# Round 1---Texas 21

## 1NC

### Off

Notice-and-Comment CP

#### The United States federal government should delegate antitrust rulemaking authority to a new expert agency. That agency should begin notice-and-comment rulemaking to substantially increase prohibitions on domestic export cartels that operate in foreign nations without protections for export cartels.

#### Solves and engages notice-and-comment.

Rebecca Haw 11. Climenko Fellow and Lecturer on Law, Harvard Law School. J.D., Harvard Law School, 2008; M. Phil, Cambridge University, 2005; B.A., Yale University, 2001."Amicus Briefs and the Sherman Act: Why Antitrust Needs a New Deal." Texas Law Review, vol. 89, no. 6, May 2011, p. 1247-1292. HeinOnline.

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

A. The Agency Solution

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

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

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

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

#### That’s key to democracy.

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

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

CONCLUSION

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

#### Democracy prevents extinction.

Christopher Kutz 16. PhD, University of California, Berkeley. JD, Yale University. Professor, University of California, Berkeley, School of Law. “Introduction: War, Politics, Democracy”. On War and Democracy. 2016. https://doi.org/10.1515/9781400873937-003

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

### Off

T-Scope

#### Interp---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?

#### Violation---the Aff doesn’t 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 Neg---limits and ground---only “change goals” creates key economy and legal DAs over what antitrust should consider---the Aff’s topic races to tiny exemptions and technical changes with no core ground.

### Off

K

#### The Aff’s competitive state model reinforces taken-for-granted nationalism, which makes answering transnational questions impossible.

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

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

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

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

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

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

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

#### “Modeling” is nationalist---assumes the competition-state searching for “best practices” to outcompete threats.

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

Conclusion: the nationalism of models

In conclusion, the concept of “model” deserves some attention. The current discussion on models is inspired by the encounters between globalised capital and national institutions, and it indicates increasing reflexivity as an aspect of globalisation. The popularity of the concept of “the Nordic model” since the 1980s implies such a shift of perspective. Reflexivity is nourished by the imperatives of competitiveness, which include the need for continuous comparisons in order to learn the universal “best practice” or to find the “difference”, i.e. an edge, one’s own particular competitive advantage. European integration has provided an important context for the discussion on models.

An interesting ambiguity appears in the current usage of the concept of model. It may refer to a structure that has become threatened through globalisation, or it may refer to a way of responding to the challenge. The former meaning is obvious in the discussion on the threats against the “Nordic welfare-state model”. The latter, in turn, is manifested in the praising of “the Danish model” of “flexicurity”46, or “the Finnish model” as a paragon of consensual competitiveness in a new knowledge-based society47, or “the Nordic model” in general, assessed to be capable of embracing globalisation by means of risk sharing48. In both cases – the model as a target of threats or the model as a response – globalisation is dealt with as a national challenge. Yet the ambiguity of the concept of model indicates the changing role of the nation state, which can be characterised by the concepts of welfare state and competition state. Instead of a shift from the welfare state to a competition state, the change reflected by the two sides of the concept of the “Nordic model” can be interpreted as a conversion in which welfare-state institutions are modified to serve competition-state functions.

#### The threat transcends borders---it’s try-or-die for transformative cosmopolitanism’s move away from the nation-state.

Ulrich Beck 14. Institute of Sociology, Munich, Germany. “We Do Not Live in an Age of Cosmopolitanism but in an Age of Cosmopolitization: The ‘Global Other’ is in Our Midst.” https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7124081/

Nation

But the same is true for the macro level as well. Like climate change, most of the main impetuses for social and economic transformations in the new century do not differentially or exclusively apply to certain limited groups of nations. Consider the following: global free trade and financialization, corporate deterritorialization and transnationalized production, globalized policy consulting and formulation (coerced by the International Monetary Fund, etc.), and, last but not least, globally financed and managed regional wars (Chang 2010b: 444–445).

There are no permanent systematic hierarchies, sequences or selectivities by which different groups of nations—whether at different levels of development, in different regions or of different ethnicities and religions—are exposed to these new civilizational forces in mutually exclusive ways. Wanted or not, they are every nation’s and every person’s concern because they are structurally enmeshed with the new civilization process which I call ‘(reflexive) cosmopolitization’; and the civilizational condition thereby shared across the globe is ‘(reflexive or) second modernity’.

Cooperate or Fail!

Recent world history seems to dictate that surviving, let alone benefiting from, these new civilizational forces requires every nation to actively internalize them and one another. Again: the global other is in our midst!

Isolationist efforts—whether spoken of in terms of trade protectionism, religious fundamentalism, national fundamentalism, media and internet control or whatever else—are readily subjected to international moral condemnations (and, to some extent, ineffective). In fact, accepting or refusing these forces remains beyond willful political or social choices because they are globally reflexive—that is, compulsively occurring through the cosmopolitan imperative: cooperate or fail!

There is an increasing unease, nourished not least by the hesitant responses to the global financial crisis, the European currency crisis, and the poor results of the last global climate conference at Copenhagen in 2009, that these institutions are proving unable to address the challenges they were created to meet. Similar developments can be observed at the national level, regarding, for example, democratic institutions, welfare systems, families, and so forth. Can the World Bank solve the global problem of poverty? Can the Food and Agriculture Organization of the United Nations (FAO) solve a global food crisis? Can the World Trade Organization effectively regulate global trade? It seems as if these institutions do not constitute a sufficient basis for managing or controlling the global risks and crises created by the global victory of industrial capitalism.

Reflexivity and Normativity4

The age of cosmopolitization finally means that the great questions of life have to be addressed and understood—in opposition to the main trends in sociology and art, albeit from a novel point of view: in the distant other who is also very close we recognize ourselves.

Every epoch has its own epistemological and moral Sisyphus-questions: what is a ‘good life’? What is a ‘good government’? What goes towards making a ‘good society’, a ‘good family’ (a ‘good woman’, a ‘good man’, a ‘good child’, etc.)? All social and moral orders hitherto had, implicitly at least, answers befitting their own age or aspiring to universal validity. Reflexive cosmopolitization casts doubt on these claims in two ways: on the one hand, the regime of the Either/Or had traditionally set territorial limits to the contradictions of particular universalist claims to a ‘good life’, a ‘good society’, and a ‘good religion’ and in so doing, defused them. In the age of cosmopolitization, this world of clear distinctions and classifications now disappears. It follows that today in the everyday encounters between world religions the claims to universal validity of the two major cultures of Europe—the culture of Christianity and the culture of secular modernity—no longer hold water. The same may be said of the particularist universalist claims of other religions, such as Islamist universalism (‘Ummah’). Thus it is not just the case that religious differences become sources of conflict; over and above that, in the cosmopolitan constellation, we are witnessing the implosion of contextually defined universalisms and national and ethical certitudes along with them. Hence the outburst of neo-nationalism and the emergence of a democratic racism in the midst of societies everywhere.

On the other hand, a second consequence of this change is that we are witnessing the opening of a horizon in which new, existential Sisyphus questions become visible for which traditional social and political systems hold no answers. These questions concern the possibility of what Joshua J. Yates (2009) calls ‘the good world’, as the solution to a civilization at risk of self-destruction. They ask whether a modernity without limits (unlimited freedom, unlimited capitalism, unlimited research into human genetics, reproductive medicine, nanotechnology, etc.) needs ‘reflexive taboos’ (Beck/Sznaider 2011) to protect its most sacred values from itself. Is this the explanation for the absolutely unquenchable thirst for limits that is convulsing the global community?

This is exactly what the transformative dynamics of the second, cosmopolitan modernity is about! Isn’t there a gulf of centuries between the threats, opportunities and conflict dynamics of border-transcending, radicalized modernization in the twenty-first century and the ideas, institutions and structures of industrial capitalism and national state authority rooted in the nineteenth century?

It has become a commonplace that national institutions alone are unable to cope with the challenges of regulating global capitalism and responding to new global risks (Beck 1999, 2009). It is no less obvious that there is no global state or international organization capable of regulating global capital and risk in a way comparable to the role played by the European welfare national state in first modernity. In my Munich research centre (Institute for the Study of Reflexive Modernization), Edgar Grande in particular is concentrating on ‘risk regime’. There are platforms of cosmopolitan cooperation between representatives of transnational capital, national governments, global civil society groups and EU experts—trying to find answers to all kind of risk problems and conflicts which can later be implemented in national spaces. And, of course, regional powers become important: Cosmopolitan Europe (and maybe in the future a Cosmopolitan Asia, a Cosmopolitan South America, a Cosmopolitan Africa as well).

Re-mapping Social Inequality Beyond Methodological Nationalism

Studying the cosmopolitization of social inequality—and, indeed, across the globe inequalities seem to have increased—it is less clear that social class is the principal unit of analysis and investigation. I rather provocatively developed the argument that ‘social class’ is too soft a category to study social inequalities in the twenty-first century.

I developed three points here: first, the world of second modernity is a world of unbelievable contradictions and contrasts. There are ‘super modern castles’ or citadels constructed next to scenes of Apocalypse Now (as with the now destroyed World Trade Center in New York with thousands of beggars living in the subway below). Class hardly captures such shimmering inequality.

Second, the major movements of change have little to do with class, even that responsible for the most stunning transformation of the past three decades, such as the financial crisis of 2008, ‘9/11’ and the dramatic and unpredicted bringing down of the Soviet empire by various rights-based social networks.

Third, the national outlook on social inequality is inward orientated. It stops at the borders of the nation-state. Social inequalities may blossom and flourish on the other side of the national garden fence, which is, at best cause for moral outrage, but politically irrelevant.

A clear distinction must be made, therefore, between the reality of social inequality and the political problem of social inequality. National boundaries draw a sharp distinction between politically relevant and irrelevant inequality. Inequalities within national societies are enormously magnified in perception; at the same time inequalities between national societies are faded out. The ‘legitimation’ of global inequalities is based on an institutionalized ‘looking the other way’. The national gaze is ‘freed’ from looking at the misery of the world. It operates by way of a double exclusion: it excludes the excluded. And the social science of inequality, which equates inequality with nation-state inequality, is unreflectively party to that. It is indeed astonishing how firmly global inequalities are ‘legitimated’ on the basis of tacit agreement between nation-state government and nation-state sociology—a sociology programmed to work on a nation-state basis and claiming to be value-free!

My point is that while the performance principle legitimates national inequality, the nation-state principle legitimates global inequality (in another form). How? The inequalities between countries, regions and states are accounted politically incomparable. In a perspective bounded by the nation-state, politically relevant comparisons can only be played out within the nation-state, never between states. Such comparisons, which make inequality politically explosive, assume national norms of equality.

Paradox: even de-creasing global inequalities and in-creasing global norms of equality make global inequalities socially and politically explosive. Why? Because nation-state borders lose their function to legitimate global inequalities.

Yet that is precisely what the national gaze fades out: the more norms of equality spread worldwide, the more global inequality is stripped of the legitimation basis of institutionalized looking away. The wealthy democracies carry the banner of human rights to the furthest corners of the earth, without noticing that the national border defences, with which they want to repel the streams of migrants, thereby lose their legitimation. Many migrants take seriously the proclaimed human right of equality of mobility and encounter countries and states which—not least under the impact of increasing internal inequalities—want the norm of equality to stop short at their fortified borders. Put in other words, that means: the conception of social class, based on principles of nationality and statehood, misleads analysis. Most theorists of class, including Bourdieu (1984), who thought so extensively about globalization in his final years, identify class society with the nation-state. The same is true of Wallerstein (1974/1980/1989), Goldthorpe (2002) and, incidentally, also of my individualization thesis.

World Risk Society and Its Political Dynamics

Why is the concept of ‘(world) risk society’ so important in order to understand the social and political dynamics and transformations at the beginning of the twenty-first century? (Beck 2009). It is the accumulation of risks—ecological, financial, military, terrorist, biochemical and informational—that has an overwhelming presence in our world today. To the extent that risk is experienced as omnipresent, there are only three possible reactions: denial, apathy and transformation. The first is largely inscribed in modern culture, but ignores the political risk of denial; the second gives way to a nihilistic strain in postmodernism; the third marks the issue the theory on world risk society raises: how does the anticipation of a multiplicity of man-made futures and its risky consequences affect and transform the perceptions, living conditions and institutions of modern societies?

#### COVID provides overarching uniqueness---it makes post-Westphalian ruptures possible and necessary but not inevitable.

Jay Blumler and Stephen Coleman 21. Jay Blumler is Emeritus Professor of Public Communication at the University of Leeds and Emeritus Professor of Journalism at the University of Maryland. Stephen Coleman (corresponding author) is Professor of Political Communication at the University of Leeds. “After the Crisis, A “New Normal” for Democratic Citizenship?” Javnost - The Public, 28:1, 3-19, DOI: 10.1080/13183222.2021.1883884

The lesson we draw from these studies is that crises do not generate changes in norms and practices deterministically through some sort of metaphysical shock wave. Normative and practical changes are consequences of altered perceptions of meaning. Crises throw social meaning into disarray, fracturing seemingly settled accounts of who “we” are; whose social contributions are most important; how to speak about causes and effects; feasible scales of social coordination; what can and cannot be tolerated; and how to demonstrate accountability. In crises, contestations of meaning become more explicit. Claims that certain perspectives are beyond the pale have less clout. Ideas that had an incipient, but marginal presence in pre-crisis thinking might begin to be taken seriously. A mixture of nervous conjecture and confident extemporisation inflect the public conversation, undermining abiding certainties.

Faced with a historically exceptional combination of global pandemic and economic depression, some citizens and politicians reach for a new language of civic reflection. This is because any hope of tackling the unprecedented debt pressures, market failures, infrastructural collapse, population immobility, intensifying inequalities and collective trauma generated by the crisis will not only call for imaginative, coordinated and massively resourced policy responses, but a new way of talking about policy that is not weighed down by obsolete categories. In short, much depends upon whether people can find a common frame of reflection that will enable them to think, speak and act upon what binds them together as well as what divides them.

Politics arises when people disagree, and now that there are more and bigger problems than ever to disagree about it is vitally important to find ways of arguing that do not exacerbate uncertainty or intolerance. In any political disagreement there are two matters at stake: firstly, the nature of the dispute; secondly, the competing options for action. The second cannot be realised unless there is some clarity surrounding the first. The political theorist, William Connolly (1993, 2) suggests that the distinction between these tasks can be compared to the conventionally agreed meanings set out for juries before they deliberate on a legal case:

The jury examines the evidence and reaches a verdict but prior to its deliberations, the judge, acting as the official interpreter of the law, charges the jury with a set of responsibilities, establishes what can be considered as evidence, and specifies what constitutes a punishable offense … In charging the jury and in regulating the presentation of evidence to it, the judge, we might say, specifies the terms within which the jury considers evidence and reaches a verdict.

Of course, democratic public debate does not take place in a courtroom in which the rules of discourse can be laid down by an authoritative judge. The contestability of the terms of political discourse by the people themselves is a fundamental precondition of democracy. People must not only be able to have their say, but to determine what they are talking about; what matters and what things mean. This entails a capacity to argue about the very norms that underpin policy decisions and to communicate across differences, acknowledging normative disagreements as necessary features of political communication. It is to these matters of normative contestation that we refer when we suggest that “the new normal” depends upon finding a refreshed language of democratic citizenship. What form might this discursive reconfiguration take? How might it be incorporated into an emerging vernacular of civic discourse?

Re-Thinking the Space, Mediation and Contestation of Citizenship

Citizenship involves the performance of norms and practices through which people are bound to strangers within communities of co-existence. The traditional liberal conception of citizenship sees it as a relationship between individuals and the state entailing the exercise of duties and rights. Citizenship in this sense is a status bestowed on those who are full members of a polity. Anyone who possesses this status is equal, having all the rights and duties that come with legally sanctioned legitimacy. No universal principle determines what those rights and duties shall be, but over time societies tend to create images of the ideal citizen and direct individuals to aspire to them (Marshall 1964).

In contrast to this legalistic notion of citizenship, there is a broader, less state-bound characterisation which sees it as comprising a repertoire of practices that people inherit and devise in order to co-exist interdependently with others. In this broader sense, to act as a citizen is to engage in public situations of various kinds with people one might not know and who might not share one’s interests, tastes, values, or even language. Sometimes civic interactions will involve relations with governments, authorities, or employers. At other times they will relate to quotidian ways of living amongst neighbours and strangers. Performances of citizenship are both framed institutionally, conforming to conventional notions of political and civic participation (voting, joining parties and campaigns, following the news) and improvised from below, often transcending or resisting established civic scripts. Through such extemporised forms of social practice, citizens create what Arendt (1958, 198) refers to as “spaces of appearance”: “the space where I appear to others as others appear to me, where men (sic) exist not merely like other living or inanimate things, but make their appearance explicitly.”

The crisis induced by the pandemic raises fundamental questions about how citizens are to “make their appearance explicitly.” Most of the decisions and regulations responding to the crisis have been framed by political elites and legitimised by appeals to expert wisdom. Public involvement in shaping or making such decisions has been extremely limited, raising questions about the role of democratic publics in responding to critical issues that affect them. Moves to democratise crisis response are bound to consider fundamental questions about who constitutes “the public” (given the need to respond to social challenges that transcend political borders); how civic discourse is mediated (given the need to generate global narratives, conversations and concerted actions in the face of common threats) and how political differences can be both recognised and negotiated (given the urgent need for pluralistic publics to work through complex problems). It is to these questions that we now turn.

Constituting the Public Domain

The global pandemic has brought into sharp focus the spatial framing of political problems within national boundaries. Since the middle of the seventeenth century, politics has been conceived as “taking place” within national units characterised by territorial borders, sovereign authority, civically attached populations and bounded economic interests. The emergence of nation-states as a natural scale of political action and analysis is the defining feature of the Westphalian order in which to govern is to protect and enhance national state interests; to be a citizen is to belong to a nation state, thereby bound by specific geo-political responsibilities and rights; and to speak of democracy in an empirically meaningful sense is to refer to a mode of legitimacy operating at the nation-state level. The Westphalian view of political place established a firm distinction between domestic and foreign domains; inside and outside; the scope of national control and extraneous precariousness.

The robustness of these conceptual categories of inter-national social order have been called into question by the speed and density of global economic and cultural interconnections that have become increasingly manifest since the late twentieth century. The conception of the globally dominant capitalist market as a “world system” was elaborated in the mid-1970s by Immanuel Wallerstein (1974, 390) who urged social scientists to abandon the reification of the nation-state as the primary unit of politico-economic analysis. He argued that capitalism could only operate as a world economy “with a single division of labour and multiple cultural systems.” In short, states might be distinguished by cultural characteristics and domestic political projects, but they cannot escape their enmeshment in a global system of interdependent economic relations. Some theorists have celebrated globalisation as a modernising force, while others have warned against its homogenising flattening of cultures. Rejecting the simplistic notion of globalisation as “a single society and culture occupying the planet” (Waters 1995), more nuanced theorists have observed that the contemporary world is characterised by a marked tension between the specificity of place and the overriding dynamics of a global system. The latter frequently overrides the particularities of national statehood, economy and culture, while state actors do what they can to assert their independence. It makes sense to think of there being “multiple, overlapping, and sometimes contradictory globalisms” (Tsing 2000, 342), with states reshaping their territorial claims “on to both sub- and supra-national geographical scales” (Brenner 1999, 65). Such framing and reframing of political space depend as much upon symbolic mediation as upon the rules, treaties and logics of transnational institutions. In short, globalisation entails an ongoing struggle to tell people where and to what they belong.

The Covid-19 health crisis is a primary example of this battle to frame a global event. Most people acknowledge that the pandemic is truly global, albeit disparately pernicious in different parts of the world, and at different times. In relation to the urgent need for global coordination to find a vaccine, the insular ambitions of nations or regions seem manifestly petty and irrelevant. However, that has not stopped nationalist leaders from playing blame games in which they ascribe the origin of the virus to nefarious foreign states, or from making boastful claims that their public health strategy is “world-beating” rather than simply functional. Rarely has the disconnect between bombastic national rhetoric and empirical global reality seemed more conspicuous.

Given that the most pressing and intractable contemporary challenges can only be addressed through global coordination, the challenge of finding effective ways of communicating and acting beyond national silos seems more urgent than ever. From the spread of viruses to regulation of the environment, and from the direction of migration flows to the looming catastrophe of climate change, nation-states appear to be Canute-like before the irresistible waves of globalism. Left to themselves, nations squabble about who should take responsibility, constantly deferring meaningful action until others have made a move.

The inescapably global nature of the pandemic has shown the futility and risk of such an approach, casting doubt upon the pursuit of national solutions and pointing towards the urgency of appeals to transnational public agency. Faced with globally diffuse problems of viral contagion, climate change and market instability, the civic case for stretching the use and meaning of the term “we, the public” becomes compelling. This important shift in collective self-consciousness entails the adoption of what Nancy Fraser (2007, 21) refers to as “the all-affected principle”:

Today, … the idea that citizenship can serve as a proxy for affectedness is no longer plausible. Under current conditions, one’s conditions of living do not depend wholly on the internal constitution of the political community of which one is a citizen. Although the latter remains undeniably relevant, its effects are mediated by other structures, both extra and non-territorial, whose impact is at least as significant … In general, globalization is driving a widening wedge between affectedness and political membership. As those two notions increasingly diverge, the effect is to reveal the former as an inadequate surrogate for the latter.

It follows from Fraser’s analysis that “what turns a collection of people into fellow members of a public is not shared citizenship, but their co-imbrication in a common set of structures and/or institutions that affect their lives” (ibid, 22). The logic of the all-affected principle rejects the notion that only national publics can confer democratic legitimacy, as the latter depends upon registering the voices of all those who are potentially affected by a problem, notwithstanding their national labels. This amounts to a post-Westphalian conception of citizenship in which, rather than being fragmented by artificial political divisions, the public is characterised by its common vulnerabilities, experiences and capacities. Members of post-Westphalian publics will continue to disagree with one another, of course, but the public sphere within which such political disagreement takes place will correspond to the dimensions of the issues at stake.

To be clear, it is only through the emergence of a cosmopolitan public domain in which solidarities are rooted in common affectedness rather than national-legal identities that global challenges such as the pandemic and economic depression, as well as climate change and other environmental threats, can be tackled democratically. This does not amount to a utopian call for citizens to adopt an abstractly cosmopolitan stance. Already competing with discourses of nationalism and populism in contemporary societies are many millions of voices across the world who view social problems from the perspective of a universal humanity sharing a common home. Such people are more inclined “to take risks by virtue of encountering the ‘other’” and to possess “some ability to reflect upon and judge aesthetically between different natures, places and societies” (Szerszynskiand and Urry 2002, 470). By understanding that “[g]lobalisation has brought large swathes of the world’s population closer together” in overlapping communities of fate (Held 2003, 478), many contemporary campaigners for social justice frame their arguments in terms of a language of cosmopolitan sensibility. These include movements opposing the structural inequalities of transnational economic power (such as Occupy Wall Street), ecological depredation (the School Strike for Climate Change), institutional sexism (MeToo) and racism (Black Lives Matter). The effectiveness of these campaigns in bringing injustices to global attention does not entail abandoning national institutions and populations as if they no longer matter, but framing messages to affected citizens within a cosmopolitan context that celebrates openness to global heterogeneity, pluralism and nuance.

As the pandemic highlights the limitations of the Westphalian conception of “normal” by forcing people from across the world to face up to their interdependence, both in terms of the transnational porosity of contagion and the resources needed to contain it, it calls attention to the aptness of a “new normal” in which shared social problems are addressed on a new scale. This adjustment of scale calls into being new conceptions of the public, defined increasingly in terms of shared affectedness.

Given that the most urgent crisis facing the world in the aftermath of the pandemic will be the threat of global catastrophe caused by climate change, the world is increasingly dependent upon the practical effectiveness of calls to action that are couched in a language of citizenship that transcends state borders and prioritises shared affectedness. The challenge of co-ordinating moral and political responses with a view to enhancing the public’s global agency is now a prerequisite for even modest success of efforts to save the planet from systemically wrought depredation. Could the public that has begun to develop a consciousness of its collective global vulnerability during the pandemic act upon such awareness beyond the current crisis?

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

Nancy Fraser 5. Henry A. and Louise Loeb Professor of Political and Social Science and professor of philosophy at The New School. “Reframing Justice in a Globalizing World, NLR 36, November–December 2005.” New Left Review. https://newleftreview-org.proxy.library.emory.edu/issues/ii36/articles/nancy-fraser-reframing-justice-in-a-globalizing-world

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

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

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

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

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

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

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

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

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

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

Specificity of the political

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

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

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

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

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

Three levels of misrepresentation

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

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

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

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

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

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

### Off

T-Private Sector

#### Interp---private sector means all non-governmental individuals or entities.

Senate Report 95. “S. Rept. 104-1 – Unfunded Mandate Reform Act of 1995”. 104th Congress. 1995. https://www.congress.gov/congressional-report/104th-congress/senate-report/1

“Private sector” is defined to cover all persons or entities in the United States except for State, local or tribal governments. It includes individuals, partnerships, associations, corporations, and educational and nonprofit institutions.

#### Violation---the plan only applies to domestic export cartels, a specific subset of the private sector.

#### Vote Neg:

#### 1. Limits---there are infinite potential subsets---industries, products, companies, individuals, etc.

#### 2. Ground---only economy-wide Affs have link uniqueness and literature.

### Trade Adv---1NC

#### The plan is perceived as a protectionist shockwave that shreds global trade.

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INTRODUCTION

Trump. Le Pen. Brexit. Protectionist rhetoric has consumed the international political stage. Western countries and their leaders were once the drivers of economic globalization, relying on free-market speeches and the prospect of removing trade barriers to appeal to their constituents. 1They pointed fingers at other countries engaging in or encouraging protectionist behavior and challenged them in the court of public opinion and elsewhere to stop their antics. The "our country first, world trade after" mentality was widely politicized and vilified. Now, it seems that Western national leaders are championing the very protectionism that they once criticized. 2

Although a system of truly free world trade has never been perfected, past world leaders have eliminated most of the protectionist trade mechanisms that once ran rampant in the international economy. They did so by implementing multilateral and bilateral trade agreements. These webs of agreements have bolstered decades of support for free trade, or at least some version of it. By and large, tariff policies and other forms of protectionism were either eliminated or dramatically reduced. Now, as we have seen in the media, when a government imposes a tariff, it becomes a rather extreme political statement which sends a shockwave of significant global consequences.

Protectionism did not end when the age of overbearing tariff policies did, despite then-leaders’ best efforts to vilify it. Rather, the end of the tariff era forced nations to achieve protectionist goals through more subtle trade vehicles, like antitrust law.3 So, the recent resurgence of protectionist rhetoric should mean that these subtle trade vehicles, including antitrust law, will be relied on more heavily. It is a fear of many that antitrust law may become overused and inequitably applied to achieve and combat protectionist aims.

Notwithstanding the recent uptick in tariff threats, it is unlikely that all Western leaders will revamp or terminate the trade agreements set forth by their predecessors and bring back the kinds of tariff policies that once existed in their place. Although in the United States (“U.S.”), President Trump recently imposed tariffs on steel imports, it appears that his intent is to limit this behavior to a specific industry rather than institute a widespread policy favoring the use of tariffs generally.4 To remedy bad behavior in a specialized set of industries is not to instigate a global paradigm shift. This purpose is underscored by his use of the national security exemption, which is largely interpreted as being used for individual situations rather than general policy schemes.5 Many still hope that his course of action will be retracted and is merely a strong negotiation tactic. However, there is no doubt that Trump is far more comfortable than past leaders with subverting the status quo on trade relations.

Trump is not the only high-profile leader flirting with staunch protectionism. Western *leaders* in the E.U. appear to be growing more comfortable than their predecessors with considering similar policies. However, Western *lawmakers* themselves do not seem as persuaded by the statements of their leadership. The general sentiment among international policymakers is that there has been too much political wherewithal spent on loosening international trade barriers to take actions that could counteract that progress.6 Presidential actions taken because of dissatisfaction with current global trade relations aside, a complete overhaul of trade agreements may be too daunting and difficult a task, especially absent ample political support in legislative bodies.

Given the anticipated continuation of cooperative trade agreements and the proliferation of protectionist rhetoric as the new norm of public opinion, leaders will be forced to rely on existing avenues to meet protectionist aims. Again, we find ourselves relying squarely on antitrust law, the more subtle and widely accepted mechanism of restricting trade, to address perceived inequities. In the words of the World Trade Organization (“WTO”), “once formal trade barriers come down, other issues become more important.”7 Among the important issues lies antitrust law. Antitrust and competition laws can form a subtle trade barrier resulting in the imposition of tariff-like measures.

Antitrust law can be enforced to reach protectionist aims and to combat them. It is a tool that allows nations to achieve individual protectionist aims without undermining the future of trade between countries and the cooperative framework underpinning the relatively delicate global free trade enjoyed today. However, the perception of enforcement of antitrust laws as an abusive and solely protectionist mechanism may cause the death of even the smallest semblance of international free trade that remains in the international marketplace today.

**No impact to trade.**

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The findings we report show that the Great War led to a rerouting, rather than a wholesale breakdown, of trade. This did not come as a surprise to states: the historical record shows that states anticipated wartime shifts in their trade channels. Most belligerents nonetheless incurred efficiency losses as a consequence of the shifts, but the losses pale in light of the aggregate costs the war imposed on them. These findings suggest that neglecting wartime trade channels can overstate the deterrent power of ex ante trade. It is reasonable to question the extent to which wartime trade can, in general, substitute for its ex ante counterpart. This depends, as we noted above, on the composition of trade. The dominance of homogenous products in trade at the time of World War I made substitution a feasible option. For the same reason, other wars that occurred during the first half of the twentieth century seem likely to have precipitated the same trade dynamics as did the Great War. Preliminary empirical analyses are consistent with this argument. 95 After World War II, however, intra-industry trade – that is, trade in differentiated products between countries with similar factor endowments – came to account for a much larger share of commerce. Krugman notes, for example, that intra-industry rose from about 22 per cent of trade between the industrialized countries in 1962 to about 50 per cent in 2006. 96 This trade tends to involve ‘highly specialized imported varieties for which domestic imports are hard to find’, 97 raising the estimated gains from trade that accrue to countries shifting from autarky to free trade. Trade in these products can magnify wartime trade costs to the extent that trade across enemy lines engages imports that cannot easily be obtained from other trading partners. Production networks also spread more widely across countries over time. This implies that conflicts in the more recent past might indeed have wreaked havoc on trade, raising the deterrent power of ex ante trade. But the composition of conflicts also shifted over time. After 1945, no war would ever again split the major trading states. As we noted above, the advent of the Cold War transformed them into each other’s sturdiest allies. Because the advanced industrialized countries account for a large share of intra-industry trade, post-World War II conflicts did not endanger the exchange of differentiated products. The same is true of foreign direct investment: for most of the twentieth century, it was largely the major developed country trading partners that were both its home and host countries. 98 The changing composition of warring dyads after World War II may help explain the findings in the empirical literature on this period that conflict and ex ante trade are inversely related. The effects of conflicts on wartime commerce in this period have yet to be examined, however. Conclusion That the First World War unleashed tremendous destruction is indisputable. It marked the inception of what has been described as the long European civil war. It resulted in sixteen million deaths and twenty million wounded and destroyed large amounts of physical capital. 99 In its wake, the great powers never established anything remotely similar to the Concert of Europe that succeeded the Napoleonic Wars. Their best efforts produced a League of Nations that was unable to resolve the conflicts of interest that stymied co-operation among them. They could agree neither on the enforcement of the Versailles Treaty nor on a collective response to the Great Depression, which set the stage for the outbreak of the Second World War. The Great War also reputedly destroyed the large trade flows that existed during the first golden age of globalization. For this reason, it has become central to debates about the liberal peace. Its outbreak seemed to destroy any hope that leaders had internalized the idea that war had become a ‘great illusion’, more likely to impose costs than benefits because of the concomitant destruction of the trade that had become integral to the growth of national power. 100 Because its belligerents had been each other’s major trading partners ex ante, the Great War seemed to destroy hopes that economic linkages would secure peace. Yet, the evidence we present here suggests that one of the largest wars in history did not induce a breakdown of trade. Instead, large shifts occurred in interstate commerce, privileging trade between allies, penalizing commerce between adversaries and increasing trade with neutrals. The composition of early twentieth-century trade helped to mitigate the welfare losses these shifts imposed, as it enabled states to switch trading partners and transit routes more easily than might seem possible later in the twentieth century. Because ex ante commerce between belligerents is not necessarily a good indicator of their ex post trade, estimates of the deterrent power of trade need to take both into account.

#### Antitrust is capitalist---competition inevitably replicates market collapse.

Richard Wolff 19. Professor Emeritus of Economics at University of Massachusetts, Amherst. Transcript from YouTube video: “Economic Update: Competition and Monopoly in Capitalism”. Democracy at Work. 12-9-2019. <https://www.democracyatwork.info/eu_competition_monopoly_in_capitalism>

Today I'm going to devote the program to something many of you have asked me to present, to talk about, to analyze, and that is the question of monopoly. It has to do with the assertions we hear often these days that somehow our capitalist system, here in the United States and beyond, is being negatively affected because monopolies have replaced or displaced competition. The idea here is if only we can get competition back, recreate a competitive capitalism, why then the problems we face will go away. Today's program is a design to show you how and why that is not the case, to think about these things in a different way from this nice story that capitalism is basically fine; it's just the monopoly form we have to get rid of so we get back to the competition which we're all supposed to believe is wonderful and presents us with no problems to solve. So let's go, and let's do it in a systematic way.

First, it is of course easier, faced with a declining capitalism, a capitalism that's all around us with its extreme inequalities, with its instabilities – here we are, trying to cope with the effects of the Great Crash of 2008, even while we anticipate the next downturn coming down the road soon – an economic system that has shown (that is, capitalism) that it is not respectful of the natural environment; it is not, as the words now go, sustainable in a reasonable way. Yeah, we're surrounded by problems of capitalism. So it's comforting in that situation to get the idea from somewhere that this really isn't a problem of capitalism as a system but rather the problem brought in somehow from the outside – monopoly – a situation in which competition among many companies gives way in some way we're not quite sure about to a domination by one or a small handful of companies. And so the argument goes, we don't have to be critical of capitalism; we don't have to think about an alternative system. No, no, we just have to deal with this little detail, the monopoly problem. And if we can deal with that, well, we'll get back to a competition, to a competitive capitalism that is good.

There are three big mistakes involved in this way of thinking, which is nonetheless very widespread and very popular, more so now than in quite some years. First mistake: Capitalism has been wrestling with the problem of monopoly from day one. We have had repeated periods of monopoly. They have eventually led to movements, often of many people, to destroy or remove monopoly. We used to call that in America trust-busting, or antitrust. We even have a department within the Department of Justice in Washington devoted to antitrust activities. Yeah, we've been waging battles against monopoly over and over again, and you know why? Because we keep having monopolies over and over again. Google is a monopoly. Amazon is a monopoly. They're all around us: companies that have effectively no real competition. This is a problem that capitalism has always displayed. And that ought to lead you to wonder whether thinking about it as something we can do away with isn't maybe the best possible example of wishful thinking.

The second big mistake is to imagine that competition is some unmixed blessing. It never was, and it isn't today. A competitive market is a human institution. Like every other human institution, it has strengths, and flaws, and weaknesses. To think of competition as some magical perfection is a silly abnegation of your own rational capability to evaluate something. It's sort of advertising thinking. By that, I mean the advertiser tells you what's good about the product they've been told to advertise; they don't tell you what's bad about it. If you want to evaluate it, you don't talk to an advertiser because they only give you one side. The people who promote competition use advertising logic. We're not going to do that here. Competition is no unmixed blessing.

And finally, I'm going to show you that competition is itself the major cause of monopoly. So that even if we ever got back to a competitive capitalism, all that would mean is we're back in the process that produces monopoly – as it always has.

All right, so let's begin. I'm going to start with explaining how competition has all kinds of consequences that most of you, like me, don't like, don't want. It's a discussion, if you like, of competition's other side: you know, the part that the advertiser doesn't tell you about. The used-car salesman who wants you to buy that junk doesn't tell you about what happened last week in the car crash that that was part of, etc., etc.

All right, let's begin. One of the major reasons that American corporations shut down their operations in the United States and moved them to China, among other places, is because of – you guessed it – competition. They wanted to make more money than they had been before. They were afraid of other companies beating them in the competitive game, so they said wow, let's go to China, because there you can pay workers a lot less. There you don't have the same rules to obey. There they don't care that much about pollution as they do here. So we can save on all kinds of costs, and that will allow us to undercut our competitors. Yeah, one of the consequences of competition was the exodus of American companies to other parts of the world, and the enormous unemployment that resulted from it. Yeah, that was a result, among other things, of competition.

Here's another one: Capitalists, employers, seeking to compete with one another, often engage in what we call automation. They bring in machines that are cheaper to use than human laborers, and that gets them a step ahead of their competitors. Okay, if we replace people with machines, we throw those people out of work. That has an impact on them, their self-esteem, their relationship to their spouse, their relationship to their children, their relationship to alcohol – should I continue? What are the social costs of automation? They're huge. They've been documented over and over again. Competition provokes and produces automation.

Let me give you another example: Companies are competing, say, in the food business – you know, trying to get a customer like you or me to buy this kind of cereal rather than another. So they get their labs to go to work, and they discover we can replace wheat, which we used to put in our little flakes, with – Lord help us – some chemical that is cheaper than wheat. We're not going to worry about what that chemical does to your chemistry in your body because we can now lower the price of our cereal, because we're saving on wheat, and undercut the competitor. The human beings who eat this stuff will suffer, now and in the future, but competition left our producer of cereal no choice.

And in case you think I'm making some up, let me give you some concrete ones. The Boeing Corporation, the major producer of airplanes in this country, is in a crisis as a corporation. You know why? Because the 737 Max crashed a couple of times, killing hundreds of people. And you know why? It turns out they economized on safety measures, and training measures. And you know why they did that? Because they're in a very tight competition with European and other airplane manufacturers, and that leads them – as it usually does – to look to cut corners: that race for, quote, "efficiency." Yeah, it was competition that contributed to those deaths and to that problem. That's competition too. You can't whitewash this story; they're real. One of the ways Amazon beats its competition is it speeds up the work process. It has figured out ways to make people work much more intensely, using up their brains, their muscles, their nerves, in ways that cause real long-term physical damage to working people. That, too, is a result of the competitive effort.

And you know, it wasn't so long ago that children were part of the labor force. That's right, kids as young as five and six years of age. We were told they have little fingers, you see. They can be more productive than people who are adults with big fat fingers, you know – that doesn't work. And by the way, you should be grateful because poor kids are the ones we hire, and that gives their poor families more income than they would otherwise have. We heard those arguments. Competition, the companies said, required them to use the more productive, and the lower-wage, children rather than adults. So child labor was also a result of competition. It was so ugly and so troubling to so many people that finally there were movements in the United States and many other countries simply to outlaw child labor. So it became a crime for any employer to use a worker who was under 16 or 18 years of age. That was a way in which people said we are not going to allow competition among capitalists to destroy our children. They were recognizing that competition has an awful effect in what it does to children.

Well, it has many awful effects. So let's be clear: In the history of capitalism, the monopoly problem (which we're going to get to in the second half of today's program) is no worse, it's just different, from the competition problems. Capitalism goes through phases of competition and monopoly, going from one to the other, as I will explain. But we shouldn't bemoan the one in favor of the other, any more than vice-versa. These are neither of them solutions; they are both phases of the problem. And the problem is capitalism, which does its number on us both in the period when it's competitive and in the period when it's monopoly. People who want us to engage one more time in an anti-monopoly crusade are doing something that in the end evades the problem, which is the system – capitalism – not this or that form of that system, such as competition and monopoly.

We've come to the end of the first half of today's Economic Update. This gives me an opportunity to remind you, please, to sign up if you haven't already, to subscribe to our YouTube channel. It's a way easily for you to support us, doesn't cost any money, and it is a big help to us in terms of our reputation and what we can accomplish. Likewise, please make use of our websites. They are there for your communication with us. They are there for you to be able to, with a click of a mouse, to follow us on Facebook, Twitter, and Instagram. And finally, a special thanks goes, as always, to our Patreon community for their ongoing enthusiastic support. It means the world to us. My final, very final for this first half, is about a new book that we have just produced and released. It's a follow-up to an earlier volume I have spoken to you about that was called Understanding Marxism. For the same reason, we have now produced a brand-new book, just out, called Understanding Socialism. It is a response, as this program is, to issues, questions, comments you have sent to us in large numbers. It's an attempt to give an overview of the different interpretations of what socialism means, of what happened in countries like Russia and China that tried to create this – the strengths, the weaknesses, the lessons to be learned, what to do, and what not to do. Please, if you're interested and want to follow up, check us out, check the book out: lulu.com is how you find both books. And I will be right back; stay with us.

Welcome back, friends, to the second half of today's Economic Update. This program, as I explained, is devoted to the analysis of competition and monopoly as two interactive, sequential phases of capitalism as a system. The first part of the program was devoted mostly to competition, so let's turn now to monopoly. What is the basic definition and criticism of monopoly? Strictly speaking, monopoly is defined simply as a situation in which the producers of a particular commodity – shoes, software programs, haircuts, it doesn't matter – have been reduced to only one. Literally one seller – a monopolist. But in general language, it includes also situations where many producers who once competed with one another have been reduced to only a handful. The strict term for only a handful is "oligopoly," but we don't have to split hairs about this. "Monopoly" will be the word we use for either one or a very small number.

For example, there were once dozens of automobile companies, but very quickly their competition reduced them to basically three for much of the post-World War II period, and you know their names: Ford, General Motors, and Chrysler. And likewise there were once many cigarette producers, there were once many television-set producers, and they became very few, whose names, therefore, we all know.

What's the criticism of a monopoly or oligopoly situation? Again, very simple: The idea is, if there's only one seller of something, that seller can jack up the price way above what he might have otherwise because he doesn't have any competitor. If he had a competitor, if he raised the price, the competitor would get all the business because we'd all go to the competitor who hadn't raised the price rather than buy it at a higher price from the monopolist. So we don't like monopolies, because they can jack up their prices and their profits because they don't have a competitor. And if it's a few, a handful, well then we talk about things like cartels: arrangements when a few get together over dinner, or out on the golf course, and tell us what the price is. If you ever wondered why the prices of different cars, different cigarettes, and so on, are so close to one another – mm-hmm – that's because there are few sellers, and somehow they worked it all out. But the basic criticism is that a monopoly is a situation in which the seller of something jacks the price up way beyond what they could otherwise get because there are no more competitors.

So let's talk about this monopoly problem and where the monopolies come from. Well, the first and most important lesson is this: Competition produces monopoly. It's not something external, imposed on competition. It has nothing to do with human greed or anything else. Are people greedy? You betcha – some more, some less – but that's really a separate matter. It's competition that produces monopoly, and let me show you how that works. In competition, we have, by definition, a whole bunch of producers. They all produce the same thing. They compete with one another, hoping we, the consumer, will buy from one rather than the other. They compete in the quality of what they produce and in the price of what they produce. And we are supposed, as consumers, to go look for the best quality at the lowest price, and to patronize that one who offers that to us better than the others that we could buy from but choose not to.

Okay, that's a fair definition. Now let's follow the logic. Company A produces – however it manages it – a better quality and/or a lower price than Company B. So we all go to Company A. Company B can't find any buyers because it's not competitive. Or to say the same thing in other words, Company A outcompetes Company B. Here's what happens: Company B collapses. Because it can't sell its goods, we're all going to Company A. So Company B sooner or later declares bankruptcy. It can't continue. It lays off its employees, it stops buying inputs, because it can't compete. Good. Now what happens in Company A? Company A says hey, there's a whole bunch of workers that have just lost their job at Company B; they're trained in producing what we produce; let's go hire some of them. And likewise, Company A says, they're not using their computers, or their trucks, or their other inputs. They're going to have to sell them on the secondhand market. We can get some important inputs we need at a lower price than we would have to pay if we bought them new. So what begins to happen is, where before there were two companies, A and B, there's now one larger A, and B has disappeared. Or to say the same thing in simple English, A – the winner in the competitive struggle – eats, absorbs into itself, what's left of Company B.

And this process is repeated over and over, until 30, or 300, companies have become one, or two, or three. That's the result of competition. That's how competition is supposed to work. That's how competition does work. It's important to understand: Monopoly is where competition leads. And as if that weren't enough, let me make sure you understand this from the business point of view: It is the great dream of every entrepreneur to become the last one standing in the competition, to win the competition, not just because it makes you feel good you outmaneuvered your competitors, but because if you're the last one standing, you're the monopolist. The reward for having outcompeted the others is that you're now in a position to jack up the profits, and the prices, way beyond what you could have done before.

So we have a system that produces monopoly, and all the incentives for every entrepreneur in competition to work as hard as possible to become the monopolist. So why is anyone surprised that monopolies keep happening, because they're the whole point and purpose of capitalist competition. If you ever were – and we never have, but if you ever were – able to get rid of all the monopolies and re-establish competition, all you would be doing is setting this same process in motion again for the umpteenth historical time. In other words, fighting against monopoly is pointless as long as you have capitalism, because it is the endless reproducer of this problem – as it always has been.

Now, how do monopolies maintain themselves? If you're the only one standing, you're a monopolist. Or you're an oligopoly, you're a few, and you get together and jack up your prices together. The question becomes look, a monopolist makes very high profits – much higher than a competitor can achieve – and isn't that an enormous incentive for other capitalists to get in on that business? Because look at the profits they're earning, because they're the only one. Apple, Amazon, Google – the profits are staggering. Everybody wants to get in. So the way a monopolist has to think is, I've got to create obstacles that block other people from coming in to get a piece of the enormous profits my monopoly allows me to get. We call that in economics "barriers to entry." Monopolists need to create barriers. Let me give you a couple of examples.

The major soft drink makers in the United States – basically Coca-Cola and Pepsi Cola – they produce a drink that has sugar and coloring in it, and lots and lots of water. Let me assure you, there is nothing difficult or complicated about producing a mixture of sugar, color, and water. It doesn't take a genius; it never did. Pepsi and Coca-Cola make a fortune off of their product, as we know, and they have for decades. They have a virtual monopoly. Now, lots of other people could produce water, sugar, and color close to, if not identical with, whatever they produce, but they can't break through. They can't really get to that status. And you know why? Because Coca-Cola and Pepsi erected a barrier to entry. And the way they did that was with advertising. Every billboard, every magazine cover, every doorway of every institution you've ever been to has a picture of smiling, happy people drinking one or the other. You've learned: that's the drink, that's the drink. Another company might make a perfect substitute, but they can't afford the enormous cost of advertising. The advertising costs more than the water, and the sugar, and the color. What you pay for when you buy Pepsi and Coke is the advertising that got you to buy it. You're paying for being hustled. But it works, because it means other companies know that they can't get in there by cheaply producing an alternative, because you have to produce the advertising that goes with it, or else you can't do it. And so their monopoly is maintained.

Here's another way to maintain a monopoly: Get the government to step in. Here the famous example is the milk producers. Some years ago, there was a crisis with milk. There was contamination; people were getting sick. So the clever milk monopolies came in and said, we're going to support the enormously expensive, special equipment to guarantee pasteurization, and so on, of milk. Why did they support it? Because your small farmer, your small dairy producer, can't afford it, so they go out of business. Only the big, rich few that are left can afford the enormous equipment. They used governmental rules to create a barrier to entry.

Here's another way: corrupt public officials. President Trump denounces Huawei corporation because it compromises our national security. It denounces European car producers because somehow their shipping cars here compromises our security. Who cares? As long as the president blocks other companies from getting into the business that might compete with an American, a barrier to entry exists. Monopolists have been very creative in coming up with ways to preserve their monopolies.

I don't want to lose the basic point. The basic point is: Capitalism oscillates, back and forth between competition and monopoly – first this industry, then that one. For a while, Ford, General Motors, and Chrysler were the monopolies – or the oligopoly, if you like – in automobiles. But eventually, Toyota, and Nissan, and Peugeot, and Fiat broke the monopoly. In that case, it was foreigners who did it. And then we had some competition, and that, then, is now shrinking. The French – the last two producers in France – have just agreed to merge. You get the picture. Industry by industry, first this one, then that one, go through one phase or another.

The important point is: The phases are not our problem. They merge into, and incentivize, each other. Each provokes movement in the other direction. The point to understand is that the problems of a capitalist system are not about this oscillation of phases. We're not going to solve the problem of monopoly by getting rid of them and re-establishing competition. We've been there; we've done that; it reproduces monopoly; and it doesn't change the basic inequality, unsustainability, instability of capitalism. We need to get beyond that stale, old debate – competition versus monopoly – and face the underlying reality: Capitalism is the problem, and getting beyond it is the solution.

#### Status quo solves cooperation on cartels.

Pieter JF Huizing, 18. Senior associate in the competition law department of Allen & Overy LLP in Amsterdam. "InnoLux v AU Optronics: comparing territorial limits to EU and US public enforcement of the LCD cartel." *Journal of Antitrust Enforcement* 6, no. 2 (2018): 231-260.

The need for international coordination of extraterritorial cartel enforcement is a hot topic in the global antitrust community. It is a recurring theme on antitrust conferences and a key focus of the advocacy efforts of international organizations such as the ICN, the OECD, and the International Bar Association (IBA). The focus of such efforts has often been on cooperation in respect of the investigation stages and less on coordination in respect of the scope and level of punishment.134 But there are more and more calls for authorities to also coordinate their cartel penalties. For example, during the OECD Roundtable on Cartels Involving Intermediate Goods in October 2015, several delegates highlighted ‘the importance of taking into account fines or sanctioning decisions already imposed by other competition agencies to minimise concerns about the fairness and proportionality of fines levied in multi-jurisdictional cases’.135 In June 2016, the Japanese Ministry of Economy, Trade and Industry (METI) published a report on its research into the enforcement of international cartels, in view of the ‘growing concern about overlapping application of competition laws or imposition of multiple surcharges by several countries’.136 Based on its research, the Ministry proposed increased coordination between authorities to take into account concurrent penalties. In December 2016, both the IBA and the American Bar Association (ABA) in their comments on the proposed new DOJ and FTC Antitrust Guidelines for International Enforcement and Cooperation called upon the US authorities to stress the need for cooperation regarding sanctioning of international cartel cases to avoid over-deterrence or double-jeopardy.137 Furthermore, also in December 2016, in one of the key submissions for the OECD’s 15th Global Forum on Competition, Hwang Lee specifically pressed for increased efforts by competition authorities to coordinate fining decisions in parallel proceedings.138 These examples indicate that—while moving slowly—progress is made in recognizing the need for commonly accepted principles for coordination between authorities in the sanctioning of international cartels.

### Resources Adv---1NC

#### No food wars.

David Bier 11. Immigration policy analyst at the Cato Institute’s Center for Global Liberty and Prosperity. Citing Steven Pinker, Johnstone Family Professor of Psychology at Harvard University. “Steven Pinker: Resource Scarcity Doesn’t Cause Wars”. 11-28-2011. <http://www.globalwarming.org/2011/11/28/steven-pinker-resource-scarcity-doesnt-cause-wars/>

Once again it seems to me that the appropriate response is “maybe, but maybe not.” Though climate change can cause plenty of misery… it will not necessarily lead to armed conflict. The political scientists who track war and peace, such as Halvard Buhaug, Idean Salehyan, Ole Theisen, and Nils Gleditsch, are skeptical of the popular idea that people fight wars over scarce resources. Hunger and resource shortages are tragically common in sub-Saharan countries such as Malawi, Zambia, and Tanzania, but wars involving them are not. Hurricanes, floods, droughts, and tsunamis (such as the disastrous one in the Indian Ocean in 2004) do not generally lead to conflict. The American dust bowl in the 1930s, to take another example, caused plenty of deprivation but no civil war. And while temperatures have been rising steadily in Africa during the past fifteen years, civil wars and war deaths have been falling. Pressures on access to land and water can certainly cause local skirmishes, but a genuine war requires that hostile forces be organized and armed, and that depends more on the influence of bad governments, closed economies, and militant ideologies than on the sheer availability of land and water. Certainly any connection to terrorism is in the imagination of the terror warriors: terrorists tend to be underemployed lower-middle-class men, not subsistence farmers. As for genocide, the Sudanese government finds it convenient to blame violence in Darfur on desertification, distracting the world from its own role in tolerating or encouraging the ethnic cleansing. In a regression analysis on armed conflicts from 1980 to 1992, Theisen found that conflict was more likely if a country was poor, populous, politically unstable, and abundant in oil, but not if it had suffered from droughts, water shortages, or mild land degradation. (Severe land degradation did have a small effect.) Reviewing analyses that examined a large number (N) of countries rather than cherry-picking one or toe, he concluded, “Those who foresee doom, because of the relationship between resource scarcity and violent internal conflict, have very little support from the large-N literature.”

#### No Indo-Pak war.

Rashme Sehgal & Ramamurti Rajaraman 18. He’s being interviewed. Emeritus Professor of Theoretical Physics at Jawaharlal Nehru University. "'India-Pakistan nuke war not a realistic possibilty', says leading nuclear expert Ramamurti Rajaraman". Firstpost. https://www.firstpost.com/india/india-pakistan-nuke-war-not-a-realistic-possibilty-says-leading-nuclear-expert-ramamurti-rajaraman-3880145.html

Q: The conflict between India and Pakistan has intensified in the last three years. If the situation worsens, is there a likelihood that India could launch a pre-emptive first strike against Pakistan if it feared an imminent nuclear strike? Of course, this could mean a marked reversal of our no-first use (NFU) policy. On the other hand, if India goes in for more surgical strikes, can Pakistan use a conventional attack as a pretext to attack India?

A: The conflict between India and Pakistan during the past three years has been limited to Jammu and Kashmir. These conflicts may continue and may also occasionally intensify. There may also be a lot of heated rhetoric from both sides. But I don’t think there is any realistic possibility of those conflicts developing into a full-scale war, let alone one with any serious chances of a nuclear strike by Pakistan. Notice that there has been no mainland attack by Pakistan based terrorists since the 2008 Mumbai attacks. I feel that this is because Pakistan military and its Inter-Services Intelligence do appreciate the fact that the next time there is an attack of that magnitude, India would have to retaliate in a serious manner. It is true that the Pakistan Army maintains a hostile posture towards India as a matter of policy. But that is done largely for domestic consumption and for maintaining its pre-eminence in the Pakistani power structure. If push comes to shove, the leadership in both countries are too responsible to let matters go anywhere near a nuclear threshold. So, there is no question of India conducting a pre-emptive strike on Pakistan in anticipation of a nuclear attack from them. I don’t think India will reverse its NFU policy, even though some analysts, for the want of anything better to write about, keep harping on it. That would be a very unwise thing to do diplomatically.

#### Mineral scarcity is inevitable---copper, lithium, and manganese will all hit bottlenecks---the Aff can’t solve.

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

Endless growth will generate minerals scarcity within decades

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

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

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

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

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

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

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

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

#### Renewables fail:

#### 1. They won’t happen---short-term focus on competitive advantage ensures no efficiency or innovation.

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]

As Andreas Malm has fiercely and beautifully argued, capitalism did not settle for fossil fuels as a solution to energy scarcity. The common assumption that fossil energy is an intrinsically valuable energy resource worth competing over, and fighting wars for is, as geographer Matthew Huber argues, an example of fetishism. At the onset of steam power, water was abundant, and, even with its fixed costs, cheaper to use than coal. The hydraulic mammoths powered by water wheels required far less human labour to convert to energy, and were more energy-efficient. Even today, only a third of the energy in coal is actually converted in the industrial processes dedicated thereto: the only thing that is efficiently produced is carbon dioxide. On such basis, the striving for competitive advantage by capitalists seeking maximum market control ‘should’ have favoured renewable energy.

Capital, however, preferred the spatio-temporal profile of stocks due to the internal politics of competitive accumulation. Water use necessitated communal administration, with its perilously collectivist implications. Coal, and later oil, could be transported to urban centres, where workers were acculturated to the work-time of capitalist industry, and hoarded by individual enterprises. This allowed individual units of capital to compete more effectively with one another, secured the political authority of capital and incorporated workers into atomised systems of reproduction, from transport to heating.

Thus, locked in by the short-termist imperatives of competitive accumulation, fossil capital assumed a politically privileged position within an emerging world capitalist ecology. It monopolised the supply of energy for dead labour, albeit in a highly inefficient way.

#### 2. They can’t reverse capital’s heavy metal use or nuclear waste---extinction.

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]

Fossil capital is but one modality of the death cult, albeit a paragon. The ‘externalities’ of capital – climate chaos, biosphere destruction, resource depletion, topsoil erosion, ocean acidification, mass extinction, the accumulation of chemical, heavy metal, biological and nuclear wastes – extend far beyond the specific catastrophe of a carbonised atmosphere. Capitalism is a comprehensive system of work-energetics. The food industry, which powers waged labour, and is key to the shifting value of labour-power itself, is as central to the deterioration of the biosphere as is fossil-fuelled transit. Nonetheless, the continuing decision for fossil fuels as a solution to the energy demands of capitalist production, for all the growing denial of climate-change denial among the antivulgarian ruling class, for all their concerned mouth music, is an exemplary case of the capitalist imperative of competitive accumulation at work.

#### 3. It’s too late for renewables to solve.

Alexander 15 – Lecturer and research fellow at the University of Melbourne, co-director of the Simplicity Institute, and a PhD [Samuel, Prosperous Descent: Crisis as Opportunity in an Age of Limits, p. 138-140]

3.1 Technology cannot sustain the growth paradigm

Trainer’s general point on technology is that the extent of ecological overshoot is already so great that technology will never be able to solve the ecological crises of our age, and certainly not in a world based on economic growth and with a growing global population. Amory Lovins (1998) is probably the best-known advocate of technological solutions to ecological problems, most famous for his ‘factor four’ thesis. He argues that if we exploit technology we could have four times the economic output without increasing environmental impact (or maintain current economic output and reduce environmental impact by a factor of four). But if the rich world continues to grow at 3% per year until 2070, and by that stage the poorest nations have attained similarly high living standards – which seems to be the aim of the global development agenda – the total world-economic output (and impact) could well be as much as 60 times larger than it is today (Trainer, 2010a, 21). If we assume that sustainability requires that fossil fuel use and other resource consumption must be half of what they are today – and the greenhouse problem probably requires a larger reduction than this (Hansen, et al., 2008) – then what is needed is something like a factor 120 reduction in the per unit impact of GDP, not merely a factor 4 reduction (Trainer, 2007, 117). Even allowing for some uncertainty in these calculations, the claim that technological fixes can solve the ecological crises and sustain the growth paradigm is simply not credible. Trainer argues that the absolute decoupling necessary is just beyond what is remotely possible. The final nail in the coffin of techno-optimists is the fact that despite decades of extraordinary technological advance, the overall ecological impact of the global economy is still increasing (Jackson, 2009, Ch. 5), making even a factor four reduction through technological advance seem wildly optimistic.

### Outreach Adv---1NC

#### Asian multilateralism fails---COVID proves.

Trieu Hai (Tracy) Ly 20. Tracy Ly is a Post-Graduate Research Scholar at the Asia Pacific Foundation of Canada. She earned a Master's Degree in Public Policy and Global Affairs from the University of British Columbia, specializing in innovation and entrepreneurship policy in Southeast Asia. “ASEAN Struggles to be Effective in its COVID-19 Response.” https://www.asiapacific.ca/publication/asean-struggles-be-effective-its-covid-19-response

ASEAN’s efforts to deliver a collective response are undeniable and deserve acknowledgement. But the slow and patchy regional response to COVID-19 has raised new questions around ASEAN relevance in dealing with a global issue like a pandemic. Despite ASEAN’s haste and determination, the numerous meetings and summits did not yield a cohesive and collective response to COVID-19, but instead a patchwork of actions. And the most important meetings, the ASEAN Summit and ASEAN+3 Summit on COVID-19 were not held until April 14, more than one month after the WHO declared COVID-19 a pandemic.

It became both too late and too burdensome to establish an effective task force, and it never materialized. Another shortcoming in ASEAN’s pandemic response was its failure to create a Task Force on COVID-19 to lead response efforts, something it did successfully with the Task Force on Highly Pathogenic Avian Influenza during the 2008 H5N1 outbreak.

The President of Indonesia did raise the idea of creating a task force with China, Japan, and South Korea. But by the time the summits were convened on April 14 and given the chaotic domestic circumstances of many member states since, it became both too late and too burdensome to establish an effective task force, and it never materialized.

The bloc was also stymied in its pandemic efforts due to specific domestic issues among some of its member states. Examples include Cambodia’s erosion of freedoms and power-grabbing through the controversial state of emergency law, Indonesia’s tardy response, and Singapore’s upended containment success. In the shadow of these issues, combined with the visible success and failure stories of some of its high-profile members, ASEAN’s broader efforts have been rendered somewhat invisible.

Facing challenges ahead

The COVID-19 pandemic has surely cast ASEAN’s 2020 theme of ‘Cohesive and Responsive’ in a new light. The regional bloc will face significant pressure to restore confidence in its institutional vitality in the post-pandemic world. ASEAN has not been able to act swiftly in the current crisis as it encountered too many roadblocks to effectiveness, and may find similar challenges ahead.

#### Norms set by nation-states inevitably fail---countries have no incentive to sign on---it’s proven by the US’s failure to establish enforceable climate treaties.

#### No impact to ASEAN in the 1AC---if they read it, there’s no risk of war in East Asia.

Timothy Heath 17. Senior international defense research analyst at the nonprofit, nonpartisan RAND Corporation and member of the Pardee RAND Graduate School faculty, and William R. Thompson, Distinguished and Rogers Professor at Indiana University and an adjunct researcher at RAND. "U.S.-China Tensions Are Unlikely to Lead to War". National Interest. 4-30-2017. https://nationalinterest.org/feature/us-china-tensions-are-unlikely-lead-war-20411?page=0%2C1

Graham Allison's April 12 article, “ How America and China Could Stumble to War ,” explores how misperceptions and bureaucratic dysfunction could accelerate a militarized crisis involving the United States and China into an unwanted war. However, the article fails to persuade because it neglects the key political and geostrategic conditions that make war plausible in the first place. Without those conditions in place, the risk that a crisis could accidentally escalate into war becomes far lower. The U.S.-China relationship today may be trending towards greater tension, but the relative stability and overall low level of hostility make the prospect of an accidental escalation to war extremely unlikely. In a series of scenarios centered around the South China Sea, Taiwan and the East China Sea, Allison explored how well-established flashpoints involving China and the United States and its allies could spiral into unwanted war. Allison’s article argues that given the context of strategic rivalry between a rising power and a status-quo power, organizational and bureaucratic misjudgments increase the likelihood of unintended escalation. According to Allison, “the underlying stress created by China’s disruptive rise creates conditions in which accidental, otherwise inconsequential events could trigger a large-scale conflict.” This argument appears persuasive on its surface, in no small part because it evokes insights from some of Allison’s groundbreaking work on the organizational pathologies that made the Cuban Missile Crisis so dangerous. However, Allison ultimately fails to persuade because he fails to specify the political and strategic conditions that make war plausible in the first place. Allison’s analysis implies that the United States and China are in a situation analogous to that of the Soviet Union and the United States in the early 1960s. In the Cold War example, the two countries faced each other on a near-war footing and engaged in a bitter geostrategic and ideological struggle for supremacy. The two countries experienced a series of militarized crises and fought each other repeatedly through proxy wars. It was this broader context that made issues of misjudgment so dangerous in a crisis. By contrast, the U.S.-China relationship today operates at a much lower level of hostility and threat. China and the United States may be experiencing an increase in tensions, but the two countries remain far from the bitter, acrimonious rivalry that defined the U.S.-Soviet relationship in the early 1960s. Neither Washington nor Beijing regards the other as its principal enemy. Today’s rivals may view each other warily as competitors and threats on some issues, but they also view each other as important trade partners and partners on some shared concerns, such as North Korea, as the recent summit between President Donald Trump and Chinese president Xi Jinping illustrated. The behavior of their respective militaries underscores the relatively restrained rivalry. The military competition between China and the United States may be growing, but it operates at a far lower level of intensity than the relentless arms racing that typified the U.S.-Soviet standoff. And unlike their Cold War counterparts, U.S. and Chinese militaries are not postured to fight each other in major wars. Moreover, polls show that the people of the two countries regard each other with mixed views —a considerable contrast from the hostile sentiment expressed by the U.S. and Soviet publics for each other. Lacking both preparations for major war and a constituency for conflict, leaders and bureaucracies in both countries have less incentive to misjudge crisis situations in favor of unwarranted escalation. To the contrary, political leaders and bureaucracies currently face a strong incentive to find ways of defusing crises in a manner that avoids unwanted escalation. This inclination manifested itself in the EP-3 airplane collision off Hainan Island in 2001, and in subsequent incidents involving U.S. and Chinese ships and aircraft, such as the harassment of the USNS Impeccable in 2009. This does not mean that there is no risk, however. Indeed, the potential for a dangerous militarized crisis may be growing. Moreover, key political and geostrategic developments could shift the incentives for leaders in favor of more escalatory options in a crisis and thereby make Allison’s scenarios more plausible. Past precedents offer some insight into the types of developments that would most likely propel the U.S.-China relationship into a hostile, competitive one featuring an elevated risk of conflict. The most important driver, as Allison recognizes, would be a growing parity between China and the United States as economic, technological and geostrategic leaders of the international system. The United States and China feature an increasing parity in the size of their economies, but the United States retains a considerable lead in virtually every other dimension of national power. The current U.S.-China rivalry is a regional one centered on the Asia-Pacific region, but it retains the considerable potential of escalating into a global, systemic competition down the road. A second important driver would be the mobilization of public opinion behind the view that the other country is a primary source of threat, thereby providing a stronger constituency for escalatory policies. A related development would be the formal designation by leaders in both capitals of the other country as a primary hostile threat and likely foe. These developments would most likely be fueled by a growing array of intractable disputes, and further accelerated by a serious militarized crisis. The cumulative effect would be the exacerbation of an antagonistic competitive rivalry, repeated and volatile militarized crisis, and heightened risk that any flashpoint could escalate rapidly to war—a relationship that would resemble the U.S.-Soviet relationship in the early 1960s. Yet even if the relationship evolved towards a more hostile form of rivalry, unique features of the contemporary world suggest lessons drawn from the past may have limited applicability. Economic interdependence in the twenty-first century is much different and far more complex than in it was in the past. So is the lethality of weaponry available to the major powers. In the sixteenth century, armies fought with pikes, swords and primitive guns. In the twenty-first century, it is possible to eliminate all life on the planet in a full-bore nuclear exchange. These features likely affect the willingness of leaders to escalate in a crisis in a manner far differently than in past rivalries. More broadly, Allison’s analysis about the “Thucydides Trap” may be criticized for exaggerating the risks of war. In his claims to identify a high propensity for war between “rising” and “ruling” countries, he fails to clarify those terms, and does not distinguish the more dangerous from the less volatile types of rivalries. Contests for supremacy over land regions, for example, have historically proven the most conflict-prone, while competition for supremacy over maritime regions has, by contrast, tended to be less lethal. Rivalries also wax and wane over time, with varying levels of risks of war. A more careful review of rivalries and their variety, duration and patterns of interaction suggests that although most wars involve rivalries, many rivals avoid going to war. Misperceptions and strategic accidents remain a persistent feature of international politics, and it may well be that that mistakes are more likely to be lethal in periods of adjustment in relative power configurations. Rising states do have problems negotiating status quo changes with states that have staked out their predominance earlier. Even so, the probability of war between China and the United States is almost certainly far less than the 75 percent predicted by Allison. If the leaders of both countries can continue to find ways to dampen the trends towards hostile rivalry and maintain sufficient cooperation to manage differences, then there is good reason to hope that the risk of war can be lowered further still.

## 2NC

### K Cosmo

#### Judging the aff’s constitutive political community is a reality creating principle.

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

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

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

#### 3. Debates over cosmopolitanism shape subjectivity---their model re-instantiates meta-norms that teach debaters to recreate the nation-state’s violence through social practices.

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

It is in the first instance a condition of openness to the world in the sense of the broadening of the moral and political horizon of societies. It entails a view of societies as connected rather than separated. Cosmopolitanism is made possible by the fact that individuals, groups, publics, societies have a capacity for learning in dealing with problems and, in particular, learning from each other. In this sense, then, cosmopolitanism is not a matter of diversity or mobility, but a process of learning. Dialogue is a key feature of cosmopolitanism since dialogue opens up the possibility of incorporating the perspective of others into one’s own view of the world. It can thus be associated with a communicative view of modernity. Rather than being an affirmative condition, it is transformative and is produced by social struggles rather than being primarily elite driven or entirely institutional. In this sense, cosmopolitanism can be related to popular and vernacular traditions rather than exclusively to the projects of elites (see Holton, 2009). From an epistemological perspective, cosmopolitanism involves the production of essentially critical knowledge, such as the identification of transformative potentials within the present.

Finally, cosmopolitanism is related to subject formation: it is constitutive of the self as much as it is of social and political processes. This is reflected in the von Humboldtian – in this case Wilhelm von Humboldt’s – understanding of cosmopolitanism as a particular kind of consciousness that is best exemplified in education. In the acquisition of knowledge, the self undergoes a transformation, for Bildung is a form of self-formation and occurs through the encounter of the individual with the world. Bildung is a means of encountering the universal, as reflected in the category of the world, and is the aim of education.

These features of cosmopolitanism challenge the received view of normative ideas, such as global justice as transcending political community or as simply utopian. The conception of cosmopolitanism I am putting forward is that it is constitutive of modernity and part of the make-up of political community. This is why cosmopolitanism is not a zero sum condition – either present or absent – as its critics often argue and its defenders mistakenly argue in its support. It is present to varying degrees in contemporary societies.

In order to assess the prospects of cosmopolitanism it is therefore necessary to determine the extent to which cosmopolitan phenomena are present in the cultural model of societies and in their modes of social organization and institutions. By the cultural model, I mean the social imaginary of societies, that is the dominant forms of collective identity or self-understanding. The cultural model of all modern societies involves the amplification and metamorphosis of transcultural ideas such as liberty, justice, freedom, autonomy, rights, which of course are variously interpreted and are not always fully institutionalized. But the existence of such ideas (essentially meta-norms), means that societies have the cognitive means of reaching beyond themselves. For this reason, there is generally a tension in modern societies between the cultural model and institutions. Related to these levels of analysis is the dimension of subject formation, the cosmopolitan self. It is possible that any one time in the history of a society there is a tension between subject formation, the cultural model of society, and social institutions. It is for this reason that cosmopolitanism can be seen as a critical theory of society (see Delanty, 2009): it shares with the critical heritage the concern with possibilities within the present or the immanent transcendence of society.

I am emphasizing, then, the formative dimensions of cosmopolitanism, which in other words is a structure forming itself out of both the self and society. It entails a subject (the cosmopolitan subject), a discourse in which ideas, knowledge, modes of cognition are produced, and social practices. Viewed in such terms, cosmopolitanism is a process as opposed to a fixed condition. It is marked by conflict, contradictions, negotiation. The implications of this view are that evidence of cosmopolitanism must be found not in an end state – a cosmopolitan society or state as opposed to a non-cosmopolitan one – but in the process by which it emerges. It is the task of sociology to determine whether and how this process is occurring.

#### 4. Don’t weigh the aff under our interp---Misrepresentation---predetermining the “who” and “how” of policymaking blocks democratic arenas. Our public sphere of argument over the Westphalian frames is an act of justice through assertion of rights.

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

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

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

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

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

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

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

#### 3. Means only the alt can solve the case.

Nancy Fraser 12. Henry A. and Louise Loeb Professor of Political and Social Science and professor of philosophy at The New School. Can society be commodities all the way down? Polanyian reflections on capitalist crisis. 2012. ffhalshs-00725060f

Today, moreover, as many on the Left have long warned, and as Greeks have discovered to their dismay, the construction of Europe as an economic and monetary union, without corresponding political and fiscal integration, simply disables the protective capacities of member states without creating broader, European-level protective capacities to take up the slack. But that is not all. Absent global financial regulation, even very wealthy, free-standing countries find their efforts at national social protection stymied by global market forces, including transnational corporations, international currency speculators, financiers, and large institutional investors. The globalization of finance requires a new, post-westphalian way of imagining the arenas and agents of social protection. It requires arenas in which the circle of those entitled to protection matches the circle of those subject to risk; and it requires agents whose protective capacities and regulatory powers are sufficiently robust and broad to effectively rein in transnational private powers and to pacify global finance.

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

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

This task was complicated by the Cold War, but “the free world” (as Americans then called the noncommunist countries) continued to develop along Wilsonian lines. Inevitable compromises, such as U.S. support for ruthless dictators and military rulers in many parts of the world, were seen as regrettable necessities imposed by the need to fight the much greater evil of Soviet communism. When the Berlin Wall fell, in 1989, it seemed that the opportunity for a Wilsonian world order had finally come. The former Soviet empire could be reconstructed along Wilsonian lines, and the West could embrace Wilsonian principles more consistently now that the Soviet threat had disappeared. Self-determination, the rule of law between and within countries, liberal economics, and the protection of human rights: the “new world order” that both the George H. W. Bush and the Clinton administrations worked to create was very much in the Wilsonian mold.

Today, however, the most important fact in world politics is that this noble effort has failed. The next stage in world history will not unfold along Wilsonian lines. The nations of the earth will continue to seek some kind of political order, because they must. And human rights activists and others will continue to work toward their goals. But the dream of a universal order, grounded in law, that secures peace between countries and democracy inside them will figure less and less in the work of world leaders.

To state this truth is not to welcome it. There are many advantages to a Wilsonian world order, even when that order is partial and incomplete. Many analysts, some associated with the presidential campaign of former U.S. Vice President Joe Biden, think they can put Humpty Dumpty together again. One wishes them every success. But the centrifugal forces tearing at the Wilsonian order are so deeply rooted in the nature of the contemporary world that not even the end of the Trump era can revive the Wilsonian project in its most ambitious form. Although Wilsonian ideals will not disappear and there will be a continuing influence of Wilsonian thought on U.S. foreign policies, the halcyon days of the post–Cold War era, when American presidents organized their foreign policies around the principles of liberal internationalism, are unlikely to return anytime soon.

THE ORDER OF THINGS

Wilsonianism is only one version of a rules-based world order among many. The Westphalian system, which emerged in Europe after the Thirty Years’ War ended in 1648, and the Congress system, which arose in the wake of the Napoleonic Wars of the early nineteenth century, were both rules-based and even law-based; some of the foundational ideas of international law date from those eras. And the Holy Roman Empire—a transnational collection of territories that stretched from France into modern-day Poland and from Hamburg to Milan—was an international system that foreshadowed the European Union, with highly complex rules governing everything from trade to sovereign inheritance among princely houses.

As for human rights, by the early twentieth century, the pre-Wilsonian European system had been moving for a century in the direction of putting egregious violations of human rights onto the international agenda. Then, as now, it was chiefly weak countries whose oppressive behavior attracted the most attention. The genocidal murder of Ottoman Christian minorities at the hands of Ottoman troops and irregular forces in the late nineteenth and early twentieth centuries received substantially more attention than atrocities carried out around the same time by Russian forces against rebellious Muslim peoples in the Caucasus. No delegation of European powers came to Washington to discuss the treatment of Native Americans or to make representations concerning the status of African Americans. Nevertheless, the pre-Wilsonian European order had moved significantly in the direction of elevating human rights to the level of diplomacy.

Wilson, therefore, was not introducing the ideas of world order and human rights to a collection of previously anarchic states and unenlightened polities. Rather, his quest was to reform an existing international order whose defects had been conclusively demonstrated by the horrors of World War I. In the pre-Wilsonian order, established dynastic rulers were generally regarded as legitimate, and interventions such as the 1849 Russian invasion of Hungary, which restored Habsburg rule, were considered lawful. Except in the most glaring instances, states were more or less free to treat their citizens or subjects as they wished, and although governments were expected to observe the accepted principles of public international law, no supranational body was charged with the enforcement of these standards. The preservation of the balance of power was invoked as a goal to guide states; war, although regrettable, was seen as a legitimate element of the system. From Wilson’s standpoint, these were fatal flaws that made future conflagrations inevitable. To redress them, he sought to build an order in which states would accept enforceable legal restrictions on their behavior at home and their international conduct.

That never quite materialized, but until recent years, the U.S.-led postwar order resembled Wilson’s vision in important respects. And, it should be noted, that vision is not equally dead everywhere. Although Wilson was an American, his view of world order was first and foremost developed as a method for managing international politics in Europe, and it is in Europe where Wilson’s ideas have had their greatest success and where their prospects continue to look strongest. His ideas were treated with bitter and cynical contempt by most European statesmen when he first proposed them, but they later became the fundamental basis of the European order, enshrined in the laws and practices of the EU. Arguably, no ruler since Charlemagne has made as deep an impression on the European political order as the much-mocked Presbyterian from the Shenandoah Valley.

THE ARC OF HISTORY

Beyond Europe, the prospects for the Wilsonian order are bleak. The reasons behind its demise, however, are different from what many assume. Critics of the Wilsonian approach to foreign affairs often decry what they see as its idealism. In fact, as Wilson demonstrated during the negotiations over the Treaty of Versailles, he was perfectly capable of the most cynical realpolitik when it suited him. The real problem of Wilsonianism is not a naive faith in good intentions but a simplistic view of the historical process, especially when it comes to the impact of technological progress on human social order. Wilson’s problem was not that he was a prig but that he was a Whig.

Like early-twentieth-century progressives generally and many American intellectuals to this day, Wilson was a liberal determinist of the Anglo-Saxon school; he shared the optimism of what the scholar Herbert Butterfield called “the Whig historians,” the Victorian-era British thinkers who saw human history as a narrative of inexorable progress and betterment. Wilson believed that the so-called ordered liberty that characterized the Anglo-American countries had opened a path to permanent prosperity and peace. This belief represents a sort of Anglo-Saxon Hegelianism and holds that the mix of free markets, free government, and the rule of law that developed in the United Kingdom and the United States is inevitably transforming the rest of the world—and that as this process continues, the world will slowly and for the most part voluntarily converge on the values that made the Anglo-Saxon world as wealthy, attractive, and free as it has become.

Wilson was the devout son of a minister, deeply steeped in Calvinist teachings about predestination and the utter sovereignty of God, and he believed that the arc of progress was fated. The future would fulfill biblical prophecies of a coming millennium: a thousand-year reign of peace and prosperity before the final consummation of human existence, when a returning Christ would unite heaven and earth. (Today’s Wilsonians have given this determinism a secular twist: in their eyes, liberalism will rule the future and bring humanity to “the end of history” as a result of human nature rather than divine purpose.)

Wilson believed that the defeat of imperial Germany in World War I and the collapse of the Austro-Hungarian, Russian, and Ottoman empires meant that the hour of a universal League of Nations had finally arrived. In 1945, American leaders ranging from Eleanor Roosevelt and Henry Wallace on the left to Wendell Willkie and Thomas Dewey on the right would interpret the fall of Germany and Japan in much the same way. In the early 1990s, leading U.S. foreign policymakers and commentators saw the fall of the Soviet Union through the same deterministic prism: as a signal that the time had come for a truly global and truly liberal world order. On all three occasions, Wilsonian order builders seemed to be in sight of their goal. But each time, like Ulysses, they were blown off course by contrary winds.

TECHNICAL DIFFICULTIES

Today, those winds are gaining strength. Anyone hoping to reinvigorate the flagging Wilsonian project must contend with a number of obstacles. The most obvious is the return of ideology-fueled geopolitics. China, Russia, and a number of smaller powers aligned with them—Iran, for example—correctly see Wilsonian ideals as a deadly threat to their domestic arrangements. Earlier in the post–Cold War period, U.S. primacy was so thorough that those countries attempted to downplay or disguise their opposition to the prevailing pro-democracy consensus. Beginning in U.S. President Barack Obama’s second term, however, and continuing through the Trump era, they have become less inhibited. Seeing Wilsonianism as a cover for American and, to some degree, EU ambitions, Beijing and Moscow have grown increasingly bold about contesting Wilsonian ideas and initiatives inside international institutions such as the UN and on the ground in places from Syria to the South China Sea.

These powers’ opposition to the Wilsonian order is corrosive in several ways. It raises the risks and costs for Wilsonian powers to intervene in conflicts beyond their own borders. Consider, for example, how Iranian and Russian support for the Assad regime in Syria has helped prevent the United States and European countries from getting more directly involved in that country’s civil war. The presence of great powers in the anti-Wilsonian coalition also provides shelter and assistance to smaller powers that otherwise might not choose to resist the status quo. Finally, the membership of countries such as China and Russia in international institutions makes it more difficult for those institutions to operate in support of Wilsonian norms: take, for example, Chinese and Russian vetoes in the UN Security Council, the election of anti-Wilsonian representatives to various UN bodies, and the opposition by countries such as Hungary and Poland to EU measures intended to promote the rule of law.

Meanwhile, the torrent of technological innovation and change known as “the information revolution” creates obstacles for Wilsonian goals within countries and in the international system. The irony is that Wilsonians often believe that technological progress will make the world more governable and politics more rational—even if it also adds to the danger of war by making it so much more destructive. Wilson himself believed just that, as did the postwar order builders and the liberals who sought to extend the U.S.-led order after the Cold War. Each time, however, this faith in technological change was misplaced. As seen most recently with the rise of the Internet, although new technologies often contribute to the spread of liberal ideas and practices, they can also undermine democratic systems and aid authoritarian regimes.

Today, as new technologies disrupt entire industries, and as social media upends the news media and election campaigning, politics is becoming more turbulent and polarized in many countries. That makes the victory of populist and antiestablishment candidates from both the left and the right more likely in many places. It also makes it harder for national leaders to pursue the compromises that international cooperation inevitably requires and increases the chances that incoming governments will refuse to be bound by the acts of their predece

ssors.

The information revolution is destabilizing international life in other ways that make it harder for rules-based international institutions to cope. Take, for example, the issue of arms control, a central concern of Wilsonian foreign policy since World War I and one that grew even more important following the development of nuclear weapons. Wilsonians prioritize arms control not just because nuclear warfare could destroy the human race but also because, even if unused, nuclear weapons or their equivalent put the Wilsonian dream of a completely rules-based, law-bound international order out of reach. Weapons of mass destruction guarantee exactly the kind of state sovereignty that Wilsonians think is incompatible with humanity’s long-term security. One cannot easily stage a humanitarian intervention against a nuclear power.

The fight against proliferation has had its successes, and the spread of nuclear weapons has been delayed—but it has not stopped, and the fight is getting harder over time. In the 1940s, it took the world’s richest nation and a consortium of leading scientists to assemble the first nuclear weapon. Today, second- and third-rate scientific establishments in low-income countries can manage the feat. That does not mean that the fight against proliferation should be abandoned. It is merely a reminder that not all diseases have cures.

What is more, the technological progress that underlies the information revolution significantly exacerbates the problem of arms control. The development of cyberweapons and the potential of biological agents to inflict strategic damage on adversaries—graphically demonstrated by the COVID-19 pandemic—serve as warnings that new tools of warfare will be significantly more difficult to monitor or control than nuclear technology. Effective arms control in these fields may well not be possible. The science is changing too quickly, the research behind them is too hard to detect, and too many of the key technologies cannot be banned outright because they also have beneficial civilian applications.

In addition, economic incentives that did not exist in the Cold War are now pushing arms races in new fields. Nuclear weapons and long-range missile technology were extremely expensive and brought few benefits to the civilian economy. Biological and technological research, by contrast, are critical for any country or company that hopes to remain competitive in the twenty-first century. An uncontrollable, multipolar arms race across a range of cutting-edge technologies is on the horizon, and it will undercut hopes for a revived Wilsonian order.

IT’S NOT FOR EVERYBODY

One of the central assumptions behind the quest for a Wilsonian order is the belief that as countries develop, they become more similar to already developed countries and will eventually converge on the liberal capitalist model that shapes North America and western Europe. The Wilsonian project requires a high degree of convergence to succeed; the member states of a Wilsonian order must be democratic, and they must be willing and able to conduct their international relations within liberal multilateral institutions.

At least for the medium term, the belief in convergence can no longer be sustained. Today, China, India, Russia, and Turkey all seem less likely to converge on liberal democracy than they did in 1990. These countries and many others have developed economically and technologically not in order to become more like the West but rather to achieve a deeper independence from the West and to pursue civilizational and political goals of their own.

In truth, Wilsonianism is a particularly European solution to a particularly European set of problems. Since the fall of the Roman Empire, Europe has been divided into peer and near-peer competitors. War was the constant condition of Europe for much of its history, and Europe’s global dominance in the nineteenth century and early twentieth century can be attributed in no small part to the long contest for supremacy between France and the United Kingdom, which promoted developments in finance, state organization, industrial techniques, and the art of war that made European states fierce and ferocious competitors.

With the specter of great-power war constantly hanging over them, European states developed a more intricate system of diplomacy and international politics than did countries in other parts of the world. Well-developed international institutions and doctrines of legitimacy existed in Europe well before Wilson sailed across the Atlantic to pitch the League of Nations, which was in essence an upgraded version of preexisting European forms of international governance. Although it would take another devastating world war to ensure that Germany, as well as its Western neighbors, would adhere to the rules of a new system, Europe was already prepared for the establishment of a Wilsonian order.

But Europe’s experience has not been the global norm. Although China has been periodically invaded by nomads, and there were periods in its history when several independent Chinese states struggled for power, China has been a single entity for most of its history. The idea of a single legitimate state with no true international peers is as deeply embedded in the political culture of China as the idea of a multistate system grounded in mutual recognition is embedded in that of Europe. There have been clashes among Chinese, Japanese, and Koreans, but until the late nineteenth century, interstate conflict was rare.

In human history as a whole, enduring civilizational states seem more typical than the European pattern of rivalry among peer states. Early modern India was dominated by the Mughal Empire. Between the sixteenth century and the nineteenth century, the Ottoman and Persian Empires dominated what is now known as the Middle East. And the Incas and the Aztecs knew no true rivals in their regions. War seems universal or nearly so among human cultures, but the European pattern, in which an escalating cycle of war forced a mobilization and the development of technological, political, and bureaucratic resources to ensure the survival of the state, does not seem to have characterized international life in the rest of the world.

For states and peoples in much of the world, the problem of modern history that needed to be solved was not the recurrence of great-power conflict. The problem, instead, was figuring out how to drive European powers away, which involved a wrenching cultural and economic adjustment in order to harness natural and industrial resources. Europe’s internecine quarrels struck non-Europeans not as an existential civilizational challenge to be solved but as a welcome opportunity to achieve independence.

Postcolonial and non-Western states often joined international institutions as a way to recover and enhance their sovereignty, not to surrender it, and their chief interest in international law was to protect weak states from strong ones, not to limit the power of national leaders to consolidate their authority. Unlike their European counterparts, these states did not have formative political experiences of tyrannical regimes suppressing dissent and drafting helpless populations into the service of colonial conquest. Their experiences, instead, involved a humiliating consciousness of the inability of local authorities and elites to protect their subjects and citizens from the arrogant actions and decrees of foreign powers. After colonialism formally ended and nascent countries began to assert control over their new territories, the classic problems of governance in the postcolonial world remained weak states and compromised sovereignty.

Even within Europe, differences in historical experiences help explain varying levels of commitment to Wilsonian ideals. Countries such as France, Germany, Italy, and the Netherlands came to the EU understanding that they could meet their basic national goals only by pooling their sovereignty. For many former Warsaw Pact members, however, the motive for joining Western clubs such as the EU and NATO was to regain their lost sovereignty. They did not share the feelings of guilt and remorse over the colonial past—and, in Germany, over the Holocaust—that led many in western Europe to embrace the idea of a new approach to international affairs, and they felt no qualms about taking full advantage of the privileges of EU and NATO membership without feeling in any way bound by those organizations’ stated tenets, which many regarded as hypocritical boilerplate.

EXPERT TEXPERT

The recent rise of populist movements across the West has revealed another danger to the Wilsonian project. If the United States could elect Donald Trump as president in 2016, what might it do in the future? What might the electorates in other important countries do? And if the Wilsonian order has become so controversial in the West, what are its prospects in the rest of the world?

Wilson lived in an era when democratic governance faced problems that many feared were insurmountable. The Industrial Revolution had divided American society, creating unprecedented levels of inequality. Titanic corporations and trusts had acquired immense political power and were quite selfishly exploiting that power to resist all challenges to their economic interests. At that time, the richest man in the United States, John D. Rockefeller, had a fortune greater than the annual budget of the federal government. By contrast, in 2020, the wealthiest American, Jeff Bezos, had a net worth equal to about three percent of budgeted federal expenditures.

Yet from the standpoint of Wilson and his fellow progressives, the solution to these problems could not be simply to vest power in the voters. At the time, most Americans still had an eighth-grade education or less, and a wave of migration from Europe had filled the country’s burgeoning cities with millions of voters who could not speak English, were often illiterate, and routinely voted for corrupt urban machine politicians.

The progressives’ answer to this problem was to support the creation of an apolitical expert class of managers and administrators. The progressives sought to build an administrative state that would curb the excessive power of the rich and redress the moral and political deficiencies of the poor. (Prohibition was an important part of Wilson’s electoral program, and during World War I and afterward, he moved aggressively to arrest and in some cases deport socialists and other radicals.) Through measures such as improved education, strict limits on immigration, and eugenic birth-control policies, the progressives hoped to create better-educated and more responsible voters who would reliably support the technocratic state.

A century later, elements of this progressive thinking remain critical to Wilsonian governance in the United States and elsewhere, but public support is less readily forthcoming than in the past. The Internet and social media have undermined respect for all forms of expertise. Ordinary citizens today are significantly better educated and feel less need to rely on expert guidance. And events including the U.S. invasion of Iraq in 2003, the 2008 financial crisis, and the inept government responses during the 2020 pandemic have seriously reduced confidence in experts and technocrats, whom many people have come to see as forming a nefarious “deep state.”

International institutions face an even greater crisis of confidence. Voters skeptical of the value of technocratic rule by fellow citizens are even more skeptical of foreign technocrats with suspiciously cosmopolitan views. Just as the inhabitants of European colonial territories preferred home rule (even when badly administered) to rule by colonial civil servants (even when competent), many people in the West and in the postcolonial world are likely to reject even the best-intentioned plans of global institutions.

Meanwhile, in developed countries, problems such as the loss of manufacturing jobs, the stagnation or decline of wages, persistent poverty among minority groups, and the opioid epidemic have resisted technocratic solutions. And when it comes to international challenges such as climate change and mass migration, there is little evidence that the cumbersome institutions of global governance and the quarrelsome countries that run them will produce the kind of cheap, elegant solutions that could inspire public trust.

WHAT IT MEANS FOR BIDEN

For all these reasons, the movement away from the Wilsonian order is likely to continue, and world politics will increasingly be carried out along non-Wilsonian and in some cases even anti-Wilsonian lines. Institutions such as NATO, the UN, and the World Trade Organization may well survive (bureaucratic tenacity should never be discounted), but they will be less able and perhaps less willing to fulfill even their original purposes, much less take on new challenges. Meanwhile, the international order will increasingly be shaped by states that are on diverging paths. This does not mean an inevitable future of civilizational clashes, but it does mean that global institutions will have to accommodate a much wider range of views and values than they have in the past.

There is hope that many of the gains of the Wilsonian order can be preserved and perhaps in a few areas even extended. But fixating on past glories will not help develop the ideas and policies needed in an increasingly dangerous time. Non-Wilsonian orders have existed both in Europe and in other parts of the world in the past, and the nations of the world will likely need to draw on these examples as they seek to cobble together some kind of framework for stability and, if possible, peace under contemporary conditions.

For U.S. policymakers, the developing crisis of the Wilsonian order worldwide presents vexing problems that are likely to preoccupy presidential administrations for decades to come. One problem is that many career officials and powerful voices in Congress, civil society organizations, and the press deeply believe not only that a Wilsonian foreign policy is a good and useful thing for the United States but also that it is the only path to peace and security and even to the survival of civilization and humanity. They will continue to fight for their cause, conducting trench warfare inside the bureaucracy and employing congressional oversight powers and steady leaks to sympathetic press outlets to keep the flame alive.

Those factions will be hemmed in by the fact that any internationalist coalition in American foreign policy must rely to a significant degree on Wilsonian voters. But a generation of overreach and poor political judgment has significantly reduced the credibility of Wilsonian ideas among the American electorate. Neither President George W. Bush’s nation-building disaster in Iraq nor Obama’s humanitarian-intervention fiasco in Libya struck most Americans as successful, and there is little public enthusiasm for democracy building abroad.

#### 5. Inability to conceptualize violence determines impact calculous---overcorrect for the intelligibility gap.

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

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

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

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

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

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

#### Epistemic shifts are key---the future is defined by global crisis.

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

The metaphysical modus operandi of cosmopolitanism demands an epistemological shift towards a hybrid account of moral responsibility, establishing reconciliation between national identity and global individualism. To reformulate the discourse on welfare and social progress, it is inevitable that we cogitate on the desire to move beyond the politics of populism, economic growth and profit-making approach of neo-liberalism emphasising on downsizing and disinvestment, purporting the reinterpretation of realist assertion international relations focusing on the conduct of inter-state conflict to the reflection on growing dependence and existing global inequality.

The adoption of HIF plan of action as an alternate model of arbitrary pricing mechanism of intellectual property rights can be a virtuous point of departure in furthering the accessibility and affordability level of the marginalised section to the health facilities, but at the same time, the focus should be on building a mechanism that also recognises the social and political impediments and emphasise on setting the global norms and operational guidelines to eliminate the structural barriers.

The multidimensional approach to cosmopolitanism attempts to construct a realm of fair distribution of duties and responsibilities that acknowledge the relevance of subsistence rights and the necessity of the global community to cooperate for creating an environment of social cohesion, providing the equal share of entitlements to the least-developed countries.

Conclusion

The essay tries to illuminate the strong interplay between the health catastrophe and its detrimental effects on the existing structural inequalities in the least-developed countries. Coronavirus revealed the hollowness of the pursuit of neo-liberal policy discourse. The conditions of human life were radically altered. The national government and international institutions failed miserably to ensure health faculties for the poor. The so-called civil society organisations, enchanting the slogan for strengthening the citizen entitlements to social and economic rights, kept staring at the plight of migrant labourers, and none took effective measures for the protection of the labouring class from hunger and starvation. We might overcome the coronavirus pandemic, but it is just a glimpse of the broader chains of crises waiting for us in the future. The global Pandemic has unravelled the dilemmas embedded in the premise of social theory. The correspondence of the development of diagnostic mechanism as a public policy formulation is much more complicated than outlining the diagnostic strategy in medical science based on scientific experimentation and following a cut-and-dried predetermined methodology. The societal problems are wicked and complex in nature. It requires not only the positivist problem-solving approach but also the capability to anticipate the casual chain of unseen future repercussions. Furthermore, consideration is needed to reconcile the pluralistic cultural values along with the reconstruction of unequal social and economic structure to restore the public faith in policy discourse (Rittel and Webber 1973).

### Adv 1

#### Reject McAffee because they use a nationalist lens---their data set relies on Domestic Material Consumption and doesn’t assume failed externalities from the nation-state model.

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A number of people have asked me to respond to a piece that Andrew McAfee wrote for Wired, promoting his book, which claims that rich countries - and specifically the United States - have accomplished the miracle of “green growth” and “dematerialization”, absolutely decoupling GDP from resource use. I had critiqued the book’s central claims here and here, pointing out that the data he relies on is not in fact suitable for the purposes to which he puts it.

In short, McAfee uses data on domestic material consumption (DMC), which tallies up the resources that a nation extracts and consumes each year. But this metric ignores a crucial piece of the puzzle. While it includes the imported goods an economy relies on, it does not include the resources involved in extracting, producing, and transporting those goods. Because the United States and other rich economies have come to rely so heavily on production that happens in other countries, that side of resource use has been conveniently shifted off their books.

In other words, what looks like “green growth” is really just an artifact of globalization. Given how much the U.S. economy relies on globalization, McAfee’s data cannot be legitimately compared to U.S. GDP, and cannot be used to make claims about dematerialization. If McAfee wants to compare GDP to domestic resource consumption, then he needs to first subtract the share of US GDP that is derived from production that happens elsewhere. He does not. Nor is this possible to do.

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Ecological economists have been aware of this problem for a long time. To correct for it, they use a more holistic metric called “raw material consumption,” or Material Footprint, which fully accounts for materials embodied in trade. When we look at this data, the story changes. We see that resource use in the United States hasn’t been falling at all; in fact, it has been rising along with GDP. The same is true of all other major industrial economies. There has been zero dematerialization. No green growth. And indeed when it comes to excess resource use, rich countries are the biggest problem - not the saviours that McAfee suggests they are.

#### Papa says that there are foreign companies, not domestic export cartels, that contribute to protectionism and populism---concedes that trade agreements don’t exist for this---Emory reads blue.

Papa 20 – (\*Pierre M. Horna and \*\*Leni Papa \*Legal Affairs Official UNCTAD, Senior Visiting Research Fellow @ Institute of European Comparative Law, Faculty of Law @ Oxford University; Ph.D. in international law, Graduate Institute Geneva; LLM in International Business Law, Leiden University \*\*Policy Research and Advice @ OECD, consultant on competition policy for numerous government and private institutions; published 2020, Research Handbook on Methods and Models of Competition Law, pp. 493-4, “Export cartels in times of populist protectionism: challenges and options for young and small competition agencies,”) ISBN: 978 1 78536 864 6

Populist protectionist rhetoric is increasingly being heard around the globe. The US President, Donald J Trump, blames globalization for the loss of jobs and rising economic insecurity in the US.21 It was no surprise that in January 2017, the US issued a formal notice formally withdrawing from the Trans-Pacific Partnership discussions.22 In March 2017, his administration released a Trade Policy Agenda premised on the American people’s supposed frustration with the old trade policies of the US government, and their failure to see clear benefits from international trade agreements. The Agenda espoused a new approach of expanding trade ‘in a way that is freer and fairer for all Americans’,23 which includes the use of ‘all possible sources of leverage to encourage other countries to open their markets to U.S. exports of goods and services’, negotiating better trade deals, such as the North American Free Trade Agreement (NAFTA), and withdrawing from the same if such renegotiations were unsuccessful.24 In the US–China Summit held in April 2017, then US Secretary of State Rex Tillerson emphasized that the ‘chief goal of [US] trade policies is the prosperity of the American worker. To that end, [the US] will pursue economic engagement with China that prioritizes the economic well-being of the American people’.25

Populist protectionism has likewise been blamed for the UK’s withdrawal from the EU.26 Consequently, the UK’s 2018 trade policy indicated ‘widespread concern about the benefits of free trade and how evenly these are spread across the whole of the UK’.27 The World Bank warned that even isolated protectionist policies by large economies could be met with retaliatory responses and result in ‘wide-ranging negative effects’ for the rest of the world.28 Bouët and Laborde expressed the same concern about the global tariff wars that will arise from protectionist measures, predicting prejudice to all countries and to the world economy in general.29

Despite the general agreement about the damage caused by trade restrictions, the pressure for more ‘protectionist’ policies persists. Fouda explains:

Those who gain from ‘protectionist’ laws are special-interest groups, such as some big corporations, unions, and farmers’ groups … all of whom would like to get away with charging higher prices and getting higher wages than they could expect in a free marketplace. These special interests have the money and political clout for influencing politicians to pass laws favorable to them. Politicians in turn play on the fears of uninformed voters to rally support for these laws.30

Cartelists also may be the ones pushing for or benefiting from the populist protectionist measures. Messerlin, for example, studied the interaction between anti-dumping measures and the formation of cartels in the polyvinyl chloride (PVC) and low-density polyethylene (LdPE) industries of the European Community in the early 1980s.31 Evidence from the cartel investigations revealed that sometime in the middle of 1980, major firms producing LdPE and PVC in Western Europe (Western Europe producers) formed a cartel which agreed on market sharing and price practices in the European Community. These firms were facing competition from chemical products coming from Czechoslovakia, East Germany, Hungary and Romania (EEP).

### Adv 2

#### Green tech fails---their author has zero quals and is a writer for the Foundation for Economic Education. Hmm.

#### 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”.

## 1NR

### Adv 3

#### ASEAN fails broadly as a forum for multilat.

John Roberts 03 World Socialist Website, published by the International Committee of the Fourth International, October 30, “ASEAN’s problems on display at Bali summit” http://www.wsws.org/articles/2003/oct2003/asea-o30.shtml

There are considerable doubts, however, that a common South East Asian market—let alone a larger East Asian bloc—will actually materialise. ASEAN’s inability to agree on any date sooner than 2020 has reinforced the view in international financial circles that it is too divided and ineffectual to provide the basis for the economic integration of the region. Before the talks formally began, Thai Prime Minister Thaksin Shinawatra and Singapore Prime Minister Goh Chok Tong urged a much faster integration of the region. Both leaders warned that the potential for an integrated market of some 500 million people would be lost without urgent action. Thaksin declared bluntly: “Seventeen years from now might be too late.” He told business leaders on the eve of the summit: “This is the time for action, this is the time to adapt to meet the change, this is the time to realise regional economic integration.” Singapore’s Goh, referring to the breakdown at the WTO, told the same business forum that a single South East Asian market, with the free movement of goods, services and capital was “the only way” the region could “remain competitive in the face of the growing regional and bilateral free trade agreements”. Underpinning the sense of urgency from Goh and Thaksin is the fact thatcompetition from China—and India to a lesser extent—has made it impossible for ASEAN to regain the status it enjoyed in the mid-1990s as a favourite destination for foreign direct investment. In the 1980s and 1990s, ASEAN “economic tigers” such as Malaysia, Indonesia and Thailand experienced rapid economic growth, as well as expanded trade relations with Japan, North America and the European Union (EU) as a result of investment by transnational corporations and the establishment of export industries. Butby 1997, following the devaluation of the Chinese currency in 1994, global investment flows had shifted dramatically to China, taking advantage of far lower labour costs. In 1996, South Korea and ASEAN members Indonesia, Malaysia, the Philippines and Thailand received a combined private capital inflow of $US93 billion. In 1997, this had transformed into an outflow from the five countries totalling $US12 billion. From July 1997, the entire South East Asian region was rocked by currency devaluations, stock market collapses and financial crises. While a recovery of sorts has taken place, ASEAN has become something of an investment backwater. In 2001, ASEAN nations received just 1.7 per cent of available global foreign investment. By contrast, China received nine percent—five times ASEAN’s share. As well as being the bloc’s largest investor,Japan is its most important trading partner. But here, also, relations have deteriorated. In 1995, two-way trade with Japan totaled $US121.1 billion, while in 2001 it had declined to $US99.2 billion or 14.4 per cent of ASEAN trade. In 2000, ASEAN exports began to climb after the decline in 1997-1998, reaching $US408 billion. But an economic slowdown in the US and EU, combined with recession in Japan, saw the figure drop back sharply to $US366.8 billion in 2001. The ASEAN countries regard China as their primary export market of the future. As industry has burgeoned there, ASEAN members have increased their exports of energy, raw materials and parts to Chinese-based plants. A large Chinese delegation led by premier Wen Jiabao attended the summit as observers and promised even stronger ties. Wen forecast that by 2005, China’s trade with ASEAN will have increased to $US100 billion from the present level of $US55 billion. Figures like Goh and Thaksin hope that a unified South East Asian market, combined with closer relations with China, would attract back investment and bring about a return to the rates of economic growth the ASEAN countries were registering in the early 1990s. But Ernst Bower, chairman of the US-ASEAN Business Council, warned at the start of the summit thatthe region’s marginalisation would continue in the absence of increased economic integration and major reform of labour laws, judicial systems and customs duties. China and India, as well as more than matching the low cost, highly skilled labour available in many of the South East Asian nations, can offer transnational corporations the advantage of unified states. Transferring capital, unfinished goods or personnel from Shenzhen to Shanghai, or from Bangalore to Bombay, does not involve the same administrative and financial overheads as moving between Jakarta and Bangkok. The great obstacle, however, to the ASEAN nations’ integration is their uneven economic and political development. While the group includes relatively developed economies such as Singapore and Malaysia, the combined Gross Domestic Production (GDP) of ASEAN’s 10 members is only marginally larger than that of South Korea, and smaller than that of China. Even the six nations that formed ASEAN in 1967—Thailand, Singapore, Indonesia, Malaysia, the Philippines and Brunei—find it difficult to come to a common agreement on economic policy. In Indonesia, for example, foreign investment has established a modern export sector and created a significant industrial workforce in some cities. But a large proportion of the economy remains mired in backwardness. Tens of millions of peasant producers continue to survive by semi-subsistence agricultural production. In contrast, Singapore is based upon finance, industry and trade and has virtually no agricultural sector to speak of. It had no trouble signing a free trade deal with the US, as American agricultural commodities pose no threat. Opening Indonesia’s agricultural markets to outside competitors, however, would threaten the livelihood of large numbers of peasants, with unpredictable social consequences. The inclusion of the even more backward economies of Vietnam, Laos, Cambodia and Myanmar (Burma) into ASEAN has only accentuated the problem.Malaysia’s capital controls, imposed during the Asian economic crisis, have also created complications. The other main ASEAN states allow the free movement of capital. The consequence has been a lack of economic integration, revealed in the slow growth of intra-ASEAN trade. From the inception of the ASEAN Free Trade Area (AFTA) in 1993 until 2002, intra-ASEAN trade as a share of all exports only increased from 21.14 percent to 22.75 percent. Even these figures do not tell the whole story.Much of this intra-ASEAN trade is, in reality, intra-firm trade—the transfer of unfinished goods between various production sites of transnational companies in the region, with the final intended market being the major economies. ASEAN’s problems are aggravated by the association’s tradition of “non-intervention” in the internal affairs of member states. While the policy was conceived as a bulwark against political criticism of each other’s authoritarian regimes, it also mitigates against the ASEAN states pressuring one another on economic matters. They made a tentative step to break with the policy earlier in the year, when all nine other members publicly called on the Burmese military junta to release the imprisoned opposition leader Aung San Suu Kyi—in line with a demand from the Bush administration. By the time of the summit, however, there was apparently no agreement on continuing to pressure Burma. The fate of Suu Kyi was politely side-stepped, while the Accord reaffirmed ASEAN’s adherence to the “principle of non-interference”. In a sign of growing impatience with the organisation, Thailand has joined with Singapore in pursuing its own bilateral trade deals outside of the group—with the US, China and India**.**

#### Fears are overblown.

Joshua Shifrinson 19. Assistant professor of international relations at Boston University. “The ‘new Cold War’ with China is way overblown. Here’s why”. Washington Post. February 8, 2019. https://www.washingtonpost.com/news/monkey-cage/wp/2019/02/08/there-isnt-a-new-cold-war-with-china-for-these-4-reasons/?noredirect=on&utm\_term=.f8ca8195c4e4

Is a new Cold War looming — or already present — between the United States and China? Many analysts argue that a combination of geopolitics, ideology and competing visions of “global order” are driving the two countries toward emulating the Soviet-U.S. rivalry that dominated world politics from 1947 through 1990.

But such concerns are overblown. Here are four big reasons why.

1. The historical backdrops of the two relationships are very different

When the Cold War began, the U.S.-Soviet relationship was fragile and tenuous. Bilateral diplomatic relations were barely a decade old, U.S. intervention in the Russian Revolution was a recent memory, and the Soviet Union had called for the overthrow of capitalist governments into the 1940s. Despite their Grand Alliance against Nazi Germany, the two countries shared few meaningful diplomatic, economic or institutional links.

In 2019, the situation between the United States and China is very different. Since the 1970s, diplomatic interactions, institutional ties and economic flows have all exploded. Although each side has criticized the other for domestic interference (such as U.S. demands for journalist access to Tibet and China’s espionage against U.S. corporations), these issues did not prevent cooperation on a host of other issues. Yes, there were tensions over the past decade, but these occurred against a generally cooperative backdrop.

2. Geography and powers’ nuclear postures suggest East Asia is more stable than Cold War-era Europe

The Cold War was shaped by an intense arms race, nuclear posturing and crises, especially in continental Europe. Given Europe’s political geography, the United States feared a “bolt from the blue” attack would allow the Soviet Union to conquer the continent. Accordingly, the United States prepared to defend Europe with conventional forces, and to deter Soviet aggrandizement using nuclear weapons.

Unsurprisingly, the Soviet Union also feared that the United States might attack and wanted to deter U.S. adventurism. Concerns that the other superpower might use force and that crises could quickly escalate colored Cold War politics.

Today, the United States and China spend proportionally far less on their militaries than the United States and the Soviet Union did. Though an arms race may be emerging, U.S. and Chinese nuclear postures are not nearly as large or threatening: Arsenals remain far below the size and scope witnessed in the Cold War, and are kept at a lower state of alert.

As for geography, East Asia is not primed for tensions akin to those in Cold War Europe. China can threaten to coerce its neighbors, but the water barriers separating China from most of Asia’s strategically important states make outright conquest significantly harder. Of course, as scholars such as Caitlin Talmadge and Avery Goldstein note, crises may still erupt, and each side may face pressures to escalate. Unlike the Cold War, however, U.S.-Chinese confrontations occur at sea with relatively limited forces and without clear territorial boundaries. This suggests there are countervailing factors that may give the two sides room to negotiate — and limit the speed with which a crisis unfolds.

3. The Cold War had just two major powers

The Cold War took place in a bipolar system, with the United States and Soviet Union uniquely powerful, compared with other nations. This dynamic often pushed the United States and the U.S.S.R. toward confrontation and contributed to more or less fixed alliances; moreover, it encouraged efforts to suppress prospective great powers, such as Germany.

In 2019, it’s not at all clear we are back to bipolarity. Analysts remain divided over whether the U.S. unipolar era is waning (or is already over) — and, if so, whether we are heading for a new period of bipolarity, modern-day multipolarity or something else. Regardless, most analysts accept that other countries will play a central role in East Asian security affairs.

Russia, for example, still benefits from legacy military investments, India is developing economically and militarily, and Japan is beginning to build highly capable military forces to complement its still-significant economic might. Even if these nations aren’t as powerful as the United States or China, their presence makes for more fluid diplomatic arrangements and more diffuse security concerns than during the U.S.-Soviet competition. The resulting security dynamics are therefore likely to look very different.

4. Ideology plays less of a role in U.S.-Chinese relations

Many people see the Cold War as an ideological contest between U.S.-backed liberalism and Soviet-backed communism. But that’s not the whole story.

The early 20th century saw liberalism, communism and fascism vie for ideological preeminence. With fascism defeated alongside Nazi Germany, the postwar stage was set for a struggle between communism and liberalism to reinforce the U.S.-Soviet contest. That each ideology claimed universal scope ensured that the ideologies served as rallying cries for Third World conflicts, which were subsequently associated with the U.S.-Soviet struggle.

The respective “ideologies” of the United States and China do not favor this type of contest today. Indeed, analysts calling for a hard-line stance against China have faced difficulties even identifying a coherent Chinese ideological alternative. And while some researchers claim that a nascent ideological contest pitting an “autocratic” China against the “liberal” United States is emerging, this narrative ignores the political contests that shape Chinese politics (and have parallels in U.S. politics). Autocracies and democracies often cooperate. And on one important ideological issue — how they organize their economic lives — China and the United States have both embraced economic growth via trade, the private sector and semi-free markets.

### CP Notice and Comments

#### CWS is the consistent goal now.

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

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

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

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

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

The Case for a Different Approach

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

Defense of the Consumer Welfare Standard

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

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

#### 2. Only accessible literature base.

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

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

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

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

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

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

---FOOTNOTE 147 STARTS---

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

---FOOTNOTE 147 ENDS---