dimensional, incorporating the political dimension of representation alongside the economic dimension of distribution and the cultural dimension of recognition. I shall also argue that the political dimension of representation should itself be understood as encompassing three levels. The combined effect of these two arguments will be to make visible a third question, beyond those of the ‘what’ and the ‘who’, which I shall call the question of the ‘how’. That question, in turn, inaugurates a paradigm shift: what the Keynesian-Westphalian frame cast as the theory of social justice must now become a theory of post-Westphalian democratic justice.

Specificity of the political

Let me begin by explaining what I mean by justice in general and by its political dimension in particular. In my view, the most general meaning of justice is parity of participation. According to this radical-democratic interpretation of the principle of equal moral worth, justice requires social arrangements that permit all to participate as peers in social life. Overcoming injustice means dismantling institutionalized obstacles that prevent some people from participating on a par with others, as full partners in social interaction. Previously, I have analysed two distinct kinds of obstacles to participatory parity, which correspond to two distinct species of injustice. On the one hand, people can be impeded from full participation by economic structures that deny them the resources they need in order to interact with others as peers; in that case they suffer from distributive injustice or maldistribution. On the other hand, people can also be prevented from interacting on terms of parity by institutionalized hierarchies of cultural value that deny them the requisite standing; in that case they suffer from status inequality or misrecognition.footnote5 In the first case, the problem is the class structure of society, which corresponds to the economic dimension of justice. In the second case, the problem is the status order, which corresponds to its cultural dimension. In modern capitalist societies, the class structure and the status order do not neatly mirror each other, although they interact causally. Rather, each has some autonomy vis-à-vis the other. As a result, misrecognition cannot be reduced to a secondary effect of maldistribution, as some economistic theories of distributive justice appear to suppose. Nor, conversely, can maldistribution be reduced to an epiphenomenal expression of misrecognition, as some culturalist theories of recognition tend to assume. Thus, neither recognition theory nor distribution theory alone can provide an adequate understanding of justice for capitalist society. Only a two-dimensional theory, encompassing both distribution and recognition, can supply the necessary levels of social-theoretical complexity and moral-philosophical insight.footnote6

That, at least, is the view of justice I have defended in the past. And this two-dimensional understanding of justice still seems right to me as far as it goes. But I now believe that it does not go far enough. Distribution and recognition could appear to constitute the sole dimensions of justice only so long as the Keynesian-Westphalian frame was taken for granted. Once the question of the frame becomes subject to contestation, the effect is to make visible a third dimension of justice, which was neglected in my previous work—as well as in the work of many other philosophers.footnote7

The third dimension of justice is the political. Of course, distribution and recognition are themselves political in the sense of being contested and power-laden; and they have usually been seen as requiring adjudication by the state. But I mean political in a more specific, constitutive sense, which concerns the nature of the state’s jurisdiction and the decision rules by which it structures contestation. The political in this sense furnishes the stage on which struggles over distribution and recognition are played out. Establishing criteria of social belonging, and thus determining who counts as a member, the political dimension of justice specifies the reach of those other dimensions: it tells us who is included in, and who excluded from, the circle of those entitled to a just distribution and reciprocal recognition. Establishing decision rules, the political dimension likewise sets the procedures for staging and resolving contests in both the economic and the cultural dimensions: it tells us not only who can make claims for redistribution and recognition, but also how such claims are to be mooted and adjudicated.

Centred on issues of membership and procedure, the political dimension of justice is concerned chiefly with representation. At one level, which pertains to the boundary-setting aspect of the political, representation is a matter of social belonging. What is at issue here is inclusion in, or exclusion from, the community of those entitled to make justice claims on one another. At another level, which pertains to the decision-rule aspect, representation concerns the procedures that structure public processes of contestation. Here, what is at issue are the terms on which those included in the political community air their claims and adjudicate their disputes.footnote8 At both levels, the question can arise as to whether the relations of representation are just. One can ask: do the boundaries of the political community wrongly exclude some who are actually entitled to representation? Do the community’s decision rules accord equal voice in public deliberations and fair representation in public decision-making to all members? Such issues of representation are specifically political. Conceptually distinct from both economic and cultural questions, they cannot be reduced to the latter, although, as we shall see, they are inextricably interwoven with them.

To say that the political is a conceptually distinct dimension of justice, not reducible to the economic or the cultural, is also to say that it can give rise to a conceptually distinct species of injustice. Given the view of justice as participatory parity, this means that there can be distinctively political obstacles to parity, not reducible to maldistribution or misrecognition, although (again) interwoven with them. Such obstacles arise from the political constitution of society, as opposed to the class structure or status order. Grounded in a specifically political mode of social ordering, they can only be adequately grasped through a theory that conceptualizes representation, along with distribution and recognition, as one of three fundamental dimensions of justice.

Three levels of misrepresentation

If representation is the defining issue of the political, then the characteristic political injustice is misrepresentation. Misrepresentation occurs when political boundaries and/or decision rules function to deny some people, wrongly, the possibility of participating on a par with others in social interaction—including, but not only, in political arenas. Far from being reducible to maldistribution or misrecognition, misrepresentation can occur even in the absence of the latter injustices, although it is usually intertwined with them. At least two different levels of misrepresentation can be distinguished. Insofar as political decision rules wrongly deny some of the included the chance to participate fully, as peers, the injustice is what I call ordinary-political misrepresentation. Here, where the issue is intra-frame representation, we enter the familiar terrain of political science debates over the relative merits of alternative electoral systems. Do single-member-district, winner-take-all, first-past-the-post systems unjustly deny parity to numerical minorities? And if so, is proportional representation or cumulative voting the appropriate remedy? Likewise, do gender-blind rules, in conjunction with gender-based maldistribution and misrecognition, function to deny parity of political participation to women? And if so, are gender quotas an appropriate remedy? Such questions belong to the sphere of ordinary-political justice, which has usually been played out within the Keynesian-Westphalian frame.

Less obvious, perhaps, is a second level of misrepresentation, which concerns the boundary-setting aspect of the political. Here the injustice arises when the community’s boundaries are drawn in such a way as to wrongly exclude some people from the chance to participate at all in its authorized contests over justice. In such cases, misrepresentation takes a deeper form, which I shall call misframing. The deeper character of misframing is a function of the crucial importance of framing to every question of social justice. Far from being of marginal significance, frame-setting is among the most consequential of political decisions. Constituting both members and non-members in a single stroke, this decision effectively excludes the latter from the universe of those entitled to consideration within the community in matters of distribution, recognition, and ordinary-political representation. The result can be a serious injustice. When questions of justice are framed in a way that wrongly excludes some from consideration, the consequence is a special kind of meta-injustice, in which one is denied the chance to press first-order justice claims in a given political community. The injustice remains, moreover, even when those excluded from one political community are included as subjects of justice in another—as long as the effect of the political division is to put some relevant aspects of justice beyond their reach. Still more serious, of course, is the case in which one is excluded from membership in any political community. Akin to the loss of what Hannah Arendt called ‘the right to have rights’, that sort of misframing is a kind of ‘political death’.footnote9 Those who suffer it may become objects of charity or benevolence. But deprived of the possibility of authoring first-order claims, they become non-persons with respect to justice.

It is the misframing form of misrepresentation that globalization has recently begun to make visible. Earlier, in the heyday of the postwar welfare state, with the Keynesian-Westphalian frame securely in place, the principal concern in thinking about justice was distribution. Later, with the rise of the new social movements and multiculturalism, the centre of gravity shifted to recognition. In both cases, the modern territorial state was assumed by default. As a result, the political dimension of justice was relegated to the margins. Where it did emerge, it took the ordinary-political form of contests over the decision rules internal to the polity, whose boundaries were taken for granted. Thus, claims for gender quotas and multicultural rights sought to remove political obstacles to participatory parity for those who were already included in principle in the political community. Taking for granted the Keynesian-Westphalian frame, they did not call into question the assumption that the appropriate unit of justice was the territorial state.

Today, in contrast, globalization has put the question of the frame squarely on the political agenda. Increasingly subject to contestation, the Keynesian-Westphalian frame is now considered by many to be a major vehicle of injustice, as it partitions political space in ways that block many who are poor and despised from challenging the forces that oppress them. Channelling their claims into the domestic political spaces of relatively powerless, if not wholly failed, states, this frame insulates offshore powers from critique and control.footnote10 Among those shielded from the reach of justice are more powerful predator states and transnational private powers, including foreign investors and creditors, international currency speculators, and transnational corporations. Also protected are the governance structures of the global economy, which set exploitative terms of interaction and then exempt them from democratic control. Finally, the Keynesian-Westphalian frame is self-insulating; the architecture of the interstate system protects the very partitioning of political space that it institutionalizes, effectively excluding transnational democratic decision-making on issues of justice.

From this perspective, the Keynesian-Westphalian frame is a powerful instrument of injustice, which gerrymanders political space at the expense of the poor and despised. For those persons who are denied the chance to press transnational first-order claims, struggles against maldistribution and misrecognition cannot proceed, let alone succeed, unless they are joined with struggles against misframing. It is not surprising, therefore, that some consider misframing the defining injustice of a globalizing age. Under these conditions, the political dimension of justice is hard to ignore. Insofar as globalization is politicizing the question of the frame, it is also making visible an aspect of the grammar of justice that was often neglected in the previous period. It is now apparent that no claim for justice can avoid presupposing some notion of representation, implicit or explicit, insofar as none can avoid assuming a frame. Thus, representation is always already inherent in all claims for redistribution and recognition. The political dimension is implicit in, indeed required by, the grammar of the concept of justice. Thus, no redistribution or recognition without representation.footnote11

In general, then, an adequate theory of justice for our time must be three-dimensional. Encompassing not only redistribution and recognition, but also representation, it must allow us to grasp the question of the frame as a question of justice. Incorporating the economic, cultural and political dimensions, it must enable us to identify injustices of misframing and to evaluate possible remedies. Above all, it must permit us to pose, and to answer, the key political question of our age: how can we integrate struggles against maldistribution, misrecognition and misrepresentation within a post-Westphalian frame?

## Balancing

### AT: Sectarianism/Civil War

#### No internal link---they have no card that other countries model the aff, so they can’t solve their sectarianism impact which is about global religious divides.

#### No impact to “religious divisions” or civil war.

Richard Hanania 20, research fellow at Defense Priorities, and a postdoctoral research fellow at the Saltzman Institute of War and Peace Studies at Columbia University, “Americans hate each other. But we aren’t headed for civil war,” The Washington Post, https://www.washingtonpost.com/outlook/civil-war-united-states-unlikely-violence/2020/10/29/3a143936-0f0f-11eb-8074-0e943a91bf08\_story.html

The men arrested in early October and charged with plotting to kidnap Michigan Gov. Gretchen Whitmer (D) apparently hoped that doing so might help set off a civil war — pitting lovers of liberty like themselves against treasonous statists. The goal may sound outlandish, but fringe militia members aren’t the only ones who think a second civil war could occur in the United States. Recently, New York Times columnist Thomas Friedman said that the situation in this country reminded him of his time in Lebanon, where in the mid-1970s street clashes between sectarian militias erupted into multifaceted strife that lasted a decade and a half. David Kilcullen, an Australian scholar and adviser to the U.S. Army, described America in June as being at the point of “incipient insurgency,” while the academic Peter Turchin recently wrote — pointing to riots and rising economic inequality — that “we are getting awfully close to the point where a civil war or revolution becomes probable.”

The logic underlying most of these predictions is consistent and straightforward. Americans are more divided on social and political issues than in previous decades, and they hate each other more. Violence is boiling over: Armed right-wing militants traveled to sites of left-wing protests this summer, supposedly to enforce order, and deadly clashes occurred. If tensions continue to grow, these isolated incidents could become more common — and the United States might follow the path of other nations that have experienced full-blown armed conflict in recent decades.

Despite its appeal, this view betrays a fundamental misunderstanding of political violence. Historically, the academic literature on the causes of civil war was divided into two categories: Some scholars viewed such conflicts as a predictable outcome whenever there were deep grievances within national populations, while others stressed the importance of citizens having an opportunity to act on those resentments. Much of the discussion about violence in the United States today centers, implicitly, on the grievance model, holding that if we know how much different tribes of Americans hate each other, we can predict the likelihood of fighting in the streets.

But scholars now prefer the opportunity model, thanks to large-scale studies that examine political violence worldwide with cutting-edge statistical methods. Grievances and societal cleavages exist everywhere, waiting to be exploited. What distinguishes the countries that descend into civil war from those that do not is the lack of state capacity to put down rebellion — for reasons rooted in politics, economics or geography.

You might expect, for instance, states that lack democracy, that have diverse populations or that discriminate against minorities would be at the highest risk of internal conflict, because such conditions foment bitter grievances. But in fact, those qualities are at most loosely correlated with civil war, as scholars like the Stanford University political scientists James Fearon and David Laitin and the University of California at San Diego’s Barbara F. Walter have shown.

Rather, civil wars happen where the state is weak. Lower levels of wealth predict civil war, because poor countries lack the law enforcement and military capability to put down armed rebellions. That helps to explain recent conflicts in such varied countries as Yemen and Congo. Power vacuums, as occurred during and after decolonization, after American regime-change wars and after the collapse of the Soviet Union, create uncertainty about who is in charge and can inspire those who seek power to take up arms. There are other factors, too: States that are rich in oil see more civil war because the potential payoffs of a successful rebellion are higher — but this applies only up to a certain level of income, after which point the government is often able to buy off or destroy any potential challengers.

The Balkans offer a ready example of how grievance based on ethnic tension must be intertwined with the collapse of order for groups to take up arms against one another. While various ethnolinguistic communities there long eyed each other with suspicion, going back to the days of the Ottoman and Austro-Hungarian empires, those tensions did not lead to violence for most of the region’s history, including during the nearly half-century of communist rule. But when the Soviet empire fell and communist governments were discredited, parts of Yugoslavia began to declare independence. Serbs, Bosnians, Croats and Albanians, incited by political opportunists and demagogues, fought wars against one another for a decade, drawing in the international community, until sovereign states emerged with new, widely accepted borders.

In one influential 2006 study representative of the new school of thought — one that examined 172 countries from 1945 to 2000 — the political scientists Havard Hegre, of the Center for the Study of Civil War, and Nicholas Sambanis, of Yale University, used advanced statistical tools to determine which of 88 factors most consistently predicted civil war. Grievance-based measures like authoritarian government and ethnolinguistic diversity ranked low or had no discernible effect (although the latter did predict internal conflict when the analysis included the lowest level of conflict measured, defined as 25 or more deaths in a year). In contrast, Hegre and Sambanis found that measures of opportunity like a small military establishment and rough terrain — which offers a base from which rebels can strike — had a much stronger and more consistent effect.

Geography is a surprisingly potent variable in predicting civil war — and can confound even moderately strong states. During such conflicts, governments usually control the cities, and rebels form bases in relatively inaccessible regions like mountains, forests and swamps. Countries that have had problems with mountain-based minorities include Russia, which has confronted rebels in Chechnya, and Turkey, which is still fighting Kurds in the southeast of the country. (Until the 1990s, the Turkish government even referred to Kurds as “Mountain Turks,” denying their identity while acknowledging the geographical nature of the problem.)

Even with the most difficult geographic conditions, however, wealth and government power tend to erase opportunities for rebellion. Consider that in 1948 and 1949, South Korea faced a communist-led uprising on Jeju Island — which lies in the Korea Strait, about 60 miles from the mainland — in a conflict that cost as many as 30,000 lives, mostly civilian. A poor, newly independent South Korea had difficulty bringing that island under control and relied on brutal tactics to do so, including summary executions. But now that South Korea has joined the club of modern, industrialized states with advanced militaries, the idea of a region like Jeju rebelling has become unthinkable.

Wealth and military power explain why, in the United States, civil war is likely to remain a metaphor. Its per capita gross domestic product is about $62,000 a year, among the highest in the world, and its military is clearly capable of wiping out any challenges to state power. (The U.S. Civil War occurred when the nation had a per capita GDP comparable to that of a developing nation today, and when military technology was limited to rifles and cannon.) The Pentagon has 1.3 million active-duty personnel, can find terrorists on the other side of the world and wipe them out with the push of a button, and boasts a command-and-control structure with no recent history of factionalization. There is no swamp or mountain peak that is beyond the easy reach of the U.S. military.

A recent survey by Nationscape revealed that 36 percent of Republicans and 33 percent of Democrats thought that violence was at least somewhat justified to accomplish political goals. The opportunity model suggests that while a survey result like this reveals disturbing things about our political culture, it does not presage civil war.

To be sure, riots and general discord can happen as long as leaders lack the political will to respond (or if, as today, leaders disagree about the line dividing peaceful protest from lawlessness). But as soon as the authorities perceive a serious enough problem, they can move quickly and decisively, a lesson learned by the anarchists who recently took over part of Seattle, declaring it the Capitol Hill Autonomous Zone. They were tolerated for just over three weeks until they were cleared out by local police in partnership with the FBI. Law enforcement at the local and national levels, from police to the military, remains united and under civilian control, willing and able to put down potential threats to our governing system or territorial integrity.

### AT: Next Gen WMDs

#### Nuclear use impact is word salad---there’s no scenario for how the nuclear button gets pushed. Just because nukes are located “in rebel territory” doesn’t mean anyone can ACCESS THE FUCKING LAUNCH CODES WHAT ARE YOU TALKING ABOUT

#### \* Their evidence also CITES ALT CAUSES

Emory = yellow

Mattingly ’21 [Terry; January 30; Director of the Washington Journalism Center, M.A. in Church-State Studies from Baylor University, lecturer at many national universities, citing David French, J.D. from Harvard University; Times Record News, “Thinking the unthinkable: Is America headed toward civil war?” <https://www.timesrecordnews.com/story/life/2021/01/30/thinking-unthinkable-america-headed-toward-civil-war/4292240001>]

Enraged Democrats pledge to end the U.S. Senate filibuster and expand the number of high-court justices. After restoring Roe, they seek single-payer health care, strict gun control and sweeping changes in how government agencies approach the First Amendment, with the IRS warning faith groups to evolve – or else – on matters of sexual identity. Big Tech begins enforcing the new orthodoxy.

Other alliances check Russo/Chinese expansion

### AT: Jewish Demographic

#### **\*Israel lashout impact is offensively bad---zero chance Israel perceives declining Jewish population in the US as an existential threat, and the aff doesn’t “shore up the Jewish diaspora”---you can’t vote for this with a straight face. Security assurances and weapons sales check**

### AT: US-Israeli Alliance

#### \*Their evidence cites other threats to the alliance that the aff can’t solve but says the alliance is resilient

1AC Pressman ’21 [Jeremy and Dov Waxman; June 17; Professor of Political Science studying Middle Eastern Politics at the University of Connecticut, Ph.D. from the Massachusetts Institute of Technology; Director of the Nazarian Center for Israel Studies and Professor of Political Science at the University of Los Angeles at California, Ph.D. from the School of Advanced International Studies at Johns Hopkins University; Washington Quarterly, “The Rocky Future of the US-Israeli Special Relationship,” vol. 44]

In this article, we identify three major changes occurring in the United States that collectively make US policy toward Israel more contentious and less consistent: shifting public opinion, a fracturing pro-Israel lobby, and a growing partisan policy divide. There are also major changes occurring in Israel that affect US-Israel relations, but we do not address them here. To be clear, we are not claiming that the United States will soon cease to support Israel. We expect that support to continue for the foreseeable future, at least as long as it is in the interests of the United States to have a close relationship with Israel. But we contend that there will be frequent disputes, both among US policymakers and between the US and Israeli governments, over the terms of US support for Israel. Since different US administrations are likely to take different approaches to this issue, US policies toward Israel and the Israeli-Palestinian conflict are likely to shift accordingly.

## Religious Freedom

### Internal Link

#### This advantage is nonsense---the plan tweaks antitrust law, that doesn’t spill over to solve all religious freedom

#### Too many alt causes to religious freedom and they don’t solve partisan tensions

Kelsey Dallas 21. Covers religion, politics and the Supreme Court for the Deseret News and serves as associate editor of Deseret News National. She holds a master's degree in religion from Yale Divinity School. “What’s the biggest threat to religious freedom in America today?” https://www.deseret.com/faith/2021/4/27/22402307/whats-the-biggest-threat-to-religious-freedom-in-america-biden-administration-intolerance-covid-19

Religion and policy experts agree it’s grown harder in recent years for people of faith in the U.S. to live out their beliefs. But they have different ideas about which ongoing threat to religious freedom should be seen as most serious.

Tevi Troy, who served as the White House Jewish liaison under President George W. Bush, believes the biggest problem facing American faith communities is intolerance.

Across the country, people have become obsessed with telling each other how to live, he said during an April 22 panel discussion hosted by Religion News Association.

“We have to have a little more respect for people of different views,” he said.

The Rev. Joshua DuBois, who was one of Troy’s co-panelists, offered a similar warning, although he directed it at a more specific group of people.

He thinks faith leaders who supported President Donald Trump in the hopes of securing new religious freedom protections need to atone for Trump’s divisive approach to leadership and rebuild trust within their communities.

“The voices who fight for religious liberty don’t have any credibility anymore. I think it will take years to rebuild that,” said the Rev. DuBois, who worked on faith-related policy and served as a spiritual adviser to the president during the Obama administration.

The Rev. Johnnie Moore, who worked with the Trump administration, pushed back on this claim during the panel. However, he did agree that rising partisan tensions have put religious freedom at risk.

“My greatest concern is politics,” he said, noting that religious liberty, as a concept, has become less popular as bipartisan cooperation has become more rare.

The situation has gotten so out of hand that some government officials felt justified in forcing churches to shut down during the COVID-19 pandemic, the Rev. Moore added.

“What we’ve seen ... is the vast overreach of certain states and it ought to cause all of us alarm,” he said.

Melissa Rogers, the current executive director of the White House Office of Faith-based and Neighborhood Partnerships, also drew people’s attention to the events of the past year, highlighting moments in which churches or religious Americans were attacked.

In the U.S. today, many people don’t feel comfortable wearing religious symbols or sitting in a house of worship, and that should be heartbreaking for everyone, she said.

“Some people in the U.S. really feel like they are unable to practice their faith without fear for their physical safety. They can’t walk down the street wearing a yalmulke or turban without fear that somebody will attack them,” Rogers said.

She and other officials in the Biden administration plan to do what they can to reduce this fear and boost religious freedom more broadly, she added. Already, they’re working on increasing access to nonprofit security grants and hosting listening sessions with persecuted people of faith.

“I am convinced that if every fair-minded American could sit and listen to someone who feels they cannot practice their faith without fear then they would be on fire to change this,” Rogers said.

#### Organization outside of religious movements solve.

Mark Movsesian 12. Director, St. John's Center for Law and Religion. "Is Conservative Judaism a Cartel?". Law And Religion Forum. 8-27-2012. https://lawandreligionforum.org/2012/08/27/is-conservative-judaism-a-cartel/

I don’t know whether this mechanism would violate the Sherman Act in a commercial setting. I’m confident the logic of the ministerial exception applies here, though. From what I can gather, Conservative Judaism is a hybrid polity, not hierarchical but not strictly congregational, either. Authority seems to be shared between the central body, the United Synagogue of Conservative Judaism, and local congregations. It hardly seems inappropriate to require local congregations that affiliate with the central body to choose clergy the central body approves; otherwise, the central body could lose control over the movement’s meaning and message. Although Professor Richman is correct that the rules impinge on individual congregations’ power to choose whomever they wish as clergy, that’s just a consequence of affiliating with the central body. If congregations want total freedom of choice, they can organize outside the Conservative movement and select whomever they wish.

#### Plan violates religious freedom.

Dan Crane 12. Professor of Law, University of Michigan. "Price-fixing Rabbis: Is Antitrust Made for this Problem?". Law And Religion Forum. 10-3-2012. https://lawandreligionforum.org/2012/10/03/price-fixing-rabbis-is-antitrust-made-for-this-problem/

The fundamental problem with applying antitrust law to the non-commercial activities of churches, synagogues, or other religious organizations is that it forces them to adhere to a set of normative commitments that may not be their own. An ecclesiastical organization may think it’s far more important to ensure order, theological continuity, adherence to tradition, or harmony in allocating its clergy than to secure the optimal short-run deployment of its human capital resources (i.e., its clergy) given the preferences of local congregations. I don’t know whether or not it is. But if I were a judge making the decision in an antitrust case, I would be pretty sure that the question wasn’t my call. Congregational style organizations exist precisely because their members want control over these kinds of decisions; synodic or hierarchical organizations exist precisely because they value order, theological continuity, adherence to tradition, and harmony over local autonomy.

Thus far, my arguments have been purely normative. Whether modern U.S. antitrust law applies in the rabbinical case Barak has raised is a different question. I seriously doubt that the framers of the Sherman Act would have contemplated the statute’s application to churches and synagogues. To be clear, I’m not suggesting that religious organizations are immune from the antitrust laws when they sell goods or services. If kosher slaughterhouses collude to raise prices for meat, they surely don’t get antitrust immunity just because the collusion is sanctioned by a rabbinical council. The Supreme Court has held that the antitrust laws apply when “proximate relation to lucre” appears. Producing and selling food is a commercial transaction; hiring rabbis or pastors is not. We hope that the core motivation of the transaction has no approximation to lucre whatsoever—that each party to the transaction is maximizing things other than money. To force the parties to follow the normative goals of the antitrust laws when it comes to ordering their religious activities fails to respect to the very reasons that churches and synagogues exist.

#### it’s resilient

SAMUEL D. BROWNBACK 20. AMBASSADOR AT LARGE FOR INTERNATIONAL RELIGIOUS FREEDOM OFFICE OF INTERNATIONAL RELIGIOUS FREEDOM. “Humanity Will Win the Battle for Religious Freedom – Here’s Why.” https://2017-2021.state.gov/humanity-will-win-the-battle-for-religious-freedom-heres-why/index.html

This is our humanity, the awe-inspiring tapestry of goodness that binds us together. This is what happens when we are free to believe or not believe – and to act on those beliefs – as our conscience leads. Humanity is why religious freedom will always win out against governments and nonstate actors seeking to repress and control it.

There isn’t a government, entity, or person in the world that can confine the thoughts in our heads or hearts. They may attempt to restrict our expression, practice, or sharing of those thoughts and beliefs – and many an authoritarian government has tried. The governments of Iran, China, Russia, and North Korea, for example, have deplorable records protecting the right of individuals to believe or not believe and broad lack of respect for the human dignity of all. These are the bad news stories we hear constantly.

But we don’t have to look far to uncover the good news. Albania has emerged as an important partner in the battle for international religious freedom, both regionally and globally. Just a few decades ago, its communist regime banned religious practice. But today, this Muslim-majority country’s rich religious and cultural heritage is thriving. It is from this platform that Albania takes up the cause of religious freedom, such as hosting a Western Balkans conference with religious leaders on religion as an instrument of peace last November with heads of state, religious leaders, and myself.

### AT: LIO

#### LIO is doomed---backlash and technology destroy the foundations of order

Walter Russell Mead 21. James Clarke Chace Professor of Foreign Affairs and the Humanities at Bard College, the Global View columnist at The Wall Street Journal, and a Distinguished Fellow at the Hudson Institute. "The End of the Wilsonian Era". Foreign Affairs. https://www.foreignaffairs.com/articles/united-states/2020-12-08/end-wilsonian-era

This task was complicated by the Cold War, but “the free world” (as Americans then called the noncommunist countries) continued to develop along Wilsonian lines. Inevitable compromises, such as U.S. support for ruthless dictators and military rulers in many parts of the world, were seen as regrettable necessities imposed by the need to fight the much greater evil of Soviet communism. When the Berlin Wall fell, in 1989, it seemed that the opportunity for a Wilsonian world order had finally come. The former Soviet empire could be reconstructed along Wilsonian lines, and the West could embrace Wilsonian principles more consistently now that the Soviet threat had disappeared. Self-determination, the rule of law between and within countries, liberal economics, and the protection of human rights: the “new world order” that both the George H. W. Bush and the Clinton administrations worked to create was very much in the Wilsonian mold. Today, however, the most important fact in world politics is that this noble effort has failed. The next stage in world history will not unfold along Wilsonian lines. The nations of the earth will continue to seek some kind of political order, because they must. And human rights activists and others will continue to work toward their goals. But the dream of a universal order, grounded in law, that secures peace between countries and democracy inside them will figure less and less in the work of world leaders. To state this truth is not to welcome it. There are many advantages to a Wilsonian world order, even when that order is partial and incomplete. Many analysts, some associated with the presidential campaign of former U.S. Vice President Joe Biden, think they can put Humpty Dumpty together again. One wishes them every success. But the centrifugal forces tearing at the Wilsonian order are so deeply rooted in the nature of the contemporary world that not even the end of the Trump era can revive the Wilsonian project in its most ambitious form. Although Wilsonian ideals will not disappear and there will be a continuing influence of Wilsonian thought on U.S. foreign policies, the halcyon days of the post–Cold War era, when American presidents organized their foreign policies around the principles of liberal internationalism, are unlikely to return anytime soon. THE ORDER OF THINGS Wilsonianism is only one version of a rules-based world order among many. The Westphalian system, which emerged in Europe after the Thirty Years’ War ended in 1648, and the Congress system, which arose in the wake of the Napoleonic Wars of the early nineteenth century, were both rules-based and even law-based; some of the foundational ideas of international law date from those eras. And the Holy Roman Empire—a transnational collection of territories that stretched from France into modern-day Poland and from Hamburg to Milan—was an international system that foreshadowed the European Union, with highly complex rules governing everything from trade to sovereign inheritance among princely houses. As for human rights, by the early twentieth century, the pre-Wilsonian European system had been moving for a century in the direction of putting egregious violations of human rights onto the international agenda. Then, as now, it was chiefly weak countries whose oppressive behavior attracted the most attention. The genocidal murder of Ottoman Christian minorities at the hands of Ottoman troops and irregular forces in the late nineteenth and early twentieth centuries received substantially more attention than atrocities carried out around the same time by Russian forces against rebellious Muslim peoples in the Caucasus. No delegation of European powers came to Washington to discuss the treatment of Native Americans or to make representations concerning the status of African Americans. Nevertheless, the pre-Wilsonian European order had moved significantly in the direction of elevating human rights to the level of diplomacy. Wilson, therefore, was not introducing the ideas of world order and human rights to a collection of previously anarchic states and unenlightened polities. Rather, his quest was to reform an existing international order whose defects had been conclusively demonstrated by the horrors of World War I. In the pre-Wilsonian order, established dynastic rulers were generally regarded as legitimate, and interventions such as the 1849 Russian invasion of Hungary, which restored Habsburg rule, were considered lawful. Except in the most glaring instances, states were more or less free to treat their citizens or subjects as they wished, and although governments were expected to observe the accepted principles of public international law, no supranational body was charged with the enforcement of these standards. The preservation of the balance of power was invoked as a goal to guide states; war, although regrettable, was seen as a legitimate element of the system. From Wilson’s standpoint, these were fatal flaws that made future conflagrations inevitable. To redress them, he sought to build an order in which states would accept enforceable legal restrictions on their behavior at home and their international conduct. That never quite materialized, but until recent years, the U.S.-led postwar order resembled Wilson’s vision in important respects. And, it should be noted, that vision is not equally dead everywhere. Although Wilson was an American, his view of world order was first and foremost developed as a method for managing international politics in Europe, and it is in Europe where Wilson’s ideas have had their greatest success and where their prospects continue to look strongest. His ideas were treated with bitter and cynical contempt by most European statesmen when he first proposed them, but they later became the fundamental basis of the European order, enshrined in the laws and practices of the EU. Arguably, no ruler since Charlemagne has made as deep an impression on the European political order as the much-mocked Presbyterian from the Shenandoah Valley. THE ARC OF HISTORY Beyond Europe, the prospects for the Wilsonian order are bleak. The reasons behind its demise, however, are different from what many assume. Critics of the Wilsonian approach to foreign affairs often decry what they see as its idealism. In fact, as Wilson demonstrated during the negotiations over the Treaty of Versailles, he was perfectly capable of the most cynical realpolitik when it suited him. The real problem of Wilsonianism is not a naive faith in good intentions but a simplistic view of the historical process, especially when it comes to the impact of technological progress on human social order. Wilson’s problem was not that he was a prig but that he was a Whig. Like early-twentieth-century progressives generally and many American intellectuals to this day, Wilson was a liberal determinist of the Anglo-Saxon school; he shared the optimism of what the scholar Herbert Butterfield called “the Whig historians,” the Victorian-era British thinkers who saw human history as a narrative of inexorable progress and betterment. Wilson believed that the so-called ordered liberty that characterized the Anglo-American countries had opened a path to permanent prosperity and peace. This belief represents a sort of Anglo-Saxon Hegelianism and holds that the mix of free markets, free government, and the rule of law that developed in the United Kingdom and the United States is inevitably transforming the rest of the world—and that as this process continues, the world will slowly and for the most part voluntarily converge on the values that made the Anglo-Saxon world as wealthy, attractive, and free as it has become. Wilson was the devout son of a minister, deeply steeped in Calvinist teachings about predestination and the utter sovereignty of God, and he believed that the arc of progress was fated. The future would fulfill biblical prophecies of a coming millennium: a thousand-year reign of peace and prosperity before the final consummation of human existence, when a returning Christ would unite heaven and earth. (Today’s Wilsonians have given this determinism a secular twist: in their eyes, liberalism will rule the future and bring humanity to “the end of history” as a result of human nature rather than divine purpose.) Wilson believed that the defeat of imperial Germany in World War I and the collapse of the Austro-Hungarian, Russian, and Ottoman empires meant that the hour of a universal League of Nations had finally arrived. In 1945, American leaders ranging from Eleanor Roosevelt and Henry Wallace on the left to Wendell Willkie and Thomas Dewey on the right would interpret the fall of Germany and Japan in much the same way. In the early 1990s, leading U.S. foreign policymakers and commentators saw the fall of the Soviet Union through the same deterministic prism: as a signal that the time had come for a truly global and truly liberal world order. On all three occasions, Wilsonian order builders seemed to be in sight of their goal. But each time, like Ulysses, they were blown off course by contrary winds. TECHNICAL DIFFICULTIES Today, those winds are gaining strength. Anyone hoping to reinvigorate the flagging Wilsonian project must contend with a number of obstacles. The most obvious is the return of ideology-fueled geopolitics. China, Russia, and a number of smaller powers aligned with them—Iran, for example—correctly see Wilsonian ideals as a deadly threat to their domestic arrangements. Earlier in the post–Cold War period, U.S. primacy was so thorough that those countries attempted to downplay or disguise their opposition to the prevailing pro-democracy consensus. Beginning in U.S. President Barack Obama’s second term, however, and continuing through the Trump era, they have become less inhibited. Seeing Wilsonianism as a cover for American and, to some degree, EU ambitions, Beijing and Moscow have grown increasingly bold about contesting Wilsonian ideas and initiatives inside international institutions such as the UN and on the ground in places from Syria to the South China Sea. These powers’ opposition to the Wilsonian order is corrosive in several ways. It raises the risks and costs for Wilsonian powers to intervene in conflicts beyond their own borders. Consider, for example, how Iranian and Russian support for the Assad regime in Syria has helped prevent the United States and European countries from getting more directly involved in that country’s civil war. The presence of great powers in the anti-Wilsonian coalition also provides shelter and assistance to smaller powers that otherwise might not choose to resist the status quo. Finally, the membership of countries such as China and Russia in international institutions makes it more difficult for those institutions to operate in support of Wilsonian norms: take, for example, Chinese and Russian vetoes in the UN Security Council, the election of anti-Wilsonian representatives to various UN bodies, and the opposition by countries such as Hungary and Poland to EU measures intended to promote the rule of law. Meanwhile, the torrent of technological innovation and change known as “the information revolution” creates obstacles for Wilsonian goals within countries and in the international system. The irony is that Wilsonians often believe that technological progress will make the world more governable and politics more rational—even if it also adds to the danger of war by making it so much more destructive. Wilson himself believed just that, as did the postwar order builders and the liberals who sought to extend the U.S.-led order after the Cold War. Each time, however, this faith in technological change was misplaced. As seen most recently with the rise of the Internet, although new technologies often contribute to the spread of liberal ideas and practices, they can also undermine democratic systems and aid authoritarian regimes. Today, as new technologies disrupt entire industries, and as social media upends the news media and election campaigning, politics is becoming more turbulent and polarized in many countries. That makes the victory of populist and antiestablishment candidates from both the left and the right more likely in many places. It also makes it harder for national leaders to pursue the compromises that international cooperation inevitably requires and increases the chances that incoming governments will refuse to be bound by the acts of their predecessors. The information revolution is destabilizing international life in other ways that make it harder for rules-based international institutions to cope. Take, for example, the issue of arms control, a central concern of Wilsonian foreign policy since World War I and one that grew even more important following the development of nuclear weapons. Wilsonians prioritize arms control not just because nuclear warfare could destroy the human race but also because, even if unused, nuclear weapons or their equivalent put the Wilsonian dream of a completely rules-based, law-bound international order out of reach. Weapons of mass destruction guarantee exactly the kind of state sovereignty that Wilsonians think is incompatible with humanity’s long-term security. One cannot easily stage a humanitarian intervention against a nuclear power. The fight against proliferation has had its successes, and the spread of nuclear weapons has been delayed—but it has not stopped, and the fight is getting harder over time. In the 1940s, it took the world’s richest nation and a consortium of leading scientists to assemble the first nuclear weapon. Today, second- and third-rate scientific establishments in low-income countries can manage the feat. That does not mean that the fight against proliferation should be abandoned. It is merely a reminder that not all diseases have cures. What is more, the technological progress that underlies the information revolution significantly exacerbates the problem of arms control. The development of cyberweapons and the potential of biological agents to inflict strategic damage on adversaries—graphically demonstrated by the COVID-19 pandemic—serve as warnings that new tools of warfare will be significantly more difficult to monitor or control than nuclear technology. Effective arms control in these fields may well not be possible. The science is changing too quickly, the research behind them is too hard to detect, and too many of the key technologies cannot be banned outright because they also have beneficial civilian applications. In addition, economic incentives that did not exist in the Cold War are now pushing arms races in new fields. Nuclear weapons and long-range missile technology were extremely expensive and brought few benefits to the civilian economy. Biological and technological research, by contrast, are critical for any country or company that hopes to remain competitive in the twenty-first century. An uncontrollable, multipolar arms race across a range of cutting-edge technologies is on the horizon, and it will undercut hopes for a revived Wilsonian order. IT’S NOT FOR EVERYBODY One of the central assumptions behind the quest for a Wilsonian order is the belief that as countries develop, they become more similar to already developed countries and will eventually converge on the liberal capitalist model that shapes North America and western Europe. The Wilsonian project requires a high degree of convergence to succeed; the member states of a Wilsonian order must be democratic, and they must be willing and able to conduct their international relations within liberal multilateral institutions. At least for the medium term, the belief in convergence can no longer be sustained. Today, China, India, Russia, and Turkey all seem less likely to converge on liberal democracy than they did in 1990. These countries and many others have developed economically and technologically not in order to become more like the West but rather to achieve a deeper independence from the West and to pursue civilizational and political goals of their own. In truth, Wilsonianism is a particularly European solution to a particularly European set of problems. Since the fall of the Roman Empire, Europe has been divided into peer and near-peer competitors. War was the constant condition of Europe for much of its history, and Europe’s global dominance in the nineteenth century and early twentieth century can be attributed in no small part to the long contest for supremacy between France and the United Kingdom, which promoted developments in finance, state organization, industrial techniques, and the art of war that made European states fierce and ferocious competitors. With the specter of great-power war constantly hanging over them, European states developed a more intricate system of diplomacy and international politics than did countries in other parts of the world. Well-developed international institutions and doctrines of legitimacy existed in Europe well before Wilson sailed across the Atlantic to pitch the League of Nations, which was in essence an upgraded version of preexisting European forms of international governance. Although it would take another devastating world war to ensure that Germany, as well as its Western neighbors, would adhere to the rules of a new system, Europe was already prepared for the establishment of a Wilsonian order. But Europe’s experience has not been the global norm. Although China has been periodically invaded by nomads, and there were periods in its history when several independent Chinese states struggled for power, China has been a single entity for most of its history. The idea of a single legitimate state with no true international peers is as deeply embedded in the political culture of China as the idea of a multistate system grounded in mutual recognition is embedded in that of Europe. There have been clashes among Chinese, Japanese, and Koreans, but until the late nineteenth century, interstate conflict was rare. In human history as a whole, enduring civilizational states seem more typical than the European pattern of rivalry among peer states. Early modern India was dominated by the Mughal Empire. Between the sixteenth century and the nineteenth century, the Ottoman and Persian Empires dominated what is now known as the Middle East. And the Incas and the Aztecs knew no true rivals in their regions. War seems universal or nearly so among human cultures, but the European pattern, in which an escalating cycle of war forced a mobilization and the development of technological, political, and bureaucratic resources to ensure the survival of the state, does not seem to have characterized international life in the rest of the world. For states and peoples in much of the world, the problem of modern history that needed to be solved was not the recurrence of great-power conflict. The problem, instead, was figuring out how to drive European powers away, which involved a wrenching cultural and economic adjustment in order to harness natural and industrial resources. Europe’s internecine quarrels struck non-Europeans not as an existential civilizational challenge to be solved but as a welcome opportunity to achieve independence. Postcolonial and non-Western states often joined international institutions as a way to recover and enhance their sovereignty, not to surrender it, and their chief interest in international law was to protect weak states from strong ones, not to limit the power of national leaders to consolidate their authority. Unlike their European counterparts, these states did not have formative political experiences of tyrannical regimes suppressing dissent and drafting helpless populations into the service of colonial conquest. Their experiences, instead, involved a humiliating consciousness of the inability of local authorities and elites to protect their subjects and citizens from the arrogant actions and decrees of foreign powers. After colonialism formally ended and nascent countries began to assert control over their new territories, the classic problems of governance in the postcolonial world remained weak states and compromised sovereignty. Even within Europe, differences in historical experiences help explain varying levels of commitment to Wilsonian ideals. Countries such as France, Germany, Italy, and the Netherlands came to the EU understanding that they could meet their basic national goals only by pooling their sovereignty. For many former Warsaw Pact members, however, the motive for joining Western clubs such as the EU and NATO was to regain their lost sovereignty. They did not share the feelings of guilt and remorse over the colonial past—and, in Germany, over the Holocaust—that led many in western Europe to embrace the idea of a new approach to international affairs, and they felt no qualms about taking full advantage of the privileges of EU and NATO membership without feeling in any way bound by those organizations’ stated tenets, which many regarded as hypocritical boilerplate. EXPERT TEXPERT The recent rise of populist movements across the West has revealed another danger to the Wilsonian project. If the United States could elect Donald Trump as president in 2016, what might it do in the future? What might the electorates in other important countries do? And if the Wilsonian order has become so controversial in the West, what are its prospects in the rest of the world? Wilson lived in an era when democratic governance faced problems that many feared were insurmountable. The Industrial Revolution had divided American society, creating unprecedented levels of inequality. Titanic corporations and trusts had acquired immense political power and were quite selfishly exploiting that power to resist all challenges to their economic interests. At that time, the richest man in the United States, John D. Rockefeller, had a fortune greater than the annual budget of the federal government. By contrast, in 2020, the wealthiest American, Jeff Bezos, had a net worth equal to about three percent of budgeted federal expenditures. Yet from the standpoint of Wilson and his fellow progressives, the solution to these problems could not be simply to vest power in the voters. At the time, most Americans still had an eighth-grade education or less, and a wave of migration from Europe had filled the country’s burgeoning cities with millions of voters who could not speak English, were often illiterate, and routinely voted for corrupt urban machine politicians. The progressives’ answer to this problem was to support the creation of an apolitical expert class of managers and administrators. The progressives sought to build an administrative state that would curb the excessive power of the rich and redress the moral and political deficiencies of the poor. (Prohibition was an important part of Wilson’s electoral program, and during World War I and afterward, he moved aggressively to arrest and in some cases deport socialists and other radicals.) Through measures such as improved education, strict limits on immigration, and eugenic birth-control policies, the progressives hoped to create better-educated and more responsible voters who would reliably support the technocratic state. A century later, elements of this progressive thinking remain critical to Wilsonian governance in the United States and elsewhere, but public support is less readily forthcoming than in the past. The Internet and social media have undermined respect for all forms of expertise. Ordinary citizens today are significantly better educated and feel less need to rely on expert guidance. And events including the U.S. invasion of Iraq in 2003, the 2008 financial crisis, and the inept government responses during the 2020 pandemic have seriously reduced confidence in experts and technocrats, whom many people have come to see as forming a nefarious “deep state.” International institutions face an even greater crisis of confidence. Voters skeptical of the value of technocratic rule by fellow citizens are even more skeptical of foreign technocrats with suspiciously cosmopolitan views. Just as the inhabitants of European colonial territories preferred home rule (even when badly administered) to rule by colonial civil servants (even when competent), many people in the West and in the postcolonial world are likely to reject even the best-intentioned plans of global institutions. Meanwhile, in developed countries, problems such as the loss of manufacturing jobs, the stagnation or decline of wages, persistent poverty among minority groups, and the opioid epidemic have resisted technocratic solutions. And when it comes to international challenges such as climate change and mass migration, there is little evidence that the cumbersome institutions of global governance and the quarrelsome countries that run them will produce the kind of cheap, elegant solutions that could inspire public trust. WHAT IT MEANS FOR BIDEN For all these reasons, the movement away from the Wilsonian order is likely to continue, and world politics will increasingly be carried out along non-Wilsonian and in some cases even anti-Wilsonian lines. Institutions such as NATO, the UN, and the World Trade Organization may well survive (bureaucratic tenacity should never be discounted), but they will be less able and perhaps less willing to fulfill even their original purposes, much less take on new challenges. Meanwhile, the international order will increasingly be shaped by states that are on diverging paths. This does not mean an inevitable future of civilizational clashes, but it does mean that global institutions will have to accommodate a much wider range of views and values than they have in the past. There is hope that many of the gains of the Wilsonian order can be preserved and perhaps in a few areas even extended. But fixating on past glories will not help develop the ideas and policies needed in an increasingly dangerous time. Non-Wilsonian orders have existed both in Europe and in other parts of the world in the past, and the nations of the world will likely need to draw on these examples as they seek to cobble together some kind of framework for stability and, if possible, peace under contemporary conditions. For U.S. policymakers, the developing crisis of the Wilsonian order worldwide presents vexing problems that are likely to preoccupy presidential administrations for decades to come. One problem is that many career officials and powerful voices in Congress, civil society organizations, and the press deeply believe not only that a Wilsonian foreign policy is a good and useful thing for the United States but also that it is the only path to peace and security and even to the survival of civilization and humanity. They will continue to fight for their cause, conducting trench warfare inside the bureaucracy and employing congressional oversight powers and steady leaks to sympathetic press outlets to keep the flame alive. Those factions will be hemmed in by the fact that any internationalist coalition in American foreign policy must rely to a significant degree on Wilsonian voters. But a generation of overreach and poor political judgment has significantly reduced the credibility of Wilsonian ideas among the American electorate. Neither President George W. Bush’s nation-building disaster in Iraq nor Obama’s humanitarian-intervention fiasco in Libya struck most Americans as successful, and there is little public enthusiasm for democracy building abroad.

### AT: Middle East Instability

#### Iraq and Afghanistan war prove no nuclear escalation.

#### Mutual checkmating prevents the impact.

Hinnebusch 15—Professor of IR and Director of Centre for Syrian Studies at the University of St. Andrews [Raymond, “Chapter 8: Structure over Agency: The Arab Uprising and the Regional Struggle for Power,” in S. N. Litsas & A. Tziampiris eds. *The Eastern Mediterranean in Transition: Multipolarity, Politics and Power*, p. 129-131]

Global Competitive Interference: Mutual Checkmating The Uprising provoked a “New Cold War” among global great powers. After its failed attempt under George W. Bush to impose a Pax Americana on the region, US power appeared by mid-2000s, to be receding as the invasion of Iraq inadvertently empowered Iran and fatigue at highly costly interventions led the Obama’s administration to retreat to off-shore balancing. In parallel, Russia and China developed regional stakes in arms sales, energy and trade. The loss of Mubarak, a key Western client and later the empowerment of Al Qaeda in failed states were further challenges to the West. Yet no further rollback of the West in the region was in the cards. Even where pro-Western presidents were toppled (Egypt, Tunisia, Yemen), the countries were too economically dependent to go over to the resistance axis and the West benefited from the relative empowerment of the GCC within inter-Arab politics as a result of the Uprising. The Uprising, insofar as it was a revolt against global neo-liberalism, was a threat to the West but because the economic collapses accompanying it made regional states more economically vulnerable, Western dominated IFIs and cash rich Gulf states combined to further pry open regional economies to global finance capital, which severely limited the policy options of dependent states (Hanieh 12). The Uprising in Libya presented an opportunity to demonstrate the utility of US military force after the costly failure in Iraq and that in Syria to debilitate the Resistance axis. However, the result of the Libya intervention, a failed state, empowered Al Qaeda in North Africa. For the US (and Israel), a failed state in Syria where Hezbollah and Al Qaeda wore each other down, was more cost effective than another Iraq type effort at “nation-building,” but the spread of jihadism and the spillover of Syria’s conflict to its neighbors (Iraq and Lebanon) showed the costs of such neglect. The West saw the Uprising as an opportunity to roll back the regional influence of Russia and China as their clients in Libya and Syria came under pressure. Russia and China saw the norm of sovereignty and the authority of the UN Security Council as key to constraining such Western expansion into MENA (Blank 11); thus, after the West used a UN humanitarian intervention to effect regime change in Libya, Russia blocked a similar intervention in Syria. Their opposition to international intervention in Syria cost Russia and China standing in the region, but the West was unable to capitalize on this as long as its economic troubles constrained its interventionist impulse. Conclusion: The Resilience of Structure Three years into the Arab Uprising the regional order, although under unprecedented strain, remained resilient and the power bids of movements and regimes had largely checkmated each other. The Uprisings had unleashed street politics and sectarian conflicts that weakened states, which in several cases lost control of their territory and borders (Syria, Libya) to armed trans-state movements, which attained unprecedented agency (Hezbollah, ISIS). Yet, deep states and external dependencies were left standing as the high tide of mass peaceful protest receded, notably in Egypt, Bahrain and Yemen. The power balance between the two opposing pre-uprising alliances was not decisively upset: the Iran-led Resistance axis had lost key allies (Qatar, Turkey, Hamas) and soft power but still survived. The weak spots of the opposing axes, Bahrain and Syria, had not changed sides; Egypt and Iraq, although loosened from their American moorings, avoided full alignment with either side. The traditional Arab powers, Egypt and Syria (and earlier Iraq) were debilitated, yet aspirant non-Arab regional hegemon, Sunni Turkey, initially expected to fill the gap, was checked by Iranian/ Hezbollah balancing in Syria and also, despite a potent synthesis of Islam and democracy congruent with rising Islamist movements, foundered on the rocks of deep state establishments, exemplified in Egypt. The GCC was empowered by the debilitation of the republics and its money and media power penetrated every Uprising state; but this provoked reactions and possible blowback and its cohesion unraveled. Thus, power balancing, entrenched state apparatuses and increasing fragmentation made it very hard for any regional power to sweep the board. Rival outside powers also found management of the region’s conflicts intractable, and settled for preventing victory by the other side. Deep structure appeared to have defeated agency.

#### Middle East instability inevitable – erosion of borders, Sunni-Shia split, and Arab-Israeli conflict.

# 2NC

## T-Private Sector

### Overview---2NC

#### That’s adds at least 1.54 million affs.

NCCS Team 20. National Center for Charitable Statistics. "The Nonprofit Sector in Brief 2019". No Publication. 6-4-2020. https://nccs.urban.org/publication/nonprofit-sector-brief-2019

Highlights

* Approximately 1.54 million nonprofits were registered with the Internal Revenue Service (IRS) in 2016, an increase of 4.5 percent from 2006.
* The nonprofit sector contributed an estimated $1.047.2 trillion to the US economy in 2016, composing 5.6 percent of the country's gross domestic product (GDP).1
* Of the nonprofit organizations registered with the IRS, 501(c)(3) public charities accounted for just over three-quarters of revenue and expenses for the nonprofit sector as a whole ($2.04 trillion and $1.94 trillion, respectively) and just under two-thirds of the nonprofit sector's total assets ($3.79 trillion).
* In 2018, total private giving from individuals, foundations, and businesses totaled $427.71 billion (Giving USA Foundation 2019), a decrease of -1.7 percent from 2017 (after adjusting for inflation). According to Giving USA (2018) total charitable giving rose for consecutive years from 2014 to 2017, making 2017 the largest single year for private charitable giving, even after adjusting for inflation.
* An estimated 25.1 percent of US adults volunteered in 2017, contributing an estimated 8.8 billion hours. This is a 1.6 percent increase from 2016. The value of these hours is approximately $195.0 billion.

#### 2. Shatters negative ground. All of the functional limits on this topic like the Innovation and Biz Con DA are void. They’re diverse AND larger.

NCCS Team 20. National Center for Charitable Statistics. "The Nonprofit Sector in Brief 2019". No Publication. 6-4-2020. https://nccs.urban.org/publication/nonprofit-sector-brief-2019

All Nonprofit Organizations

Number

From 2006 to 2016, the number of nonprofit organizations registered with the IRS rose from 1.48 million to 1.54 million, an increase of 4.5 percent. These 1.54 million organizations comprise a diverse range of nonprofits, including art, health, education, and advocacy nonprofits; labor unions; and business and professional associations. This broad spectrum, however, only includes registered nonprofit organizations; the total number of nonprofit organizations operating in the United States is unknown. Religious congregations and organizations with less than $5,000 in gross receipts are not required to register with the IRS, although many do.2 These unregistered organizations expand the scope of the nonprofit sector beyond the 1.54 million organizations this brief focuses on.

#### Many distinct types

NCCS Team 20. National Center for Charitable Statistics. "The Nonprofit Sector in Brief 2019". No Publication. 6-4-2020. https://nccs.urban.org/publication/nonprofit-sector-brief-2019

Table 2 below displays the 2016 distribution of public charities by type of organization. Human services groups—such as food banks, homeless shelters, youth services, sports organizations, and family or legal services—composed over one-third of all public charities (35.2 percent). They were more than twice as numerous as education organizations, the next-most prolific type of organization, which accounted for 17.2 percent of all public charities. Education organizations include booster clubs, parent-teacher associations, and financial aid groups, as well as academic institutions, schools, and universities. Health care organizations, though accounting for only 12.2 percent of reporting public charities, accounted for nearly three-fifths of public charity revenues and expenses in 2016. Education organizations accounted for 17.3 percent of revenues and 16.9 percent of expenses; human services, despite being more numerous, accounted for comparatively less revenue (11.9 percent of the total) and expenses (12.1 percent of the total). Hospitals, despite representing only 2.2 percent of total public charities (7,054 organizations), accounted for about half of all public charity revenues and expenses (49.8 and 50.6 percent, respectively).

#### 2. Vagueness causes strike-down

Gillian Hadfield 94, Acting Professor of Law, Boalt Hall School of Law, University of California, Berkeley, J.D., Ph.D., Stanford University, B.A.H. Queen's University, “Weighing the Value of Vagueness: An Economic Perspective on Precision in the Law,” California Law Review, 82(3), May 1994, p.542-543, http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1720&context=californialawreview

The type of uncertainty raised by the doctrine of vagueness, however, is not about the application of law in practice but about the applicability of law in theory. If we assume away the practical obstacles to certainty of application in law, then probabilities of liability will differ from one or zero only because the law itself is not clear about whether a particular action by a particular individual is prohibited. Alternatively, the resolution of actual liability when a law is uncertain or vague is determined not solely by the law but also by the discretion of actors in the legal system, such as police officers, prosecutors, regulators, and courts. This dependence of actual liability on official discretion is what links the two most commonly articulated normative principles behind the vagueness doctrine: fair notice and control of arbitrary enforcement.3 Because the very content of law depends not only on its text but also on the discretion of officials in the legal system, even an individual who knows the text of the law, as all are held to do, must in the end assign probabilities other than zero or one to her actions. When the exercise of such discretion cannot be predicted with any degree of certainty, lack of notice and arbitrary enforcement concerns coincide. We can imagine a case in which these two concerns diverge in theory; such a case sheds light on the role that vagueness doctrine plays in constitutional law in practice. Suppose the exercise of discretion can be predicted perfectly-blacks know with certainty, for example, that if they stand on the comer in a group for more than ten minutes they will be arrested for loitering, while whites know with certainty that if they do the same they will not be arrested. Such a law poses no problem of fair notice. The problem of arbitrary enforcement is so severe, though, that the law violates the constitutional mandate of equal protection. Thus, in theory, fair notice and arbitrary enforcement concerns diverge. In practice, however, plaintiffs will have a hard time proving that the exercise of official discretion is perfectly predictable and thus a hard time proving the law unconstitutional on equal protection grounds.4 Plaintiffs who wish to challenge the law will instead be well-advised to contend that the law is unconstitutional on vagueness grounds-that it is impermissibly vague because the exercise of discretion makes the law both unpredictable and open to abuse. Thus, for practical purposes, the case raising vagueness rather than other substantive constitutional claims can be understood to exhibit a convergence of fair notice and arbitrary enforcement concerns created by the dependence of the content of the challenged law on the uncertain (and hence potentially discriminatory) exercise of discretion.

#### 3. Means the plan can’t solve.

Peter Margulies 3, Professor of Law – Roger Williams University, “The Virtues And Vices Of Solidarity: Regulating The Roles Of Lawyers For Clients Accused Of Terrorist Activity”, Maryland Law Review, 62 Md. L. Rev. 173, Lexis

n162. Courts may strike down an entire statute as void-for-vagueness, or hold that one or more of its terms are vague as applied. Courts have been unwilling to invalidate the material support provision as a whole on vagueness grounds, reasoning that its core prohibition on financial support provides sufficient clarity. See [Humanitarian Law Project v. Reno, 9 F. Supp. 2d 1176, 1201 (C.D. Cal. 1998)](http://www.lexis.com/research/buttonTFLink?_m=4b1190dcd4b1e4f99826e68e9c32f687&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b62%20Md.%20L.%20Rev.%20173%5d%5d%3e%3c%2fcite%3e&_butType=3&_butStat=2&_butNum=337&_butInline=1&_butinfo=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b9%20F.%20Supp.%202d%201176%2cat%201201%5d%5d%3e%3c%2fcite%3e&_fmtstr=FULL&docnum=92&_startdoc=51&wchp=dGLbVtb-zSkAB&_md5=defd4c8b797baeaf939a41942df2adb1) (holding in relevant part that only the AEDPA terms "training" and "personnel" were impermissibly vague), aff'd, [205 F.3d 1130 (9th Cir. 2000),](http://www.lexis.com/research/buttonTFLink?_m=4b1190dcd4b1e4f99826e68e9c32f687&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b62%20Md.%20L.%20Rev.%20173%5d%5d%3e%3c%2fcite%3e&_butType=3&_butStat=2&_butNum=338&_butInline=1&_butinfo=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b205%20F.3d%201130%5d%5d%3e%3c%2fcite%3e&_fmtstr=FULL&docnum=92&_startdoc=51&wchp=dGLbVtb-zSkAB&_md5=5409122078e8b7e1186e3bda8e7ba691) cert. denied, [532 U.S. 904 (2001).](http://www.lexis.com/research/buttonTFLink?_m=4b1190dcd4b1e4f99826e68e9c32f687&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b62%20Md.%20L.%20Rev.%20173%5d%5d%3e%3c%2fcite%3e&_butType=3&_butStat=2&_butNum=339&_butInline=1&_butinfo=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b532%20U.S.%20904%5d%5d%3e%3c%2fcite%3e&_fmtstr=FULL&docnum=92&_startdoc=51&wchp=dGLbVtb-zSkAB&_md5=fbd7137c6ff02afff69dd54552d9ddb6) Presumably for the same reasons, the terms dealing with specific, tangible commodities, such as "explosives," have not been the subject of vagueness challenges.

#### 1. Imprecise---doesn’t include the “third sector”---nonprofits like faith-based organizations are distinct from the “private sector”

Privacy Sense.Net 15. "What is the Voluntary Sector? Definition & Examples". PrivacySense.net. BY PRIVACYSENSE.NET ON DECEMBER 23, 2015; Last updated on December 2, 2021 https://www.privacysense.net/terms/voluntary-sector/

The Voluntary Sector (also known as the third sector, nonprofit sector, and community sector) is usually comprised of organizations whose purpose is to benefit and enrich society, often without profit as a motive and with little or no government intervention.

Unlike the private sector where the generation and return of profit to its owners is emphasized, money raised or earned by an organization in the voluntary sector is usually invested back into the community or the organization itself.

One way to think of the voluntary sector is that its purpose is to create social wealth rather than material wealth.

Although the voluntary sector is separate from the public sector, many organizations are often tightly integrated with governments on all levels to support it in the delivery of programs and services.

Examples of the Voluntary Sector

There are many different types of organizations in the voluntary sector.

Some of these organizations have a mix of paid and volunteer staff, like most charities. Other organizations are much more loosely defined, like community groups, and can be composed entirely of volunteers.

Examples of organizations in the voluntary sector include:

* Charities: World Vision, American Red Cross, YWCA
* Foundations: David Suzuki Foundation, Bill and Melinda Gates Foundation
* Social Welfare Organizations: Human Rights Watch, Environmental Protection Agency (EPA)
* Advocacy Groups: Privacy International, World Wildlife Fund
* Faith-Based Organizations: Churches, Mosques, Temples
* Community Groups: Neighbourhood Watch, Knitting
* Recreational Sports: Ultimate Frisbee, Running Clubs

The National Center of Charitable Statistics (used by the IRS to classify nonprofits) divides nonprofits into 26 major groups under 10 broad categories.

#### 2. Gale evidence is not a definition---the part that DEFINES private sector is a different article than the part that talks about Churches.

Gale ’18 [Gale Encyclopedia of U.S. Economic History; May 17; Online encyclopedia offering comprehensive coverage of American economic history; Gale Encyclopedia, “Private Sector,” <https://www.encyclopedia.com/social-sciences-and-law/economics-business-and-labor/economics-terms-and-concepts/private-sector>]

The private sector is the part of a country’s economy that is not controlled directly by the government; it is a term that combines households and businesses in the economy into a single group. The resources of production owned by the private sector are owned in the form of private property. The private sector includes entities such as households and individuals, for-profit enterprises, sole traders, partnerships, corporations, nonprofit-making organizations, charities, and nongovernmental organizations (NGOs). Private sector is contrasted with public sector, which is a comparable term for the governmental sector. In 2004 the private sector share of gross domestic product (GDP) in current prices in countries of the Organisation of Economic Co-operation and Development was: Australia 85.85 percent, Canada 87.72 percent, Finland 81.48 percent, France 80.73 percent, Germany 85.32 percent, Greece 87.54 percent, Italy 85.68 percent, Japan 84.38 percent, Norway 82.31 percent, Sweden 78.17 percent, the United Kingdom 83.65 percent, and the United States 89.46 percent. In contrast, in developing countries and transition economies the 2004 private sector share of GDP in current prices was lower: the Bahamas 73.29 percent, Botswana 70.50 percent, the Democratic Republic of Congo 69.07 percent, Nicaragua 76.61 percent, South Africa 75.92 percent, Bulgaria 70.36 percent, Croatia 75.36 percent, the Czech Republic 71.98 percent, Georgia 51.44 percent, and the Slovak Republic 75.69 percent (Heston, Summers, and Aten 2006). Dani Rodrik (2000) argues that the reason for the private sector’s low share in developing countries is due to the fact that for governments in low-income countries, creating additional public-sector jobs is administratively easier than establishing an unemployment insurance scheme or subsidizing job security in the private sector.

The distinction between private sector and public sector reflects the two alternative methods of solving the allocation of resources in an economy: markets or government. Markets utilize private ownership of resources—thus the term private sector—for voluntary allocation decisions. In contrast to the public sector, the private sector—with the exception of nonprofit-making organizations, charities, and nongovernmental organizations—mainly searches for profit opportunities. Private companies and organizations produce goods and services in response to supply-and-demand forces in the market, with the final goal of making a profit for the owners and shareholders of the private enterprise.

The private sector plays a key role in accelerating economic growth in market capitalist economies. The private sector is the foundation of the market capitalist economic system. Without the private sector the capitalist market cannot exist, and vice versa. For example, the development of the private sector in transition economies was vital, and the final goal of transition was associated with the private sector being converted into the dominant sector in the economy. In all industrialized or advanced capitalist economies, the absolute and relative size of the private sector is very high. Hence, in a capitalist market economy the private sector is mostly responsible for most of the country’s investments, for the generation of new job opportunities, and for the improvement of standards of living, and it is the source of most technological developments.

The government in market capitalist economies undertakes the following responsibilities to promote and support the private sector:

1. creating proper legal environment for the private sector to function, through private property rights and contract law;
2. introducing customs and tax laws that should encourage private investment;
3. often providing basic infrastructure produced by public enterprises such as water, power, land, transport and communication services, and other necessities;
4. initiating macroeconomic policies and expenditure to increase the demand for the private sector produced goods.

The private sector increases into two ways: through privatization of state-owned enterprises (SOEs) and through the creation and establishment of new firms. In this way, the share of the private sector in the economy grows. Privatization represents the transfer of state-owned assets to private ownership, alongside the creation and fostering of private businesses. Privatization is an alternative way of distributing and choosing the means of generating wealth (Marangos 2004). Consequently, it also may be considered a distribution of political and economic power in the economy. The increase of the private sector further implies the abandonment of government control over economic activity, as well as the abandonment of state monopoly in certain sectors. However, as the private sector increases, both income and wealth inequality increase, and intergenerational mobility decreases:

It is true, however, that America was once a place of substantial intergenerational mobility: Sons often did much better than their fathers.... [However,] over the past generation upward mobility has fallen drastically. Very few children of the lower class are making their way to even moderate affluence.... In modern America, it seems, you’re quite likely to stay in the social and economic class into which you were born. (Krugman 2004)

Supporters of the private sector mistrust government-initiated economic activities because they believe that the private sector is both efficient and enterprising. This further increases efficiency because of the increase in macroeconomic productivity due to the adoption of new technology. Critics of the private sector argue that the private sector does not produce public goods, that it creates private monopolies, enhances income and wealth inequality, and discourages intergenerational mobility. Public goods are commodities where the exclusion principle breaks down, and they are nonrivalrous. Such goods include, for example, lighthouses, national defense, police, fire brigades, and traffic lights. In nearly all industrialized or advanced market-capitalist economies, public goods are provided by the government and funded through the collection of state revenues.

---OMITTED FROM MICHIGAN’S ARTICLE---

SEE ALSO Capitalism; Corporations; Investment; Privatization; Productivity; Property; Public Goods; Public Sector

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International Encyclopedia of the Social Sciences

Private Sector

Views 3,834,495

Updated Jun 11 2018

---MICHIGAN’S ARTICLE CONTINUES---

Private Sector

Private individuals and organizations in the United States generate most economic activity involving the production of goods and services. Independent ownership and control define the private sector. Independently owned firms, ranging from large corporations to single individuals within a household, manage their privately owned capital resources to make a profit. Examples include all Fortune 500 corporations such as General Motors and IBM, the local flower shop and a small retail clothing store, the vineyard owner and peanut farmer, the consultant working from a home office and the neighborhood babysitter. Also included in the private sector are non-profit organizations including private colleges and universities and the Catholic Church. In contrast, the public sector includes all governmental activities and local, state, and federal government employees such as postal workers and public school teachers.

#### 2. Even the broadest interp is profit based.

QS Study. “Definition of Business.” https://qsstudy.com/definition-of-business/

Business means state of being busy or engaged in any work. Any kind of legal activities for the intention to earn profit is called business. The word ‘Business’ is come from the English words ‘Busi+Ness’ that means business is concerned to all human activities with earning profit.

In general sense: In general meaning business is the legal process of production and purchasing and selling to earn profit.

In broad sense: Business is related all kinds of legal works of producing, marketing and exchanging products and services with the intension to earn profit.

#### 2. The operate differently which is more precise for debate.

Reach Volunteering. “What is the voluntary sector?” https://reachvolunteering.org.uk/guide/what-voluntary-sector

Is it different from other sectors?

Voluntary sector organisations exist to fulfil a specific social purpose, whereas the primary goal of private sector organisations is to make a profit for shareholders. Some aspects of the way they work can appear similar to other sectors, but there are a few cultural differences which may surprise first-time volunteers.

Values-led

The aim of voluntary organisations is to fulfil their mission and work towards the greater good in some specific way, rather than to make a profit. This often means they prioritise things differently than a business would do.

Consensus is important

Voluntary organisations often need to balance the competing interests of a wide range of stakeholders and will put a premium on ensuring all stakeholders, including staff and volunteers, are in agreement with its goals and plans. This will involve discussion and consideration by large numbers of people with differing viewpoints.

Fewer resources

Voluntary organisations do not normally have large budgets, and the budgets they do have are rarely flexible. People who donate to charity rightly expect their money to be spent carefully and as originally stated. Voluntary organisations therefore need to be creative and do more with less. Volunteers, skills-based and otherwise, often play a role in voluntary organisations.

The pace is different

Things may move more slowly in the voluntary sector than elsewhere. This is because there is an emphasis on collaboration and consensus (see above). Additionally, limited and ring-fenced budgets mean finding resources for new projects takes more time and ingenuity.

Independence

A voluntary organisation is run by an independent board who decide on strategy and priorities. There are no private shareholders and it is independent of government or state

#### 2. Data base of anti-trust literature from 2000 to the present shows it’s aff leaning.

Fiona M. Scott Morton 19. Theodore Nierenberg Professor of Economics at the Yale University School of Management. Previous deputy assistant attorney general for economics at the Antitrust Division of the U.S. Department of Justice. B.A. in economics from Yale University and Ph.D. in economics from the Massachusetts Institute of Technology. "Modern U.S. antitrust theory and evidence amid rising concerns of market power and its effects," Equitable Growth, https://equitablegrowth.org/research-paper/modern-u-s-antitrust-theory-and-evidence-amid-rising-concerns-of-market-power-and-its-effects/?longform=true

The experiment of enforcing the antitrust laws a little bit less each year has run for 40 years, and scholars are now in a position to assess the evidence. The accompanying interactive database of research papers for the first time assembles in one place the most recent economic literature bearing on antitrust enforcement in the United States. The review is restricted to work published since the year 2000 in order to limit its size and emphasize work using the most recent data-driven empirical techniques. The papers in the interactive database are organized by enforcement topic, with each of these topics addressed in a short overview of what the literature demonstrates over the past 19 years. These topics are: Horizontal mergers—mergers and acquisitions involving direct competitors Coordinated effects—the study of conditions under which competitors in an industry tacitly collude Vertical mergers—mergers and acquisitions where a company acquires another company to which it sells goods or services or from which it buys goods or services Exclusionary conduct—actions in the marketplace that deny a competitor access to either suppliers or customers Loyalty rebates—a type of conduct that occurs when a company gives a discount to a buyer for limiting its purchases from the company’s competitors Most Favored Nation clause—this clause requires a seller to give a specific buyer the best terms offered to other (often competing) buyers Predation—the strategy of taking losses in the short run in order to drive out a competitor and retain or gain a monopoly position, permitting prices the later exercise of market power Common ownership—the impact on competition when mutual funds and other types of institutional investors are the largest owners of product market competitors Monopsony power—the anticompetitive exercise of market power by employers (firms) in the labor market for workers Macroeconomics and market power—the impact of competition issues on the larger economy

**---DATA BASE OMITTED---**

The bulk of the research featured in our interactive database on these key topics in competition enforcement in the United States finds evidence of significant problems of underenforcement of antitrust law. The research that addresses economic theory qualifies or rejects assumptions long made by U.S. courts that have limited the scope of antitrust law. And the empirical work finds evidence of the exercise of undue market power in many dimensions, among them price, quality, innovation, and marketplace exclusion. Overall, the picture is one of a divergence between judicial opinions on the one hand, and the rigorous use of modern economics to advance consumer welfare on the other.

## T – CWS

### AT: Core

#### CWS is the consistent goal.

Elyse Dorsey 20. “Antitrust in Retrograde: The Consumer Welfare Standard, Socio-Political Goals, and the Future of Enforcement”. https://gaidigitalreport.com/wp-content/uploads/2020/11/Dorsey-Antitrust-in-Retrograde.pdf

Antitrust law has largely flourished in the last 40 or so years, having established a newfound sense of self that is both coherent and capable of achieving its ends. It benefits from a longstanding and nonpartisan support for the consumer welfare standard.65 The Supreme Court has consistently, and on a nonpartisan basis, acknowledged the economic grounding and consumer welfare goals of the antitrust laws.66 The consumer welfare standard today thus serves as a common language unifying antitrust cases and analysis. Continued disagreements over original legislative intent have not forestalled this consensus, owing to this and many other benefits (developed below), including increased certainty, clarifying and narrowing the scope of applicable goals to consider, and facilitating the rule of law.67

#### The plan also violates the word core.

Tracy C. Miller and Alden Abbott 21. Tracy C. Miller, Senior Policy Research Editor. Alden Abbott, Senior Research Fellow. "POLICY SPOTLIGHT: Antitrust Policy and the Consumer Welfare Standard". Mercatus Center. 3-24-2021. https://www.mercatus.org/publications/antitrust-and-competition/policy-spotlight-antitrust-policy-and-consumer-welfare

Since the late 1970s, the Supreme Court has emphasized consumer welfare as the core antitrust policy goal, which was a change from earlier decisions emphasizing the evils of big business and the importance of protecting smaller companies. Judicial decisions under the consumer welfare standard subsequently have enunciated fact-specific standards that seek to preserve incentives for business conduct that benefits consumers. These decisions have also granted dominant firms greater freedom to engage in aggressive competition to better satisfy consumers. The focus of these cases has been whether business behavior tends toward maximizing output (taking into account quantity, quality, and improvements in innovation), consistent with unrestricted competition.

The Case for a Different Approach

* Critics of current antitrust policy argue that enforcement has been ineffective, as evidenced by a decline in competition and an increase in the average market share of firms in recent decades.
* A growing number of scholars have concluded that the consumer welfare standard is inadequate. These scholars support a populist approach that pursues a broader range of objectives such as promoting fairness, protecting labor rights, and limiting monopoly as measured by firm size and market share.
* These concerns have resulted in studies by the House Subcommittee on Antitrust, Commercial, and Administrative Law and by the Washington Center for Equitable Growth that endorse digital platform regulation, new Federal Trade Commission rulemaking, and legislation to strengthen antitrust laws, with a greater emphasis on bright-line rules.
* In February 2021, Senator Amy Klobuchar, chair of the Senate Subcommittee on Competition Policy, Antitrust, and Consumer Rights, introduced legislation that would greatly toughen the standard for evaluating mergers and lower the bar for convicting a firm of illegal monopolization.
* Other expansive antitrust reform proposals, including possible regulation or structural breakups of big platforms, may be considered by the House Subcommittee on Antitrust, Commercial, and Administrative Law.

Defense of the Consumer Welfare Standard

1. Reforming antitrust policy in a way that would abandon the consumer welfare standard is likely to do more harm than good.
2. Studies claiming that competition is declining are based largely on flawed premises. Although digital platform markets are often more concentrated than most markets in the past, firms with a large market share may still be under pressure to compete owing to the potential of existing firms and startups to develop innovative new products and services.
3. Reforms proposed by various antitrust critics such as breaking up dominant firms or prohibiting most mergers and acquisitions are likely to make consumers worse off, sacrificing the benefits of declining per-unit costs that accompany large-scale production and integration of complementary services controlled by one firm.

Broadening the scope of what constitutes a violation of antitrust law would likely create a great deal of uncertainty for firms as they seek to compete effectively and grow their market shares. Further, trying to assign weights to vaguely defined notions of fairness and labor rights along with consumer welfare would create confusion and could lead to arbitrary decisions that are not consistent with the rule of law.

### Impact---2NC

#### 2. Only accessible literature base.

Commissioner Noah J. Phillips 18. Before the Federal Trade Commission. “Competition and Consumer Protection in the 21st Century”. https://www.ftc.gov/system/files/documents/public\_events/1415284/ftc\_hearings\_session\_5\_transcript\_11-1-18\_0.pdf

So, today, we take on the very modest task of looking both at vertical mergers and the consumer welfare standard. Both have made headlines of late, which is not always true in the antitrust world. The Department of Justice’s ongoing litigation regarding the mergers of AT&T and Time Warner has drawn a great bit of attention, in particular, to vertical merger law and the economic theories surrounding it.

And we have heard a great deal, almost every week, on op-ed pages, on television and so forth, regarding the consumer welfare standard. So this is an important time, it is an appropriate time for the FTC to be convening a hearing on these two topics.

#### 3. It strikes a middle ground with both sides’ offense. Tons of proposals and disad scenarios.

Ariel Ezrachi 18. Slaughter and May Professor of Competition Law, The University of Oxford. Director, Oxford University Centre for Competition Law and Policy. EU Competition Law Goals and The Digital Economy. “Ezrachi - Goals and the digital economy - Working paper.pdf” https://d1wqtxts1xzle7.cloudfront.net/57115872/Ezrachi\_-\_Goals\_-\_Aug\_2018-with-cover-page-v2.pdf?Expires=1638214770&Signature=Mpj92d9khmpS0HyzF3CslPfb5dW85lbsqJCFgU7D3GFTj70U5Gmz8RSwdhVHuxhj9i9BowILCRURtQhqIJ7K04JEI63btRTbEl8KxIr46OUPivr09yML6cP3LePcVM91a6QIQCxZHlvD-CWrhFPrhKwhltMKdr2MAeQwKl~C8BcVvhWta42~SbQV5rolyiYlJSdi-Ud4-RMCW6ezyaWhgw3yaulQnnIBg7BvfT04pXgG9Ljo9ZfYx1Y1rJA8B7S~WqSCszmjSrZUoQSPjD8sxw9RuBoJVxBWrXAYIYyF9Fa-df-uhBY24PMlRIMzpOK~xHfcyxo7AQ1pGVd-3rg8QA\_\_&Key-Pair-Id=APKAJLOHF5GGSLRBV4ZA

In this respect, it is interesting to consider the enforcement approach in the US and its relevance to EU competition regime. This is particularly so in light on current debate in the US on the need and desirability of changing the benchmark for antitrust assessment, the efficacy of US antitrust law, and its ability to deal with increased concentration and market power.145 That debate stems from the evolution of US antitrust law which has seen it being narrowed in scope over the years,146 and the rise of voices which argue in favour of widening the notion of consumer welfare and the realm of US antitrust. The alleged decline in competitiveness of US markets has led to an array of proposals (which range from moderate intervention to condemnation of bigness) and to numerous counter arguments.147

---FOOTNOTE 147 STARTS---

147 On the US debate on ‘Hipster Antitrust’ (or ‘New Brandeis Movement’) see for example: Carl Shapiro ‘Antitrust in a Time of Populism’ [2018] International Journal of Industrial Organization (forthcoming); Lina Khan ‘The New Brandeis Movement: America’s Antimonopoly Debate’ [2018] Journal of European Competition Law & Practice 131; Daniel A Crane, ‘Four questions for the neo-brandeisians’ [2018] CPI Antitrust Chronicle 63; Harry First ‘Woodstock antitrust’ [2018] CPI Antitrust Chronicle 57 ; Philip Marsden ‘Who should trust-bust? Hippocrates, not hipsters’ [2018] CPI Antitrust Chronicle 34; Howard A Shelanski, ‘Information, Innovation, and Competition Policy for the Internet [2013] U Pa LRev 1663; Herbert Hovenkamp ‘Whatever Did Happen to the Antitrust Movement?’ [2018] Notre Dame LRev (forthcoming).

---FOOTNOTE 147 ENDS---

## Religious Freedom

### AT: Religious Freedom

#### 4. Plan collapses religious freedom through antitrust creep.

Dan Crane 12. Professor of Law, University of Michigan. "Establishment Clause Creep and Antitrust Creep". Law And Religion Forum. 10-9-2012. https://lawandreligionforum.org/2012/10/09/establishment-clause-creep-and-antitrust-creep/

In earlier posts, I hinted that application of the antitrust laws to rabbinical or pastoral hiring practices would run afoul of the Establishment Clause, particularly in light of the Supreme Court’s recent decision in Hosanna-Tabor Evangelical Lutheran Church, which recognized a “ministerial exception” to the application of antidiscrimination law to the hiring of religious ministers. In my view, a fair reading of Hosanna-Tabor would prevent an antitrust suit involving rabbinical hiring. However, for purposes of this post, I would like to respond more generally to Barak’s claim that “entanglement” concerns lead to “Establishment Clause creep,” insulating from legal review the harmful decisions of religious organizations.

Barak’s concerns over “creep” fall into two categories. One concerns the externalization of costs from religious organizations to others–his example of people cutting across the neighbor’s lawn to get to church. This is an easy case for me, because religious organizations should not be allowed to justify externalizing costs onto others in the name of religious independence. Of course, one could argue that all purely private activities end up externalizing costs or benefits onto others (i.e., functional families make for happy neighborhoods, dysfunctional ones for unhappy neighborhoods), but I’m confident that sensible lines can be drawn between what is mostly internal and what is significantly external.

What about cases where the harms, if any, are all or mostly internalized within the religious organization or by its members? Consider two examples: ritualistic human sacrifice of willing victims and regulations applied to require churches to install wheelchair ramps. In neither of these cases is the Establishment Clause or free exercise defense plausible. In the human sacrifice case, the act is morally abhorrent and the legal prohibition clear. Any ostensible free exercise interest is outweighed by the state’s legitimate interest in preserving human life and there is no danger of entanglement. In the wheelchair ramp case, the legal requirement concerns a physical structure far enough removed from the purposes and values of the religious organization that there is little risk that enforcing the building code would require civil authorities to inquire into the existential purposes of the church and their relationship to the civil law.

Not so for antitrust law (and perhaps other business torts as well). Antitrust is not justified on the grounds that collaboration among rivals is inherently immoral or injurious. Rather, it is justified on instrumental grounds–that competition among business firms tends to increase output and decrease prices to the benefit of consumers. As I said in earlier posts, it’s awkward to apply this assumption wholesale to religious organizations, since many such organizations would resist the idea that they are ordinary economic actors or exist in order to achieve a better deployment of society’s scarce social resources. And most religious groups would strongly deny that they would function better if they fostered internal economic rivalry.

For example, for mendicant orders like the Franciscans, the “employees” are bound to an oath of poverty. They are expressly prohibited from being Chicago School “rational profit-maximizers.” If the Franciscan order put in place rules to prevent local parishes from trying to attract Franciscan monks through promises of higher compensation, that would run counter to the Sherman Act’s assumption that economic rivalry results in an optimal allocation of resources. But I’m doubtful that the Sherman Act’s assumption generally holds in the religious organization context. And, even if it sometimes might hold, it would be troubling to ask courts to sift through the evidence on different religious organizations to determine when it does hold and when it doesn’t–when the existential purposes of a particular sect would be furthered by greater economic rivalry and when they would not. That, in my view, would raise serious entanglement problems. Do we want courts deciding what degree of poverty is appropriate for Franciscan monks?

[I’m amending my post from last night to add a further anecdote from the Christian tradition that illustrates the problem. In the gospel accounts, when Jesus enters the temple he finds merchants engaging in commerce and drives them out with a whip, saying that God’s house should be one of prayer, not of thievery. Many churches today are reluctant even to sell sermon tapes or Christian books in the church foyer because of this and similar admonitions. That this is a concern in the Christian tradition does not make it universally a concern, but it does suggest an entanglement problem if courts were to undertake an inquiry into when commercial transactions are permissible, and when not, within a particular religious tradition.]

In short, I’m less concerned about Establishment Clause creep than about antitrust creep. Economic rivalry is good sometimes, but not always. Unlike Barak, I wouldn’t start with the assumption that antitrust law should apply universally to all human endeavor unless a special exception is warranted. I would start with the assumption that antitrust should apply to business and commerce and only extend it to other endeavors if the case for extension were clear and unencumbered by competing religious, social, or moral values. As to rabbinical collusion, I’m not persuaded that case has been made.

### AT: LIO

#### Easily backslide is a BAD frame for impacts when the LIO is doomed---backlash and technology destroy the foundations of order

Walter Russell Mead 21. James Clarke Chace Professor of Foreign Affairs and the Humanities at Bard College, the Global View columnist at The Wall Street Journal, and a Distinguished Fellow at the Hudson Institute. "The End of the Wilsonian Era". Foreign Affairs. https://www.foreignaffairs.com/articles/united-states/2020-12-08/end-wilsonian-era

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in many places. It also makes it harder for national leaders to pursue the compromises that international cooperation inevitably requires and increases the chances that incoming governments will refuse to be bound by the acts of their predecessors. The information revolution is destabilizing international life in other ways that make it harder for rules-based international institutions to cope. Take, for example, the issue of arms control, a central concern of Wilsonian foreign policy since World War I and one that grew even more important following the development of nuclear weapons. Wilsonians prioritize arms control not just because nuclear warfare could destroy the human race but also because, even if unused, nuclear weapons or their equivalent put the Wilsonian dream of a completely rules-based, law-bound international order out of reach. Weapons of mass destruction guarantee exactly the kind of state sovereignty that Wilsonians think is incompatible with humanity’s long-term security. One cannot easily stage a humanitarian intervention against a nuclear power. The fight against proliferation has had its successes, and the spread of nuclear weapons has been delayed—but it has not stopped, and the fight is getting harder over time. In the 1940s, it took the world’s richest nation and a consortium of leading scientists to assemble the first nuclear weapon. Today, second- and third-rate scientific establishments in low-income countries can manage the feat. That does not mean that the fight against proliferation should be abandoned. It is merely a reminder that not all diseases have cures. What is more, the technological progress that underlies the information revolution significantly exacerbates the problem of arms control. The development of cyberweapons and the potential of biological agents to inflict strategic damage on adversaries—graphically demonstrated by the COVID-19 pandemic—serve as warnings that new tools of warfare will be significantly more difficult to monitor or control than nuclear technology. Effective arms control in these fields may well not be possible. The science is changing too quickly, the research behind them is too hard to detect, and too many of the key technologies cannot be banned outright because they also have beneficial civilian applications. In addition, economic incentives that did not exist in the Cold War are now pushing arms races in new fields. Nuclear weapons and long-range missile technology were extremely expensive and brought few benefits to the civilian economy. Biological and technological research, by contrast, are critical for any country or company that hopes to remain competitive in the twenty-first century. An uncontrollable, multipolar arms race across a range of cutting-edge technologies is on the horizon, and it will undercut hopes for a revived Wilsonian order. IT’S NOT FOR EVERYBODY One of the central assumptions behind the quest for a Wilsonian order is the belief that as countries develop, they become more similar to already developed countries and will eventually converge on the liberal capitalist model that shapes North America and western Europe. The Wilsonian project requires a high degree of convergence to succeed; the member states of a Wilsonian order must be democratic, and they must be willing and able to conduct their international relations within liberal multilateral institutions. At least for the medium term, the belief in convergence can no longer be sustained. Today, China, India, Russia, and Turkey all seem less likely to converge on liberal democracy than they did in 1990. These countries and many others have developed economically and technologically not in order to become more like the West but rather to achieve a deeper independence from the West and to pursue civilizational and political goals of their own. In truth, Wilsonianism is a particularly European solution to a particularly European set of problems. Since the fall of the Roman Empire, Europe has been divided into peer and near-peer competitors. War was the constant condition of Europe for much of its history, and Europe’s global dominance in the nineteenth century and early twentieth century can be attributed in no small part to the long contest for supremacy between France and the United Kingdom, which promoted developments in finance, state organization, industrial techniques, and the art of war that made European states fierce and ferocious competitors. With the specter of great-power war constantly hanging over them, European states developed a more intricate system of diplomacy and international politics than did countries in other parts of the world. Well-developed international institutions and doctrines of legitimacy existed in Europe well before Wilson sailed across the Atlantic to pitch the League of Nations, which was in essence an upgraded version of preexisting European forms of international governance. Although it would take another devastating world war to ensure that Germany, as well as its Western neighbors, would adhere to the rules of a new system, Europe was already prepared for the establishment of a Wilsonian order. But Europe’s experience has not been the global norm. Although China has been periodically invaded by nomads, and there were periods in its history when several independent Chinese states struggled for power, China has been a single entity for most of its history. The idea of a single legitimate state with no true international peers is as deeply embedded in the political culture of China as the idea of a multistate system grounded in mutual recognition is embedded in that of Europe. There have been clashes among Chinese, Japanese, and Koreans, but until the late nineteenth century, interstate conflict was rare. In human history as a whole, enduring civilizational states seem more typical than the European pattern of rivalry among peer states. Early modern India was dominated by the Mughal Empire. Between the sixteenth century and the nineteenth century, the Ottoman and Persian Empires dominated what is now known as the Middle East. And the Incas and the Aztecs knew no true rivals in their regions. War seems universal or nearly so among human cultures, but the European pattern, in which an escalating cycle of war forced a mobilization and the development of technological, political, and bureaucratic resources to ensure the survival of the state, does not seem to have characterized international life in the rest of the world. For states and peoples in much of the world, the problem of modern history that needed to be solved was not the recurrence of great-power conflict. The problem, instead, was figuring out how to drive European powers away, which involved a wrenching cultural and economic adjustment in order to harness natural and industrial resources. Europe’s internecine quarrels struck non-Europeans not as an existential civilizational challenge to be solved but as a welcome opportunity to achieve independence. Postcolonial and non-Western states often joined international institutions as a way to recover and enhance their sovereignty, not to surrender it, and their chief interest in international law was to protect weak states from strong ones, not to limit the power of national leaders to consolidate their authority. Unlike their European counterparts, these states did not have formative political experiences of tyrannical regimes suppressing dissent and drafting helpless populations into the service of colonial conquest. Their experiences, instead, involved a humiliating consciousness of the inability of local authorities and elites to protect their subjects and citizens from the arrogant actions and decrees of foreign powers. After colonialism formally ended and nascent countries began to assert control over their new territories, the classic problems of governance in the postcolonial world remained weak states and compromised sovereignty. Even within Europe, differences in historical experiences help explain varying levels of commitment to Wilsonian ideals. Countries such as France, Germany, Italy, and the Netherlands came to the EU understanding that they could meet their basic national goals only by pooling their sovereignty. For many former Warsaw Pact members, however, the motive for joining Western clubs such as the EU and NATO was to regain their lost sovereignty. They did not share the feelings of guilt and remorse over the colonial past—and, in Germany, over the Holocaust—that led many in western Europe to embrace the idea of a new approach to international affairs, and they felt no qualms about taking full advantage of the privileges of EU and NATO membership without feeling in any way bound by those organizations’ stated tenets, which many regarded as hypocritical boilerplate. EXPERT TEXPERT The recent rise of populist movements across the West has revealed another danger to the Wilsonian project. If the United States could elect Donald Trump as president in 2016, what might it do in the future? What might the electorates in other important countries do? And if the Wilsonian order has become so controversial in the West, what are its prospects in the rest of the world? Wilson lived in an era when democratic governance faced problems that many feared were insurmountable. The Industrial Revolution had divided American society, creating unprecedented levels of inequality. Titanic corporations and trusts had acquired immense political power and were quite selfishly exploiting that power to resist all challenges to their economic interests. At that time, the richest man in the United States, John D. Rockefeller, had a fortune greater than the annual budget of the federal government. By contrast, in 2020, the wealthiest American, Jeff Bezos, had a net worth equal to about three percent of budgeted federal expenditures. Yet from the standpoint of Wilson and his fellow progressives, the solution to these problems could not be simply to vest power in the voters. At the time, most Americans still had an eighth-grade education or less, and a wave of migration from Europe had filled the country’s burgeoning cities with millions of voters who could not speak English, were often illiterate, and routinely voted for corrupt urban machine politicians. The progressives’ answer to this problem was to support the creation of an apolitical expert class of managers and administrators. The progressives sought to build an administrative state that would curb the excessive power of the rich and redress the moral and political deficiencies of the poor. (Prohibition was an important part of Wilson’s electoral program, and during World War I and afterward, he moved aggressively to arrest and in some cases deport socialists and other radicals.) Through measures such as improved education, strict limits on immigration, and eugenic birth-control policies, the progressives hoped to create better-educated and more responsible voters who would reliably support the technocratic state. A century later, elements of this progressive thinking remain critical to Wilsonian governance in the United States and elsewhere, but public support is less readily forthcoming than in the past. The Internet and social media have undermined respect for all forms of expertise. Ordinary citizens today are significantly better educated and feel less need to rely on expert guidance. And events including the U.S. invasion of Iraq in 2003, the 2008 financial crisis, and the inept government responses during the 2020 pandemic have seriously reduced confidence in experts and technocrats, whom many people have come to see as forming a nefarious “deep state.” International institutions face an even greater crisis of confidence. Voters skeptical of the value of technocratic rule by fellow citizens are even more skeptical of foreign technocrats with suspiciously cosmopolitan views. Just as the inhabitants of European colonial territories preferred home rule (even when badly administered) to rule by colonial civil servants (even when competent), many people in the West and in the postcolonial world are likely to reject even the best-intentioned plans of global institutions. Meanwhile, in developed countries, problems such as the loss of manufacturing jobs, the stagnation or decline of wages, persistent poverty among minority groups, and the opioid epidemic have resisted technocratic solutions. And when it comes to international challenges such as climate change and mass migration, there is little evidence that the cumbersome institutions of global governance and the quarrelsome countries that run them will produce the kind of cheap, elegant solutions that could inspire public trust. WHAT IT MEANS FOR BIDEN For all these reasons, the movement away from the Wilsonian order is likely to continue, and world politics will increasingly be carried out along non-Wilsonian and in some cases even anti-Wilsonian lines. Institutions such as NATO, the UN, and the World Trade Organization may well survive (bureaucratic tenacity should never be discounted), but they will be less able and perhaps less willing to fulfill even their original purposes, much less take on new challenges. Meanwhile, the international order will increasingly be shaped by states that are on diverging paths. This does not mean an inevitable future of civilizational clashes, but it does mean that global institutions will have to accommodate a much wider range of views and values than they have in the past. There is hope that many of the gains of the Wilsonian order can be preserved and perhaps in a few areas even extended. But fixating on past glories will not help develop the ideas and policies needed in an increasingly dangerous time. Non-Wilsonian orders have existed both in Europe and in other parts of the world in the past, and the nations of the world will likely need to draw on these examples as they seek to cobble together some kind of framework for stability and, if possible, peace under contemporary conditions. For U.S. policymakers, the developing crisis of the Wilsonian order worldwide presents vexing problems that are likely to preoccupy presidential administrations for decades to come. One problem is that many career officials and powerful voices in Congress, civil society organizations, and the press deeply believe not only that a Wilsonian foreign policy is a good and useful thing for the United States but also that it is the only path to peace and security and even to the survival of civilization and humanity. They will continue to fight for their cause, conducting trench warfare inside the bureaucracy and employing congressional oversight powers and steady leaks to sympathetic press outlets to keep the flame alive. Those factions will be hemmed in by the fact that any internationalist coalition in American foreign policy must rely to a significant degree on Wilsonian voters. But a generation of overreach and poor political judgment has significantly reduced the credibility of Wilsonian ideas among the American electorate. Neither President George W. Bush’s nation-building disaster in Iraq nor Obama’s humanitarian-intervention fiasco in Libya struck most Americans as successful, and there is little public enthusiasm for democracy building abroad.

### AT: Middle East Conflict

#### 2. Mutual checkmating prevents the impact.

Hinnebusch 15—Professor of IR and Director of Centre for Syrian Studies at the University of St. Andrews [Raymond, “Chapter 8: Structure over Agency: The Arab Uprising and the Regional Struggle for Power,” in S. N. Litsas & A. Tziampiris eds. *The Eastern Mediterranean in Transition: Multipolarity, Politics and Power*, p. 129-131]

Global Competitive Interference: Mutual Checkmating The Uprising provoked a “New Cold War” among global great powers. After its failed attempt under George W. Bush to impose a Pax Americana on the region, US power appeared by mid-2000s, to be receding as the invasion of Iraq inadvertently empowered Iran and fatigue at highly costly interventions led the Obama’s administration to retreat to off-shore balancing. In parallel, Russia and China developed regional stakes in arms sales, energy and trade. The loss of Mubarak, a key Western client and later the empowerment of Al Qaeda in failed states were further challenges to the West. Yet no further rollback of the West in the region was in the cards. Even where pro-Western presidents were toppled (Egypt, Tunisia, Yemen), the countries were too economically dependent to go over to the resistance axis and the West benefited from the relative empowerment of the GCC within inter-Arab politics as a result of the Uprising. The Uprising, insofar as it was a revolt against global neo-liberalism, was a threat to the West but because the economic collapses accompanying it made regional states more economically vulnerable, Western dominated IFIs and cash rich Gulf states combined to further pry open regional economies to global finance capital, which severely limited the policy options of dependent states (Hanieh 12). The Uprising in Libya presented an opportunity to demonstrate the utility of US military force after the costly failure in Iraq and that in Syria to debilitate the Resistance axis. However, the result of the Libya intervention, a failed state, empowered Al Qaeda in North Africa. For the US (and Israel), a failed state in Syria where Hezbollah and Al Qaeda wore each other down, was more cost effective than another Iraq type effort at “nation-building,” but the spread of jihadism and the spillover of Syria’s conflict to its neighbors (Iraq and Lebanon) showed the costs of such neglect. The West saw the Uprising as an opportunity to roll back the regional influence of Russia and China as their clients in Libya and Syria came under pressure. Russia and China saw the norm of sovereignty and the authority of the UN Security Council as key to constraining such Western expansion into MENA (Blank 11); thus, after the West used a UN humanitarian intervention to effect regime change in Libya, Russia blocked a similar intervention in Syria. Their opposition to international intervention in Syria cost Russia and China standing in the region, but the West was unable to capitalize on this as long as its economic troubles constrained its interventionist impulse. Conclusion: The Resilience of Structure Three years into the Arab Uprising the regional order, although under unprecedented strain, remained resilient and the power bids of movements and regimes had largely checkmated each other. The Uprisings had unleashed street politics and sectarian conflicts that weakened states, which in several cases lost control of their territory and borders (Syria, Libya) to armed trans-state movements, which attained unprecedented agency (Hezbollah, ISIS). Yet, deep states and external dependencies were left standing as the high tide of mass peaceful protest receded, notably in Egypt, Bahrain and Yemen. The power balance between the two opposing pre-uprising alliances was not decisively upset: the Iran-led Resistance axis had lost key allies (Qatar, Turkey, Hamas) and soft power but still survived. The weak spots of the opposing axes, Bahrain and Syria, had not changed sides; Egypt and Iraq, although loosened from their American moorings, avoided full alignment with either side. The traditional Arab powers, Egypt and Syria (and earlier Iraq) were debilitated, yet aspirant non-Arab regional hegemon, Sunni Turkey, initially expected to fill the gap, was checked by Iranian/ Hezbollah balancing in Syria and also, despite a potent synthesis of Islam and democracy congruent with rising Islamist movements, foundered on the rocks of deep state establishments, exemplified in Egypt. The GCC was empowered by the debilitation of the republics and its money and media power penetrated every Uprising state; but this provoked reactions and possible blowback and its cohesion unraveled. Thus, power balancing, entrenched state apparatuses and increasing fragmentation made it very hard for any regional power to sweep the board. Rival outside powers also found management of the region’s conflicts intractable, and settled for preventing victory by the other side. Deep structure appeared to have defeated agency.

## Balancing

### AT: Jewish Demographic

#### 2. AND The plan leads to a decline in the Jewish demographic.

The Rabbinical Assembly 12. "New York Times Article about the Joint Placement Commission". No Publication. 8-24-2012. https://www.rabbinicalassembly.org/story/new-york-times-article-about-joint-placement-commission?tp=25

We are aware of a New York Times column by Sam Freedman regarding the Conservative Movement's Joint Placement commission comprising the Rabbinical Assembly, United Synagogue of Conservative Judaism, The Jewish Theological Seminary and the Ziegler School of Rabbinic Studies. As you well know, for decades, the goal of the Joint Placement Commission, which works by consensus of congregations, rabbis and seminaries, has been to promote our vision of Conservative Judaism by partnering closely with congregations in the difficult process of selecting a religious leader. Professor Richman incorrectly attempts to apply antitrust concepts intended for the business marketplace to a religious movement. This crucial distinction was best characterized by Senator John Sherman the sponsor and namesake of the Sherman Antitrust Act, who stated that churches are not covered under this nation's antitrust laws: "I do not see any reason for putting in temperance societies any more than churches or school-houses or any other kind of moral or educational associations that may be organized. Such an association is not in any sense a combination or arrangement made to interfere with interstate commerce" (21 Cong.Rec. 2658-59 (1890).).

Our congregations, seminaries and the Rabbinical Assembly jointly agree that the rabbis who lead our congregations require the necessary training, background and experience to promote a dedicated, open minded Judaism in a diverse society. Our system, almost identical to that of the Reform and Reconstructionist Movements, and similar to several Protestant denominations that also balance their traditions with changing times, allows a worldwide community of Conservative Jews to grow together while leaving the vast majority of decision making to the congregation itself.

#### 3. Syria pullout disproves the link

Raphael Ahren 19. The diplomatic correspondent at The Times of Israel. “As US withdraws, Jerusalem spooked by Moscow’s growing control over Middle East” The Times of Israel. 10-18-2019. <https://www.timesofisrael.com/as-us-withdraws-jerusalem-spooked-by-moscows-growing-control-over-middle-east/>

US President Donald Trump’s newly announced withdrawal of nearly all **US troops from northern Syria** has **cemented Russia’s status** as the predominant global military power actively engaged in **the Middle East.** This week, Russian troops **arrived at military bases in northern Syria** that the American army had **hastily left** just days earlier, in what can be regarded as both a literal and figurative **handover of regional hegemony.** Many **officials in Jerusalem are deeply worried** about being abandoned by their superpower ally, as the American decision to gradually disengage from this part of the world — which started under former US president Barack Obama — threatens to embolden Israel’s enemies: Iran and its allies and proxies in Lebanon, Syria, Gaza and elsewhere.

#### 4. Tons of alt causes.

Seth J. Frantzman 19. Received his Ph.D from the Hebrew University of Jerusalem in 2010. He previously served as a research associate at the Rubin Center for Research in International Affairs at the Interdisciplinary Center, Herzliya and a lecturer in American Studies at Al-Quds University. Currently he is the Executive Director of The Middle East Center for Reporting and Analysis and a Ginsburg/Milstein Writing Fellow at the Middle East Forum. “Can Israel trust the U.S. after Syria withdrawal?” The Jerusalem Post. 10-07-2019. <https://www.jpost.com/middle-east/can-israel-trust-us-after-syria-withdrawal-603978>

The US surprise decision to announce that it would withdraw from an area along the Syrian border and enable a Turkish military operation into northern Syria raises many questions about long-term US policy in the Middle East. It is also **concerning to Jerusalem** because both Iran, an enemy of Israel, and Turkey, which excoriates Israel regularly at international forums, appear to gain as the US retreats. The US decision to open the door for a Turkish invasion of eastern Syria is seen as a **betrayal among US partners** on the ground in Syria, and particularly among many Kurds. Across the region it is also seen as the US, once again, letting down allies. This has been a refrain from Iraq to Egypt to the Gulf. US President Donald Trump said that although the Kurds fought alongside the US, eastern Syria was now the for “Turkey, Europe, Russia, Iran, Iraq, Russia” to deal with. Embroiled in an impeachment crisis, the US President says others must deal with the ISIS detainees. He has made similar comments before in the spring of 2018 and December 2018 when he vowed to leave Syria. This has **repercussions for Israel.**

#### 5. No Israel strikes---costs outweigh benefits.

Louis Beres 15. Professor of political science and international law at Purdue University. \*\*Leon Edney is a retired US Navy admiral, NATO supreme allied commander, and distinguished professor of leadership at the US Naval Academy. “What -Now for Israel?” US News. 7/14/2015. <http://www.usnews.com/opinion/blogs/world-report/2015/07/14/after-the-iran-nuclear-agreement-what-are-israels-security-options>

To be sure, following careful assessments of the new Iran agreement, Israel's prime minister will need to make an 11th-hour decision on preemption. In principle, at least, considering any such defensive first strike against Iranian nuclear assets and infrastructures could still make strategic sense if the following conditions were assumed: 1. Iran will inevitably become militarily nuclear; 2. Iran will very likely plan to use its new nuclear forces in a first-strike aggression against Israel; and 3. Iran's key decision makers will likely be irrational. Regarding core definitions, irrational decision-makers would be those Iranian leaders who could sometime value certain preferences or combinations of preferences (e.g., certain Shiite religious expectations) more highly than Iran's national survival. In the absence of any one of these three critical assumptions, the expected retaliatory costs to Israel of any contemplated preemption would plausibly exceed the expected benefits. Moreover, there would be nothing genuinely scientific about making such difficult policy choices. For one thing, all of the associated probability judgments would need to be overwhelmingly subjective. How, for example, could Israeli analysts say anything meaningfully predictive about unique or unprecedented circumstances? In science, probabilities must always be based upon the determinable frequency of past events. Here, however, in pertinent history, there exists no usable guidance. To wit, exactly how many preemptive attacks have already been launched by a nuclear state against a nearly-nuclear state? The "zero" answer is obvious and irrefutable. It must, therefore, be a cautionary reply. An additional complication exists. The nearly-nuclear state, Iran, will still possess large conventional and chemical rocket forces. Many other threatening missiles will remain under the operational control of its sub-state terrorist proxies. Hezbollah, the well-armed Shiite militia, already has more rockets in its arsenal than do all NATO countries combined; it is even less likely than Iran's own leaders to hold back on any post-preemption retaliations. All things considered, Israel's best security plan, going forward, would be to enhance its underlying nuclear deterrence posture, and to render this critical enhancement as conspicuous as possible. More precisely, this means that Jerusalem should do everything possible to signal to any future Iranian aggressor that its own nuclear forces are plainly survivable, and capable of penetrating any of Tehran's ballistic missile or other active defenses. Correspondingly, it will also become necessary for Israel to move very carefully beyond its traditional posture of deliberate nuclear ambiguity, or the so-called "bomb in the basement." In the irremediably arcane world of Israeli nuclear deterrence, it can never be adequate that enemy states should simply acknowledge the Jewish State's nuclear status. It is equally important that these adversarial states believe Israel to hold usable and survivable nuclear forces, and be willing to employ these weapons in certain clear and readily identifiable circumstances. Israel's nuclear doctrine and weapons are necessary to various scenarios that could require conventional preemptive action, or more residually, a specifically nuclear retaliation. In any event, for Israel, the core purpose of its nuclear weapons must always be deterrence ex ante, not revenge ex post. An integral part of Israel's multi-layered security system lies in maintaining effective ballistic missile defenses, primarily, the Arrow or "Hetz." Yet, even the well-regarded and successfully-tested Arrow could never achieve a sufficiently high capacity for missile intercept, a quality needed to adequately protect Israeli civilians from any Iranian nuclear attack. In essence, this means that Israel can never rely too heavily upon active defenses for its national protection. What about the prospect of an irrational Iranian adversary? Any Israeli move from ambiguity to disclosure, however selective, might not help in the particular case of an irrational nuclear enemy . It remains possible, or even plausible, that certain elements of Iranian leadership will determinedly subscribe to certain end-times visions of a Shiite apocalypse. Still, taken by itself, such subscription does not automatically or even persuasively call for an Israeli preemption.

# 1NR

### Framework---2NC

#### 1. Evaluate political imaginaries---judging the aff’s constitutive political community is a reality creating principle.

Gerard Delanty 14. University of Sussex, UK “The prospects of cosmopolitanism and the possibility of global justice.” Journal of Sociology 2014, Vol. 50(2) 213–228 https://www.sciencespo.fr/ceri/plurispace/wp-content/uploads/2020/01/DELANTY\_Prospects-Cosmopolitanism.pdf

The notion that global justice is both a challenge and a possibility is a relatively new idea.1 Notions of justice have traditionally been confined to territorially limited political communities, generally nation-states, and global justice seen as a secondary or derivative matter. It was not very long ago that all questions of justice were thought to pertain to nationally defined political communities. This was certainly the assumption that Rawls made in A Theory of Justice in 1971, and which set the terms of debate for more than four decades. In the past two decades there has been a steady increase in what may be called discourses of global justice – including theoretical conceptualizations – and political practices that reflect notions of global justice. It would appear that global justice has become part of the Zeitgeist or the political imaginary of critical publics in contemporary societies as they address a range of global challenges.

To create new or possible worlds it is first of all necessary to be able to imagine them. The fact that we are unsure of what exactly constitutes global justice, but nonetheless speak of it, suggests that it is a reality of a certain kind. One might say it is a reality creating idea. The reality of global justice can now be declared to be a constitutive feature of political community. It is a way of judging the world and a way of thinking about the world, as well as a way of examining the world that challenges the exclusivity of national borders as determining the boundaries of justice. Global justice has a normative, a cognitive and an epistemological dimension: it offers principles against which injustice can be measured, it offers a language to speak about human interconnectedness, and it is a topic on which knowledge can be acquired through social research. The concern with global justice is central to the idea of cosmopolitanism, though not the only aspect of cosmopolitanism. In this article I am largely concerned with the political dimension of cosmopolitanism, which I see as the context in which to discuss global justice. The aim of the article is to explore the considerations that are at stake in assessing the prospects of cosmopolitanism today as a political project. I argue that there is scope for fruitful dialogue between sociology and political science around this question, which asks how a normative idea becomes an empirical phenomenon. In the first section I discuss the notion of global justice before outlining a theoretical approach to the analysis of cosmopolitanism. The third section of the article moves on to look at the conditions of the possibility of cosmopolitanism, before finally considering the prospects of cosmopolitanism.

#### 3. Critique is an assertion of rights---reading framework destroys democracy.

Nancy Fraser 05. Henry A. and Louise Loeb Professor of Political and Social Science and professor of philosophy at The New School. “Reframing Justice in a Globalizing World, NLR 36, November–December 2005.” New Left Review. https://newleftreview-org.proxy.library.emory.edu/issues/ii36/articles/nancy-fraser-reframing-justice-in-a-globalizing-world

But the claims of transformative politics go further still. Above and beyond their other demands, these movements are also claiming a say in a post-Westphalian process of frame-setting. Rejecting the standard view, which deems frame-setting the prerogative of states and transnational elites, they are effectively aiming to democratize the process by which the frameworks of justice are drawn and revised. Asserting their right to participate in constituting the ‘who’ of justice, they are simultaneously transforming the ‘how’—by which I mean the accepted procedures for determining the ‘who’. At their most reflective and ambitious, accordingly, transformative movements are demanding the creation of new democratic arenas for entertaining arguments about the frame. In some cases, moreover, they are creating such arenas themselves. In the World Social Forum, for example, some practitioners of transformative politics have fashioned a transnational public sphere where they can participate on a par with others in airing and resolving disputes about the frame. In this way, they are prefiguring the possibility of new institutions of post-Westphalian democratic justice.footnote16

The democratizing dimension of transformative politics points to a third level of political injustice, above and beyond the two already discussed. Previously, I distinguished first-order injustices of ordinary-political misrepresentation from second-order injustices of misframing. Now, however, we can discern a third-order species of political injustice, which corresponds to the question of the ‘how’. Exemplified by undemocratic processes of frame-setting, this injustice consists in the failure to institutionalize parity of participation at the meta-political level, in deliberations and decisions concerning the ‘who’. Because what is at stake here is the process by which first-order political space is constituted, I shall call this injustice meta-political misrepresentation. Meta-political misrepresentation arises when states and transnational elites monopolize the activity of frame-setting, denying voice to those who may be harmed in the process, and blocking creation of democratic arenas where the latter’s claims can be vetted and redressed. The effect is to exclude the overwhelming majority of people from participation in the meta-discourses that determine the authoritative division of political space. Lacking any institutional arenas for such participation, and submitted to an undemocratic approach to the ‘how’, the majority is denied the chance to engage on terms of parity in decision-making about the ‘who’.

### Link---2NC

#### 6. Religious freedom takes the nation-state as the premise for politics---cosmopolitanism rejects the concept of national sovereignty.

Robert Fine 03. University of Warwick, UK. “Taking the ‘Ism’ out of Cosmopolitanism An Essay in Reconstruction.” European Journal of Social Theory 6(4): 451–470. http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.835.2305&rep=rep1&type=pdf

Cosmopolitanism arises in part out of international law but has a logic that transcends its origins and is in some aspects in contradiction with them. International law is a form of law that recognizes states as legal personalities. Its guiding principle is that of national sovereignty. It upholds the internal and external sovereignty of nations and regulates relations between states on this basis. It guarantees the integrity of states based on the right of national selfdetermination and the principle of non-interference in the internal affairs of other states. It demands of states that they recognize the rights of other states and it leaves it to the states themselves to enforce their rights with or without the help of other states (Kelsen, 1966). Cosmopolitan law, on the other hand, reaches both inside and outside states. It recognizes individuals and groups in civil society, as well as states, as legal personalities. It is concerned with the rights and responsibilities of world citizens and the key problem it addresses is that the worst violators of human rights are often states or state-like social formations. While international law develops according to the principle that each state has sovereignty within its own territory, cosmopolitan law seeks to impose limits on how states can behave toward the people who live within their territories. While international law admits of no higher legal authority over that of states, cosmopolitan law offers a normative justification of just such an external power. There is a large grey area between international and cosmopolitan law but the core analytical distinction, even if it is not generally acknowledged within legal theory, is between a form of international law that recognizes only states as legal subjects and one that both descends below the level of states to that of individual right and ascends above the level of states to that of a higher legal body (Charney, 1993).

### AT: Perm---2NC

#### 1. Inclusion of the Westphalian grammar in frame-setting is an act of injustice that prevents transformative politics and makes global death inevitable.

Nancy Fraser 05. Henry A. and Louise Loeb Professor of Political and Social Science and professor of philosophy at The New School. “Reframing Justice in a Globalizing World, NLR 36, November–December 2005.” New Left Review. <https://newleftreview-org.proxy.library.emory.edu/issues/ii36/articles/nancy-fraser-reframing-justice-in-a-globalizing-world>

The politics of framing can take two distinct forms, both of which are now being practised in our globalizing world.footnote12 The first approach, which I shall call the affirmative politics of framing, contests the boundaries of existing frames while accepting the Westphalian grammar of frame-setting. In this politics, those who claim to suffer injustices of misframing seek to redraw the boundaries of existing territorial states or in some cases to create new ones. But they still assume that the territorial state is the appropriate unit within which to pose and resolve disputes about justice. For them, injustices of misframing are not a function of the general principle according to which the Westphalian order partitions political space. They arise, rather, as a result of the faulty way in which that principle has been applied. Thus, those who practise the affirmative politics of framing accept that the principle of state-territoriality is the proper basis for constituting the ‘who’ of justice. They agree, in other words, that what makes a given collection of individuals into fellow subjects of justice is their shared residence on the territory of a modern state and/or their shared membership in the political community that corresponds to such a state. Thus, far from challenging the underlying grammar of the Westphalian order, those who practise the affirmative politics of framing accept its state-territorial principle.

Precisely that principle is contested, however, in a second version of the politics of framing, which I shall call the transformative approach. For its proponents, the state-territorial principle no longer affords an adequate basis for determining the ‘who’ of justice in every case. They concede, of course, that that principle remains relevant for many purposes; thus, supporters of transformation do not propose to eliminate state-territoriality entirely. But they contend that its grammar is out of synch with the structural causes of many injustices in a globalizing world, which are not territorial in character. Examples include the financial markets, ‘offshore factories’, investment regimes and governance structures of the global economy, which determine who works for a wage and who does not; the information networks of global media and cybertechnology, which determine who is included in the circuits of communicative power and who is not; and the bio-politics of climate, disease, drugs, weapons and biotechnology, which determine who will live long and who will die young. In these matters, so fundamental to human well-being, the forces that perpetrate injustice belong not to ‘the space of places’, but to ‘the space of flows’.footnote13 Not locatable within the jurisdiction of any actual or conceivable territorial state, they cannot be made answerable to claims of justice that are framed in terms of the state-territorial principle. In their case, so the argument goes, to invoke the state-territorial principle to determine the frame is itself to commit an injustice. By partitioning political space along territorial lines, this principle insulates extra- and non-territorial powers from the reach of justice. In a globalizing world, therefore, it is less likely to serve as a remedy for misframing than as a means of inflicting or perpetuating it.

#### 2. Anti-competitive” framing pushes aside equality and collective interest---transforming value to “competitive” is an ideological power to revitalize the competition state and hollow out egalitarianism.

Pauli Kettunen 11. Professor of Political History in the Social Science Faculty of University of Helsinki. “Welfare Nationalism and Competitive Community.” In Welfare citizenship and welfare nationalism.

In their discussion on the competition state, Palan and Abbot strongly stress the diversity of the particular modes in which the competition state can be embedded in different nation-states and realised through different “state strategies”.44 Indeed, the change may take place within a remarkable institutional continuity, through an “institutional conversion”45. Old institutions of the welfare state and industrial relations can be and have been modified to serve new functions of the competitive community. Concerning working life, collective interest representation and even high social norms are considered not only as “rigidities”, but rather widely, as competitive advantages, as factors promoting the commitment of workers and the innovativeness of firms and their managements. Much of the ideological power of knowledge, training and innovation in the Nordic countries stems from the promise that competitiveness and its preconditions in the global economy can – or even must – be seen from a wider perspective than that of neo-liberalist deregulation. The concept of “social capital” has gained popularity while it has opened up new possibilities to revitalise ideas of the virtuous circle between social cohesion and economic success in the context of the competition state.

It makes a difference whether or not an individual’s opportunities to make her or himself competitive are shaped by more or less egalitarian systems of education and training, and it also makes a difference whether or not the encouragement of knowledge-based competition in working life is connected with collective institutions of social regulation. Nevertheless, a tension appears in Nordic discussions between what are presented as institutional preconditions of competitiveness and how the contents of competitiveness are conceived. At the same time as egalitarian institutions and participatory practices can be defended as preconditions for knowledge-based competitiveness, true membership in a competitive community is a matter of individual competitiveness. This consists of communicative and innovative skills and talents and reflexive capabilities of monitoring oneself from the point of view of competitiveness. From this sphere, the principles of social equality and collective interests have been pushed aside.

#### 3. Nationalizing Framework---Competition fixes the gaze---it necessitates otherization and comparative reflexivity.

Pauli Kettunen 21. Professor of Political History in the Social Science Faculty of University of Helsinki. "Welfare state, competition state, security state: Nationalism in nation-state responses to crossborder mobilities." In Remapping Security on Europe’s Northern Borders, pp. 201-220. Routledge, 2021.

Reforming the welfare state in the direction of the competition state clearly differs from Myrdal’s vision of expanding it into a welfare world. Critical visions of global policies could be opened from the universalistic principles of the national welfare state, as Myrdal, and later Pekka Kuusi (1985), did. Transforming the welfare state in the direction of the competition state fixes the gaze on national agency in a way that closes the window to such visions. “Welfare” does not itself imply a distinction between us and others; “competitiveness” does.

The importance of comparisons in national politics is no novelty, yet promoting the competitiveness of a nation in global competition implies new requirements of comparative reflexivity. “We” within a given territorial – local, regional, European, yet in the first place national – framework are supposed to make us attractive and competitive in the face of those who compare different environments from a transnational perspective in their decision making regarding flows of money, investment, and the location of production and jobs. This means being able to constantly assess one’s own actions and capacities from the varying and changing positions of those actors who compare us with others. In addition to divisions between us and others, the distinction between the internal and external is reproduced. Globalisation, notably the crossborder mobility of capital, is naturalised as necessities of external environment; national society is commodified as a competitive community.

### Alt Solves---2NC

#### 4. Open cosmopolitanism allows resistance along all lines---it’s an act of deep transformation. We revolutionize politics---criticizing single failures is a conservative shortcut that misses the potential for new creativities.

Giuseppe Caruso 17. “Open Cosmopolitanism and the World Social Forum: Global Resistance, Emancipation, and the Activists’ Vision of a Better World.” Globalizations, 14:4, 504-518, DOI: 10.1080/14747731.2016.1254413

Open cosmopolitanism is rooted in conflict and predicated on their transformation within open spaces such as WSFs. The nature of these conflicts varies, but at the bottom it rests on Gill’s historical and psychological forces of Empire and Cosmopolis, forces representing creativity and emancipation or, conversely, of destructiveness. Gendered, racial, colonial, and other group dynamics generate struggles for emancipation. Forms of resistance vary across fault lines and register the intensity of the struggle, on the one hand, and the complexity of building alliances across differences, on the other. Taken together, they express the nature of WSF’s cosmopolitan project as rooted in resistance across all existing fault lines, the outcome of which is neither predetermined nor inevitable, whose struggles are never completed and carry a connotation of endless strive. These struggles of resistance taking place in the WSF are equally constitutive of its open cosmopolitanism as the struggles of emancipation taking place between WSF’s activists and their local, regional, and global adversaries. The conflicts within and across the open space’s boundaries make the difficulties of emancipation evident. As mentioned above in the words of [INT 21], size and success made WSF’s activists oblivious of these difficulties. Forms of denial caused disappointments and withdrawal among its activists and, for some, the eventual failure of WSF’s project in its current form. But this too is a constitutive feature of open cosmopolitanism. Its transformative innovations do affect the organisational forms as well through which its work is conducted. As current forms fail, new ones develop and disappointment turns again into creativity.

WSF’s open cosmopolitanism develops at the intersection of individual and collective transformation. Acknowledging the multiplicity of domination, the possibility of emancipation, and the nature of change, according to some of WSF’s initiators, could facilitate a revolution in the mainstream understanding of politics, society, and social change. Consider the following: ‘(t)he other world we are trying to build has to be built first in each of us and in our organisations’ (Grajev quoted by Whitaker, 2003). This change in perspective on emancipation makes it possible right here and now and, at the same time, makes directive logics and strict organisational structures less compelling a

s the horizon of emancipation is moved much closer to each activist. Individual and collective emancipation need a continued commitment over long periods of time, rather than contingent strategies that risk replicating the epistemology of domination they wish to replace (Whitaker, 2005). Deep transformations are slow and require eschewing instrumental thinking and strategic shortcuts.

### Impact---2NC

#### 5. Inability to conceptualize violence determines impact calculous.

Tamara Trownsell et al. 19. Tamara Trownsell, Associate Professor of IR @ Universidad San Francisco de Quito, Ecuador. AND Amaya Querejazu, Associate Professor of IR and Latin American Studies at Universidad de Antioquia, Colombia. AND Giorgio Shani, Chair of the Department of Politics and IR @ International Christian University. AND Navnita Chadha Behera, Visiting Fulbright Fellow at George Washington University and Professor of IR @ the University of Delhi. AND Jarrad Reddekop, Associate Fellow at the Centre for Studies in Religion and Society @ the University of Victoria. AND Arlene Tickner, professor of IR @ the Universidad del Rosario, Colombia. “Recrafting International Relations through Relationality.” <https://www.e-ir.info/2019/01/08/recrafting-international-relations-through-relationality/>

How we relate to others should be a central concern of the field of International Relations. However, independent political communities—states—and their interrelations have historically been the focus of the discipline of International Relations (IR), thus limiting the forms of interaction that potentially constitute the field.[1] Postpositivist accounts have repeatedly indicated the disjuncture between the conceptual constructs that IR scholars use to make sense of the world historically and the way people practice their lives, which in the end is the substance of global politics. Many critical projects including Global IR have challenged the research produced through atomistic understandings of the world, and attempts have been made to integrate other ways of knowing into the discipline (Acharya 2014, Jackson and Nexon 1999, Tickner and Wæver 2009). While the ‘critical turn’ has made IR a more plural discipline by opening space for examining different types of relations, they have still been founded on modern, western ‘ontological’ assumptions about existence that have undercut their ability to reap the full benefits of other more robustly relational ways of existing (Blaney and Tickner 2017, Shani 2008, Trownsell 2013). Because the kind of plurality practised has not effectively dealt with distinctly relational ways of living and forms of knowing in their own terms, the call that we are making here is not just about adding other perspectives to the IR cauldron. We are aspiring for a deep plurality, in which IR scholars learn to effectively engage with difference at the ontological, methodological and practical levels.

Since the issue at hand is about ontological-cosmological commitments, we proffer our particular understandings of these terms. By ontology, we mean those basic assumptions about the nature of existence that are operative within any given tradition of living and thinking. In this sense ontology is closely linked to the cosmological in that they both reflect how we conceptualize our relationship with the cosmos and our place in it (Shani 2017). They are distinct in that cosmology refers more to origin stories and to cultural, spiritual and religious practices while ontology expresses the assumptions about the primordial condition of existence that provides the underlying logic of cosmological accounts and as such of all the other cultural fruits that emerge from them. Here we focus on ontology, because it helps draw attention to and provincialize many of the fundamental assumptions made in the dominant IR tradition, many of which have become invisible or merely commonsensical by being consonant with prevalent shared meaning systems and through longstanding and conventional use.

The general inability both in the field and discipline of international relations to recognize when and how one and others are engaging existence from very distinct ontological points of departure has had a serious impact in terms of both politics and knowledge production. Promoted through globally replicated institutions including academia, media, churches, etc., conceptualizing and practicing existence based on separation has become so naturalized that other more relational forms of being have been silenced and excluded. Conflict over what counts as real arises since those applying the predominant assumptions cannot even fathom that these other ways of being can be possible, legitimate or valid. As such living in one’s own or a group’s terms becomes a struggle when they are not aligned with the more predominant logic.

Several consequences of being blind to these relational ways of living and being manifest themselves politically. First these life expressions are often “othered” and “minimized” by treating them as myths (Law 2015), legends, superstitions, or stories about how people communicate with other beings. Denigration also becomes evident when examining public policies that do not even articulate, let alone protect, these relational ways of life. Among humans, groups abound that have not been deemed worthy of civil rights protections in the process of statebuilding for not engaging the world in sufficiently “civilized” manners (Sawyer 2004). Others have been the targets of state-led violence through national forced sterilization or “population control” initiatives (Carpio 2004, Pegoraro 2015). Beyond the human, these excluded groups have clamored to protect other beings that do not translate easily into traditional legal frameworks. For example, while indigenous groups were able to get the rights of nature officially acknowledged in Ecuador’s 2008 constitution, an effective implementation of these rights has yet to be seen. Efforts to maintain a healthy relationship with the beings of land, water, air, plants and animals often come into direct conflict with “national interests,” international treaties, foreign direct investment and forms of international cooperation, as can be clearly seen in last year’s indigenous struggles at Standing Rock in the United States. In the end, the ontological nature of these clashes has been clearly echoed in the zapatistas’ claims to a world of many worlds when stating, “We are another resistance, we are another reality.”[2]

In addition to the important political implications in the field of international relations, the discipline itself has yet to consider seriously relational ways of knowing and being. Because the problematics typical of IR and the tools generated to deal with them have been identified and named through the same predominant set of existential assumptions, the conceptual capacity of the discipline to grasp and respond to these ways of knowing is limited. In fact the predominant understanding of ontology within the discipline of IR has been referred to as “scientific ontology” (Patomäki and Wight 2000, Jackson 2011). Here scholars fight over what exists in the world without a prior discussion as to how it is ontologically that we arrive at a place where we insist on the existential autonomy of categories in the first place. This means that we keep studying these cosmologies through ontologically incommensurate filters (not based on similar existential assumptions) thinking that in this way we will still be able to understand them and then use the knowledge generated through reduced filters to find effective strategies for engagement. Yet our ontological parochialism still translates into epistemic violence by not being able to hear, understand, engage their world in their own ontological terms. Simultaneously we continue to generate a skewed picture of the kinds of knowing and being practiced in distinct parts of the world and subsequently of world politics. Consequently the resulting “intelligibility gap” still reinforces certain ways of being and knowing in the world as more legitimate or acceptable than others, thus reinforcing the source of cosmological insecurity for those falling outside these parameters.

### AT: Nationalism Good---2NC

#### 2. Nationalism causes war and genocide.

Virginia Matteo 20. Bachelor's degree in Spanish and English Literature. “Why Nationalism Is Dangerous.” https://soapboxie.com/social-issues/Why-Nationalism-Is-Dangerous

A Rise of Nationalism

In theory, we all should know what pursuing extreme national interests and a xenophobic agenda can lead to. . . the horrors of the two world wars are not buried in the distant past. But do we really? Perhaps those wars have become fossilized stories we can’t really relate to anymore?

An increase in the support of nationalist parties across Europe and the phenomenon of Donald Trump in the U.S. seem to indicate just that; how quickly we can forget. Populist politicians deliberately play upon the refugee crisis and the fear of terrorism to revive nationalist sentiments. In this nationalist rhetoric, the refugee and the migrant become the figures upon which all our fears materialize; the scapegoats. Nationalists want you to thing if we could get rid of migrants, society would be purged and all problems resolved. Terrorism would fade into oblivion, the working class would live in bliss, and the prices of houses would fall.

Except none of it would really happen. Picking a victim and blaming them for all that’s wrong, as understandable from a psychological point of view as it may be, will lead to nothing but violence and creating even more problems. Nationalists think they have a simple cure for all social ailments, but in fact they terribly misdiagnosed the patient. Theirs is the kind of thinking that led people to believe that if they sacrifice enough victims, the gods will show mercy and send them the long-awaited rain.

Of course nationalism doesn’t boil down to blaming migrants for every evil. It’s a complex phenomenon with many faces across the world and throughout history. But it is still possible to identify some common features that may be dangerous.

Pitting One Nation Against Another

In post imperial Britain the notions of “nation” and “race” were played upon by the Conservative party in an attempt to revive political language at a time when the UK had lost their sway over a significant portion of the world. The scheme of restoring past glory and a sense of value to the nation was carried out by defining the British nation against a surge of immigrants that were coming to the country, especially black settlers. The proper British way of life was seen in opposition to alien, threatening, dangerous ways of life. In short, the creation of a white homogenous British nation that overlooked differences such as class, gender, regional identities, was only possible by saying what this nation wasn’t (it wasn’t black, it wasn’t criminal, it wasn’t dangerous).

Scholars of nationalism agree that achieving a consensus about national identity requires identifying an Other inside or outside the national borders, that is somehow inferior to the nation itself. The exclusion and derogation of other cultures inside a state can lead to a series of social problem such as legitimization of abuse, alienation, in extreme cases violence. It is also problematic because it is only natural that the abused and alienated victim will look for an alternative identity, finding consolation in their own version of nationalism. Two hostile communities (parts of them, at least) that despise each other’s cultures and are unable to communicate is no good news. Especially if one community significantly outnumbers the other.

National Will: Where Does It Reside?

In nationalist rhetoric whatever the people do, or wish, or rather what politicians say that the people wish, is inherently good by virtue of it being the “will of the people”. The consequence of the nation being held the highest good is a dangerous lack of self-criticism and a very dubious sense of morality. The national interest can be used to justify just about anything.

Another problem is that the national will is highly malleable to different political agendas. It should not be understood as a pure expression of the nation, as some nationalists seem to understand it, but rather as a political tool for pursuing particular political goals. Many politicians claim the right to speak on behalf of the nation, but how do they identify the national will? Where does it reside? How is it created? How is it measured? Does a politician just “feel” it? Is it unanimous?

A politician brandishing the national will is giving themselves essentially carte blanche to do anything they claim is in the national interest and shows that they are unwilling to compromise on anything that could in their opinion harm the nation. Putting ideology over pragmatism certainly is not the best entry into dialogue on an international level; it can cause misunderstanding and the nation’s isolation.

Nation-Building Is Repressive

According to some models, nation-building requires in agrarian societies a landed elite to subjugate the peasantry. The emergence of a nation is frequently preceded by gory peasant revolts, especially in colonial and post-colonial contexts in the Middle East and South Asia, where the predominant economic model is agrarian capitalism. Nationalist violence isn’t always directed outward; it is also used against the same people it supposedly cherishes. This is one of the many paradoxes of nationalism; it glorifies the nation, the people, but at the same time it crashes those of its own people that dare to disagree. Nationalism’s dream of unity is impossible to achieve without a degree of violence and coercion (conscripting armies is one example of state repression). Nationalism pretends to represent the totality of the nation, but on close inspection it is obvious that it constantly struggles to hold the nation together and there are other identities that challenge it.

The Threats of Civil War and Genocide

In multi-ethnic and multi-religious states (many of such states were erected by colonial powers in the Middle East), if different groups disagree about what should be the basis of national consciousness, there always exists the danger of civil war. History provides too many sad examples of struggles over hegemony that resulted in utter human tragedy. Genocides on Iraqi Shi’is and Kurds by the Ba’thist regime in Iraq, the massacres of Shi’is and Tajiks by the Taliban in Afghanistan, the Bosnian civil war, the civil war in Tajikistan and the Ayodhya and Bombay massacres of Muslims in India. As Juan R. I. Cole and Deniz Kandiyoti sum it up these events should: “stand as reminders of how the post-colonial national imagination can turn, just as had some European nationalisms, toward dark fantasies of ethnic hegemony and even homogenization.”

### AT: Other States Thump---2NC

#### 2. Cosmopolitanism is the only ethical demand---global participation is possible.

Sumiti Kataria and Hongmei Qu 21. School of Philosophy and Sociology, Jilin University. "The Coronavirus Pandemic: The Growing Relevance of Moral Cosmopolitan Justice?". SpringerLink. 10-23-2021. https://link.springer.com/article/10.1007/s40647-021-00334-6

The empirical supposition of the Pandemic legitimises the metaphysical doctrine of cosmopolitanism as normative philosophy of shunning the differences and identify an individual as the optimum element of our moral and ethical responsibilities, emphasising on the principles of individualism (the individual is sovereign that need protection), universalism (subject to universal moral values without any distinction based on nationality, community or group) and generality (people are unit of moral concern for everyone and everywhere) (Pogge, 1992, pp. 48–49). The cosmopolitanism attempts to equalise and correct the unjust global structure to protect the rights of the least well-off. It is the realisation of our moral duties towards the poor and disadvantaged. The unequal division of wealth and the appropriation of resources by the affluent countries have been excluded from the realm of justice.

**[marked]**

They are coerced to be victims of political authoritarianism, social injustice, economic insecurities and refusal of basic health care facilities. It is exceptionally significant now than ever to reject the false accusation of classifying cosmopolitanism as an ordinary abstract and ideal philosophical concept. The frequent exchange of material and human resources reached the point where the magnitude of conflict and the augmentation of social and political strive in one part of the world can be felt in the other part, which is quite observable during the coronavirus pandemic. Such apparent conditions validate the radical social change required for the reinforcement of everlasting global cooperation and protection of international human rights, and the unification of politics and morality.

According to David Held, globalisation has deepened the horizon of democratic participation across the borders and encouraged the adoption of an intrinsic approach to constitutionalise the rights that are significant to ensure the equal moral worth of the individual and justify the global domain for democratic participation to cherish the sovereign autonomy of the individual (Cabrera 2020, p. 69).