# Doc---Texas---Round 1

# 1NC

## Offcase

### DA---1NC

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

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

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

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

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

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

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

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

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

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

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

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#### 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.

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#### The United States federal government should:

#### substantially increase prohibitions on anticompetitive unilateral conduct by dominant digital platforms through non-antitrust regulations

#### increase its funding for startup companies in the United States

#### increase its spending on research and development

#### develop an offensive and defensive strategy to address digital authoritarianism

#### domestically phase in a carbon tax

#### establish, and implement the recommendations from, an information warfare directorate in the National Security Council

#### R&D boosts growth and fosters innovation

Economist 21, 1-16-2021, "The case for more state spending on R&D," Economist, https://www.economist.com/briefing/2021/01/16/the-case-for-more-state-spending-on-r-and-d

There is nothing new about economists arguing for more government spending on research and development (R&D). Theoretical work done by Kenneth Arrow in the 1960s convinced his colleagues that the private sector would not on its own provide the amount of innovation that economies need to maximise their growth. Empirically the coincidence, in the 1950s, of increased government R&D spending and excellent rates of productivity and GDP growth strengthened the case further.

It is true that the hard evidence for a positive impact of such R&D spending on overall growth is both fairly weak and suggests that it lags the outlay by quite a while. But few doubt that the return is, in practice, significant. Rich-world governments currently spend, on average, a bit over 0.5% of GDP on R&D; a couple more tenths of a percentage point could make a big difference.

The economists have the advantage, here, of pushing at a door that others are in the process of pulling open. Government R&D spending as a fraction of GDP has spent most of the past 40 years shrinking (see chart 1). In 2018, though, the most recent year for which data are available, figures from 24 OECD countries showed government spending on R&D rising by a healthy 3% in real terms following a particularly lean period after the financial crisis. In 2020 the French government promised to increase its research budget by 30% over ten years as part of a new research strategy. The Japanese government has also been increasing funding, and setting up a new provision for “moonshots”. In America, having resisted Donald Trump’s attempts to cut research budgets, Congress may well look favourably on President-elect Joe Biden’s promise to pump them up.

This enthusiasm is not simply driven by a belief that such spending will increase growth. It is also about a fear of China. A research backwater when its economy took off in the 1980s, China has since spent heavily on R&D to obvious effect. A study published by Elsevier, a scientific publisher, and Nikkei, a news business, in 2019 found that China published more high-impact research papers than America did in 23 out of 30 “hot” research fields. Many in Europe and America think that competing with, or outcompeting, China means following its lead. The incoming Biden administration promises “breakthrough technology R&D programmes” which will “direct investments to key technologies in support of us competitiveness”.

And a third factor unites governments inside and outside China: they have strategic goals they can only meet through the development of new technologies and the deployment of existing ones. The government support for vaccines against sars-cov-2 is a case in point. The increasing need for deep decarbonisation is another.

#### Funding startups lets them survive despite competition

Ketchen & Hult 19, 4-29-2019, David Ketchen is a professor and Harbert Eminent scholar in the Raymond J. Harbert College of Business at Auburn University; Tomas Hult is a professor and Byington Endowed chair at Michigan State University and executive director of the Academy of International Business. "Government can help startups bridge the 'valley of death'," TheHill, https://thehill.com/opinion/finance/441139-government-can-help-startups-bridge-the-valley-of-death

Economic incentives offered by U.S. states to attract established companies grab headlines. The pursuit of Amazon by various cities and states, for example, captured the public interest and also created strong sentiments for and against such investment.

Amazon was on the front page, but leaders in some states are continually and quietly seeking to cultivate the next Amazon. They do this by providing early-stage funding and resources to promising startups. These forward-thinking programs set the stage for a bright entrepreneurial future but also cost public dollars.

Skeptics focus on the cost. Optimists hone in on future growth. What is clear is that blue-collar manufacturing jobs are not coming back in droves. Instead, innovation attracts global talent and creates new products and industries.

Startups play an inimitable role in innovation. They also face a unique funding pitfall known as the “valley of death.” The very early stages of a startup’s development are funded by entrepreneurs themselves and "the 3 F's" — family, friends and fools.

But soon, expenses grow beyond self-funding as a startup spends money on developing a viable product. Early-stage startups have minimal, if any, cash-flow, and they are too underdeveloped to attract investment from traditional venture capitalists. The valley of death then swallows them: Access to funds bottoms out while expenses keep mounting.

This is where investment at the state-level is such a great tool. Take Alabama and Michigan as examples. Red-state Alabama and blue-state Michigan are different in many ways, but leaders in both states see the wisdom in helping early-stage startups cross the valley of death.

Alabama Launchpad is operated by the Economic Development Partnership of Alabama (EDPA), a nonprofit that partners with government agencies to foster economic growth. This may be the best of both worlds — investing in a public good but generally not with tax dollars, albeit in concert with government agencies.

EDPA is probably best known for the recruitment of a $1.6 billion Mazda-Toyota joint venture slated to open in 2021. However, since 2009, Alabama Launchpad has invested more than $4 million to fund 84 startups whose collective current valuation exceeds $210 million.

Wyndy is one of these startups. The “Uber of babysitters” received Launchpad funding to develop its app that connects parents with thoroughly-vetted college students. This funding helped sustain Wyndy until it raised $1 million from private investors.

In Michigan, the counterpart to Alabama Launchpad is orchestrated by the Michigan Economic Development Corporation (MEDC) — a public-private funded entity. Early-stage funding for startups can be sought from MEDC’s Entrepreneurial and Innovation Initiative that also involve Invest Michigan, Invest Detroit and Small Business Development Centers.

Like Wyndy in Alabama, Fifth Eye in Michigan found success by receiving state support in 2014 to help in development. In 2019, the Ann Arbor-based medical software startup raised $11.5 million in investment capital.

Assisting startups like Wyndy and Fifth Eye is critical to the lifeblood of the American economy. It is very unlikely Fifth Eye would be here today without such funding five years ago.

Given that thriving startups create jobs and fuel economic activity, states should help these innovative entrepreneurial ventures survive the valley of death. Importantly, policymakers in Washington, D.C. need to explore how these state-level success stories can be replicated at the federal level.

The U.S. Small Business Administration’s Small Business Innovation Research Program (SBIR) has helped many startups, but significant gaps exist for early-stage startups. SBIR grants are open to companies with 500 or fewer employees, leaving small startups at a competitive disadvantage.

Most SBIR dollars go to 10 states, including the tech hotbeds of California, Texas and Massachusetts that may not need the support as much as other locations. Supporting embryonic, early-stage startups across all 50 states needs to become a core focus, or the country will lose out.

Globally, considerable centers of venture-capital investment have grown outside of the U.S. in recent years.

Yes, the United States is the world’s dominant center for startup investment in general, accounting for 68.6 percent of total global venture capital (Asia is next at 14.4 percent and then Europe at 13.5 percent), but the numbers are rapidly changing, and the support is not necessarily at the early-stage level.

In the evolving situation, economic-development leaders now face increased pressure from international locations. State and federal infrastructure can provide a bridge over the entrepreneurial valley of death before global investors opportunistically drag away the lifeblood of the American economy.

#### Solves tech coop---creates a strategic framework and gets allies on board

Erol Yayboke & Sam Brannen 21. Deputy director and a senior fellow with the Project on Prosperity and Development (PPD) at the Center for Strategic and International Studies (CSIS). Leads the Risk and Foresight Group at CSIS and is a senior fellow in the International Security Program. “Promote and Build: A Strategic Approach to Digital Authoritarianism.” <https://www.csis.org/analysis/promote-and-build-strategic-approach-digital-authoritarianism>.

It is important for any coalition of democratic allies to play defense and offense at the same time: to promote resilience to digital authoritarian threats while building an affirmative alternative that diminishes the influence of authoritarian actors over time. U.S. executive-branch and congressional policymakers should view digital authoritarianism as a real threat to democratic and human rights principles at home and abroad. Tactical reactions to individual threats will not be enough; a more strategic and coordinated approach was urgently needed a decade ago, and now such an approach is long overdue. A strategic approach to digital authoritarianism should reflect the four challenges presented above, marrying tactical solutions with strategic framing. Much as the challenges themselves are overlapping, the components of a strategy should be seen as mutually reinforcing, not mutually exclusive. Promote resilience to digital authoritarianism by strengthening democracy and human rights at home Promote resilience at home. Regardless of who wins the 2020 presidential election, democratic and human rights principles promoted globally are equally relevant at home. In addition to building resilience to offensive digital tools deployed against the United States, as presented above, U.S. political leaders must focus on strengthening trust in domestic institutions. This should involve rejecting and criticizing all foreign intervention in U.S. elections, strongly supporting the right to vote in free and fair elections, resisting the urge to create or promulgate conspiracies and misinformation, committing to peaceful transitions of power, avoiding praise of authoritarians, rebuilding trust in core democratic institutions (such as a free press), and much more. For U.S. efforts to have any effect in countering digital authoritarianism abroad, it must lead by example. It is hard to imagine a successful strategic response to digital authoritarianism abroad if the United States fails to strengthen its own democracy at home. Promote democratic and human rights principles in and around authoritarian-led states via free and secure communication over a free and secure internet Promote free online expression and secure communication. Incorporate democracy, human rights, and governance experts into cybersecurity-focused efforts to counter digital authoritarianism, primarily to ensure that these responses maintain Internet freedom and do not infringe upon human rights. Strengthen policies around encryption to focus on protection of rights and safety everywhere, but especially in countries (such as Belarus) at risk of sliding further into authoritarian rule. Fund and utilize the U.S. Agency for International Development (USAID) Digital Ecosystem Fund, which is designed “to make targeted investments to achieve a vision of open, inclusive, and secure digital ecosystems that can also withstand aggressively pursued authoritarian interference.” Expand the Digital Connectivity and Cybersecurity Partnership (DCCP) a­­nd affiliated DCCP Interagency Working Group—co-chaired by USAID and the Department of State, launched in 2018, and intended to build capacity to address digital authoritarianism—beyond just the Indo-Pacific region to everywhere digital authoritarian threats exist, also incorporating advice and expertise from outside government. Promote a free and secure internet. Support the execution of USAID’s 2020–2024 Digital Strategy, using its “guiding practices” as the baseline for developing an affirmative, strategic, and principles-based approach to digital authoritarianism. Support the call in the 2018 National Cyber Strategy for the United States to “stand firm on its principles to protect and promote an open, interoperable, reliable, and secure Internet.” Be mindful and wary of efforts to create a bifurcated Internet with strong state control over censorship and access, supporting organizations such as the Freedom Online Coalition and other efforts to advance Internet openness and freedom. Avoid erecting expansive digital walls. While banning individual corporations (such as Huawei) and applications (such as TikTok and WeChat) may be deemed necessary for national security reasons, this power should be reserved for use based on specific national security threats rather than to over-extend censorship, which could be used as examples and excuses by China and other advocates of a more fragmented—and centrally controlled—Internet. Overall, the effort should be to advance principles or norms, not specific companies or nationalities. Counter digital authoritarianism at home and abroad not only with tactical defenses, but with resilience rooted in affirmative alternative visions, norms, and principles Build tactical resilience. Invest in tactical public and private countermeasures to digital tools of repression and disruption, including explainable algorithms, AI, and privacy-preserving machine learning. Facilitate greater cooperation and transparency by social media platforms and streamline information sharing between social media platforms, government, and outside researchers.

#### Solves warming---keeps it under 2 degrees and gets modeled

Inman ’17 (Phillip; 5/29/2017; economics editor of the Observer and an economics writer for the Guardian; “Sky-high carbon tax needed to avoid climate catastrophe, say experts,” <https://www.theguardian.com/environment/2017/may/29/sky-high-carbon-tax-needed-to-avoid-catastrophic-global-warming-say-experts>; Date Accessed: 7/3/2017; DS)

A group of leading economists warned on Monday that the world risks catastrophic global warming in just 13 years unless countries ramp up taxes on carbon emissions to as much as $100 (£77) per metric tonne. Experts including Nobel laureate Joseph Stiglitz and former World Bank chief economist Nicholas Stern said governments needed to move quickly to tackle polluting industries with a tax on carbon dioxide at $40-$80 per tonne by 2020. A tax of $100 a tonne would be needed by 2030 as one of a series of measures to prevent a rise in global temperatures of 2C. In a report by the High Level Commission on Carbon Prices, which is backed by the World Bank and the International Monetary Fund, they suggest poor countries could aim for a lower tax since their economies are more vulnerable. The aim of a tax on carbon would be essential to meet the targets set by the Cop21 Paris Agreement in 2015, they said. The call for action will sting European leaders, who have presided over a carbon trading scheme since 2005 that currently charges major polluters just €6 (£5.20) for every tonne of carbon they release into the atmosphere. The European scheme, which issues firms with carbon credits that can be traded on a central exchange, has come under fire for allowing heavy energy users to avoid investments in new technology to cut their emissions. Critics accuse officials of issuing too many credits and allowing the price to fall to a level that makes it cheaper for companies to pollute than change their behaviour. Stiglitz and Stern said prices should rise to $50-$100 by 2030 to give businesses and governments an incentive to lower emissions even when fossil fuels are cheap. The Trump administration has rejected calls to introduce a carbon tax in the United States, saying it would cost jobs. Washington’s refusal to adopt a tax has deterred Brussels from moving to a more substantial charge on emissions, which would have the effect of increasing energy costs, at least in the short term, and imposing higher costs on European manufacturers. The European Union’s Emissions Trading System (ETS) is the world’s biggest scheme for trading greenhouse gas emissions allowances. It covers 11,000 power stations and industrial plants in 30 countries, whose carbon emissions make up almost 50% of Europe’s total.

#### Solves info wars---intel gathering is key

Peter Wilcox 19. Staff Writer at Strategy Bridge and Officer in the US Army. “The United States National Security Council Needs an Information Warfare Directorate.” <https://thestrategybridge.org/the-bridge/2019/12/3/the-united-states-national-security-council-needs-an-information-warfare-directorate>.

In tackling the complex topic of information warfare, the National Security Council should establish a directorate to enable principal advisors to think more clearly about how adversarial foreign powers use the information sphere to undermine America’s competitive advantage. Ideally, the directorate would meticulously comb research and studies about information warfare, as well as establish an expectation that subject matter experts in the subject of information warfare serve in roles guiding national security policy. The consequences of advanced twenty-first century disruptive digital technologies illustrate the point neatly. Too little attention is paid to the consequences of disruptive technologies in a large-scale information warfare campaign against the United States and its allies.[12] To this author’s knowledge, no wargaming or thorough analysis exists that has cogently conveyed the consequences of a well-coordinated, synchronized, large-scale, information warfare attack against a civilian population: power, water, and electric systems; financial industry; private and public companies; and defense community. What are the security implications of information and communication technologies, as they carry the potential to create mass disruptions across the social, economic, political, and military domains? Other questions the directorate might explore are many and varied. What are the roles and responsibilities of the Department of Homeland Security, the plethora of domestic and foreign-focused intelligence agencies, and the military in an offensive and defensive information warfare scenario, and how might this change existing policies or authorities for these organizations? What are the domestic and foreign policy implications for a catastrophic event? How should sensitive information be shared among all the relevant government and civilian institutions without being inadvertently disclosed to the wrong people or organizations? An information warfare directorate within the National Security Council could help tease out answers by relying on expert briefs from the defense community, think tanks, corporations, and academia. In turn, the directorate could provide careful summaries to the National Security Council’s core members, allowing them to truly begin to enumerate the pragmatic policy options. Ideally, after frank debates among principal National Security Council members, resolutions for action should emerge and shape presidential policy.

### K---1NC

#### Antitrust is a psyop used to pacify the working class and map competition onto subjectivity

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

I. Neoliberal Reason

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

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

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

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

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

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

II. From Keynesian State Capitalism to Neoliberal Deregulation

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

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

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

#### Capitalist tech developments cause extinction---degrowth solves

Salvador Pueyo 18. 8 Department of Evolutionary Biology, Ecology, and Environmental Sciences, Universitat de Barcelona. 10/01/2018. “Growth, Degrowth, and the Challenge of Artificial Superintelligence.” Journal of Cleaner Production, vol. 197, pp. 1731–1736.

The challenges of sustainability and of superintelligence are not independent. The changing 84 fluxes of energy, matter, and information can be interpreted as different faces of a general acceleration2 85 . More directly, it is argued below that superintelligence would deeply affect 86 production technologies and also economic decisions, and could in turn be affected by the 87 socioeconomic and ecological context in which it develops. Along the lines of Pueyo (2014, p. 88 3454), this paper presents an approach that integrates these topics. It employs insights from a 89 variety of sources, such as ecological theory and several schools of economic theory. 90 The next section presents a thought experiment, in which superintelligence emerges after the 91 technical aspects of goal alignment have been resolved, and this occurs specifically in a neoliberal 92 scenario. Neoliberalism is a major force shaping current policies on a global level, which urges 93 governments to assume as their main role the creation and support of capitalist markets, and to 94 avoid interfering in their functioning (Mirowski, 2009). Neoliberal policies stand in sharp contrast 95 to degrowth views: the first are largely rationalized as a way to enhance efficiency and production 96 (Plehwe, 2009), and represent the maximum expression of capitalist values. 97 The thought experiment illustrates how superintelligence perfectly aligned with capitalist 98 markets could have very undesirable consequences for humanity and the whole biosphere. It also 99 suggests that there is little reason to expect that the wealthiest and most powerful people would be 100 exempt from these consequences, which, as argued below, gives reason for hope. Section 3 raises 101 the possibility of a broad social consensus to respond to this challenge along the lines of degrowth, 102 thus tackling major technological, environmental, and social problems simultaneously. The 103 uncertainty involved in these scenarios is vast, but, if a non-negligible probability is assigned to 104 these two futures, little room is left for either complacency or resignation. 105 106 2. Thought experiment: Superintelligence in a neoliberal scenario 107 108 Neoliberalism is creating a very special breeding ground for superintelligence, because it strives 109 to reduce the role of human agency in collective affairs. The neoliberal pioneer Friedrich Hayek 110 argued that the spontaneous order of markets was preferable over conscious plans, because markets, 111 he thought, have more capacity than humans to process information (Mirowski, 2009). Neoliberal 112 policies are actively transferring decisions to markets (Mirowski, 2009), while firms' automated 113 decision systems become an integral part of the market's information processing machinery 114 (Davenport and Harris, 2005). Neoliberal globalization is locking governments in the role of mere 115 players competing in the global market (Swank, 2016). Furthermore, automated governance is a 116 foundational tenet of neoliberal ideology (Plehwe, 2009, p. 23). 117 In the neoliberal scenario, most technological development can be expected to take place either in the context of firms or in support of firms3 118 . A number of institutionalist (Galbraith, 1985), post119 Keynesian (Lavoie, 2014; and references therein) and evolutionary (Metcalfe, 2008) economists 120 concur that, in capitalist markets, firms tend to maximize their growth rates (this principle is related 121 but not identical to the neoclassical assumption that firms maximize profits; Lavoie, 2014). Growth 122 maximization might be interpreted as expressing the goals of people in key positions, but, from an 123 evolutionary perspective, it is thought to result from a mechanism akin to natural selection 124 (Metcalfe, 2008). The first interpretation is insufficient if we accept that: (1) in big corporations, the 125 managerial bureaucracy is a coherent social-psychological system with motives and preferences of 126 its own (Gordon, 1968, p. 639; for an insider view, see Nace, 2005, pp. 1-10), (2) this system is 127 becoming techno-social-psychological with the progressive incorporation of decision-making 128 algorithms and the increasing opacity of such algorithms (Danaher, 2016), and (3) human mentality 129 and goals are partly shaped by firms themselves (Galbraith, 1985). 130 The type of AI best suited to participate in firms' decisions in this context is described in a 131 recent review in Science: AI researchers aim to construct a synthetic homo economicus, the 132 mythical perfectly rational agent of neoclassical economics. We review progress toward creating 133 this new species of machine, machina economicus (Parkes and Wellman, 2015, p. 267; a more 134 orthodox denomination would be Machina oeconomica). 135 Firm growth is thought to rely critically on retained earnings (Galbraith, 1985; Lavoie, 2014, p. 136 134-141). Therefore, economic selection can be generally expected to favor firms in which these are greater. The aggregate retained earnings4 137 RE of all firms in an economy can be expressed as: 138 RE=FE(R,L,K)-w⋅L-(i+δ)⋅K-g. (1) 139 Bold symbols represent vectors (to indicate multidimensionality). F is an aggregate production 140 function, relying on inputs of various types of natural resources R, labor L and capital K (including intelligent machines), and being affected by environmental factors5 141 E; w are wages, i are returns to 142 capital (dividends, interests) paid to households, δ is depreciation and g are the net taxes paid to 143 governments. 144 Increases in retained earnings face constraints, such as trade-offs among different parameters of 145 Eq. 1. The present thought experiment explores the consequences of economic selection in a 146 scenario in which two sets of constraints are nearly absent: sociopolitical constraints on market 147 dynamics are averted by a neoliberal institutional setting, while technical constraints are overcome 148 by asymptotically advanced technology (with extreme AI allowing for extreme technological 149 development also in other fields). The environmental and the social implications are discussed in 150 turn. Note that this scenario is not defined by some contingent choice of AIs' goals by their 151 programmers: The goals of maximizing each firm's growth and retained earnings are assumed to 152 emerge from the collective dynamics of large sets of entities subject to capitalistic rules of 153 interaction and, therefore, to economic selection.

#### Vote neg for anti-capitalist commons---collectives should refuse commitments to the competitive principle

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

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

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

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

### CP---1NC

#### The United States should only allow the continuation of anticompetitive unilateral conduct by dominant digital platforms under antitrust law when a team of the Good Judgment Project’s “super-forecasters” has determined that the activity reduces the numerical probability of disruption to innovation from an unacceptably high level.

\* The Good Judgment Project’s “Super-forecasters” are team members of the Good Judgement Project that have ended in the top 2% of forecasters tournaments, selected by Tetlock’s team.

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

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

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

#### ONLY the counterplan solves the case---the plan can’t keep up with market changes.

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

To determine whether and when particular forms of business conduct may harm competition requires an understanding of the market circumstances in which they are undertaken. Antitrust agencies and the courts have long looked to economic learning for assistance in understanding market circumstances and the likely competitive effects of particular business conduct.23 Indeed, economics now provides the core foundation for much of antitrust law. Not surprisingly, as economic learning about competition has advanced over the decades, so have the contours of antitrust doctrine.

Antitrust law also must keep pace with developments in the business world. Business practices may change, especially as technological innovation and global economic integration alter the competitive forces at work in particular markets. To protect competition and consumer welfare, antitrust analysis must offer sufficient flexibility to take account of these changes, while maintaining clear and administrable rules of antitrust enforcement.

B. Periodic Assessments of the Antitrust Laws Are Advisable

The antitrust laws in the United States require ongoing evaluation and assessment to ensure they are keeping pace with both economic learning and the ever-changing economy.24 In past decades, various entities have empowered six different commissions to assess how well antitrust law operates to serve consumers. The Antitrust Modernization Commission is the seventh such commission in almost seventy years.25 Prior commissions have made recommendations about both the substance and procedure of antitrust law.

#### Flexibility is key to super forecasting competition policy---the aff locks in policy failure.

Michelle Baddeley 17. Institute for Choice, University of South Australia. Journal of Behavioral Economics for Policy, Vol. 1, No. 1, 27-31, 2017. “Experts in policy land - Insights from behavioral economics on improving experts’ advice for policy-makers”. https://sabeconomics.org/wordpress/wp-content/uploads/JBEP-1-1-4-F.pdf

Whichever side one takes on these political divides, if the modern fashion is to allow subjective, partisan opinions to trump expert advice, what are the likely implications? Is it wise to be so mistrustful of experts? Expert advice is irreplaceable. Scientific experts and academics play a crucial role in developing new findings and insights to help inform policy, with implications across the range of human activity – from health and environmental policy through to competition policy, consumer protection and financial regulation – to name just a few. But to what extent are experts objective and impartial? Is their advice really impartial and unbiased, based around a cool and calculating objective assessment of evidence, after the careful application of robust research methodologies? In practice - uncertainty, insufficient information, unreliable data or flawed analysis can limit the expert’s ability to untangle the truth, and make it difficult for the policy-maker to assess the extent to which expert advice is reliable. Robust statistical methods, careful experimental design and clear hypotheses can guide the expert but impartial advice is also compromised by a range of economic, behavioural and socio-psychological constraints, some of which may be beyond the expert’s conscious control. Heuristics, biases and social influences driving experts can have significant negative consequences for the public, especially if misleading research findings are used to guide public policy.

This paper will explore some of these influences on experts’ judgement. In Section 2, some of problems around information, risk and uncertainty are outlined; in Section 3, key economic and socio-psychological constraints are explored. Policy implications and solutions are suggested in Section 3, focussing on how we can ensure that expert advice is devised and applied in the most robust and objective ways possible.

Information, risk and uncertainty

Risk and uncertainty is an unavoidable problem, especially for the scientific research that backs up expert judgement because it is about investigating novel, poorly understood phenomena. When information is scarce, a situation is profoundly uncertainty, and/or we have had no prior experience of an event or phenomenon, we cannot quantify the risk of one event versus another. Frequency ratios capturing the incidence of similar events in the past are of no use when there have been no similar events in the past. Given uncertainty, it is not possible to tell before the fact whether experts are right or wrong. It is not like we have given them a difficult mathematical problem which we can double check ourselves using a computer or calculator. With scientific research and expert advice – there is no way to know what the truth might be, and that is why we need experts to find it. And we can only judge expert judgements with the benefit of hindsight, if at all. This is a Catch-22: we need expert evidence to judge expert evidence.

An example of how policy-makers confront these problems of uncertainty and poor information affecting expert advice is the work of the Hazardous Substances Advisory Committee (HSAC) – an advisory committee to the UK’s Department for Environment, Food and Rural Affairs. This committee focuses on another complication arising from uncertainty – the difference between a risk and a hazard. Hazards exist, they are there – but if we know where they are, we can avoid them and thereby minimize our risk. The problem comes in knowing what and where the hazards are. Scientific experts on HSAC – including a range of toxicologists, environmental scientists and biochemists, as well as social scientists – assess evidence to help to inform the UK’s regulatory policy with respect to chemicals harmful to the environment and human health. Often a key constraint is that they are asked to provide advice around the likely environmental impacts of hazardous substances such as endocrine disruptors, antiobiotics and nanomaterials – often we do not know too much about these substances and their long-term impacts, especially for innovative technologies such as nanomaterials. HSAC has therefore devised a structure for assessing the quality of evidence when information is scarce and uncertainty is endemic –spanning not only the usual scientific evidence around experiments and field observation, but also including computational modelling and anecdotal evidence (Collins et al. 2016). For experts used to analysing large data sets, the latter would seem like an anathema but when experts are facing fundamental uncertainty the types of evidence they might use must expand accordingly. If we are forced to rely on anecdote, we need to understand what distinguishes good anecdotal evidence from bad anecdotal evidence: anecdotes that are corroborated across a range of sources are more reliable than single anecdotes, for example.

Economic and socio-psychological constraints

The problems of poor information, risk and uncertainty are not about the fallibility of individuals or even differences between individuals – either in terms of their individual differences and characters, and/or their susceptibility to biases and social influences. Once we introduce these additional constraints – which reflect the characters of the experts not the nature of the evidence – the opportunities for mistakes and misleading guidance increase significantly.

Individual differences

Individual differences seem to play a role, including in terms of innate ability to make judgements about uncertain futures. Philip Tetlock conducted a study which showed that, in forecasting uncertain future events, most experts are only just better than an ordinary person guessing at random (Tetlock 2006). In a second study, however – a collaboration with Dan Gardner – he showed that some particular individuals – experts or not – are “super-forecasters” who have a particular aptitude for forecasting (Tetlock and Gardner 2015). What ideal characteristics might enable these super-forecasters to predict so well? In a complex world, we need experts who are able to understand and analyse a wide range of evidence. Do we need experts who can cover a broad range, or experts who know a narrow field very well? Linking to Isaiah Berlin’s distinction between the fox-types who have a wide but relatively superficial knowledge, and the hedgehog-types who have a deep but relatively narrow knowledge, Tetlock (2006) argues that we may prefer to be advised by foxes – who know many little things, can draw on an eclectic range of evidence and are able to improvise relatively easily when evidence shifts. The hedgehogs, who know one area very well and focus on one tradition may be too inclined to impose formulaic and inflexible solutions.

#### Binding forecasting is key to spillover---solves security.

J. Peter Scoblic and Philip E. Tetlock 20. J. Peter Scoblic is Co-Founder of Event Horizon Strategies, a Senior Fellow in the International Security Program at New America, and a Fellow at Harvard’s Kennedy School. Philip E. Tetlock is Leonore Annenberg University Professor at the University of Pennsylvania, Co-Founder of Good Judgment, and a co-author of Superforecasting: The Art and Science of Prediction. “A Better Crystal Ball The Right Way to Think About the Future”. https://www.foreignaffairs.com/articles/united-states/2020-10-13/better-crystal-ball

The greatest barrier to a clearer vision of the future is not philosophical but organizational: the potential of combining scenario planning with probabilistic forecasting means nothing if it is not implemented. On occasion, the intelligence community has used forecasting tournaments to inform its estimates, but that is only a first step. Policymakers and consumers of intelligence are the ones who must understand the importance of forecasts and incorporate them into their decisions. Too often, operational demands—the daily business of organizations, from weighty decisions to the mundane—fix attention on the current moment.

Overcoming the tyranny of the present requires high-level action and broad, sustained effort. Leaders across the U.S. government must cultivate the cognitive habits of top forecasters throughout their organizations, while also institutionalizing the imaginative processes of scenario planners. The country’s prosperity, its security, and, ultimately, its power all depend on policymakers’ ability to envision long-term futures, anticipate short-term developments, and use both projections to inform everything from the budget to grand strategy. Giving the future short shrift only shortchanges the United States.

### T---1NC

#### Prohibitions are distinct from remedies that only block the anticompetitive elements of a practice, rather than the practice itself.

Jo Seldeslachts et al. ‘7. Professor of Industrial Organization at KU Leuven and a Senior Research Fellow at DIW Berlin, with Joseph A. Clougherty and Pedro Pita Barros. “Remedy for now but prohibit for tomorrow: the deterrence effects of merger policy tools.” https://www.ssoar.info/ssoar/bitstream/handle/document/25862/ssoar-2007-seldeslachts\_et\_al-remedy\_for\_now\_but\_prohibit.pdf;jsessionid=A244005110FDB5816E0347D9F1B75436?sequence=1

Let us now think about the differences between the two antitrust actions of prohibitions and remedies.7 In the case of a prohibition, the penalty for proposing a merger with significant anti-competitive problems involves the full prohibition of the merger: both the pro-competitive and the anti-competitive profits for merging firms are negated by the prohibition. The throwing out of the pro-competitive profits along with the anti-competitive profits is important, as this brings about the punitive measure that Posner (1970) acknowledges as being crucial for deterrence. The big difference between remedies and prohibitions is that remedies attempt to identify and eliminate the anti-competitive elements of a merger. In essence, the merging firms are able to hold on to the pro-competitive elements of the merger—so they keep (ΠPC), but the anti-competitive elements of the merger (ΠAC) are negated by the remedial action. If an antitrust authority imposes remedies, then the disincentive for firms to propose anti-competitive mergers is clearly lower. In short, prohibitions seemingly involve more deterrence than do remedies, as prohibitions represent larger punishments.

#### Business practices are ongoing conduct defined by the behaviors of many market participants

Kerry Lynn Macintosh 97. Associate Professor of Law, Santa Clara University School of Law. B.A. 1978, Pomona College; J.D. 1982, Stanford University, “Liberty, Trade, and the Uniform Commercial Code: When Should Default Rules Be Based On Business Practices?,” 38 Wm. & Mary L. Rev. 1465, Lexis.

These new and revised articles reflect a strong trend toward choosing default rules 4 that codify existing business practices. 5 [FOOTNOTE 5 BEGINS] In this Article, the term "business practices" is used to refer to practices that emerge over time as countless market participants exercise their freedom to engage in profitable transactions. For an account of the evolution of business practices, see infra Part II. As used here, "business practices" is broader and less technical than "trade usage," which the Code narrowly defines as "any practice or method of dealing having such regularity of observance in a place, vocation, or trade as to justify an expectation that it will be observed with respect to the transaction in question." U.C.C. 1-205(2). [FOOTNOTE 5 ENDS] This is particularly true of the recent revisions to Articles 3 (Negotiable Instruments), 4 (Bank Deposits and Collections) and 5 (Letters of Credit).

#### Violation: The plan only increases behavioral remedies that target anticompetitive aspects of the practice---topical affs must increase prohibitions on the practices themselves.

#### Vote neg for limits and ground---infinite behavioral remedies and no link uniqueness for offense.

## Competition Adv

### Turn---1NC

#### New consensus in CWS will be sufficient to solve the aff

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4.1.2 The Problems are Practical, Not Legal or Conceptual

The concern about CW’s supposed blind spots in platform markets is misplaced. Let us start with the first and second blind spots: The idea that CW-driven antitrust cannot address problems of platform innovation and monopsony power is wrong: both conceptually and as a matter of law.

Take innovation first. It is universally accepted that technological innovation improves both consumer and total welfare in many ways other than by increasing allocative efficiency and that the welfare benefits of innovation are in aggregate much greater than those from increasing allocative efficiency (Solow 1957). Conceptually—using the stylized supply and demand curves that are so common in antitrust analysis—the welfare improvements that result from technological innovation can be represented as rightward shifts in the demand (reflecting product improvements) and supply (refleting productive efficiencies) curves. The normative implications of such shifts are obvious: A firm that prevents rivals from effecting such shifts is able it to charge higher prices for existing products or services than otherwise, with a resulting reduction in output compared to the but-for world, and in that way can be said to have gained market power.

The cases recognize this, for they have long emphasized the very dynamic, nonprice harms with which CW critics are concerned. At least as early as Judge Hand’s seminal 1945 decision in United States v. Aluminum Co. of America, antitrust law has been keenly interested in dynamic competition, entrepreneurship, and entry. And cases that were decided after the triumph of the CW paradigm in the late 1970 s or early 1980 s are to the same effect. In U.S. v. Microsoft Corporation, for example, the court condemned practices—unrelated to price—that threatened to raise entry barriers and thus to reduce or delay innovation.

The same is true of monopsony power. As a conceptual matter, monopsony power is the mirror image of monopoly power (Lerner 1934). Deadweight loss, wealth transfer, and perverse incentives in seller markets are parallel to those in buyer markets. If CW is understood as total welfare or trading partner welfare, it encompasses buy-side or monopsony issues to the same extent as sell-side or monopoly issues (Hemphill and Rose 2018).

And the case law reflects the application of antitrust law in just that way (Werden 2007). In U.S. v. Adobe Systems, Inc., et al. for example, the Justice Department prosecuted a series of bilateral agreements amongst several large technology firms—including Google, Apple, Intel, Pixar, Intuit, and Adobe—that had allegedly agreed to refrain from soliciting, cold calling, recruiting, or otherwise competing for each other’s computer engineers and scientists. The Justice Department noted that in a “well-functioning labor market, employers compete to attract the most valuable talent for their needs”. And it regarded the agreement as facially anticompetitive because it “disrupted the normal price setting mechanisms that apply in the labor setting”. The Justice Department has also challenged mergers on the ground that they would injure competition in buy-side markets.

So, one might ask, why the controversy over CW? The answer is that successful challenges to pure innovation harms and monopsony power have been rare. The problem, however, is not legal or conceptual. It is practical. Like all decision-makers, antitrust agencies and courts are constrained in their ability to discover facts that are imperfectly observable (e.g., successful entry deterrence), measurable (e.g., product quality), or predictable (e.g., innovation and technological progress). Some data are easier to obtain, and some facts are easier to establish. So public and private antitrust enforcers have, for reason of prudence or pragmatism, focused on price and output effects.

Enforcers and courts do examine non-price effects and upstream markets, mindful that conduct can produce either injury or improvement, loss or benefit. Consider the FTC’s 2013 decision to terminate its investigation against Google. The Commission explained that the search platform’s “display of its own content could plausibly be viewed as an improvement in the overall quality of Google’s search product”.

And in Weyerhaeuser Co. v. Ross-Simmons Hardwood Lumber Co.—which was not a platform case—the Supreme Court rejected a claim of anticompetitive buy-side conduct: not on the ground that such conduct was beyond the reach of the antitrust laws, but because the plaintiff had failed to show that the conduct in question was anticompetitive.

Similarly, the criticism that current antitrust enforcement has not prevented innovation harm caused by shootout mergers has nothing to do with the CW standard. For one thing, many of those acquisitions are too small to meet the requirement for pre-merger notification. More important, those acquisitions might be pro-competitive for a number of reasons. They often—or even usually—provide a profit-maximizing exit opportunity for early investors in new and unproven technologies and are thus likely to promote investments in innovation. They can both enable small units with organic constraints to scale through external growth and enhance opportunities for socially efficient combination of complementary assets and the ability and incentives of purchasing incumbent platforms to innovate.

The acquisitions might, on the other hand, be harmful if they “nip in the bud” nascent or potential competition that would otherwise take place. The enforcement problem is a practical one: In platform markets, it is difficult to distinguish startup acquisitions that seek to extinguish an incipient competitive threat “from a situation in which the dominant incumbent can and will greatly expand the reach and usage of the target firm’s products” (Shapiro 2017). Nothing about the CW standard prevents the law from incorporating different presumptions about the likely pro- and anti-competitive effects of such mergers based on different assessments of factual likelihoods or different attitudes about the relative risks of Type 1 and Type 2 errors.

The same can be said about the argument that antitrust law cannot adequately address anticompetitive conduct in “zero price” markets. The problems here are neither conceptual nor legal. For one thing, there is often less to “zero price” than meets the eye. First, the “zero price” is sometimes temporary, when the product or service is new or elementary (which is, incidentally, a common feature in intangible markets with beta and test versions). Antitrust law has ample experience with temporary low-price policies that are followed by price increases: such as loss leading, versioning, or two-part tariffs, some of which are ubiquitous on platform markets.

Second, there is less of a dichotomy between “zeroprice” services and others than the rhetoric suggests. “Zero price” refers to the nominal monetary price that is charged by the seller for services that the customer pays back with a non-monetary contribution, and a zero monetary price is not always the same as “free.” In platform markets, for example—such as search and social networking—the user transfers valuable resources to the platform: time, attention, and personal data (search queries, social graph, sentiment information). In principle, therefore, antitrust decision makers could estimate the total monetary and non-monetary price and analyze the market similar to any other. Estimating the non-money price is, however, likely to be very difficult as a practical matter.

Third, sustained zeroprice markets are typically one side of a multi-sided market or platform in which the seller generates revenue from other sides. Obvious examples include broadcast television, “free” shoppers or other newspapers, and a multitude of online services, such as those that are offered by Google or Facebook. And, as will be seen in the discussion below of the American Express case, no changes to the CW standard are required in order for antitrust law sensibly to address issues that are raised by multi-sided markets or platforms.

Still, zero price markets do sometimes present new challenges. Among other things, they can induce customer lock-in and distort competition in complementary markets, and they require decision makers to use tools other than analyses of pricing data to define markets and assess market power. These challenges are usually not insurmountable. The competitive harm that might be caused in zeroprice markets is almost always the result of more complex conduct that involves positive prices at some point, bundling or tying with positive-priced goods, or nonprice conduct and that can be assessed by traditional antitrust tools (Rubinfeld and Gal 2016a). And markets and market power are commonly assessed without reliance on pricing data. In the Microsoft case, for example, the government was able to define a market and demonstrate that Microsoft had monopoly power in that market without relying on price data and, in fact, over Microsoft’s argument that its low prices demonstrated that it lacked market power.

The CW standard, in short, presents no conceptual or legal obstacle to addressing issues that involve innovation, monopsony, and zeroprice markets. The “blind spot” criticisms of the CW standard thus need to be based on pragmatism rather than principle. The argument might be as follows: “Even if CW works in theory, as it has been applied, it requires factual and economic understanding that is often impractical. It should thus be replaced with a standard that is less difficult to apply.”

We do not quarrel with the first sentence, but the second is a non-sequitur. For one thing, the practical problems are likely to be less serious in the future. Antitrust academics—lawyers and economists—have, for example, developed various formal and empirical tools, such as those described in the agencies’ merger guidelines for defining markets as a proxy for measuring market power. They are now turning their attention to the new issues that are raised by dynamic markets characterized by winner-takes-all competition, multi-sided platforms, network effects, and often the utilization of big data and the provision of services for a zero nominal price—which are rapidly replacing yesterday’s static and slowly evolving markets (Katz and Sallet 2018; Rubinfeld and Gal 2016b). One can reasonably expect the development of new tools that will reduce the practical problems that are posed by antitrust enforcement in the information economy.

Moreover, critics complain that antitrust law is too humble and that it defaults to non-enforcement when faced with factual or economic uncertainty—often by concluding that the complainant has not proven that the alleged conduct was anticompetitive or harmed competition. Whether the substantive, default, and burdenof-proof rules are optimal in some or all cases is a fair subject for debate. The important point for present purposes is that nothing in the CW paradigm prevents revising those rules.

As we previously noted, antitrust doctrine evolves through a common law process “as circumstances change and learning grows” (Easterbrook 1982). Antitrust law can and does replace rules that do not reflect sound analysis, as it has done, for example, with safe harbors for exclusive dealing that covers less than a specified percentage of the market or that is not implemented in long-term contracts. And it can replace rules that require detailed factual assessment of individual cases with simpler, more categorical rules, such as: the per se prohibition of price fixing; the modified per se rule that is applicable to most tying arrangements under Jefferson Parish; presumptions such as those used in horizontal merger analysis; a greater willingness to find a violation on the basis of likely effects, especially where actual competitive effects are difficult to observe or measure; and abbreviated ruleof-reason standards that permit an inference of harm to competition under some circumstances without proof of actual harm to competition.

While antitrust law has moved away from such simplified rules in recent years, there is nothing about the CW paradigm that would preclude a movement of the pendulum in the other direction: either in response to new understandings about factual and economic issues, or in response to a revised assessment of the likelihood and costs of Type 1 and Type 2 errors in general or with respect to platforms or other specific matters.

#### Khan is wrong---the platform separation’s arbitrary and vague nature tubes innovation

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5 Competitive Process, “No Fault” Antitrust, and Conduct‑Based Rules

Many of the critics of CW have in mind an alternative to the CW standard for antitrust policy: “protection of competition” or the “competitive process” (Khan 2017; Wu 2018). The words themselves to do not necessarily imply a departure from the CW standard because, as was explained above, both of the key elements of existing US antitrust law—anticompetitive conduct, and increased market power—are focused on harm to the competitive process. The courts have recognized this connection as well.

The critics are often unclear about the concrete elements of antitrust liability that would operationalize a “protection of competition” policy in relation to platformbased firms, but their remedy proposals enable us to draw inferences about their preferred antitrust doctrine. The core idea seems to be the removal of one of the three elements of a violation of antitrust law: bad conduct, market power, and a causal link between them. There are two variants to this idea:

Some CW critics want to decrease the importance of the “bad conduct” element, so as to migrate towards a more “no fault” antitrust intervention on the basis of a showing of a situation of “structural dominance” (Khan 2017). Others would retain the conduct requirement and dispense with the market power screen. Both proposals are unsound.

5.1 No‑Fault Antitrust for Platforms

Some critics of CW display sympathy for a “no fault” antitrust or something very close to this (Khan 2017; Woodcock 2017). In this alternative framework, the bad conduct requirement that is necessary to establish antitrust liability—in Section 1 cases, concerted action; in Section 2 cases, exclusionary conduct—is either removed or marginalized (for example, through greater reliance on incipiency theories in antitrust doctrine or the concept of “special responsibility” of dominant firms that is used in the EU). Instead, a market power screen of some sort would be used to identify a position of “structural dominance” that provides the basis for antitrust intervention. In effect, these critics seem to be saying, the law should give less deference to efficiency and should focus more on rivalry.

The normative idea is that society is better off when more than one platform, and/or related upstream and downstream businesses, operate in a market. When this condition is not met, the concentrated structure of the platform market creates anticompetitive conflicts of interests and perverse behavioral incentives, such as discrimination and leveraging (Khan 2017). The promotion of inter- and intra-platform rivalry would require the imposition of positive obligations—e.g., must-carry requirements, mandatory API sharing, data portability measures—on platformbased firms. It might also require heightened M&A restrictions and possible divestitures that are aimed at eliminating structural dominance.

A no-fault antitrust law would almost certainly inflict static welfare losses on society. To start, breaking up platforms horizontally would likely reduce productive efficiencies, require replication of fixed costs not fully utilized and thereby increase average total costs, and reduce the benefits of network effects on the various sides of the platform. Moreover, when improperly executed—which is a non-trivial possibility—a platform break-up might give rise to negative network externalities, transaction costs, and excessive platform fragmentation.

To capture this intuition, we invite readers to travel back to the world of Internet search before 2000, when users searched web pages through multiple platforms and then had to compare search results. The upshot was lost time for users and costly campaigns for advertisers.

Breaking up vertically integrated companies or those providing complements could also reduce static efficiency.

Productive efficiency could be harmed by diseconomies of scope and lost spillovers. And allocative inefficiency might result from the increased potential for double marginalization, which would lead to increased prices and reduced output. Similar but perhaps less substantial welfare losses would result from conduct restrictions that limited the ability of platforms to take full advantage of whatever efficiencies are created by their size and scope.

A no-fault antitrust law would also have dynamic costs: By reducing the rewards to “skill, foresight and industry”, as the court put it in Alcoa, the law would reduce the incentives for and thus the likely investment in such productive endeavors. And by offering the prospect of antitrust intervention to assist rivals and complementors, no-fault antitrust law could reduce their incentives to innovate and otherwise compete vigorously in order to flourish without such aid. Such a law would also require on-going industry monitoring. If, for example, there are strong network effects in a market, there are likely to be recurring monopolies as markets tip to one rival or another.

On the other hand, no-fault antitrust law could promote economic welfare by reducing the deadweight loss that results from enduring market power and by facilitating the entry of rivals and complementors and thus inducing investment in such rivals. Whether no-fault antitrust law would on balance increase or decrease welfare is an empirical question, and the answer might differ depending on the industry or even the specific company. In the platform world, for example, Amazon seems to have large fixed costs (for example, those related to its fulfillment infrastructure), while platforms such as Facebook and Google have relatively lower fixed costs and higher variable costs (for example, those that are related to labor-intensive content moderation); but the latter probably provide greater network efficiencies.

U.S. antitrust law takes a clear stand on this issue: No antitrust violation is found, and no antitrust remedy is warranted, unless the defendant has engaged in anticompetitive conduct: conduct that does not increase efficiency but does tend to increase market power by coordinating the conduct of competitors or weakening or excluding competitors. The stand seems to reflect both a normative judgment—if you play by the rules, you can enjoy the fruits of success—and a crude empirical judgment that the welfare costs of no-fault intervention exceed the benefits as a general matter and trying to carve out the exceptional case would be too difficult or costly.

The CW standard does not require antitrust law to be based on either that normative judgment or that empirical judgment. Certainly, those have not been the premises of EU competition law, at least until recently. Several leading EU cases declared that dominant firms are under a “special responsibility” that was often understood, for example, to imply access and nondiscrimination obligations. Even today, EU competition law guidelines make clear that stricter standards apply where inaction would leave only a single firm in the relevant market. The idea is that preserving access by outsiders, small firms, and less efficient upstarts, and ensuring that some competitors remain in the market, would promote welfare over the long run (Fox 2008a, b).

The EU seems to be moving away from this kind of no-fault competition law, not because the CW standard compels such a move but for other, more pragmatic reasons that arise from the difficulty of determining when and how to intervene in a nofault system. How should the law define threshold levels of platform monopoly that warrant antitrust intervention? How should it account for the welfare costs of intervention? Are some markets or firms too valuable or too innovative for government intervention, even if concentrated or powerful? Are some remedies too disruptive and costly? The CW critics that sympathize with a migration of antitrust towards a no-fault approach have not addressed these questions. Absent satisfactory answers to them, no-fault antitrust—or anything close to it—would likely be a recipe for arbitrary and welfare-reducing government regulation.

There is another problem with no-fault antitrust law that suggests that it would have—at best—an uneasy relationship with U.S. antitrust law, although the unease has little to do with the CW standard itself: U.S. antitrust law proscribes certain kinds of conduct and otherwise leaves parties free to compete in the marketplace. In effect, it punishes and seeks to deter what it regards as bad conduct. If one imagines a continuum with proscriptive law enforcement at one end and prescriptive regulation on the other, antitrust law is on the law enforcement side. The law enforcement approach reflects both a normative judgment about the limited role of the State and specific, antitrust judgments: that competition is better than regulation; that markets (policed by rules of fair play) know better than central planners; and that proscriptive rules promote business compliance, legal certainty, and economic activity. If antitrust intervention is based on market conditions rather than specific bad conduct, it becomes a kind of regulation and to that extent departs from a core premise of U.S. antitrust law.

### Solvency---1NC

#### Platform utility regulation doesn’t solve competition – too vague

Will Rinehart, 19. Will Rinehart is Former Director of Technology and Innovation Policy at the American Action Forum. “FOUR REASONS WHY SENATOR WARREN’S PUBLIC UTILITY PROPOSAL WILL BACKFIRE.” March 12, 2019. https://www.americanactionforum.org/insight/four-reasons-why-senator-warrens-public-utility-proposal-will-backfire/

Senator Elizabeth Warren recently offered a new proposal to break up tech companies, which she is calling platform utility regulation. If put in place, companies that have annual global revenue of $25 billion or higher and that provide an online marketplace, an exchange, or a platform would be broken up, while all platforms, regardless of size, would be subject to a new series of regulations. Here are four reasons why the proposal will backfire. Reason One: The Proposal Won’t Induce Competition, But Chaos Under Warren’s proposal, the companies would be prohibited from owning both “the platform utility and any participants on that platform.” Apple and Google would be prohibited from preloading apps on their mobile operating systems. In its strictest form, this rule would mean a structural separation between the advertising side of the platform and the users. Without both sides of the market, there is no business model. As Michael Moritz, a major investor in Google, said of those early years before the ad side was combined with users, “We really couldn’t figure out the business model. There was a period where things were looking pretty bleak.” Because these businesses depend on the combination of the two sides, any action meant to break them up would be a death knell. Moreover, all platforms would be required to engage in “fair, reasonable, and nondiscriminatory dealing with users,” swinging open the door to regulation. Because these terms are hard to define, an agency would need to be given wide latitude, much like the amorphous public-interest standard at the Federal Communications Commission (FCC). As former FCC Commissioner Glen Robinson explained, this standard “is vague to the point of vacuousness, providing neither guidance nor constraint on the agency’s action.” Something similar would be expected for platform regulation under this proposal.

### AT: Leadership---1NC

#### U.S. tech leadership is high and resilient.

Gad Levanon 20. Forbes manufacturing contributor. “Reports Of US Decline Are Greatly Exaggerated.” 08/27/20. <https://www.forbes.com/sites/gadlevanon/2020/08/27/reports-of-us-decline-are-greatly-exaggerated/?sh=6253227b26f8>

Despite what many suspect is an eroding US global standing, 2020 may be remembered as the year when the US became even more globally dominant economically. Why? The tech sector’s share of the US economy is much larger than in most countries. And the pandemic-driven recession has greatly accelerated the shift to online activity and digital transformation by businesses and consumers, which would otherwise have taken years. That lead to faster growth in the global demand for technology. In addition, the US is especially dominant in the tech industries that are likely to grow the fastest in the coming years. Stock prices certainly support this story. The S&P 500 is already above pre-pandemic highs despite the deepest recession in 80 years, and most of the stock prices’ strength comes from tech sector. The companies that have seen the strongest gains since the pandemic focus on online shopping and payments, cloud computing services, cyber security, business related software, social media, online advertisement, and on-demand entertainment content. Stock prices are volatile and so are a treacherous guide for predicting the future, but there is a plausible explanation for the large tech gains – and why they might last. [Chart omitted] There are several objective and subjective reasons for why the US is so successful in technology compared with other countries. It has: 1The best universities, which attract many of the best students from all over the world – most of whom tend to stay in the US after completing their studies 2A large inflow of experienced talent from other countries 3 Unrivaled access to venture capital 4 Fluency in English, the global language in both business-dealing and content 5 An economy big enough to make achieving scale relatively easy 6 Silicon Valley, the home and heart of the tech revolution 7 A culture that welcomes innovation and disruption and strongly encourages entrepreneurial behavior Given these factors, US tech leadership should continue. What about the competition? One factor helping the US stand out is the weakness of the European tech sector. The market cap of the largest European tech company, SAP SAP -0.3%, is about one-tenth of Apple AAPL +1.6%’s. In other sophisticated industries like pharmaceuticals, motor vehicles and aircraft, European companies are strong competitors to their US counterparts. Europe’s relative technology weakness is perhaps as unusual as the US strength in the sector, and is only reinforced by the fact that US technology companies are already big players in European economies. Most of the top tech companies from East Asia – places like Japan, Taiwan and South Korea – are in hardware and semiconductors manufacturing. They are serious competitors in these areas, but these technology sectors are not growing as quickly. No discussion of the future of technology is complete without China. The Chinese internet companies are huge and growing rapidly, but their ability to expand beyond China and its periphery is questionable. In almost all sophisticated industries, Chinese companies are not yet major players in Western economies. Also, recent events suggest that Western countries will be more cautious in dealing with China, perhaps limiting its expansion. The latest developments with Huawei and TikTok are good examples. In addition, US companies are slowly moving their supply chain elsewhere, further weakening China. So, the technology sector will perform well in the next several years, benefiting countries that are strong in that area. The US, more than any other country, has a large and successful tech sector that seems to be especially concentrated in the fastest-growing tech industries. What does this mean for the US economy overall? First, it is important to mention that the boost the US is getting from its tech sector has been larger than what most other advanced economies have gotten for quite a while, and is one of the reasons the US has been growing faster than them in recent years. But now, this trend is likely to accelerate. Here is some back of the envelope math for the difference between the technology sector’s contribution to GDP growth in the US versus a typical advanced economy: Suppose in the US the tech sector is 12 percent of GDP and is growing at 10 percent a year. In another typical advanced economy the tech sector is 7 percent of GDP and is growing at 5 percent a year. That means that the annual contribution to GDP from the tech sector is 1.2 percent for the US versus 0.35 percent for the other country. That is 0.85 percent faster growth for the US every year. The net effect may be smaller because some of the growth in tech companies come at the expanse of companies from other sectors. But when the average annual GDP growth rate is 1.5-2 percent in advanced economies, even a 0.5 percent a year difference is meaningful. The gains from the rapid growth in technology would disproportionately go to tech companies’ owners and workers. As most of these are high earners, this trend is likely to increase income inequality. But some of the gains will spread more widely. After all, owners and workers, and the companies themselves, spend a large share of their income in the communities they live and operate in. It will also increase geographic inequalities. Not surprisingly, within the US, areas close to Silicon Valley benefited the most from the technology demand-surge. Between 2013-2018, among the 382 metro areas in the US, San Jose and San Francisco metro areas had the fastest growth in personal income per-capita. During that time, personal income per-capita in the San Jose Metro area rose by 48 percent, more than twice as fast as the national rate (22 percent). The surrounding metro areas, Napa, Santa Rosa-Petaluma, Santa Cruz-Watsonville, Stockton, Vallejo, were all ranked in the top 40. Seattle, another technology Hub, is ranked 13. All of these data points add up to an enduring strength. Despite concerns about US’s standing in the world, its tech sector may keep it at the forefront of the global economy in the foreseeable future.

## Convergence Adv

### Harmonization Fails---1NC

#### Harmonizing competition policy fails – cultural and social costs

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CONCLUSION

There is a reason why some regional economic communities delay or avoid the process of harmonization stem from the perception of different treatment to market behavior. Another obstacle is the problem of legal culture and the effect of the history of a nation on its competition policy and law. The central point regarding this obstacle is that ASEAN member states legal differences often stem from different cultures and social preferences. Specific rules are often suited to local traditions and customs, and even if harmonization enhances foreign trade opportunities among the member states, it may impose quite substantial short-run adaptation costs. Accordingly, the chance to harmonize different competition policies and laws in the ASEAN member states cannot be ultimately seen as an uncontroversial positive effort or one that is free of conflict. The increased integration of trade and national laws also creates fault-lines of cultural dissonance.

### No Cyberattacks---1NC

#### No catastrophic cyberattacks---25 years of empirics prove they stay low-level and non-escalatory.

Lewis 20---senior vice president and director of the Technology Policy Program at the Center for Strategic and International Studies). Lewis, James. 2020. “Dismissing Cyber Catastrophe.” Center for Strategic & International Studies. August 17, 2020. https://www.csis.org/analysis/dismissing-cyber-catastrophe.

A catastrophic cyberattack was first predicted in the mid-1990s. Since then, predictions of a catastrophe have appeared regularly and have entered the popular consciousness. As a trope, a cyber catastrophe captures our imagination, but as analysis, it remains entirely imaginary and is of dubious value as a basis for policymaking. There has never been a catastrophic cyberattack. To qualify as a catastrophe, an event must produce damaging mass effect, including casualties and destruction. The fires that swept across California last summer were a catastrophe. Covid-19 has been a catastrophe, especially in countries with inadequate responses. With man-made actions, however, a catastrophe is harder to produce than it may seem, and for cyberattacks a catastrophe requires organizational and technical skills most actors still do not possess. It requires planning, reconnaissance to find vulnerabilities, and then acquiring or building attack tools—things that require resources and experience. To achieve mass effect, either a few central targets (like an electrical grid) need to be hit or multiple targets would have to be hit simultaneously (as is the case with urban water systems), something that is itself an operational challenge. It is easier to imagine a catastrophe than to produce it. The 2003 East Coast blackout is the archetype for an attack on the U.S. electrical grid. No one died in this blackout, and services were restored in a few days. As electric production is digitized, vulnerability increases, but many electrical companies have made cybersecurity a priority. Similarly, at water treatment plants, the chemicals used to purify water are controlled in ways that make mass releases difficult. In any case, it would take a massive amount of chemicals to poison large rivers or lakes, more than most companies keep on hand, and any release would quickly be diluted. More importantly, there are powerful strategic constraints on those who have the ability to launch catastrophe attacks. We have more than two decades of experience with the use of cyber techniques and operations for coercive and criminal purposes and have a clear understanding of motives, capabilities, and intentions. We can be guided by the methods of the Strategic Bombing Survey, which used interviews and observation (rather than hypotheses) to determine effect. These methods apply equally to cyberattacks. The conclusions we can draw from this are: Nonstate actors and most states lack the capability to launch attacks that cause physical damage at any level, much less a catastrophe. There have been regular predictions every year for over a decade that nonstate actors will acquire these high-end cyber capabilities in two or three years in what has become a cycle of repetition. The monetary return is negligible, which dissuades the skilled cybercriminals (mostly Russian speaking) who might have the necessary skills. One mystery is why these groups have not been used as mercenaries, and this may reflect either a degree of control by the Russian state (if it has forbidden mercenary acts) or a degree of caution by criminals. There is enough uncertainty among potential attackers about the United States’ ability to attribute that they are unwilling to risk massive retaliation in response to a catastrophic attack. (They are perfectly willing to take the risk of attribution for espionage and coercive cyber actions.) No one has ever died from a cyberattack, and only a handful of these attacks have produced physical damage. A cyberattack is not a nuclear weapon, and it is intellectually lazy to equate them to nuclear weapons. Using a tactical nuclear weapon against an urban center would produce several hundred thousand casualties, while a strategic nuclear exchange would cause tens of millions of casualties and immense physical destruction. These are catastrophes that some hack cannot duplicate. The shadow of nuclear war distorts discussion of cyber warfare. State use of cyber operations is consistent with their broad national strategies and interests. Their primary emphasis is on espionage and political coercion. The United States has opponents and is in conflict with them, but they have no interest in launching a catastrophic cyberattack since it would certainly produce an equally catastrophic retaliation. Their goal is to stay below the “use-of-force” threshold and undertake damaging cyber actions against the United States, not start a war. This has implications for the discussion of inadvertent escalation, something that has also never occurred. The concern over escalation deserves a longer discussion, as there are both technological and strategic constraints that shape and limit risk in cyber operations, and the absence of inadvertent escalation suggests a high degree of control for cyber capabilities by advanced states. Attackers, particularly among the United States’ major opponents for whom cyber is just one of the tools for confrontation, seek to avoid actions that could trigger escalation. The United States has two opponents (China and Russia) who are capable of damaging cyberattacks. Russia has demonstrated its attack skills on the Ukrainian power grid, but neither Russia nor China would be well served by a similar attack on the United States. Iran is improving and may reach the point where it could use cyberattacks to cause major damage, but it would only do so when it has decided to engage in a major armed conflict with the United States. Iran might attack targets outside the United States and its allies with less risk and continues to experiment with cyberattacks against Israeli critical infrastructure. North Korea has not yet developed this kind of capability. One major failing of catastrophe scenarios is that they discount the robustness and resilience of modern economies. These economies present multiple targets and configurations; they are harder to damage through cyberattack than they look, given the growing (albeit incomplete) attention to cybersecurity; and experience shows that people compensate for damage and quickly repair or rebuild. This was one of the counterintuitive lessons of the Strategic Bombing Survey. Pre-war planning assumed that civilian morale and production would crumple under aerial bombardment. In fact, the opposite occurred. Resistance hardened and production was restored.1 This is a short overview of why catastrophe is unlikely. Several longer CSIS reports go into the reasons in some detail. Past performance may not necessarily predict the future, but after 25 years without a single catastrophic cyberattack, we should invoke the concept cautiously, if at all. Why then, it is raised so often? Some of the explanation for the emphasis on cyber catastrophe is hortatory. When the author of one of the first reports (in the 1990s) to sound the alarm over cyber catastrophe was asked later why he had warned of a cyber Pearl Harbor when it was clear this was not going to happen, his reply was that he hoped to scare people into action. "Catastrophe is nigh; we must act" was possibly a reasonable strategy 22 years ago, but no longer. The resilience of historical events to remain culturally significant must be taken into account for an objective assessment of cyber warfare, and this will require the United States to discard some hypothetical scenarios. The long experience of living under the shadow of nuclear annihilation still shapes American thinking and conditions the United States to expect extreme outcomes. American thinking is also shaped by the experience of 9/11, a wrenching attack that caught the United States by surprise. Fears of another 9/11 reinforce the memory of nuclear war in driving the catastrophe trope, but when applied to cyberattack, these scenarios do not track with operational requirements or the nature of opponent strategy and planning. The contours of cyber warfare are emerging, but they are not always what we discuss. Better policy will require greater objectivity.

### No Warming---1NC

#### No extinction---new studies.

Nordhaus 20**.** Ted Nordhaus, an American author, environmental policy expert, and the director of research at The Breakthrough Institute, citing new climate change forecasts. Ignore the Fake Climate Debate, 1-23-2020, https://www.wsj.com/articles/ignore-the-fake-climate-debate-11579795816)

Beyond the headlines and social media, where Greta Thunberg, Donald Trump and the online armies of climate “alarmists” and “deniers” do battle, there is **a real climate debate** bubbling along in **scientific journals**, conferences and, occasionally, even in the halls of Congress. It gets a lot less attention than the boisterous and fake debate that dominates our public discourse, but it is much more relevant to how the world might actually address the problem. In the real climate debate, no one denies the relationship between human emissions of greenhouse gases and a warming climate. Instead, the disagreement comes down to different views of climate risk in the face of multiple, cascading uncertainties. On one side of the debate are optimists, who believe that, with improving technology and greater affluence, our societies will prove quite adaptable to a changing climate. On the other side are pessimists, who are more concerned about the risks associated with rapid, large-scale and poorly understood transformations of the climate system. But **most pessimists** do not believe that **runaway climate change** or **a hothouse earth** are plausible scenarios, **much less** that **human extinction** is imminent. And most optimists recognize a need for policies to address climate change, even if they don’t support the radical measures that Ms. Thunberg and others have demanded. In the fake climate debate, both sides agree that economic growth and reduced emissions vary inversely; it’s a zero-sum game. In the real debate, the relationship is much more complicated. Long-term economic growth is associated with both rising per capita energy consumption and slower population growth. For this reason, as the world continues to get richer, higher per capita energy consumption is likely to be offset by a lower population. **A richer world** will also likely be **more technologically advanced**, which means that energy consumption should be **less carbon-intensive** than it would be in a poorer, less technologically advanced future. In fact, a number of the high-emissions scenarios produced by the United Nations Intergovernmental Panel on Climate Change involve futures in which the world is relatively poor and populous and less technologically advanced. Affluent, developed societies are also much better equipped to respond to climate extremes and natural disasters. That’s why natural disasters kill and displace many more people in poor societies than in rich ones. It’s not just seawalls and flood channels that make us resilient; it’s air conditioning and refrigeration, modern transportation and communications networks, early warning systems, first responders and public health bureaucracies. New research published in the journal Global Environmental Change finds that **global economic growth** over the last decade has **reduced** climate mortality by **a factor of five**, with the greatest benefits documented in the poorest nations. In low-lying Bangladesh, 300,000 people died in Cyclone Bhola in 1970, when 80% of the population lived in extreme poverty. In 2019, with less than 20% of the population living in extreme poverty, Cyclone Fani killed just five people. “Poor nations are most vulnerable to a changing climate. The fastest way to reduce that vulnerability is through economic development.” So while it is true that poor nations are most vulnerable to a changing climate, it is also true that the fastest way to reduce that vulnerability is through economic development, which requires infrastructure and industrialization. Those activities, in turn, require cement, steel, process heat and chemical inputs, all of which are impossible to produce today without fossil fuels. For this and other reasons, the world is unlikely to cut emissions fast enough to stabilize global temperatures at less than 2 degrees above pre-industrial levels, the long-standing international target, much less 1.5 degrees, as many activists now demand. But **recent forecasts** also suggest that many of **the worst-case climate scenarios** produced in the last decade, which assumed unbounded economic growth and fossil-fuel development, are also **very unlikely**. There is **still substantial uncertainty** about how sensitive global temperatures will be to higher emissions over the long-term. But **the best estimates** now suggest that the world is on track for **3 degrees of warming** by the end of this century, not 4 or 5 degrees as was once feared. That is due in part to slower economic growth in the wake of the global financial crisis, but also to decades of technology policy and energy-modernization efforts. “We have better and cleaner technologies available today because policy-makers in the U.S. and elsewhere set out to develop those technologies.” The energy intensity of the global economy continues to fall. Lower-carbon natural gas has displaced coal as the primary source of new fossil energy. The falling cost of wind and solar energy has begun to have an effect on the growth of fossil fuels. Even nuclear energy has made a modest comeback in Asia.

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## Cap K

#### 3. Challenging neoliberal mindsets precedes policies---key to alternate visions for global politics

Mathieu Hilgers 13. Laboratory for Contemporary Anthropology, Université Libre de Bruxelles, and Centre for Urban and Community Research, Goldsmiths, University of London, [“Embodying neoliberalism: thoughts and responses to critics,” *Social Anthropology*, Vol. 21, No. 1, February 2013, p. 75-89, Accessed Online through Emory Libraries]

The implementation of neoliberalism goes far beyond the mere appearance of its policies. It cannot be reduced to the application of a programme or to institutional changes. This implementation is deployed within a triangle constituted by policies, institutions and dispositions. This last component has remained at the margins of our debate. If we wish to grasp the depth of the changes that neoliberalism causes, we cannot neglect its effects on systems of dispositions. To analyse this impact, it is necessary to describe the symbolic operations that give rise to government-enabling representations as well as to categories that support neoliberalism and are propagated by it. This task requires accounting for the historicity of the spaces in which policies are put into action, the intentional constructions but also involuntary historical formations in which they become entangled, and the transactions, negotiations, associations, working misunderstandings and chains of translation that give them their flexibility and support their deployment.

Neoliberalism is embodied in the agents and representations through which it is put into action. Through a historical process, the dispositions that it generates become, as Bourdieu would say, durable and transposable, as well as increasingly autonomous from their initial conditions of production. As such, when these conditions disappear or transform, or when policies are modified or abandoned, some of them spread into other social spaces and contexts and take on new meanings. Therein lies the importance of broadening the notion of ‘implementation’, so that we may appreciate the role of culture in the dynamics of neoliberal expansion. It is precisely (but not only) because of the embodiment of neoliberalism emphasized in this paper that at the moment we are nowhere near the end of the neoliberal era. Thus I arrive, by a different path, at the same observation that Kalb (2012) formulated in this debate: today it is capitalism that is in crisis, not neoliberalism.

In some parts of the world, information that helps people to stabilize their perceptions, practices and activities is mainly produced within a neoliberal context, forms and procedures. The figures, statistics, norms, audits and discourses that I evoke in this paper are fashioned by a constellation of institutions; they condition, train and shape a mental and practical space. They impact the way in which one conceives and carries out research. Indeed, academia is not outside of this neoliberal world; on the contrary, it is a centre of development and support for neoliberalism. While many academics are critical of neoliberalism, this does not mean that they have a permanent deconstructionist relation to the world and to themselves. In many parts of academia, a neoliberal way of functioning has become common sense. If neoliberalism is so present in our mind and in the way in which academia is designed and works today, it appears more than necessary for researchers to consider how this shapes their relation to production of knowledge.

If we wish to avoid the eviction of critical perspectives in this time of crisis, if we hope to have some chance to think within but beyond the neoliberal age, if we want to develop alternatives and different horizons, one of the first things to do is to decolonize our mind by objectifying our own neoliberal dispositions. The reflexive return to the tools of analysis is thus ‘not an epistemological scruple but an indispensable pre-condition of scientific knowledge of the object’ (Bourdieu 1984: 94), if we are to prevent the object and its definition from being dictated to the researcher by non-scientific logics, such as the necessity of being visible and marketable in the academy. To achieve a break with neoliberal common sense, anthropologists could follow Bourdieu (2003) in his will to engage in a ‘participant objectivation’.14 It is clearly this kind of objectivation even if not phrased in such terms that has led some researchers to call for a radical change in the academy, supported by new arguments and put into practice through the initiation of a ‘slow science’ movement.15 In some places, academia is still a space of critiques and alternatives.

#### 4. Invert your standard for solvency---“feasibility” concerns are propaganda

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

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

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

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

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

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

#### 4. The rhetoric of preserving competition cements neoliberalism

William Davies 14. Senior Lecturer at Goldsmiths, University of London [“How ‘competitiveness’ became one of the great unquestioned virtues of contemporary culture,” *The London School of Economics and Political Science*, May 19, 2014, http://blogs.lse.ac.uk/politicsandpolicy/the-cult-of-competitiveness/]

The years since the banking meltdown of 2008 have witnessed a dawning awareness, that our model of capitalism is not simply producing widening inequality, but is apparently governed by the interests of a tiny minority of the population. The post-crisis period has spawned its own sociological category – ‘the 1%’ – and recently delivered its first work of grand economic theory, in Thomas Piketty’s Capital in the Twenty-first Century, a book dedicated to understanding why inequality keeps on growing.

What seems to be provoking the most outrage right now is not inequality as such, which has, after all, been rising in the UK (give or take Tony Blair’s second term) since 1979, but the sense that the economic game is now being rigged. If we can put our outrage to one side for a second, this poses a couple of questions, for those interested in the sociology of legitimation. Firstly, how did mounting inequality succeed in proving culturally and politically attractive for as long as it did? And secondly, how and why has that model of justification now broken down?

In some ways, the concept of inequality is unhelpful here. There has rarely been a political or business leader who has stood up and publicly said, “society needs more inequality”. And yet, most of the policies and regulations which have driven inequality since the 1970s have been publicly known. Although it is tempting to look back and feel duped by the pre-2008 era, it was relatively clear what was going on, and how it was being justified. But rather than speak in terms of generating more inequality, policy-makers have always favoured another term, which effectively comes to the same thing: competitiveness.

My new book, The Limits of Neoliberalism: Sovereignty, Authority & The Logic of Competition, is an attempt to understand the ways in which political authority has been reconfigured in terms of the promotion of competitiveness. Competitiveness is an interesting concept, and an interesting principle on which to base social and economic institutions. When we view situations as ‘competitions’, we are assuming that participants have some vaguely equal opportunity at the outset. But we are also assuming that they are striving for maximum inequality at the conclusion. To demand ‘competitiveness’ is to demand that people prove themselves relative to one other.

It struck me, when I began my Sociology PhD on which the book is based, that competitiveness had become one of the great unquestioned virtues of contemporary culture, especially in the UK. We celebrate London because it is a competitive world city; we worship sportsmen for having won; we turn on our televisions and watch contestants competitively cooking against each other. In TV shows such as the Dragons Den or sporting contests such as the Premier League, the division between competitive entertainment and capitalism dissolves altogether. Why would it be remotely surprising, to discover that a society in which competitiveness was a supreme moral and cultural virtue, should also be one which generates increasing levels of inequality?

Unless one wants to descend into biological reductionism, the question then has to be posed: how did this state of affairs come about? To answer this, we need to turn firstly to the roots of neoliberal thinking in the 1930s. For Friedrich Hayek in London, the ordoliberals in Freiburg and Henry Simons in Chicago, competition wasn’t just one feature of a market amongst many. It was the fundamental reason why markets were politically desirable, because it conserved the uncertainty of the future. What united all forms of totalitarianism and planning, according to Hayek, was that they refused to tolerate competition. And hence a neoliberal state would be defined first and foremost as one which used its sovereign powers to defend competitive processes, using anti-trust law and other instruments.

One way of understanding neoliberalism, as Foucault has best highlighted, is as the extension of competitive principles into all walks of life, with the force of the state behind them. Sovereign power does not recede, and nor is it replaced by ‘governance’; it is reconfigured in such a way that society becomes a form of ‘game’, which produces winners and losers. My aim in The Limits of Neoliberalism is to understand some of the ways in which this comes about.

In particular, I examine how the Chicago School Law and Economics tradition achieved an overhaul (and drastic shrinkage) in the role of market regulation. And I look at how Michael Porter’s theory of ‘national competitiveness’ led to a new form of policy orientation, as the search for competitive advantage. Both of these processes have their intellectual roots in the post-War period, but achieved significant political influence from the late 1970s onwards. They are, if you like, major components of neoliberalism.

By studying these intellectual traditions, it becomes possible to see how an entire moral and philosophical worldview has developed, which assumes that inequalities are both a fair and an exciting outcome of a capitalist process which is overseen by political authorities. In that respect, the state is a constant accomplice of rising inequality, although corporations, their managers and shareholders, were the obvious beneficiaries. Drawing on the work of Luc Boltanski, I suggest that we need to understand how competition, competitiveness and, ultimately, inequality are rendered justifiable and acceptable – otherwise their sustained presence in public and private life appears simply inexplicable.

And yet, this approach also helps us to understand what exactly has broken down over recent years, which I would argue is the following: At a key moment in the history of neoliberal thought, its advocates shifted from defending markets as competitive arenas amongst many, to viewing society-as-a-whole as one big competitive arena. Under the latter model, there is no distinction between arenas of politics, economics and society. To convert money into political power, or into legal muscle, or into media influence, or into educational advantage, is justifiable, within this more brutal, capitalist model of neoliberalism. The problem that we now know as the ‘1%’ is, as has been argued of America recently, a problem of oligarchy.

Underlying it is the problem that there are no longer any external, separate or higher principles to appeal to, through which oligarchs might be challenged. Legitimate powers need other powers through which their legitimacy can be tested; this is the basic principle on which the separation of executive, legislature and judiciary is based. The same thing holds true with respect to economic power, but this is what has been lost.

Regulators, accountants, tax collectors, lawyers, public institutions, have been drawn into the economic contest, and become available to buy. To use the sort of sporting metaphor much-loved by business leaders; it’s as if the top football team has bought not only the best coaches, physios and facilities, but also bought the referee and the journalists as well. The bodies responsible for judging economic competition have lost all authority, which leaves the dream of ‘meritocracy’ or a ‘level playing field’ (crucial ideals within the neoliberal imaginary) in tatters. Politically speaking, this is as much a failure of legitimation as it is a problem of spiralling material inequality.

The result is a condition that I term ‘contingent neoliberalism’, contingent in the sense that it no longer operates with any spirit of fairness or inclusiveness. The priority is simply to prop it up at all costs. If people are irrational, then nudge them. If banks don’t lend money, then inflate their balance sheets through artificial means. If a currency is no longer taken seriously, political leaders must repeatedly guarantee it as a sovereign priority. If people protest, buy a water canon. This is a system whose own conditions are constantly falling apart, and which governments must do constant repair work on.

#### Turns case---the drive to make companies competitive incents international expansion to escape enforcement

Enfu & Baolin 21 [Cheng Enfu and Lu Baolin. President of the World Association for Political Economy, and Chief Professor at the University of Chinese Academy of Social Sciences. Monthly Review. Monthly Review. 5-1-2021. https://monthlyreview.org/2021/05/01/five-characteristics-of-neoimperialism/]

The Spatial Expansion of the Capital-Labor Relation: Global Value Chains and the Global Labor Arbitrage

Through mechanisms that include outsourcing, setting up subsidiaries, and establishing strategic alliances, multinationals integrate more and more countries and companies into the global production networks they dominate. The reason why capital accumulation can be achieved on this global scale is the existence of a large, low-cost global workforce. According to data from the International Labor Organization, the world’s total workforce grew from 1.9 to 3.1 billion between 1980 and 2007. Of these people, 73 percent were from developing countries, with China and India accounting for 40 percent.21 Multinational corporations are all organized entities, while the global workforce finds it exceedingly difficult to unite effectively and defend its rights. Because of the existence of the global reserve army of labor, capital can use the strategy of divide and conquer to discipline wage workers. Over decades, monopoly capital has shifted the production sectors of developed-world economies to the countries of the Global South, compelling workforces in different areas of the globe to compete with one another for basic living incomes. Through this process, multinationals are able to extort huge imperialist rents from the world’s workers.22 In addition, these giant corporations are well able to lobby and pressure the governments of developing countries to formulate policies that benefit the flow of capital and investment. Trying to secure GDP growth by inducing international capital to invest and set up factories, many developing country governments not only ignore the protection of social welfare and labor rights, but also guarantee various preferential measures such as tax concessions and credit support. The globalization of production has thus enabled the developed capitalist countries to exploit the less developed world in a more “civil” fashion under the slogan of fair trade. In order to launch their modernization, developing countries often have little choice but to accept the capital offered by the imperialists—along with the conditions and encumbrances that go with it.

#### 1. Ag collapse---it’s short-term

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

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

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

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

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

#### 2. Carbon bubble and peak oil

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

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

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

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

#### 3. Resources---they’re finite and no substitutes

Jackson and Webster, 16—Professor of Sustainable Development and director of the Centre for the Understanding of Sustainable Prosperity at the University of Surrey AND former policy analyst at Carbon Brief, masters from University College London in conservation and a degree in biology (Tim and Robin, “LIMITS REVISITED,” <http://limits2growth.org.uk/wp-content/uploads/2016/04/Jackson-and-Webster-2016-Limits-Revisited.pdf>)

What does this all mean for the future of our economy? In the standard run scenario, natural resources (for example oil, iron and chromium) become harder and harder to obtain. The diversion of more and more capital to extracting them leaves less for investment in industry, leading to industrial decline starting in about 2015. Around 2030, the world population peaks and begins to decrease as the death rate is driven upwards by lack of food and health services.21

The similarity between Limits to Growth’s standard run and the patterns observed over the last forty years doesn’t necessarily mean that the same trends will continue into the future. Some researchers argue that it’s possible, however. Author of the University of Melbourne studies, Dr Graham Turner, asked in 2014 whether global collapse could be “imminent”. Turner explicitly linked the global financial crisis, high commodity prices and the Limits to Growth projections.22

Another set of studies has modelled the availability of over 40 essential materials using an updated and expanded version of the Limits to Growth model. Based on US Geological Survey data, the authors analysed changing patterns of resource extraction. Using earlier work, which suggests there is a time delay of about 40 years between ‘peak discovery’ and ‘peak production’ across a wide range of different minerals, the authors aim to forecast when ‘peak production’ might arrive.

The work, led by Harald Sverdrup from the University of Lund in Sweden and Vala Ragnarsdottír from the University of Iceland, concluded that most of the resources they studied had either already reached peak production or will do so within the next 50 years.23 Phosphorous - which is critical to fertilising soil and sustaining agriculture - has already peaked, and will start declining around 2030- 2040, they said. Coal production will peak in around 2015-20 and ‘peak energy’ around the same period. From that point on, they concluded, “we will no longer be able to take natural-resource fuelled global GDP growth for granted’.24

A book published by the Club of Rome in 2014 also examined the future availability of a wide variety of mined resources, including chromium, copper, tin, lithium, coal oil and gas. The book included specialist contributions from experts across a wide range of fields. It concluded that the rate of production of many mineral commodities is already on the verge of decline.25

These analyses are understandably controversial. In a technologically optimistic world, it is often assumed that enough food, water energy and minerals will be available for the foreseeable future, with the only problems being those of distribution.26 Neo-classical economists also argue that when one resource runs out it can be substituted for another. But this is also controversial. In the case of some key elements (phosphorus is an example), there are no known substitutes.27

#### 4. Boom and bust

Alan Maass 21. Communications staff for Rutgers AAUP-AFT. Marxism Shows Us How Our Problems Are Connected. Jacobin. 1-5-2021. https://jacobinmag.com/2021/01/marxism-capital-socialism-capitalism-book-review

When Things Fall Apart

Marxist economics explains not only how capitalism works but why it regularly doesn’t — during the periodic economic busts that inevitably follow the booms. As Marx and Engels wrote:

Society suddenly finds itself put back into a state of momentary barbarism; it appears as if a famine, a universal war of devastation had cut off the supply of every means of subsistence; industry and commerce seem to be destroyed. And why? Because there is too much civilization, too much means of subsistence, too much industry, too much commerce.

Of course, in a world where billions go without enough food, there’s no such thing as “too much means of subsistence.” There’s only too much from the point of view of the capitalists — too much to sell their products at an acceptable profit.

Thier introduces the chapters on capitalist crisis by unpacking a long quotation from Engels that ends: “The contradiction between socialized production and capitalistic appropriation is reproduced as the antagonism between the organization of production in the single factory and the anarchy of production in society as a whole.”

Under capitalism, production within workplaces is generally highly regimented, but the economy as a whole is a free-for-all. Businesses make their investment decisions behind closed doors, each hoping to get a leg up on the competition — by introducing the most popular model, the new product, the next trend. Success means a greater share of the market and therefore more profits.

All the important questions for society as a whole — how much food should be produced, how many homes to build, what kind of drugs to research and manufacture, how to generate electricity — are decided by the free market.

In economic good times, success seems contagious. Companies make ambitious investments, produce more and more, and watch the money roll in. But when enough companies jump in, the market gets saturated, sales slump, debts grow, and the record profits start to sink. The effects spread from part of the economy to the next, as Thier explains, using the example of oil:

If refineries sit idle because there is an overproduction of oil, the workers are laid off, and the creditors, who financed the investment, are dragged down as well. But as future oil extraction and refining projects are pulled back, so too is demand for the raw materials (steel, concrete, plastics, electricity, etc.) and engineering necessary for the production of oil rigs, pipelines, and so on. The construction business and service and retail companies, which had benefited from the springing up of oil boomtowns, suffer as well.

Because of the complexity of the international capitalist economy, the boom-slump roller-coaster ride can look and feel different each time around. Thier devotes a chapter to analyzing the crash last time: the Great Recession of 2008–9. She explains why and how the parasitical realm of banking and finance was the detonator of this slump but looks beyond popular left explanations about “financialization” to reveal the underlying crisis of global overproduction.

Among Marxist economics writers, there are some disagreements about the details here, specifically about “which aspects of Marx’s writing — falling profitability, overproduction (or in some cases, underproduction), disproportionality among branches, the role of credit — are emphasized and how these pieces fit together,” Thier writes.

In her account, Thier tends to stress overproduction, to the disappointment of those who emphasize falling profit rates. This focus on overproduction crucially emphasizes how an organic mechanism of capitalism — inevitable in a system driven by exchange, exploitation, and competition — repeatedly causes crisis.

Regardless of their ideology or morality (or lack thereof), capitalists are inevitably driven to reduce costs, they inevitably see an advantage in producing more for less, and this inevitably leads to frantic overproduction that undermines profitability and ultimately slams the economy into reverse.

In other words, capitalism stops working not because of a mistake or failed policy, but because it’s been working the way it’s supposed to. As Thier writes:

Competition is the mainstay of capitalism. It can’t be made friendlier or softer because it requires an accumulation of capital at any cost, in order to get ahead or get left behind.… These same processes of accumulation necessarily lead to contradictions that threaten the very profits that capitalists seek. Every contradiction for capitalism is both a great hazard to our lives — since we are made to pay the price — and also an important crack in the system. Every periodic crisis is a potential point around which to organize.

#### 5. Speculation---this time there are no fixes

Nick Beams 21. Member of the International Editorial Board of the World Socialist Web Site and former longtime national secretary of the Socialist Equality Party in Australia. "Rampant Wall Street speculation: The fever chart of a terminally diseased system." World Socialist Web Site. 5-6-2021. https://www.wsws.org/en/articles/2021/05/07/pers-m07.html

Over the past year, the global financial system, above all Wall Street, has been in the grip of a speculative mania, the like of which has never been seen before in economic history. Two questions therefore immediately arise: how has this situation come about and what are its implications?

In March 2020, as the COVID-19 pandemic began to make its effects felt and workers undertook wildcat strikes and walkouts to demand health measures to protect their lives and those of their families, the financial markets plunged.

Wall Street was concerned that any effective health measures to contain the spread of the pandemic would result in a collapse in the bloated price of financial assets, above all stocks, that had been boosted by the trillions of dollars poured into the financial system by the US Federal Reserve and other central banks following the crash of 2008.

The US government and the Fed rode once again to the rescue of Wall Street. The Trump administration organised a multi-billion-dollar bailout of the corporations under the CARES Act while the Fed stepped in to provide trillions of dollars of support for all areas of the financial system, including for the first time the purchase of stocks.

Since then, on the back of this $4 trillion intervention and rising, as the Fed continues to purchase financial assets at the rate of more than $1.4 trillion a year, the world has seen an unprecedented orgy of financial speculation.

Wall Street’s main stock index, the S&P 500, has risen by some 88 percent since its March 2020 lows, reaching record highs on multiple occasions throughout the past year. Margin debt, used to finance the speculation in shares, has reached record levels, and the yield on the lowest-rated corporate junk bonds—barely one step away from default—has fallen to historic lows.

But the most egregious expression of the speculation has been the rise of the cryptocurrency market. Over the past year the most prominent cryptocurrency, Bitcoin, has risen by 600 percent, rising from about $7,000 per bitcoin to $54,000, reaching a high of $65,000 in the middle of last month.

Last month Coinbase, a trading exchange for cryptocurrencies, launched itself on Wall Street with a floatation that put its market value at $85 billion, compared to its valuation of $8 billion in 2018, exceeding that of some of the world’s major banks and the valuation of the NASDAQ exchange on which it was launched.

However, in recent days, even the level of bitcoin speculation has been put in the shade by another cryptocurrency, Dogecoin.

It was created in 2013 as a joke. Whereas the promoters of Bitcoin insist that it has some intrinsic value because it may be used to organise financial transactions without the intervention of a bank or some other third party via a blockchain ledger system, no such claims are made for Dogecoin.

Despite being worthless, Dogecoin has risen in price 11,000 percent this year alone. This week its market value reached $87 billion compared to $315 million a year ago. And as one cryptocurrency enjoys a rapid rise, speculators start a search for the next “big thing.”

The Dogecoin phenomenon is not an isolated event. It seems to be an expression of what could be described as a new operating principle in the world of speculation—the more worthless the so-called asset, the higher its price.

A little sandwich shop in Paulsboro, New Jersey, with sales of just $13,976, has made financial news after it was revealed that its parent company, Hometown International, achieved a market valuation of $100 million last month. Two of its biggest shareholders are Duke and Vanderbilt universities.

The rise of Dogecoin also reveals the high-level intervention of hedge funds and other financial institutions seeking to take advantage of its price momentum.

Then there is the case of non-fungible tokens (NFTs). These are images of pieces of art, a sports photo, or even a tweet—the first ever tweet issued by Twitter founder Jack Dorsey was sold as an NFT for $2.9 million—that are stored on a blockchain ledger. They are like a collector’s item but are not stored physically but digitally.

The class dynamics of this speculative orgy, fuelled by the endless supply of virtually free money by the Fed, are revealed in the escalation of the wealth of the world’s billionaires.

In the last year, as COVID-19 brought untold pain, suffering and economic distress for billions of the world’s people, the combined wealth of the global billionaires rose by 60 percent, from $8 trillion to $13.1 trillion. The number of billionaires rose by 660 to 2,775—the highest rate of increase and the largest number ever.

In the US, Amazon CEO Jeff Bezos and Tesla CEO Elon Musk have wealth of $177 billion and $151 billion respectively.

The speculative frenzy has extended into the broader economy. The prices of major industrial commodities, such as steel, lumber, copper, and soybeans, which feed into inflation for workers and consumers, are rapidly rising.

But the financial authorities, having created this frenzy by the endless outflow of cheap money since the crash of 2008 and the near collapse of March 2020, are caught in a trap of their own making. They fear that any move to try to bring it under control, with even a slight tightening of the financial spigots, will set off a financial crisis.

The extreme nervousness over such an outcome was revealed earlier this week when US Treasury Secretary Janet Yellen, a former Fed chief, raised the prospect that the central bank may have to tighten interest rates at some point. Almost immediately, fearing market reaction, she walked back the comment saying she was neither advocating nor predicting a rise in rates.

The incident has cast a revealing light on one of the most significant developments in the US—the open advocacy of unionisation of the workforce by the Biden administration.

Last month in an executive order, Biden created a “White House Task Force on Worker Organizing and Empowerment” which includes as members Yellen, Defense Secretary Lloyd Austin and Homeland Security Secretary Alejandro Mayorkas. The “empowerment” of government-sponsored unions takes place under the direction of cabinet officials responsible for military operations, economic policy and domestic repression.

The administration is fearful that the pent-up anger in the working class over the pandemic and the enrichment of the financial oligarchy at the expense of hundreds of thousands of lives, will be further fuelled by the escalation of inflation, leading to an uncontrolled eruption of the class struggle that will come into headlong conflict with the institutions of the capitalist state.

In times past, the Fed would have moved to contain such an upsurge by lifting interest rates and inducing a recession. But that road is now fraught with danger because even a relatively small increase threatens to bring down the speculative financial house of cards.

Hence the Biden administration has moved to set up a state-sponsored industrial police force, based on the trade unions, to carry out an organised suppression of the working class in the interests of finance capital.

The rampant speculation of the past year and the accelerated siphoning of wealth to the upper levels of society amid death and economic devastation must be the occasion for the drawing up by the working class of a balance sheet of the experiences through which it has passed.

There is no prospect for reform of the present capitalist socio-economic order towards meeting social need—the illusion peddled by the Democrats and their ardent supporters in the pseudo-left organisations. The past year has demonstrated that everything in society—including the very right to life itself—is subordinated to the insatiable demands of finance capital.

The present speculative bubble, like all others before it, is destined to burst. The financial oligarchs have already prepared their exit plans and golden parachutes as they have done in the past. The working class, however, has no escape. The collapse will bring an even greater economic disaster on top of what has already taken place.

The only viable, realistic solution to the terminal disease that has gripped the capitalist socio-economic order is the fight for a socialist program to wrest the commanding heights of the economy and its financial system out of the hands of the present-day ruling class and begin the economic reconstruction of society to meet social needs.

#### 1. Red innovation solves---mutual funds, dividends, public projects, larger and more creative workforce

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

In this market socialist society, most shares are pooled into highly regulated mutual funds, which then pursue different investment strategies when trading them on a highly regulated stock exchange. This exchange helps monitor the performance of the firm managers and assess which innovations are performing strongly. To avoid the concentration of market power and capital, the government sets the bar for how much stock any stakeholder can hold in any firm and industry. It also sets the minimum and maximum amount of dividends that each person can receive annually. As the economy grows, dividends can be adjusted to increase by a percentage, or commensurate with inflation. Surplus resulting from distributing only part of the profits allows the more profitable firms to subsidize innovative, but less profitable, activities. In addition, this regime does not tolerate anti-competitive contracts like restrictive employment agreements, strict license agreements, and long patents (although inventions may be attributable to their inventors and may be rewarded through other means like prizes, bonus compensation, or simply very short patents periods).

The model could incorporate elements of democratically-planned, participatory socialism, which emphasizes democracy and individual autonomy in the workplace. Economist David Kotz believes that particular features of this model could foster innovation performance:

First, the main features of the overall economic plan would be determined by a democratic process … Second, the planning and coordination of the economy would take place … by industry boards and local and regional negotiated coordination bodies that have representation of all affected constituencies, including workers, consumers, suppliers, the local community, and even “cause” groups such as environmentalists, job safety activists, feminists, etc.

Among other topics, these representative boards could vote on compensation minimums and maximums, to prevent innovation from supporting socioeconomic inequality and unfair social divisions of labor. This injection of democracy would give ordinary people a larger say in the direction of the markets, and what areas they think would benefit from more investment in innovation.

The second ingredient of innovation, capital, is guaranteed in the market socialist economy. Freed of its neoliberal handcuffs, the government can designate funding towards various innovative projects at a greater rate than it does now. Banks jointly owned by the government and other non-private stakeholders would provide entrepreneurs with access to capital for projects through loans with terms more generous than private lenders offer now. The firms owned by government, worker co-operatives, ordinary people, and other publicly-owned firms can also raise capital from each other as wealth is distributed more equally. In such a world, more individuals can pool their resources to invest in particular innovative projects rather than a recurring cast of millionaires.

Market socialism would easily deliver the third ingredient of innovation: human capital. Such an economy has no need for a reserve army of labor. While profit is encouraged, its primary function is increasing the pool of resources and cash distributable to workers and non-workers. It does not come at the price of providing generous wages, as dividends to shareholders are capped no matter how well the firm performs. In fact, this society could make a democratic decision to compensate people in positions on the lower band of wages with more in unearned income, out of the same pool of profits.

When applied earnestly, the principles of socialism are also incompatible with mass incarceration, discrimination, uncompensated caregiving, highly restrictive immigration policies, and other social practices that exclude large numbers of workers from participating in our capitalist economy. Add a fairer distribution of public resources among individuals and communities, along with more free or heavily subsidized goods like education, and a market socialist economy could really see an increase in the availability and skills in the pool of workers. Freeing more people to join the innovative process would naturally foster more innovation.

Lastly, innovation can only thrive if the innovation process affords individuals chances to be creative and the right conditions to motivate them. Studies on what fosters creativity show that workers who rate highly on creativity indexes perform best when they are given challenging work, a good measure of autonomy, and supportive and caring supervisors who can provide substantive and constructive feedback. The same study, however, shows that workers who are by nature less creative tend to be happier in less complex positions. Neither worker is, or should be, superior to the other. On the contrary, the innovation process has plenty of room for all types of workers with varying degrees of innate creativity. The core principles of socialism, however, do suggest that this economic system is better suited for supporting creative workers than capitalism.

#### A. Propriety right and no incentive for R&D

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

But prioritizing profit is a double-edged sword that can hamper innovation. Owning the proprietary rights allows private firms to block workers—through anti-competitive tools like non-compete agreements, patents, and licenses—who put labor into the innovation process from applying the extensive technical expertise and intimate understanding of the product to improve the innovation substantially. This becomes especially relevant once the workers leave the firm division in which they worked, or leave the firm altogether. Understandably, this lack of control and ownership will cause some workers, however passionate they may be about a project, to be less willing to maximize their contribution to the innovation.

Of course, the so-called nimbleness that allows firms to make drastic changes like mass layoffs is extremely harmful to the workers. This is no fluke. The capitalist economy thrives on a reserve army of labor. Inching closer to full employment makes workers scarcer, which empowers the labor force as a whole to bargain for higher wages and better work conditions. These threaten the firm’s bottom line. So, the capitalist economy is structured to maintain the balance of power towards the owners of capital. Positions that pay well (and less than well) come with the precariousness of at-will employment and disappearing union power. A constant pool of unemployed labor is maintained through layoffs and other tactics like higher interest rates, which the government will compel to help slow growth and thereby hiring. This system harms the potential for innovation, too.

The fear of losing work can dissuade workers from taking risks, experimenting, or speaking up as they identify items that could improve a taken approach—all actions that foster innovation. Meanwhile, thousands of individuals who could be contributing to the innovative process are instead involuntarily un-employed. This model also encourages monopolization, as concentrating market power gives private firms the most control over how much profit they can extract. But squashing competition that could contribute fresh ideas hurts every phase of the innovation process, while giving workers in fewer workplaces space to innovate.

Deferring to profit causes many areas of R&D to go unexplored. Private firms have less reason to invest in innovations likely to be made universally available for free if managers or investors do not see much upside for the firm’s bottom line. In theory, the slack in private research can be picked up by the public sector. In reality, however, decades of austerity measures  threaten the public’s ability to underwrite risky and inefficient research. Both the Democratic and Republican parties increasingly adhere to a neoliberal ideology that vilifies “big government,” promotes running government like a business, pretends that government budgets should mirror household budgets or the private firm’s balance sheet, and rams privatization under the guises of so-called public-private partnerships and private subcontractors.

In the United States, public investment in R&D has been trending downward. As documented in a 2014 report from the Information Technology & Innovation Foundation, “[f]rom 2010 to 2013, federal R&D spending fell from $158.8 to $133.2 billion … Between 2003 and 2008, state funding for university research, as a share of GDP, dropped on average by 2 percent. States such as Arizona and Utah saw decreases of 49 percent and 24 percent respectively.” Even if public investment in the least profitable aspect of research suddenly surged, in our current model, the private sector continues to be the primary driver of development, production, and distribution. Where there remains little potential for profit, private firms will be reluctant to advance to the next phases of the innovation process. Public-private projects raise similar concerns. Coordinated efforts can increase private investment by spreading some costs and risk to the public. But to attract private partners in the first place, the public sector has a greater incentive to prioritize R&D projects with more financial upsides.

This is how the quest for profits and tight grip over proprietary rights, both important features of the capitalist model, discourage risk. Innovations are bound for plateauing after a few years, as firms increasingly favor minor aesthetic tweaks and updates over bold ideas while preventing other avenues of innovation from blossoming. At the same time, massive amounts of capital continue to float into the hands of a few. The price of innovating under capitalism is then both decreased innovation and decreased equality. The idea that this approach to innovation must be our best and only option is a delusion.

#### B. Inequality, work times, fear of shareholder suits

Bee 20 [Vanessa A. Bee. Senior Litigation Counsel at the Consumer Financial Protection Bureau with a JD from Harvard Law. Would We Have Already Had a COVID-19 Vaccine Under Socialism?. No Publication. 4-20-2020. https://inthesetimes.com/features/covid-19-coronavirus-vaccine-capitalism-socialism-innovation.html]

STIFLING WORKERS, STIFLING CREATIVITY

Many of the most sophisticated innovations of our time, from groundbreaking drugs to smart car technology, have depended on a deep pool of creative labor. But the idea that capitalism allows the bestsuited workers to join that pool is wishful thinking. As journalist Chris Hayes writes in Twilight of the Elites: America After Meritocracy, meritocracy “can only truly come to flower in a society that starts out with a relatively high degree of equality.” From 1979 to 2015, the annual average household income of the top 1% grew five times faster than that of the bottom 90th percentile. The reality is that deep inequalities in how this country’s wealth is distributed make meritocracy all but a myth. Some people can afford to attend college and access spaces where discovery is encouraged, moving into a “creative pipeline,” while their poorer peers go right into the workforce or juggle demanding classes with work schedules. While some with great innate talent for innovation end up in these coveted creative jobs, many more—poor and workingclass—are pushed by financial necessity into positions mismatched to their potential.

In theory, one doesn’t need a creative-focused job to innovate. But creativity requires a certain freedom— an ability to “waste” time, to work nonlinearly, to experiment and repeatedly fail. Capitalism’s constant dictate to maximize productivity leaves people with little time to spare, at work or at home—especially in poor and working-class households: The bottom fifth of earners have seen their work hours increase by 24.3% since 1979, compared to 3.6% for the top fifth.

Being in a more precarious financial position, or in a job with little security, also discourages workers from taking risks, even when the risks might lead to innovation. The precarity makes it difficult to approach one’s supervisors and ask for sick days, let alone personal time to go down rabbit holes. It makes it frightening to change fields or spend money on any project that might result in even more precarity.

Notably, the corporate structure itself has been known to stifle creation. Many corporate firms are under the effective control of shareholders, to whom managers owe a fiduciary duty to maximize profits. Shareholders who believe this duty has been breached typically have the right to sue the corporation. While this power can be used for the greater good—note how Tesla was sued by shareholders in response to its poor safety record—it also opens the door to shortsighted shareholders. One DuPont shareholder, for example, demanded the chemical company “not invest a single dollar in research that will not generate a positive return within f ive years.” What’s more, according to a 2017 working paper by the Institute for New Economic Thinking, “Many of America’s largest corporations, Pfizer and Merck among them, routinely distribute more than 100% of profits to shareholders, generating the extra cash by reducing reserves, selling off assets, taking on debt or laying off employees.”

Even the most creative of workers who make it into innovative roles in the private sector may find themselves starved of resources. As professors Chen Lin and Sibo Liu of the University of Hong Kong, and Gustavo Manso of the University of California, Berkeley, explain in a 2018 study, the threat of shareholder litigation generally discourages managers from “experimenting [with] new ideas,” which acts as an “uncontrolled tax on innovation.”

#### 1. Too small, failed tests, funneled money to petro-capital

Black 21 [Emma, Educational Background in continental philosophy and is a member of Socialist Alternative. Capitalism’s fake solutions to the climate crisis. 5-23-2021. https://redflag.org.au/article/capitalisms-fake-solutions-climate-crisis]

While the disappearance of the outright climate denialism of the Trump era might seem cause for celebration, the new trend for spruiking the magical power of technology to solve the climate crisis is cause for serious concern. When you look beyond the headline-grabbing announcements of increased long-term ambition, the Earth Day summit amounted to little more than another case of government greenwashing of the business as usual of fossil-fuelled capitalism.

Instead of detailing the changes to be made in the here and now to reduce emissions, Biden and other world leaders instead promoted faith in the capacity of science and technology to come to the rescue at an indeterminate point in the future.

Australian Prime Minister Scott Morrison was among them. While the media highlighted the supposed gulf between a progressive, “green” Biden and the conservative, fossil-fuel-loving Morrison, they both promoted the same faith in the powers of technology. Like Biden, Morrison has vowed to invest tens of billions of dollars in developing carbon capture and storage technologies, “clean” hydrogen, “blue” carbon and “green” steel—among other colourful innovations.

In May’s federal budget, the Coalition allocated more than half a billion dollars to developing the first two of these technologies—$263.7 million for carbon capture and storage (CCS) and $275.5 million for “clean” hydrogen.

CCS mostly involves capturing C02 emissions at their source—in mines, power stations and so on—and pumping them deep underground (so the theory goes) to be permanently stored in appropriately porous and stable rock formations. But despite politicians and business leaders spruiking CCS as an easy fix for the climate crisis for decades, it has never been shown to work on anything near the scale required.

Australia already boasts the world’s largest, supposedly functional, CCS facility at Chevron’s Gorgon gas project in Western Australia. However, according to the Climate Council, “the Gorgon CCS trial has been a big, expensive failure ... capturing less than half the emissions needed to make CCS viable”. In what is only the latest in a series of problems since it became operational in 2019, Michael Mazengarb reported in Renew Economy earlier this year that pumping equipment required to clear water from the undersea formation into which the C02 is to be injected had become clogged with sand.

However, while CCS may be useless for addressing climate change, it remains an extremely useful political tool for the government—providing it with green cover while it continues to funnel money to Coalition supporters in the coal and gas industries. And of course, it’s also useful for those companies on the receiving end of the government’s “green” largesse.

Bernard Keane was right in his assessment of it as a scam in Crikey. “Fossil fuel interests”, he wrote in 2019, “sense the opportunity to extract some taxpayer funding from a government worried it might have to pretend it believes in climate change”. With this year’s budget, they hit the jackpot.

But if CCS is a scam, what about “clean” hydrogen? In his speech to the Earth Day summit, Morrison vowed to rival US innovation by investing billions in high-tech “hydrogen valleys”. “In the United States you have the Silicon Valley”, he said. “Here in Australia we are creating our own ‘Hydrogen Valleys’, where we will transform our transport industries, our mining and resource sectors, our manufacturing, our fuel and energy production.”

Hydrogen is potentially a clean energy source, but only if it’s produced using renewable energy. And to be produced at the scale required to transform the economy in the way Morrison is implying would require a lot of electricity.

In his recent contribution to the Quarterly Essay, Australia’s former chief scientist, Alan Finkel, calculates that to produce the equivalent volume of hydrogen to what Australia currently exports in liquefied natural gas would require “approximately 2,200 terawatt-hours” of electricity. This, Finkel notes, “is about eight times Australia’s total electricity generation in 2019”.

If Morrison genuinely believes the “hydrogen boom” he envisages will be based on production of renewable energy on that kind of scale, the government would have provided increased funding for renewables in the budget. None was forthcoming.

The reality is that Morrison sees the talk of “hydrogen valleys” as a way of greenwashing the same old “gas-fired recovery” he was promoting last year. The government doesn’t envisage producing hydrogen with electricity from renewables, but rather from gas. The focus on CCS gives the game away. The “hydrogen valleys” of the future will be criss-crossed with pipelines and peppered with gas-fired power stations with (we’re supposed to believe) the magic of CCS ensuring that the whole operation can nevertheless be run green and guilt-free.

“Clean” hydrogen then, just like CCS, turns out to be just another technological chimera designed to greenwash capitalism’s continuing addiction to fossil fuels.

What then of the other technological solutions being touted? Perhaps the most headline grabbing of them has been Biden’s proposed US$174 billion investment in the infrastructure for electric vehicles and their production. On the surface, again, this might sound like a good idea. Who wouldn’t want to live in a world in which we can all drive around in sleek, silent, powerful and “green” electric vehicles like Teslas?

Again, however, this is just another fake technological “fix” to the climate crisis that will help perpetuate the environmentally destructive status quo. A genuinely sustainable society won’t be built around the kind of car culture that exists today. What’s needed, among other things, is a massive investment in public transport and the transformation of cities to reduce the need for long commutes.

The promotion of electric vehicles as part of a technological “green” utopia is designed to forestall this kind of change, to protect as much as possible the car makers and other big business interests that profit from the status quo.

Elon Musk personifies this. In his authorised biography, Elon Musk: Tesla, SpaceX, and the Quest for a Fantastic Future, Ashlee Vance revealed that Musk’s California “hyperloop” proposal was aimed at quashing plans for a high-speed rail link between Los Angeles and San Francisco. “Musk had dished out the Hyperloop proposal just to make the public and legislators rethink the high-speed train”, wrote Vance. “He didn’t intend to build the thing ... With any luck, the high-speed rail would be cancelled. Musk said as much to me during a series of emails and phone calls leading up to the announcement.”

For those who can afford it (a base-level Tesla will set you back an eye-watering $73,900 in Australia today), driving an electric car might make you feel like you’re doing something to help save the planet. This is an illusion.

Even if your car is charged from electricity produced by renewable energy, you also have to consider all the emissions produced in the construction and maintenance of the roads and freeways on which you drive. Then there’s the material of the car itself, and the lithium needed for the battery. Already, the skyrocketing demand is causing major environmental problems for major lithium producers like China, Chile and Bolivia. Tellingly, Musk has already devised the ultimate escape plan for himself—moving to Mars. This is not an option for most people.

The long list of fake technological fixes to the climate crisis is nothing more than a delaying tactic, designed to create the impression of change to ensure the profits bonanza of the fossil fuel economy can continue for as long as possible. Only a total transformation of society, in which technological production is rationally designed and democratically organised and controlled, can ensure that we are able, in Marx’s words, “to bequeath the Earth in an improved state to succeeding generations”.

#### 2. Material inputs undo benefits

Mccollum 19 [John. Assistant professor of sociology at Minot State University. Limits of the Green New Deal. Section on Marxist Sociology. 12-11-2019. https://marxistsociology.org/2019/12/limits-of-the-green-new-deal/]

The treadmill of production idea becomes relevant in the context of the GND because of the gains in energy production efficiency, as well as the program’s proposed investments in the expansion of public transportation and “clean” manufacturing methods.  The efficiency gains of a nation-wide energy efficiency program can be undone by a total increase in material inputs.

Examining renewables in greater detail, wind turbines and solar panels produce a host of environmental externalities.  Both technologies rely on the availability of rare earth metals.  Their manufacturing and disposal generate other forms of toxic pollutants.  Also, converting land from either “natural” usage to land for renewables will also have a variety of environmental externalities, exemplified by solar farms in California’s deserts, which have displaced native species like the desert tortoise.

Another issue resulting from this practice will be a widening of the “metabolic rift” between global regions and between the natural metabolism of the earth and humanity’s production and consumption of natural resources.  John Bellamy Foster’s work on the “metabolic rift” derives from Marx’s Economic and Philosophical Manuscripts of 1844 and Marx’s attendant interest in the widening gap between “town and country.”  Marx studied the developments in agricultural science and soil chemistry during his era and noted the tendency of capitalism’s material demands to outstrip nature’s restorative capacities.  As the natural fertility of soil declined, agricultural producers came to rely on distant sources of nitrogen-based fertilizers.  This shift led to a “metabolic rift” in the spatial distribution of soil nutrients and a temporal rupture in the earth’s natural cycles of soil fertility.

The GND threatens to reproduce this gap.  To use a single example, though the US has some deposits, the rare earth metals used in solar panels and wind turbines will come from Global South states where mining and processing these minerals poses great risks to human health and the environment.  The benefits of using these materials in renewable technologies will not be seen by the citizens of those countries where extraction occurs.  The GND’s agricultural methods hold some promise of making major gains in de-carbonizing the US’s agricultural system, but the movement of soil fertility around the US as agricultural goods made in one region move to another still would widen the spatial and temporal elements of the metabolic rift.

At present, it does not appear that the GND is dealing with the contradictions of the treadmill of production and a widening metabolic rift.  The “treadmill of production” poses yet another problem though:  the contradiction of continually expanding production to meet the systemic demands of capital to accumulate and workers’ attendant dependence on this cycle for wages.  Production of “green” things may need to expand continually to generate employment and welfare benefits for workers.  Workers in a new state sector could find themselves dependent on this expansion, just as they would have under private capital.  Although “green”, this expanded production will recreate the environmental problems the GND is meant to end.  Getting off this treadmill is going to require more than just vigorous investment by the state in green infrastructure.  Next, I turn to the GND’s potential to create a state-sponsored green capitalism.

#### 3. BECCS is terrible for the environment---the scale of land conversion necessary to solve warming causes deforestation and famine.

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BECCS will have unimaginable social and ecological impacts. Providing enough biomass for BECCS, at the scale needed, would only be possible through deforestation, land-grabbing, and by converting large amounts of arable land into monoculture plantations. This means that BECCS will create competition for land among food producers, as more and more cropland will be dedicated to growing crops for fuel. In fact, it is estimated that rolling out BECCS at scale will require up to 3000 million hectares – around twice the amount of land that is currently already cultivated, globally.2 There is simply not enough arable land, globally, to grow enough crops for fuel without severely impacting on food production. If BECCS is implemented at scale, cropland will be taken from food producers and converted to an extent that will gravely escalate world hunger. Food prices will spike, and communities relying directly on land and local ecosystems will be acutely impacted. Such a shift in land use will also exacerbate existing environmental threats such as soil degradation and water stress.

Small-scale food producers and peasants have been among the hardest hit by the COVID-19 crisis, and we have witnessed the devastating impacts of land grabbing on the ability of Indigenous Peoples to respond to the pandemic. As we are now faced with a looming major food crisis, we cannot afford to let BECCS further the vulnerability of our land and the people whose lives and livelihoods depend on it. The 2019 Intergovernmental Panel on Climate Change (IPCC) Special Report on Climate Change and Land states that if BECCS is pursued at the level “necessary to remove CO2 from the atmosphere at the scale of several billion tonnes of CO2 per year”, it could “increase pressure on land” and cause “land degradation”. The report also highlights research showing that deploying BECCS and bioenergy could lead to an additional 150 million people at risk of hunger. 3

#### 1. Best climate simulations

Reisner et al. 18 (Jon Reisner – Climate and atmospheric scientist at the Los Alamos National Laboratory. Gennaro D’Angelo – Climate scientist at the Los Alamos National Laboratory, Research scientist at the SETI institute, Associate specialist at the University of California, Santa Cruz, NASA Postdoctoral Fellow at the NASA Ames Research Center, UKAFF Fellow at the University of Exeter. Eunmo Koo - Scientist at Applied Terrestrial, Energy, and Atmospheric Modeling (ATEAM) Team, in Computational Earth Science Group (EES-16) in Earth and Environmental Sciences Division and Co-Lead of Parallel Computing Summer Research Internship (PCSRI) program at the Los Alamos National Laboratory, former Staff research associate at UC Berkeley. Wesley Even - Computational scientist in the Computational Physics and Methods Group at Los Alamos National Laboratory. Matthew Hecht – Atmospheric scientist at the Los Alamos National Laboratory. Elizabeth Hunke - Lead developer for the Los Alamos Sea Ice Model (CICE) at the Los Alamos National Laboratory responsible for development and incorporation of new parameterizations, model testing and validation, computational performance, documentation, and consultation with external model users on all aspects of sea ice modeling, including interfacing with global climate and earth system models. Darin Comeau – Climate scientist at the Los Alamos National Laboratory. Randy Bos - Project leader at the Los Alamos National Laboratory, former Weapons Effects program manager at Tech-Source. James Cooley – Computational scientist at the Los Alamos National Laboratory specializing in weapons physics, emergency response, and computational physics. <MKIM> “Climate impact of a regional nuclear weapons exchange:An improved assessment based on detailed source calculations”. 3/16/18. DOA: 7/13/19. <https://agupubs.onlinelibrary.wiley.com/doi/full/10.1002/2017JD027331>)

To quantitatively account for natural and forced variability in the climate system, we created two ensembles, one for the natural, unforced system and a second ensemble using a range of realistic vertical profiles for the BC aerosol forcing, consistent with our detailed fire simulation. The control ensemble was generated using small atmospheric temperature perturbations (Kay et al., 2015). Notably, the overall spread of anomalies in both ensembles is very similar. These ensembles were then used to create “super ensembles” using a statistical emulator, which allows a robust statistical comparison of our simulated results with and without the carbon forcing. Our primary result is the decreased impact on global climate indices, such as global average surface temperature and precipitation, relative to standard scenarios considered in previous work (e.g., Robock et al., 2007a; Stenke et al., 2013; Mills et al., 2014; Pausata et al., 2016). With our finding of substantially less BC aerosol being lofted to stratospheric heights (e.g., over a factor of four less than in most of the scenarios considered by previous studies), these globally averaged anomalies drop to statistically insignificant levels after the first several years (Figures 14 and 16). Our results are generally comparable to those predicted by other studies that considered exchange scenarios in which only about 1 Tg of soot is emitted in the upper troposphere (Robock et al., 2007a; Mills et al., 2008; Stenke et al., 2013). There are more subtle suggestions of regional effects, notably in the extent of the region over which sea surface temperature differences between ensembles remain significant in the final years of simulation (Figure 17). Further work is required to adequately analyze these and other potential regional effects. Historical analysis of several large volcanic eruptions and a recent large fire also supports this result. For example, Timmreck et al. (2010) claim that nonlinear aerosol effects of the Toba Tuff eruption 74,000 years ago helped limit significant global cooling impacts to a two-year time period and that any cooling beyond this time period could be due to other effects. It should be noted that this eruption was estimated to have produced 106 Tg of ash and comparable amounts of other gases, such as sulfur dioxide (SO2), while the estimated amount of soot produced by a regional exchange is on the order of 10 Tg, or 5 orders of magnitude smaller than the ash (not including gases) produced by the Toba eruption. Noting that a nuclear exchange is not identical to volcanic events, it has been asserted that BC particles produced by fires should have a greater impact on absorbing solar radiation than even has the significantly larger amounts of ash and various gases produced by large eruptions (e.g., Robock and Toon 2010). Likewise, recent work in analyzing BC emissions from large fires suggests that in such fires, similar to large volcanic eruptions, coating of soot particles with other particles in convective eddies tends to increase their size and hence increase their subsequent rainout (China et al., 2013) before they can reach the stratosphere. In fact, the recent study of Pausata et al. (2016) found that growth of BC aerosol via coagulation with organic carbon significantly reduce the particles’ lifetime in the atmosphere.

#### 2. Islands

Turchin and Green 18 (Alexey Turchin – Scientist for the Foundation Science for Life Extension in Moscow, Russia, Founder of Digital Immortality Now, author of several books and articles on the topics of existential risks and life extension. Brian Patrick Green – Director of technology ethics at the Markkula Center for Applied Ethics, teaches AI ethics in the Graduate School of Engineering at Santa Clara University. <MKIM> “Islands as refuges for surviving global catastrophes”. September 2018. DOA: 7/20/19. https://www.emerald.com/insight/content/doi/10.1108/FS-04-2018-0031/full/html?fullSc=1&mbSc=1&fullSc=1)

Primitive tribe survives civilizational collapse. The inhabitants of North Sentinel Island, near the Andaman Islands in the Indian Ocean, are hostile and uncontacted. The Sentinelese survived the 2004 Indian Ocean tsunami apparently unaffected (Voanews, 2009), and if the rest of humanity disappear, they might well continue their existence without change. Tropical Island survives extreme global nuclear winter and glaciation event. Were a nuclear, bolide impactor or volcanic “winter” scenario to unfold, these islands would remain surrounded by Warm Ocean, and local volcanism or other energy sources might provide heat, energy and food. Such island refuges may have helped life on Earth survive during the “Snowball Earth” event in Earth’s distant past (Hoffman et al., 1998). Remote island base for project “Yellow submarine”. Some catastrophic risks such as a gamma ray burst, a global nuclear war with high radiological contamination or multiple pandemics might be best survived underwater in nuclear submarines (Turchin and Green, 2017). However, after a catastrophe, the submarine with survivors would eventually need a place to dock, and an island with some prepared amenities would be a reasonable starting point for rebuilding civilization. Bunker on remote island. For risks which include multiple or complex catastrophes, such as a bolide impact, extreme volcanism, tsunamis, multiple pandemics and nuclear war with radiological contamination, island refuges could be strengthened with bunkers. Richard Branson survived hurricane Irma on his own island in 2017 by seeking refuge in his concrete wine cellar (Clifford, 2017). Bunkers on islands would have higher survivability compared to those close to population centers, as they will be neither a military target nor as accessible to looters or unintentionally dangerous (e.g. infected) refugees. These bunkers could potentially be connected to water sources by underwater pipes, and passages could provide cooling, access and even oxygen and food sources.

#### 1. China---makes war structurally inevitable

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

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

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

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

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

(Mark Zuckerberg, Feb 16, 2020)

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

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

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

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

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

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

5 Final remarks

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

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

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

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

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

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

#### 2. Emerging tech---only nationalized AI under a planning economy solves.

Xiang 18 [Feng. Professor of law at Tsinghua University and one of China’s most prominent legal scholars. Opinion: AI will spell the end of capitalism. Washington Post. 5-3-2018. <https://www.washingtonpost.com/news/theworldpost/wp/2018/05/03/end-of-capitalism/> ]

BEIJING — The most momentous challenge facing socio-economic systems today is the arrival of artificial intelligence. If AI remains under the control of market forces, it will inexorably result in a super-rich oligopoly of data billionaires who reap the wealth created by robots that displace human labor, leaving massive unemployment in their wake.

But China’s socialist market economy could provide a solution to this. If AI rationally allocates resources through big data analysis, and if robust feedback loops can supplant the imperfections of “the invisible hand” while fairly sharing the vast wealth it creates, a planned economy that actually works could at last be achievable.

The more AI advances into a general-purpose technology that permeates every corner of life, the less sense it makes to allow it to remain in private hands that serve the interests of the few instead of the many. More than anything else, the inevitability of mass unemployment and the demand for universal welfare will drive the idea of socializing or nationalizing AI.

Marx’s dictum, “From each according to their abilities, to each according to their needs,” needs an update for the 21st century: “From the inability of an AI economy to provide jobs and a living wage for all, to each according to their needs.”

Even at this early stage, the idea that digital capitalism will somehow make social welfare a priority has already proven to be a fairytale. The billionaires of Google and Apple, who have been depositing company profits in offshore havens to avoid taxation, are hardly paragons of social responsibility. The ongoing scandal around Facebook’s business model, which puts profitability above responsible citizenship, is yet another example of how in digital capitalism, private companies only look after their own interests at the expense of the rest of society.

One can readily see where this is all headed once technological unemployment accelerates. “Our responsibility is to our shareholders,” the robot owners will say. “We are not an employment agency or a charity.”

These companies have been able to get away with their social irresponsibility because the legal system and its loopholes in the West are geared to protect private property above all else. Of course, in China, we have big privately owned Internet companies like Alibaba and Tencent. But unlike in the West, they are monitored by the state and do not regard themselves as above or beyond social control.

It is the very pervasiveness of AI that will spell the end of market dominance. The market may reasonably if unequally function if industry creates employment opportunities for most people. But when industry only produces joblessness, as robots take over more and more, there is no good alternative but for the state to step in. As AI invades economic and social life, all private law-related issues will soon become public ones. More and more, regulation of private companies will become a necessity to maintain some semblance of stability in societies roiled by constant innovation.

I consider this historical process a step closer to a planned market economy. Laissez-faire capitalism as we have known it can lead nowhere but to a dictatorship of AI oligarchs who gather rents because the intellectual property they own rules over the means of production. On a global scale, it is easy to envision this unleashed digital capitalism leading to a battle between robots for market share that will surely end as disastrously as the imperialist wars did in an earlier era.

For the sake of social well-being and security, individuals and private companies should not be allowed to possess any exclusive cutting-edge technology or core AI platforms. Like nuclear and biochemical weapons, as long as they exist, nothing other than a strong and stable state can ensure society’s safety. If we don’t nationalize AI, we could sink into a dystopia reminiscent of the early misery of industrialization, with its satanic mills and street urchins scrounging for a crust of bread.

The dream of communism is the elimination of wage labor. If AI is bound to serve society instead of private capitalists, it promises to do so by freeing an overwhelming majority from such drudgery while creating wealth to sustain all.

If the state controls the market, instead of digital capitalism controlling the state, true communist aspirations will be achievable. And because AI increasingly enables the management of complex systems by processing massive amounts of information through intensive feedback loops, it presents, for the first time, a real alternative to the market signals that have long justified laissez-faire ideology — and all the ills that go with it.

#### 3. Warming

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

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

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

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

#### 4. Info wars---their terminal impact is Russian cyber intrusions---current system makes that inevitable

Diana Rybachenko 20. Lecturer, Zaporizhzhya State University. “Russia-China Relations Within the Framework of BRICS and Their International Significance in Terms of Neo-Marxist Theory and Neoliberal Institutionalism.” Charles University. 85-88. https://dspace.cuni.cz/handle/20.500.11956/118543?show=full.

Thus, neoliberal institutionalism does not fully explain the cooperation due to the absence of the foundation for confrontation between Russia and China. By solving the territorial issues, they eliminated the main reason for future conflicts (Dmochowski, 2015, p. 70-71). Russia will not choose a betrayal (Kashin, 2019). China is one of the strongest states located in the Asia-Pacific region that is associated with prospects for the further development of not only Russia but the entire world community (Weitz, 2012). Regional cooperation is of great importance for strengthening Russia`s position in international affairs (Putin, 2012b). China is a powerful state that has many partners and, in terms of trade, is less dependent on Russia (The World Bank, 2019). However, in terms of Russian resources and territory, China is interested to develop partnership (Mankoff, 2011, p. 209). It can facilitate the extension of One Belt – One Road initiative (Ramasamy, 2019, pp. 1675-1676). It can be seen that even the complicated political situation around Russia since 2014 did not prevent China from cooperating (President of Russia, 2014). This fact is supported by Vladimir Putin`s visit to Shanghai in 2014 where a large number of agreements were signed, including the significant gas deal (The Guardian, 2014). Russian “pivot to East” was a result of tension with Western countries but not with China or other BRICS members.

The reasons were the unwillingness of developing countries to depend on the advanced industrial economies and aspiration to urge reforms of the Western financial system (Qobo, 2015). The problem of infrastructure deficit in the emerging economies does not attract the attention of the IMF to the extent that is required by the developing countries to cover this deficit (Rozman, 2014). The Western powers have a political interest in maintaining the status quo (Biswas, 2015). Thereby, BRICS countries are “disappointed and seriously concerned” about the non-implementation of the IMF reform that had to give them a larger voice (Brazil Ministry of Foreign Affairs, 2014). It makes developing countries to demand the new order in international affairs.

Much of this accords with neo-Marxism. Own financial institutions can provide support bypassing the IMF. The NBR and Contingent Reserve cannot compete with the IMF and the World Bank in terms of resources. However, the fact that the developing countries have an alternative source of funding can force the Fund`s management and the major Western powers to give up demands relating to domestic political and economic reforms (Darelov, 2016). If BRICS becomes a more powerful block that includes more developing countries, the new proposal on the implementation of an equitable quota calculation system will be inevitable. The main goal is to achieve such a result in which none of the participants will have the right to block the most important decisions (OehlerSincai, 2018).

Russia and China involve more partners from the developing world hoping to build a more balanced world order. To this end, China put forward the initiative of a new format BRICS+ (Baijie and Desheng, 2018). It can be used as a platform for more active use of the national currencies of the five countries in trade and investment transactions (Yarygina and Borovikova, 2019). The volume of project financing by the New Development Bank in yuan is increasing. The total amount of financial resources allocated by the NDB in national currency is 25.91 billion yuan (3.67 billion USD) (New Development Bank, 2020).

Russia and China cooperate with Iran in several areas (Tanchum, 2020). Among the most important joint initiatives is Iran`s participation in the implementation of the One Belt – One Road projects and the completion of the country`s entry into the permanent membership of the Shanghai Cooperation Organization (Shariatinia and Azizi, 2019). China is an important importer of Iran`s energy resources (Scheid and Gupte, 2020). The payments for deliveries are calculated in yuan that contributes to the internationalization of the Chinese currency (White, 2019). Egypt and Turkey are already participating in the format BRICS+ since 2017 and 2018 respectively (Yarygina and Borovikova, 2019). Turkey advocates the trade with Russia and China in national currencies (Daily Sabah, 2018).

The trade war between the US and China since 2018 is another evidence of the growing disintegration of the existing world order (White, 2019). Building a new order is based on the creation of regional coalitions of the countries that share common views on specific issues (Van Noort, 2017). By entering flexible coalitions, it will be easier for countries to defend their interests. BRICS, as well as other initiatives such as One Belt – One Road, the Shanghai Cooperation Organization, the Eurasian Economic Union, and ASEAN, are the foundation for the large Eurasian partnership and new future world order.

Summary

The analyzed data demonstrate the relative strength of neo-Marxist assumptions in the case of Russian-Chinese relations within BRICS. In the 1990s, Russia and China encountered with the unilateral actions and a forceful policy of the United States. The financial crisis that emerged in 2007-2008 revealed the weaknesses of the world economy led by the US. Activation of BRICS cooperation started in 2008 that can be explained by opposition to the unipolarity. In the thesis, the presented arguments regarding the decision-making in the International Monetary Fund, distribution of the votes in the IMF and the World Bank, and Amin`s monopolies suggest that the US holds a status of the hegemon. However, the developing countries, primarily China and Russia penetrated in some areas that demonstrates their aspiration to be regarded as partners equal to Western countries. Step by step, Russia and China have been developing the agenda and increasing the intensity and depth of interaction in response to the unipolarity. BRICS is not a force capable alone to cause great geopolitical changes, however, its foundation reveals the dissatisfaction of actors who increased their significance in the world economy with the established international order.

#### That solves---the aff’s a false flag---fundamentally questioning capitalism is the only way to solve their impacts

Thomas M. Hanna &, Michael Brennan 20, 12-21-2020, There’s No Solution to Big Tech Without Public Ownership of Tech Companies, Jacobin Magazine, https://www.jacobinmag.com/2020/12/big-tech-public-ownership-surveillance-capitalism-platform-corporations

The Antitrust Impulse

The early stage antitrust actions of recent months are encouraging signs that policy makers, activists, and others are beginning to wake up to some of the dangers these platform corporations present — including the standardization of precarious work, overriding and ignoring labor laws, the entrenchment and exacerbation of racism and inequality through algorithmic bias, increased financialization, the proliferation of misinformation, and manipulation, the undermining of regulations and tax codes, environmental degradation, and the erosion of privacy and extension of social control. While these are welcome developments, it’s worth noting that there has been almost no discernable antitrust enforcement against Big Tech in recent years. Antitrust enforcers, for example, have not blocked a single acquisition out of hundreds by dominant platform companies over the last decade. As such, it is unclear how successful these antitrust actions, alone, will ultimately be. So, what are the obstacles and limitations? First and foremost, for antitrust to be actualized and ultimately succeed, the entire legal regime around it would likely need to be radically overhauled. Specifically, over the last several decades there has been a fundamental reinterpretation of antitrust law by the courts and a large decline in successful antitrust prosecutions by the Justice Department. Thus, any strategy that centers antitrust is contingent on a wholesale revision of the grounds on which a company is currently deemed to be a monopoly or anti-competitive. In particular, the still prevalent focus on consumer welfare and prices is likely to be an inadequate standard for antitrust action against platforms where in most cases the “product” is essentially provided for free. Second, increasing competition doesn’t address the natural monopoly dynamics inherent to the platform economy. “The consumer internet is a kind of natural monopoly,” Dipayan Ghosh explains: Its leading constituent firms consistently exhibit network effects: the networked services operated by Facebook, Amazon, and Google increase in value when more users use them. This meanwhile makes it extraordinarily difficult for new entrants to offer competitive levels of utility to consumers out of the gate. As with telecommunications before it, this industry now maintains impossibly high barriers to entry. Lastly, without additional changes to the structure of the companies (i.e. ownership, control, values) and the broader balance between market mechanisms (and imperatives) and state intervention, a reconcentration is almost inevitable. In the US context, there is ample evidence of this. For instance, both Standard Oil and AT&T (two of the most famous companies to be physically broken up by antitrust enforcement) ultimately reconsolidated. The former took several decades (ultimately becoming ExxonMobil) while the latter occurred relatively quickly, highlighting the additional challenges related to implementing antitrust strategies in an era of strong ideological and political adherence to market fundamentalism and neoliberalism. The Ownership Alternative Historically, one of the common “solutions” to the problem of natural monopolies has been public utility regulation. And while the idea of classifying and regulating platforms and other Big Data–dependent corporations as public utilities is controversial, it is starting to gain traction among various experts. However, both the experience and theory (including from diverse ideological perspectives) of public utility regulation in the United States suggests that it is often insufficient to deal with the innumerable problems associated with corporate concentration and power, and does little in furtherance of redistributing or democratizing wealth and economic control. Case in point is the United States’ experience with large investor owned electricity utilities. This leaves alternative models of ownership as the most viable and radical path forward, and one of the only options capable of getting to the root of the problem. A new report from Common Wealth and the Democracy Collaborative (to which the authors contributed) presents several bottom-up and top-down proposals to fundamentally change the ownership structure, values, governance, and orientation of platforms and data, and gain control over the commanding heights of the modern economy. First and foremost, this includes taking some or all of the large platform corporations into public ownership (either wholly or through a controlling or majority share ownership position). Part of this process must include embedding democratic principles at various levels. For instance, if ownership stakes are taken in major platform companies, they should likely be held in an autonomous public trust (or similar vehicle) organized with democratic multi-stakeholder representation from workers, consumers, government officials, the general public, etc. Once in public ownership, the platform companies themselves should also be restructured to embed both democratic management structures and new public interest principles. Of particular concern will be ensuring that anti-surveillance and data privacy values are woven into these new publicly owned platforms. This cannot be an afterthought, as it would introduce the unacceptable risk that the new public platforms would face incentives and pressure to collect, monetize, and/or misuse data (including sharing it with government agencies engaged in surveillance and social control). Rather, anti-surveillance and privacy values and rules should be included in any and all enabling legislation. Moreover, a strict national data privacy framework — whether enacted in conjunction with, or prior to, platforms being brought into democratic public ownership — would be an important complement to this proposal, together overcoming the problem of consumer protections creating barriers to entry that favor dominant firms. Another important component will be ensuring global, multi-stakeholder governance of these new public platforms. While many of the major platform and Big Tech companies are nominally based in the United States, their users are located throughout the world. Any proposal to democratize the ownership of platforms and data must take these global dynamics into account and develop ways in which people around the world (and not just in the United States and the UK) can be involved in ownership and governance decisions. In addition to public ownership of the major platform corporations, there are a number of further policy solutions that should be deployed to confront the platform monopolies and chart a course away from surveillance capitalism. For instance, a new and powerful set of labor and union rights, such as that put forward by the PRO Act, should be embedded in the organization and management structures of any new public or cooperatively owned platforms (and should be enacted regardless of possible shifts in ownership). Existing and new public agencies at various scales should be dedicated to incubating and supporting the development and proliferation of new cooperative and nonprofit platform and data alternatives; and financing of such ownership alternatives could be facilitated via direct federal spending and through the establishment of a network of local and regional public banks. A new multi-stakeholder regulatory authority should be created, tasked with democratically setting and enforcing standards around data collection and speech — taking those decisions out of the hands of bosses, corporations, and state technocrats; and when data is collected, it should be held in a new network of public “data trusts” that enable residents and communities both access to, and democratic control over, the data so that it can improve their lives, and not be misused for purposes of surveillance capitalism and social control. Lastly, as we are confronted with the rapidly emerging prospect of the currency system itself being captured by platform capitalists like Facebook’s newly rebranded cryptocurrency project, Diem, a linked Central Bank Digital Currency (CBDC) and postal banking system should be established to modernize payment infrastructure, while centering the preservation of financial data privacy inherent to paper cash. Tech Socialism or Barbarism None of these proposals are a silver bullet, and all need further exploration and definition. Moreover, as the British economist and former politician Stuart Holland articulated in the 1970s, they won’t by themselves fulfill the socialist goal of abolishing private sector capitalism completely, but they could create a “chain reaction” that radically, and permanently, tips the balance of economic, political, and social power. This is critical because with the platform monopolies and Big Tech corporations poised to dominate the commanding heights of our economy for decades to come, the decisions we make now will lock in a future; whether that future will be defined by increasingly pervasive surveillance capitalism or a more equitable, democratic, and ecologically sustainable alternative is up to us. The challenge is to liberate the potential of platforms and data from the logics of concentrated corporate ownership that currently shape their operation. This will require a newly ambitious agenda that can reimagine how platforms, and the data they – and we – generate, are owned, governed, and controlled.

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#### Overwhelming consensus of AI experts is that AI is coming

Allan Dafoe & Stuart Russell 16. Dafoe is an assistant professor of political science at Yale University; Russell is a professor of computer science at the University of California, Berkeley. 11-02-16. “Yes, We Are Worried About the Existential Risk of Artificial Intelligence.” MIT Technology Review. https://www.technologyreview.com/s/602776/yes-we-are-worried-about-the-existential-risk-of-artificial-intelligence/.

Oren Etzioni, a well-known AI researcher, complains about news coverage of potential long-term risks arising from future success in AI research (see “No, Experts Don't Think Superintelligent AI is a Threat to Humanity”). After pointing the finger squarely at Oxford philosopher Nick Bostrom and his recent book, Superintelligence, Etzioni complains that Bostrom’s “main source of data on the advent of human-level intelligence” consists of surveys on the opinions of AI researchers. He then surveys the opinions of AI researchers, arguing that his results refute Bostrom’s. It’s important to understand that Etzioni is not even addressing the reason Superintelligence has had the impact he decries: its clear explanation of why superintelligent AI may have arbitrarily negative consequences and why it’s important to begin addressing the issue well in advance. Bostrom does not base his case on predictions that superhuman AI systems are imminent. He writes, “It is no part of the argument in this book that we are on the threshold of a big breakthrough in artificial intelligence, or that we can predict with any precision when such a development might occur.” Thus, in our view, Etzioni’s article distracts the reader from the core argument of the book and directs an ad hominem attack against Bostrom under the pretext of disputing his survey results. We feel it is necessary to correct the record. One of us (Russell) even contributed to Etzioni’s survey, only to see his response being completely misconstrued. In fact, as our detailed analysis shows, Etzioni’s survey results are entirely consistent with the ones Bostrom cites. How, then, does Etzioni reach his novel conclusion? By designing a survey instrument that is inferior to Bostrom’s and then misinterpreting the results. The subtitle of the article reads, “If you ask the people who should really know, you’ll find that few believe AI is a threat to humanity.” So the reader is led to believe that Etzioni asked this question of the people who should really know, while Bostrom did not. In fact, the opposite is true: Bostrom did ask people who should really know, but Etzioni did not ask anyone at all. Bostrom surveyed the top 100 most cited AI researchers. More than half of the respondents said they believe there is a substantial (at least 15 percent) chance that the effect of human-level machine intelligence on humanity will be “on balance bad” or “extremely bad (existential catastrophe).” Etzioni’s survey, unlike Bostrom’s, did not ask any questions about a threat to humanity. Instead, he simply asks one question about when we will achieve superintelligence. As Bostrom’s data would have already predicted, somewhat more than half (67.5 percent) of Etzioni’s respondents plumped for “more than 25 years” to achieve superintelligence—after all, more than half of Bostrom’s respondents gave dates beyond 25 years for a mere 50 percent probability of achieving mere human-level intelligence. One of us (Russell) responded to Etzioni’s survey with “more than 25 years,” and Bostrom himself writes, of his own surveys, “My own view is that the median numbers reported in the expert survey do not have enough probability mass on later arrival dates.” Now, having designed a survey where respondents could be expected to choose “more than 25 years,” Etzioni springs his trap: he asserts that 25 years is “beyond the foreseeable horizon” and thereby deduces that neither Russell nor indeed Bostrom himself believes that superintelligent AI is a threat to humanity. This will come as a surprise to Russell and Bostrom, and presumably to many other respondents in the survey. (Indeed, Etzioni’s headline could just as easily have been “75 percent of experts think superintelligent AI is inevitable.”) Should we ignore catastrophic risks simply because most experts think they are more than 25 years away? By Etzioni’s logic, we should also ignore the catastrophic risks of climate change and castigate those who bring them up. Contrary to the views of Etzioni and some others in the AI community, pointing to long-term risks from AI is not equivalent to claiming that superintelligent AI and its accompanying risks are “imminent.” The list of those who have pointed to the risks includes such luminaries as Alan Turing, Norbert Wiener, I.J. Good, and Marvin Minsky. Even Oren Etzioni has acknowledged these challenges. To our knowledge, none of these ever asserted that superintelligent AI was imminent. Nor, as noted above, did Bostrom in Superintelligence.

## T-Prohibit

#### Behavioral remedies are impossible to negate---they’re inherently vague and uncertain

Carrie C. Mahan 19. Partner at Weil, Gotshal & Manges LLP, where her antitrust practice focuses on mergers, antitrust class actions and private litigation, with Natalie M Hayes, associate at Weil, Gotshal & Manges LLP. “MERGER REMEDIES GUIDE SECOND EDITION,” eds. Ronan P Harty & Nathan Kiratzis. https://www.weil.com/~/media/files/pdfs/2019/nonstructural-remedies.pdf

Criticisms

While non-structural relief can help agencies preserve the procompetitive benefits of a trans- action while protecting against the risk of potential competitive harm, conduct remedies are still vulnerable to criticism. In contrast to structural remedies, which are generally ‘simple, relatively easy to administer, and sure’ to preserve competition,46 behavioural remedies raise various concerns,47 including the following:

• They are difficult to draft and clearly define. The agencies acknowledge that when design- ing conduct remedies, ‘displacing the competitive decision-making process widely in an industry, or even for a firm, is undesirable.’48 Accordingly, ‘effective conduct remedies are tailored as precisely as possible to the competitive harms associated with the merger to avoid unnecessary entanglements with the competitive process.’49 This can be easier said than done; however, because ‘the behavior that such remedies seek to prohibit or require is often difficult to fully specify.’50 It may also be challenging to determine the appropriate duration of a conduct remedy given the difficulty in assessing how long it will take new entry or expansion to occur.

• The outcomes are uncertain. It is no easy task to design a conduct remedy that will appro- priately replicate the competitive dynamics of a particular market. Even when well-crafted, conduct remedies ultimately set static rules that do not fully account for changes in the market. Thus, conduct remedies may eventually distort the market because they may restrict the merged firm from engaging in conduct that would be pro-competitive as the market changes.51

#### The plan’s contingent on the effects in each individual case. That’s distinct.

Kevin Boyle & Hurst Hannum 74, Boyle is Barrister at Law at Queen’s University of Belfast; Hannum is a member of the California Bar, “Individual Applications Under the European Convention on Human Rights and the Concept of Administrative Practice: The Donnelly Case,” The American Journal of International Law, vol. 68, no. 3, American Society of International Law, 1974, pp. 440–453

In reply, the respondent government argued that the “administrative practices” exception developed by the Commission in relation to interstate cases could not in any circumstances apply to an individual application under Article 25. They submitted that it applied only where an application raised a general issue, distinct from its effects on individuals, and that an individual was incompetent to raise such general issues under Article 25.52 While denying generally that any violation of Article 3 had occurred, the respondent government maintained that, if violations did occur, adequate and effective remedies existed within domestic United Kingdom law which had not been exhausted by the individual applicants.

#### Requirements that firms act in a certain way are behavioral remedies---that describes the Aff.

Lisl Dunlop 18. Partner in the New York office and co- chair of the firm’s antitrust and competition practice group of Manatt, Phelps & Phillips, September 2018. “Current Themes in U.S. Merger Control.” https://www.manatt.com/getattachment/311dc3d1-8754-447e-91d2-01bbead87763/attachment.aspx

Two related themes that have emerged over the past year are an increased hostility toward remedies that result in ongoing supervision or monitoring by the agencies (known as “behavioral” remedies) and a sharper focus on vertical merger enforcement. The two are closely related in that the typical “fix” for competition concerns in vertical transactions is often a behavioral remedy—the imposition of requirements that the merged firm act in a certain way after consummation of the transaction, such as an obligation to continue to give access to competitors. In the absence of such a resolution, the agencies are faced with a decision to permit the transaction to proceed, look for a structural solution or challenge the transaction in its entirety.

#### Those aren’t prohibitions---only structural remedies meet the violation.

John E. Kwoka 12. Neal F. Finnegan Professor of Economics, Northeastern University, with Diana L. Moss, Vice President and Director, American Antitrust Institute. “Behavioral merger remedies: Evaluation and implications for antitrust enforcement.” THE ANTITRUST BULLETIN: Vol. 57, No. 4/Winter 2012. ProQuest.

C. Preference for structural remedies in the United States and other major jurisdictions

As noted, the 2004 Remedies Guide expressed a clear preference for structural remedies, citing “speed, certainty, cost, and efficacy” as key factors by which the potential effectiveness of a remedy should be measured.19 By way of explanation, the 2004 Remedies Guide stated that structural remedies were preferred to behavioral remedies because “they are relatively clean and certain, and generally avoid costly government entanglement in the market. A carefully crafted divestiture decree is ‘simple, relatively easy to administer, and sure’ to preserve competition.”20 This preference for structural remedies was illustrated in countless merger cases both before and after issuance of the 2004 Remedies Guide.

In this approach, U.S. policy was consistent with the enforcement posture in Canada, the European Union, the UK, and Canada. In 2001, the European Commission stated:

Commitments that are structural in nature, such as the commitment to sell a subsidiary, are, as a rule, preferable from the point of view of the [Merger] Regulation’s objective, inasmuch as such a commitment pre- vents the creation or strengthening of a dominant position previously identified by the [European] Commission and does not, moreover, require medium or long-term monitoring measures.2

The UK Competition Commission expressed a similar preference in 2008 in this way:

In merger inquiries, the [Competition Commission] will generally prefer structural remedies, such as divestiture or prohibition, rather than behav- ioral remedies because: (a) structural remedies are likely to deal with [a substantial lessening of competition] and its resulting adverse effects directly and comprehensively at source by restoring rivalry; (b) behavioral remedies may not have an effective impact on the [substantial lessening of competition] and its resulting adverse effects, and may create significant costly distortions in market outcomes; and (c) structural remedies do not normally require monitoring and enforcement once implemented.22

#### **They’re a mis-reading. The sole distinction is the duration of the term of restriction, with prohibition being an indefinite restriction and regulation having the possibility to be continued. Emory = GREEN.**

Hadley ’9 [John Vestal; December 16, 1909; Justice on the Supreme Court of Indiana; Westlaw, “McPherson v. State,” 174 Ind. 60]

Furthermore, the word “prohibition” is close akin to “regulate, restrict, and control.” Its use in the body of the act is of little significance. To forbid the sale of liquor by those who have no license; to deny the licensee the right to sell on certain days, between certain hours, in certain places, in certain quantities—is, to some extent at least, qualified prohibition. It is prevention, interdiction. Such laws, however, are unquestionably regulations and restrictions of the liquor traffic. They operate as a check, as a restraint, upon the sale, not in absolute inhibition, and are in the strictest sense regulations. They regulate by prohibiting the sale at certain times, and to certain persons, and \*613 in certain places. Besides, to say the law prohibits the citizen from selling without a license, or that the law prohibits the licensed seller from selling on Sunday, is etymologically correct. In fact, the word was employed in this sense by the Legislature in framing section 4 of the Nicholson law (section 8327, Burns' Ann. St. 1908), which provides that obstructions to the street view shall not be set up in the selling room “during such days and hours when the sale of such liquors is prohibited by law.” So it is not so much the primary meaning of the word as sense in which it is popularly understood as applied to the manufacture and sale of spirituous liquors that must control.

Following are a few definitions of “prohibition” as specifically applied:

“Interdiction of the liberty of making and of selling, or giving away, intoxicating liquors for other than medicinal, scientific and religious purposes.” Anderson's L. Dict.; Bouvier, L. Dict. (Rawle's Rev.).

“The forbidding by law of the manufacturing and sale of alcoholic liquors.” English's L. Dict.

“The forbidding by law of the sale of alcoholic liquors as a beverage.” Webster's Int. Dict.

“The forbidding by legislative enactment of the sale of alcoholic liquors for use as a beverage.” Standard Dict.

The term has even a wider sweep than this. A prohibitory law, to be classed as such, must, at the same instant, in the same way, become effective to interdict the sale of liquors throughout all parts of the jurisdiction of the lawmaking power. Welsh v. State, 126 Ind. 71, 77, 25 N. E. 883, 9 L. R. A. 664; Shea v. City of Muncie, 148 Ind. 14, 46 N. E. 138; Paul v. Gloucester County, 50 N. J. Law, 585, 15 Atl. 272, 1 L. R. A. 86.

It seems absurd, because rationally inconceivable, that under the operation of a general prohibitory statute enacted by the General Assembly sales as a beverage may indefinitely continue to be lawfully made in many counties of the state. It is also equally incomprehensible how a law may be absolutely prohibitory and in itself provide the means and terms under which sales may be continued or resumed in any or all counties of the state. We are unable to perceive any distinction between the prohibition which results from remonstrance under former laws, which has uniformly been held to be regulation, and the prohibition arising under the act in question, with the sole exception as to the duration of the term of restriction, depending upon petition and election at the expiration of each biannual period. We therefore conclude that the object and purpose of the act before us is regulation, and not prohibition, of the liquor traffic, and that the subject is fairly deducible from the title, and not in conflict with section 19, art. 4, of the Constitution. Isenhour v. State, 157 Ind. 524, 62 N. E. 40, 87 Am. St. Rep. 228; Gustavel v. State, 153 Ind. 613, 54 N. E. 123; Burget v. Merritt, 155 Ind. 143, 57 N. E. 714; Clarke v. Darr, 156 Ind. 692, 60 N. E. 688; Republic Iron, etc., Co. v. State, 160 Ind. 379, 66 N. E. 1005, 62 L. R. A. 136; Maule Coal Co. v. Partenheimer, 155 Ind. 100, 55 N. E. 751, 57 N. E. 710.

#### OCED card---Business practices are ongoing conduct defined by the behaviors of many market participants

Kerry Lynn Macintosh 97. Associate Professor of Law, Santa Clara University School of Law. B.A. 1978, Pomona College; J.D. 1982, Stanford University, “Liberty, Trade, and the Uniform Commercial Code: When Should Default Rules Be Based On Business Practices?,” 38 Wm. & Mary L. Rev. 1465, Lexis.

These new and revised articles reflect a strong trend toward choosing default rules 4 that codify existing business practices. 5 [FOOTNOTE 5 BEGINS] In this Article, the term "business practices" is used to refer to practices that emerge over time as countless market participants exercise their freedom to engage in profitable transactions. For an account of the evolution of business practices, see infra Part II. As used here, "business practices" is broader and less technical than "trade usage," which the Code narrowly defines as "any practice or method of dealing having such regularity of observance in a place, vocation, or trade as to justify an expectation that it will be observed with respect to the transaction in question." U.C.C. 1-205(2). [FOOTNOTE 5 ENDS] This is particularly true of the recent revisions to Articles 3 (Negotiable Instruments), 4 (Bank Deposits and Collections) and 5 (Letters of Credit).

#### 2. Link turn. It’s the only clear bright line---if the business practice described by the aff can still legally occur post-plan, it is not prohibited.

Martin G. Vallespinos 20. LLM, University of Michigan Law School; Manager at Ernst & Young Detroit, “Can the WTO Stop the Race to the Bottom? Tax Competition and the WTO,” 40 Va. Tax Rev. 93, Lexis

Prohibited subsidies, as described in Article 3 of the SCM Agreement, are disallowed outright, and WTO members can unilaterally impose countervailing measures against the country sponsoring them. This category [\*146] includes (i) subsidies that are contingent, in law 237or in fact 238upon export performance 239and (ii) subsidies that are contingent upon the use of domestic over imported goods.

Export contingency can be "de jure" or "de facto." De jure export contingency derives from "the very words of the relevant legislation, regulation[,] or other legal instrument constituting the measure." 240De facto export contingency is met when "the facts demonstrate that the granting of a subsidy ... is in fact tied to actual or anticipated exportation or export earnings." 241The WTO jurisprudence regarding "de facto" contingency, however, is not uniform and WTO panels have set forth various alternative tests. In Australia-Automotive Leather II, the Panel established a standard of "close connection" between the grant of a subsidy and export performance. 242In Canada-Aircraft, the Panel and the Appellate Body ("AB") implemented the so called but-for test, which interprets the "tied to" language to be equivalent to a relationship of "conditionality" between the grant of a subsidy and export performance. 243Therefore, de facto contingency is met when "the facts demonstrate that the tax benefit would not have been granted ... but for anticipated exportation or export earnings." 244In the same case, the AB clarified that "it does not suffice to demonstrate solely that a government granting a subsidy anticipated that exports would result." 245This means that, in the AB's view, the granting authority's expectations on exports may not be sufficient to meet the standard, so the subsidy must be objectively contingent upon export [\*147] performance. 246In pursuit of a more objective criteria, the AB suggested that, "where relevant evidence exists, the assessment could be based on a comparison between, on the one hand, the ratio of anticipated export and domestic sales of the subsidized product ... and on the other hand, the situation in the absence of the subsidy." 247But both the Panel and AB further clarified that an assessment based on ratios is incapable by itself of establishing that a given subsidy is de facto contingent on export performance "in the absence of any meaningful analysis regarding how a subsidy's design and structure contributes to the presence of an incentive for a recipient to [favor] export sales over domestic sales." 248

With respect to domestic use contingency, Article 3.1(b) contains no reference to contingency in law or in fact. Nevertheless, the AB has found that Article 3.1(b)'s scope covers both de jure and de facto contingency. 249Also, both the Panel and the AB have concluded that the general guidance regarding evaluations of de facto export contingency should be applicable to de facto domestic use contingency. Finally, it should be mentioned that the Panel and AB decisions are not binding precedential authority but rather can be only strongly persuasive authority. Therefore, countries should be aware of all these alternative tests when designing their tax policies, as there is no certainty as to which criteria WTO decision makers may apply in the event of a dispute (e.g. but-for test, close connection test, assessments based on ratios, etc.).

A subsidy that is not considered "prohibited" can still satisfy the specificity criteria and become an actionable subsidy if it meets the two following requirements:

(1) Specificity: an actionable subsidy is considered specific when the eligibility to receive the benefits is limited to certain enterprises, industries, or areas; 250and

(2) Adverse effect: an actionable subsidy is considered adverse when it produces a serious prejudice to the interests of another member, an injury to its domestic industry, or a nullification or impairment of benefits accruing directly or indirectly to other members under the GATT. 251

#### 3. 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.

## Competition Adv

#### 4. China tech fears are unfounded---they can’t catch up.

Fred Hu 18, economist and chairman of Primavera Capital Group, 8-22-2018, "The U.S. Is Overly Paranoid About China’S Tech Rise," Washington Post, https://www.washingtonpost.com/news/theworldpost/wp/2018/08/22/us-china-3/?utm\_term=.ed8dd0d27f82

But much of the fear over China’s technological rise is unfounded. Fundamentally, China is like most emerging economies around the world: still trying hard to close the enormous technological gap with advanced economies led by America. China has undoubtedly made more progress than many of its developing peers in that race. Its tech industries have grown at a faster pace and achieved a global scale beyond those of most developing countries. In a broad range of manufacturing sectors — notably consumer electronics, steel, ship building, high-speed rail systems and solar panels — China has established itself as the world’s leading producer. In areas such as consumer Internet and financial technology, it has arguably overtaken even the United States and now leads the rest of the world. Yet China hawks such as Robert Lighthizer and Peter Navarro charge that whatever progress China has made on the tech front is due to the country’s blatant theft of U.S. technology. Considering the enormous investments China has made in science and technology over recent decades, such claims do not hold water. China has devoted vast resources to research and development — $409 billion in 2015 (21 percent of the global total), according to the U.S. National Science Foundation. China’s investment in research and development grew over 20 percent annually between 2000 and 2010 and almost 14 percent from 2010-2015. U.S. research and development hovered around 4 percent over the same period. For a country with an average per capita income a mere one-sixth of America’s, China’s research and development investments reflect a real and sustained national commitment. At the same time, China has vastly expanded and improved STEM education and has one of the largest pools of STEM graduates in the world. The devotion of significant resources to research and development and human capital has in turn enabled China to reap some of the early fruits of innovation. China now tops the world in new patent filings. As the first country to receive more than 1 million patent applications in a single year — a record the World Intellectual Property Organization said reflected “extraordinary” levels of innovation — China accounts for almost 40 percent of the global total and more than that of the United States, Japan and South Korea combined. China has also significantly boosted venture capital investment, which supports the commercialization of emerging technologies. While the United States attracts the most investment worldwide (nearly $70 billion), venture capital investment in China rose from approximately $3 billion in 2013 to $34 billion in 2016, climbing from 5 percent to 27 percent of the global share — the fastest increase of any economy. China’s start-up ecosystem is both vast and vibrant; it has successfully incubated more tech unicorns than any other country except the United States. Too often, U.S. critics claim that Chinese industrial policies like Made in China 2025 are behind the country’s ascendancy in tech. In fact, virtually none of China’s leading tech firms, such as Alibaba, Baidu and Tencent, are state-owned or meaningful beneficiaries of state support. They are all founded and led by smart and risk-taking private entrepreneurs, just like their Silicon Valley brethren. Tellingly, many Chinese tech start-ups have received U.S. venture financing. And Chinese technology companies and venture firms have made significant investments in U.S. start-ups. Sadly, the virtuous two-way venture capital flows are now in jeopardy because of Washington’s growing paranoia about China. As impressive as China’s innovation and progress may be, however, it is premature to declare that China has caught up with the U.S. tech industry. Interventionist government bureaucracy, stodgy state-owned enterprises, a rigid school system and — above all — harsh restrictions on individual freedoms continue to stifle independent thinking and creativity and constrain China from realizing its full innovation potential. While China is well positioned to succeed in “strategic” industries such as semiconductors, pharmaceuticals and commercial aircraft due to its vast pool of engineering talent and the size of its domestic market, so far it has remained a laggard. China has failed to develop an indigenous chip industry despite a state-led drive to do so, with tens of billions spent over the past four decades. Despite its status as the “world’s factory,” making everything from cell phones and laptops to numerous other devices, China continues to import 90 percent of its microchips from foreign countries, predominantly from the United States. That is why the U.S. threat to cut off critical chip supply to ZTE, a Chinese telecom equipment firm, has been dubbed the “Sputnik moment” in China: a sober reminder of China’s continued weaknesses in critical technologies. While China has made spectacular progress on the tech front, the United States remains the undisputed global leader in science and technology. The United States holds most of the world’s leading research universities; it deploys the highest amounts of both public and private funding in research and development; attracts the most venture capital; awards the most advanced degrees; provides the most advanced business, financial and information services and is the largest producer in knowledge-intensive, high-tech sectors, from pharmaceuticals to semiconductors. The fear that China will displace the United States as the global tech superpower is grossly exaggerated. Unfortunately, such paranoia dominates the minds of protectionist U.S. politicians and China hawks and has already amplified a destructive trade war between the world’s two largest economies. For China’s part, its soul-searching is overdue. Beijing should resist the prevalent yet ill-justified self-complacency and triumphalism that contributed to the fear in Washington in the first place, and it should make serious efforts to reform and open its domestic economy. Unless Beijing amends its heavy-handed statist approach to economic development, China’s potential as a leading nation in science and technology could be seriously curtailed.

## Convergence Adv

#### Institutional divergences overwhelm substantive regulatory convergence

Skroejer & Lawler 1/20/22 (Morten - nonresident senior fellow at the Atlantic Council and former counselor to Denmark’s ambassador to the United States & Nicole - former Young Global Professional at the Atlantic Council, “Can the US and EU rein in Big Tech with diverging approaches?,” https://www.atlanticcouncil.org/blogs/new-atlanticist/can-the-us-and-eu-rein-in-big-tech-with-diverging-approaches/)

While there is a fair amount of overlap in the antitrust approaches of the United States and the European Union, there are also significant differences. To understand these differences, it is helpful to distinguish between substantive (legal) and institutional issues—and to recognize the diverging ideas about the role of government in antitrust enforcement that underpin the entire enterprise. As far as the substantive antitrust rules, there is broad overlap. For example, authorities on both sides of the Atlantic tend to fall in line with one another when evaluating proposed mergers. If something is deemed unacceptable commercial behavior in the United States, it is generally also considered out of bounds in Europe (and vice versa). But when it comes to single-firm conduct―particularly relevant in the context of Big Tech―there are notable differences. Historically, the EU Commission and some EU member states have been much more aggressive in finding “abuse of dominance” than the DOJ or the FTC in their pursuit of “unlawful monopolizations,” likely because the market-share thresholds required to establish dominance under EU law are significantly lower than under US law. And once a company is found to have a dominant position, the European Court of Justice has held that it has a “special responsibility” to preserve competition in that market. No similar obligation exits in the United States. The biggest difference, however, is the way in which individual cases are examined and adjudicated. In the United States, federal antitrust enforcers at the DOJ and the FTC lack the authority to decide cases independently. If, after an investigation, the DOJ determines that there has been an antitrust violation, its only option is to bring a civil lawsuit against the offending party in federal district court. In addition to going to district court, the FTC also has the option of pursuing the matter before an administrative law judge; but in either case, the FTC, like the DOJ, merely acts as a prosecutor. In the European Union, the entire process―from initial investigation through final adjudication, including the imposition of sometimes heavy fines―is conducted by and within the EU Commission. This setup has led some in the United States to raise concerns about due process. While the Commission’s powers are more far-reaching than those enjoyed by either the DOJ or the FTC, any concerns about a lack of due process are, according to EU law experts, misplaced. Besides reflecting the administrative-type enforcement systems found in most EU member states, it’s simply an example of how legal systems on continental Europe differ from that of the United States. Also, any party that gets an adverse decision from the Commission has an absolute right of appeal to EU courts.

#### Perception of US isolationism is inevitable

Steven Erlanger 20. Chief diplomatic correspondent in Europe for The New York Times. "Europe Wonders if It Can Rely on U.S. Again, Whoever Wins". No Publication. 10-22-2020. https://www.nytimes.com/2020/10/22/world/europe/europe-biden-trump-diplomacy.html?action=click&module=Top%20Stories&pgtype=Homepage

BRUSSELS — Treated with contempt by President Trump, who considers them rivals and deadbeats instead of allies, many European leaders look forward to the possibility of a Biden presidency. But they are painfully aware that four years of Mr. Trump have changed the world — and the United States — in ways that will not be easily reversed.

Even if civility can be restored, a fundamental trust has been broken, and many European diplomats and experts believe that U.S. foreign policy is no longer bipartisan, so is no longer reliable. “The shining city on the hill is not as shining as it used to be,” Reinhard Bütikofer, a prominent German member of the European Parliament, put it bluntly.

For the first time, said Ivan Krastev, director of the Center for Liberal Strategies, “Europeans are afraid that there is no longer a foreign-policy consensus in the United States. Every new administration can mean a totally new policy, and for them this is a nightmare.”

The ideological divide will be on display on Thursday, when Mr. Trump and Joseph R. Biden Jr. are scheduled to hold their final presidential debate.

There will be what most consider low-hanging fruit for a Biden administration that will please Europeans. The crop includes an extension to the New Start nuclear arms control treaty with Russia and returns to the Paris climate accord, the World Health Organization and even the Iran nuclear accord. There will be feel-good meetings and statements about multilateralism, less confrontation about trade, renewed efforts to reform the World Trade Organization and a less combative atmosphere at summit meetings of the Group of 7 and NATO.

But Mr. Trump’s complaints are shared by many Americans, and given the polarization in America, President Emmanuel Macron of France has pushed Europe to step up in an altered world, where China is rising and the Trump administration is only a symptom of an American retreat from global leadership, not the cause.

The idea of European “strategic autonomy” — of a Europe less dependent on Washington and with its own strong voice in the world — has been gaining ground, even if it is more aspiration than reality.

Some, like Nathalie Tocci, director of Italy’s Institute of International Affairs, and François Heisbourg, a French security analyst, fear that a Biden presidency could short-circuit European autonomy and let Europeans continue, as Ms. Tocci said, “sticking our heads in the sand.”

A Trump re-election, of course, might accelerate the trend toward autonomy, even if few believe that Mr. Trump would be able to pull out of NATO, as one of his former national security advisers, John Bolton, suggested he might.

American foreign policy was traditionally bipartisan — the old phrase that “politics stops at the water’s edge” had merit, especially during the Cold War. But the collapse of the Soviet Union meant that foreign policy, too, was subject to deepening political polarization in the United States.

“There is an incredible decay in Europe of the sense of the United States as a leader,” accelerated and symbolized by mishandling of the coronavirus, said Jeremy Shapiro of the European Council on Foreign Relations.

“Biden doesn’t solve their America problem,” he said. “He’s not going to be president for ever, and Democrats won’t always be in power, and people have learned that the U.S. can’t be trusted on foreign policy, because the next administration will come in and wipe it away.”

The inconsistency of U.S. foreign policy has undermined American credibility, some warned.

There is “an American decline in geopolitical weight,” said Francis Fukuyama of Stanford University. “The single fact that shapes the U.S. role in global politics is polarization, and this polarization will not disappear if Joe Biden is elected,” he said. “Americans simply don’t agree with one another on basic premises, even on how much America should be involved in global affairs and NATO.”

William J. Burns, a former senior American diplomat who now runs the Carnegie Endowment in Washington, thinks the damage is lasting, no matter who wins the election.

“One of the more insidious effects of polarization is to make foreign policy a tool of partisan politics,” he said. “It’s done enduring damage to America’s reputation in the world for being able to keep its word.”