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### 1

Trade DA

#### The plan is perceived as a protectionist shockwave that shreds any semblance of global free 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.

#### Nuclear war.

Dr. Michael F. Oppenheimer 21. Clinical Professor at the Center for Global Affairs at New York University, Senior Consulting Fellow for Scenario Planning at the International Institute for Strategic Studies, Former Executive Vice President at The Futures Group, The Foreign Policy Roundtable at the Carnegie Council on Ethics and International Affairs, and The American Council on Germany, “The Turbulent Future of International Relations,” in The Future of Global Affairs: Managing Discontinuity, Disruption and Destruction, eds. Ankersen and Sidhu, p. 23-30.

Four structural forces will shape the future of International Relations: globalization (but without liberal rules, institutions, and leadership)1; multipolarity (the end of American hegemony and wider distribution of power among states and non-states2); the strengthening of distinctive, national and subnational identities, as persistent cultural differences are accentuated by the disruptive effects of Western style globalization (what Samuel Huntington called the “non-westernization of IR”3); and secular economic stagnation, a product of longer term global decline in birth rates combined with aging populations.4 These structural forces do not determine everything. Environmental events, global health challenges, internal political developments, policy mistakes, technology breakthroughs or failures, will intersect with structure to define our future. But these four structural forces will impact the way states behave, in the capacity of great powers to manage their differences, and to act collectively to settle, rather than exploit, the inevitable shocks of the next decade.

Some of these structural forces could be managed to promote prosperity and avoid war. Multipolarity (inherently more prone to conflict than other configurations of power, given coordination problems)5 plus globalization can work in a world of prosperity, convergent values, and effective conflict management. The Congress of Vienna system achieved relative peace in Europe over a hundred-year period through informal cooperation among multiple states sharing a fear of populist revolution. It ended decisively in 1914. Contemporary neoliberal institutionalists, such as John Ikenberry, accept multipolarity as our likely future, but are confident that globalization with liberal characteristics can be sustained without American hegemony, arguing that liberal values and practices have been fully accepted by states, global institutions, and private actors as imperative for growth and political legitimacy.6 Divergent values plus multipolarity can work, though at significantly lower levels of economic growth-in an autarchic world of isolated units, a world envisioned by the advocates of decoupling, including the current American president. 7 Divergent values plus globalization can be managed by hegemonic power, exemplified by the decade of the 1990s, when the Washington Consensus, imposed by American leverage exerted through the IMF and other U.S. dominated institutions, overrode national differences, but with real costs to those states undergoing “structural adjustment programs,”8 and ultimately at the cost of global growth, as states—especially in Asia—increased their savings to self insure against future financial crises.9

But all four forces operating simultaneously will produce a future of increasing internal polarization and cross border conflict, diminished economic growth and poverty alleviation, weakened global institutions and norms of behavior, and reduced collective capacity to confront emerging challenges of global warming, accelerating technology change, nuclear weapons innovation and proliferation. As in any effective scenario, this future is clearly visible to any keen observer. We have only to abolish wishful thinking and believe our own eyes.10

Secular Stagnation

This unbrave new world has been emerging for some time, as US power has declined relative to other states, especially China, global liberalism has failed to deliver on its promises, and totalitarian capitalism has proven effective in leveraging globalization for economic growth and political legitimacy while exploiting technology and the state’s coercive powers to maintain internal political control. But this new era was jumpstarted by the world financial crisis of 2007, which revealed the bankruptcy of unregulated market capitalism, weakened faith in US leadership, exacerbated economic deprivation and inequality around the world, ignited growing populism, and undermined international liberal institutions. The skewed distribution of wealth experienced in most developed countries, politically tolerated in periods of growth, became intolerable as growth rates declined. A combination of aging populations, accelerating technology, and global populism/nationalism promises to make this growth decline very difficult to reverse. What Larry Summers and other international political economists have come to call “secular stagnation” increases the likelihood that illiberal globalization, multipolarity, and rising nationalism will define our future. Summers11 has argued that the world is entering a long period of diminishing economic growth. He suggests that secular stagnation “may be the defining macroeconomic challenge of our times.” Julius Probst, in his recent assessment of Summers’ ideas, explains:

…rich countries are ageing as birth rates decline and people live longer. This has pushed down real interest rates because investors think these trends will mean they will make lower returns from investing in future, making them more willing to accept a lower return on government debt as a result.

Other factors that make investors similarly pessimistic include rising global inequality and the slowdown in productivity growth…

This decline in real interest rates matters because economists believe that to overcome an economic downturn, a central bank must drive down the real interest rate to a certain level to encourage more spending and investment… Because real interest rates are so low, Summers and his supporters believe that the rate required to reach full employment is so far into negative territory that it is effectively impossible.

…in the long run, more immigration might be a vital part of curing secular stagnation. Summers also heavily prescribes increased government spending, arguing that it might actually be more prudent than cutting back – especially if the money is spent on infrastructure, education and research and development.

Of course, governments in Europe and the US are instead trying to shut their doors to migrants. And austerity policies have taken their toll on infrastructure and public research. This looks set to ensure that the next recession will be particularly nasty when it comes… Unless governments change course radically, we could be in for a sobering period ahead.12

The rise of nationalism/populism is both cause and effect of this economic outlook. Lower growth will make every aspect of the liberal order more difficult to resuscitate post-Trump. Domestic politics will become more polarized and dysfunctional, as competition for diminishing resources intensifies. International collaboration, ad hoc or through institutions, will become politically toxic. Protectionism, in its multiple forms, will make economic recovery from “secular stagnation” a heavy lift, and the liberal hegemonic leadership and strong institutions that limited the damage of previous downturns, will be unavailable. A clear demonstration of this negative feedback loop is the economic damage being inflicted on the world by Trump’s trade war with China, which— despite the so-called phase one agreement—has predictably escalated from negotiating tactic to imbedded reality, with no end in sight. In a world already suffering from inadequate investment, the uncertainties generated by this confrontation will further curb the investments essential for future growth. Another demonstration of the intersection of structural forces is how populist-motivated controls on immigration (always a weakness in the hyper-globalization narrative) deprives developed countries of Summers’ recommended policy response to secular stagnation, which in a more open world would be a win-win for rich and poor countries alike, increasing wage rates and remittance revenues for the developing countries, replenishing the labor supply for rich countries experiencing low birth rates.

Illiberal Globalization

Economic weakness and rising nationalism (along with multipolarity) will not end globalization, but will profoundly alter its character and greatly reduce its economic and political benefits. Liberal global institutions, under American hegemony, have served multiple purposes, enabling states to improve the quality of international relations and more fully satisfy the needs of their citizens, and provide companies with the legal and institutional stability necessary to manage the inherent risks of global investment. But under present and future conditions these institutions will become the battlegrounds—and the victims—of geopolitical competition. The Trump Administration’s frontal attack on multilateralism is but the final nail in the coffin of the Bretton Woods system in trade and finance, which has been in slow but accelerating decline since the end of the Cold War. Future American leadership may embrace renewed collaboration in global trade and finance, macroeconomic management, environmental sustainability and the like, but repairing the damage requires the heroic assumption that America’s own identity has not been fundamentally altered by the Trump era (four years or eight matters here), and by the internal and global forces that enabled his rise. The fact will remain that a sizeable portion of the American electorate, and a monolithically pro- Trump Republican Party, is committed to an illiberal future. And even if the effects are transitory, the causes of weakening global collaboration are structural, not subject to the efforts of some hypothetical future US liberal leadership. It is clear that the US has lost respect among its rivals, and trust among its allies. While its economic and military capacity is still greatly superior to all others, its political dysfunction has diminished its ability to convert this wealth into effective power.13 It will furthermore operate in a future system of diffusing material power, diverging economic and political governance approaches, and rising nationalism. Trump has promoted these forces, but did not invent them, and future US Administrations will struggle to cope with them.

What will illiberal globalization look like? Consider recent events. The instruments of globalization have been weaponized by strong states in pursuit of their geopolitical objectives. This has turned the liberal argument on behalf of globalization on its head. Instead of interdependence as an unstoppable force pushing states toward collaboration and convergence around market-friendly domestic policies, states are exploiting interdependence to inflict harm on their adversaries, and even on their allies. The increasing interaction across national boundaries that globalization entails, now produces not harmonization and cooperation, but friction and escalating trade and investment disputes.14 The Trump Administration is in the lead here, but it is not alone. Trade and investment friction with China is the most obvious and damaging example, precipitated by China’s long failure to conform to the World Trade Organization (WTO) principles, now escalated by President Trump into a trade and currency war disturbingly reminiscent of the 1930s that Bretton Woods was designed to prevent. Financial sanctions against Iran, in violation of US obligations in the Joint Comprehensive Plan Of Action (JCPOA), is another example of the rule of law succumbing to geopolitical competition. Though more mercantilist in intent than geopolitical, US tariffs on steel and aluminum, and their threatened use in automotives, aimed at the EU, Canada, and Japan,15 are equally destructive of the liberal system and of future economic growth, imposed as they are by the author of that system, and will spread to others. And indeed, Japan has used export controls in its escalating conflict with South Korea16 (as did China in imposing controls on rare earth,17 and as the US has done as part of its trade war with China). Inward foreign direct investment restrictions are spreading. The vitality of the WTO is being sapped by its inability to complete the Doha Round, by the proliferation of bilateral and regional agreements, and now by the Trump Administration’s hold on appointments to WTO judicial panels. It should not surprise anyone if, during a second term, Trump formally withdrew the US from the WTO. At a minimum it will become a “dead letter regime.”18

As such measures gain traction, it will become clear to states—and to companies—that a global trading system more responsive to raw power than to law entails escalating risk and diminishing benefits. This will be the end of economic globalization, and its many benefits, as we know it. It represents nothing less than the subordination of economic globalization, a system which many thought obeyed its own logic, to an international politics of zero-sum power competition among multiple actors with divergent interests and values. The costs will be significant: Bloomberg Economics estimates that the cost in lost US GDP in 2019- dollar terms from the trade war with China has reached $134 billion to date and will rise to a total of $316 billion by the end of 2020.19 Economically, the just-in-time, maximally efficient world of global supply chains, driving down costs, incentivizing innovation, spreading investment, integrating new countries and populations into the global system, is being Balkanized. Bilateral and regional deals are proliferating, while global, nondiscriminatory trade agreements are at an end.

Economies of scale will shrink, incentivizing less investment, increasing costs and prices, compromising growth, marginalizing countries whose growth and poverty reduction depended on participation in global supply chains. A world already suffering from excess savings (in the corporate sector, among mostly Asian countries) will respond to heightened risk and uncertainty with further retrenchment. The problem is perfectly captured by Tim Boyle, CEO of Columbia Sportswear, whose supply chain runs through China, reacting to yet another ratcheting up of US tariffs on Chinese imports, most recently on consumer goods:

We move stuff around to take advantage of inexpensive labor. That’s why we’re in Bangladesh. That’s why we’re looking at Africa. We’re putting investment capital to work, to get a return for our shareholders. So, when we make a wager on investment, this is not Vegas. We have to have a reasonable expectation we can get a return. That’s predicated on the rule of law: where can we expect the laws to be enforced, and for the foreseeable future, the rules will be in place? That’s what America used to be.20

The international political effects will be equally damaging. The four structural forces act on each other to produce the more dangerous, less prosperous world projected here. Illiberal globalization represents geopolitical conflict by (at first) physically non-kinetic means. It arises from intensifying competition among powerful states with divergent interests and identities, but in its effects drives down growth and fuels increased nationalism/populism, which further contributes to conflict. Twenty-first-century protectionism represents bottom-up forces arising from economic disruption. But it is also a top-down phenomenon, representing a strategic effort by political leadership to reduce the constraints of interdependence on freedom of geopolitical action, in effect a precursor and enabler of war. This is the disturbing hypothesis of Daniel Drezner, argued in an important May 2019 piece in Reason, titled “Will Today’s Global Trade Wars Lead to World War Three,”21 which examines the pre- World War I period of heightened trade conflict, its contribution to the disaster that followed, and its parallels to the present:

Before the First World War started, powers great and small took a variety of steps to thwart the globalization of the 19th century. Each of these steps made it easier for the key combatants to conceive of a general war. We are beginning to see a similar approach to the globalization of the 21st century. One by one, the economic constraints on military aggression are eroding. And too many have forgotten—or never knew—how this played out a century ago.

…In many ways, 19th century globalization was a victim of its own success. Reduced tariffs and transport costs flooded Europe with inexpensive grains from Russia and the United States. The incomes of landowners in these countries suffered a serious hit, and the Long Depression that ran from 1873 until 1896 generated pressure on European governments to protect against cheap imports.

…The primary lesson to draw from the years before 1914 is not that economic interdependence was a weak constraint on military conflict. It is that, even in a globalized economy, governments can take protectionist actions to reduce their interdependence in anticipation of future wars. In retrospect, the 30 years of tariff hikes, trade wars, and currency conflicts that preceded 1914 were harbingers of the devastation to come. European governments did not necessarily want to ignite a war among the great powers. By reducing their interdependence, however, they made that option conceivable.

…the backlash to globalization that preceded the Great War seems to be reprised in the current moment. Indeed, there are ways in which the current moment is scarier than the pre-1914 era. Back then, the world’s hegemon, the United Kingdom, acted as a brake on economic closure. In 2019, the United States is the protectionist with its foot on the accelerator. The constraints of Sino-American interdependence—what economist Larry Summers once called “the financial balance of terror”—no longer look so binding. And there are far too many hot spots—the Korean peninsula, the South China Sea, Taiwan—where the kindling seems awfully dry.

### 2

Tradeoff

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

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

The new acting FTC chair, Rebecca Kelly Slaughter, recently signaled that the FTC may **increase enforcement** and penalties in the **privacy and data security** realm. Slaughter pointed to several areas of focus for the FTC this year, which companies will want to keep in mind:

Notifying Consumers About FTC Allegations: Slaughter referred favorably to two recent cases: (1) the Everalbum biometric settlement from earlier this year (which we wrote about at the time); and (2) the Flo Health settlement over alleged deceptive data sharing practices (which we also wrote about at the time). In drawing on these two cases, Slaughter indicated that in future cases the FTC intends to include as part of any settlement a requirement to notify customers of any FTC allegations. This, she said, would allow consumers to “vote with their feet” and help them decide whether to recommend their services to others.

FTC Intent to Plead All Relevant Violations: According to Slaughter, another lesson the FTC is taking from the Flo case is to include in the cases it brings all potentially applicable violations of all relevant privacy-related laws. In the Flo case, Slaughter said the FTC should have pleaded a violation of the Health Breach Notification Rule, which requires that vendors of personal health records notify consumers of data breaches.

Focus on Ed Tech and COPPA: Given the explosive growth of education technology during COVID-19, the FTC is conducting an industry sweep of the industry. Related to this, the FTC is reviewing its Children’s Online Privacy Protection Act Rule. This goes beyond the refresh the agency did of their FAQs earlier in the pandemic (which we wrote about at the time). For now, Slaughter reminds companies that parental consent is needed before collecting information online from children under the age of 13.

Examination of Health Apps: The FTC will take a closer look at health apps, including telehealth and contact tracing apps, as more and more consumers are relying on such apps to manage their health during the pandemic.

Overlap Between Competition and Privacy: Slaughter also indicated that it is worth looking at situations where there may be not only privacy concerns, but antitrust as well. Because the FTC has a dual mission (consumer protection and competition) she notes that it has a “structural advantage” over other regulators in that it can look at these issues, especially since -she states- “many of the largest players in digital markets are as powerful as they are because of the breadth of their access to and control over consumer data.”

Racial Equality and AI/Biometrics/Geotracking: Slaughter noted that COVID-19 is exacerbating racial inequities. She pointed to the unequal access to technology, as well as algorithmic discrimination (the idea that discrimination offline becomes embedded into algorithmic system logic). The FTC intends to focus on algorithmic discrimination, as well as on the discrimination potentially embedded into facial recognition technologies. (This mirrors concerns that gave rise to the recent Portland facial recognition law, which we recently wrote about). Finally, Slaughter commented on the use of location data to identify characteristics of Black Lives Matter protesters, and said she is concerned about the misuse of location data to track Americans engaged in constitutionally protected speech.

Putting it Into Practice: Companies that operate health apps, that are in the education technology space, or that use algorithms or facial recognition tools will want to keep in mind that these are areas of focus for the FTC. And for everyone, keep in mind that the FTC has indicated it will **beef up privacy law penalties** and will ask for more notification to injured consumers.

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

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

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

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

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

The FTC needs more **resources** to adequately address the nation’s growing privacy concerns. Currently, the FTC oversees both consumer protection—encompassing privacy—and antitrust,249 making the FTC the chief federal agency on privacy policy and enforcement250 and the nation’s de-facto privacy agency.251 The agency has long-standing experience in enforcing privacy statutes252 and also has special privacy assets, such as an internet lab capable of high-quality tech forensics to track invasions of privacy.253 The FTC, however, has failed to keep pace with the massive growth of privacy concerns—a phenomenon also driven by modern technology. Very few Americans feel conﬁdent in the privacy of their information in the digital age.254 According to a 2019 study, over 80% of Americans feel that they have little to no control over the data collected on them by companies and the government.255 To adequately address privacy concerns, the FTC needs more resources.256 The agency has been explicit that it needs more manpower to police tech companies. In requesting increased funding from Congress, FTC Director Joseph Simons said the money would allow the agency to hire additional staff and bring more privacy

cases.257 A former director of the FTC’s Bureau of Consumer Protection, which houses the

privacy unit, has called the FTC “woefully understaffed.”258

As of the spring of 2019, the FTC had only forty employees dedicated to privacy and data

security, compared to 500 and 110 employees at comparable agencies in the UK. and Ireland, respectively.259 Without more lawyers, investigators, and technologists, the FTC will be forced to conduct privacy investigations less thoroughly, and in some cases, **forgo them altogether**.260 Currently, the FT C’s resources are **spread thin across multiple missions**, to the **detriment of its privacy efforts**. Removing the agency’s antitrust responsibilities would reallocate resources from the antitrust department to its privacy unit and other areas of consumer protection. Further, it would free up the scarce time of the commissioners to oversee this essential effort.261

**Unchecked algorithmic bias risks massive inequality, suffering, and extinction**

**Thomas 20** – Quoting AI experts including MIT Physics Professors, Senior Features Writer for BuiltIn

Mike Thomas, THE FUTURE OF ARTIFICIAL INTELLIGENCE: 7 ways AI can change the world for better ... or worse, Updated: April 20, 2020, <https://builtin.com/artificial-intelligence/artificial-intelligence-future>

Klabjan also puts **little stock in extreme scenarios** — the type involving, say, murderous cyborgs that turn the earth into a smoldering hellscape. He’s **much** more concerned with machines — war robots, for instance — being **fed faulty “incentives**” by nefarious humans. As MIT physics professors and leading AI researcher Max Tegmark put it in a 2018 TED Talk, “The **real threat** from AI isn’t **malice**, like in silly Hollywood movies, but **competence** — AI accomplishing goals that just aren’t aligned with ours.” That’s Laird’s take, too.

“I definitely don’t see the scenario where something wakes up and decides it wants to take over the world,” he says. “I think that’s science fiction and not the way it’s going to play out.”

What Laird worries most about isn’t evil AI, per se, but “evil humans using AI as a sort of false force multiplier” for things like bank robbery and credit card fraud, among many other crimes. And so, while he’s often frustrated with the pace of progress, AI’s slow burn may actually be a blessing.

“Time to understand what we’re creating and how we’re going to incorporate it into society,” Laird says, “might be exactly what we need.”

But no one knows for sure.

“There are several major breakthroughs that have to occur, and those could come very quickly,” Russell said during his Westminster talk. Referencing the rapid transformational effect of nuclear fission (atom splitting) by British physicist Ernest Rutherford in 1917, he added, “It’s very, very hard to predict when these conceptual breakthroughs are going to happen.”

But whenever they do, if they do, he emphasized the importance of preparation. That means starting or continuing discussions about the ethical use of A.G.I. and whether it should be regulated. That means working to **eliminate data bias**, which has a **corrupting effect on algorithms** and is **currently a fat fly in the AI ointment**. That means working to invent and augment security measures capable of keeping the technology in check. And it means having the humility to realize that just because we can doesn’t mean we should.

“Our situation with technology is complicated, but the big picture is rather simple,” Tegmark said during his TED Talk. “Most AGI researchers expect AGI within decades, and **if we just bumble into this unprepared**, it will probably **be the biggest mistake in human history**. It could enable brutal global dictatorship with **unprecedented inequality**, surveillance, **suffering** and maybe **even human extinction**. **But if we steer carefully**, we could end up in a **fantastic future** where **everybody’s better off**—the poor are richer, the rich are richer, **everybody’s healthy and free** to live out their dreams.”

### 3

Regs

#### The United States federal government should increase prohibitions by the private sector against anticompetitive business practices through non-antitrust regulations.

#### The counterplan PICs out of anti-trust legislation and the FTC and DOJ as enforcers---other agencies’ regulations solve.

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

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

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

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

### 4

Cap

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

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

I. Neoliberal Reason

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

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

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

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

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

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

II. From Keynesian State Capitalism to Neoliberal Deregulation

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

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

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

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

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

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

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

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

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

#### Capitalism drives extinction and structural violence

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

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

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

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

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

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

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

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

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

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

### 5

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

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

Competition Policy

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

Theory and Implementation of Competition Policy

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

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

Scope of Competition Policy

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

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

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

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

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

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

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

### 6

#### The United States should only allow the continuation of anticompetitive business practices by the private sector only when a team of the Good Judgment Project’s “super-forecasters” has determined that the activity reduces the numerical probability of the reduction of drug innovation, the reduction in life sciences, and the increase in discrimination across multiple sectors from an unacceptably high level.

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

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

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

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

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

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

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

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

B. Periodic Assessments of the Antitrust Laws Are Advisable

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

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

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

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

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

Information, risk and uncertainty

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

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

Economic and socio-psychological constraints

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

Individual differences

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

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

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

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

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

## Case

### Adv 1

#### Pharmaceutical consolidation doesn’t stifle innovation

Joanna Shepherd, 18 (Professor of Law, Emory University School of Law. " Consolidation and Innovation in the Pharmaceutical Industry: The Role of Mergers and Acquisitions in the Current Innovation Ecosystem," *Journal of Health Care Law and Policy*, 8-28-18, https://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=1356&amp;context=jhclp

Despite concerns among some researchers and competition agencies that consolidation in the pharmaceutical industry reduces innovation, aggregate innovation has held strong notwithstanding dramatic increases in M&A activity. The years 2014 and 2015 generated both record numbers of new drug approvals and record pharmaceutical M&A.152 In fact, although M&A deals and new drug approvals vary slightly year-to-year, the general pattern has been increasing aggregate innovation alongside increasing consolidation.153 Although trend data is not enough to prove a causal relationship between innovation and consolidation, when considered alongside the evolving innovation ecosystem, it suggests that **M&A does not stifle drug innovation**. Today, most drug innovation originates outside of traditional pharmaceutical companies, in biotech companies and smaller firms, where a culture of nimble decision-making and risk-taking facilitates discovery and innovation. In the later stages of the drug development process, the biotech companies routinely partner with large pharmaceutical companies to advance through late-stage clinical trials and produce, market, and distribute the drugs. 154 In this current ecosystem, biotech and pharmaceutical firms are able to specialize in what they do best, bringing expertise and efficiencies to the innovation process. The specialization has led to an environment in which approximately three-fourths of new drugs are externally-sourced. 155 Internal R&D is no longer the primary source, or even an important source, of drug innovation.

#### Pharma innovation is high now.

Christine **Bahls 21.** Medical and health care reporter. "A New Mindset on Innovation: At This Rate, Big Pharma May Need a Bigger Sandbox." PharmExec. 3-1-2021. https://www.pharmexec.com/view/a-new-mindset-on-innovation-at-this-rate-big-pharma-may-need-a-bigger-sandbox

A **trillion-dollar industry** whose members once practiced “not-invented-here syndrome” with near-religious fervor have now, for the most part, **embraced** on a **formal scale** what critics long wanted it to do: **Seek and find innovators**. Don’t, they had said, let a project fail just because a critical widget for said project didn’t exist in-house—go source it elsewhere. The **biopharmaceutical industry’s innovation discovery methods** have gone from the **long-established** (the Biotechnology Innovation Organization [BIO]is 28 years old1), to **seeding promising technology platforms**, to supporting **brick-and-mortar innovation** centers. For example, **AstraZeneca** and GlaxoSmithKline are underwriting a new structure in Edinburgh, Scotland. Venture capitalists, in today’s R**&D environment**, are still **absorbing** much of the **pretrial-risk** sting. Established pharma participate in programs that support **academic lab discoveries**. They attend BIO-like conferences for specific specialties, such as ophthalmology. Novo Nordisk’s Novo Foundation,2 through its investment group, is working to adjust how future anti-infectives are paid for in hopes of reducing their resistance. And **researchers** are **financially helping** their own. Boston-based Dana-Farber Cancer Institute has started its own VC fund to support institute-generated startups.3 Basic investigative groundwork, like scouring PubMed and patent websites, has gone beyond an *ad hoc* exercise. At Bayer, for example, the company’s innovation discovery team has a dedicated **data miner**, looking for **trends** and novel **technologies**. The idea, says Chandra Ramanathan, Bayer’s global head of R&D open innovation in Cambridge, MA, and *Pharm Exec* Editorial Advisory Board member, is to “identify a breakthrough before people know it’s a breakthrough.” Significant **technology advancements** and Wall Street’s large appetite for **pharma** and **biotech** are **thrusts** in **pharma’s engine**. The success of pharma’s decision in the 2010s to court biotech companies with products near or in clinical-trial stage has **increased** the **number and types** of the **sandbox’s occupants.** In short, pharma has its own R&D ecosystem. Public money flows in from Washington, D.C.and state capitals. At the National Institutes of Health (NIH), the National Institute on Aging (NIA) established Alzheimer’s Disease Research Centers (ADRCs) in 1984, with six centers. Located in academic medical institutions, ADRCs now number 31. Sharing data with all stakeholders began in 1990. In 2014, the NIH began its Accelerating Medicines Partnership (AMP), a non-competitive arrangement between the NIH, FDA, and **biopharma** and **life sciences companies**. The ultimate goals are to **increase** the number of **therapies** while reducing the time it normally takes for pharma to get to market. The keystone in the program is open science. AMPs are dedicated to specific diseases, such as **Alzheimer’s** and type 2 **diabetes**. And these AMP researchers share knowledge gleaned. “Drug development takes too long, and there is too much attrition in Phase II and Phase III,” says Suzana Petanceska, PhD, who leads AMP’s Alzheimer’s program. ”We still do not understand the biology of these big complicated diseases.”

#### Big Pharma key to medical innovation – saves millions of lives

PF Whalen, 20. Contributor at The Blue State Conservative. “IN DEFENSE OF BIG PHARMA.” November 12, 2020. https://humanevents.com/2020/11/12/in-defense-of-big-pharma/

This was the approach of Sen. Elizabeth Warren (D-MA) when she claimed, “It was unethical when Turing did it, and it was just as unethical when the rest of the pharmaceutical industry jacks up drug prices.” The leftwing media frequently echoes Warren’s sentiment. In an opinion piece last year by The American Prospect, detailing the contention of Rep. Alexandria Ocasio-Cortez (D-NY) that innovations from Big Pharma are a myth, and that most high profile drugs would not exist if it weren’t for public investment, the liberal magazine asserted: “Pharmaceutical companies routinely engage in price gouging (not to mention research misconduct and public manipulation)—unsavory practices for which there is virtually no oversight… Martin Shkreli, the former pharma CEO and current federal inmate, epitomized this mindset…” These attacks on the pharmaceutical industry are incredibly misguided. Not only does the pharmaceutical industry provide high-paying jobs to millions of Americans, paying billions of dollars in taxes each year, but they have also quite literally saved hundreds of millions of lives worldwide. Of the top six pharmaceutical companies in the world, four of them are U.S.-based: Johnson & Johnson, Merck, Pfizer, and AbbVie. Genetic Engineering & Biotechnology News magazine reports that the combined revenues of those four companies exceeded $1 trillion in 2019. No other country’s collective pharmaceutical industry is even remotely close to the impact that U.S. pharmaceutical companies have on the world’s population. “If the pharmaceutical industry will not end its greed, which is literally killing Americans, then we will end it for them.” Meanwhile, leftists like Sen. Sanders, and his socialist cronies, regard these numbers as demerits—examples of American capitalism taking advantage of some group of victims. “If the pharmaceutical industry will not end its greed, which is literally killing Americans, then we will end it for them,” Sanders promised in 2019 after Democrats gained control of the house and made lowering prescription drug costs one of their top priorities. In the mind of Sanders and other socialists, making a profit is greed and cannot be tolerated. In reality, the numbers above reflect the greatness of capitalism and free-markets. That revenue was earned by providing medications and products to satisfy a demand—a demand that, in many cases, was for critical, life-saving drugs. True, U.S. pharmaceutical companies do generate earnings from the sale of non-critical drugs, for maladies such as hair loss and skin imperfections, but such drugs actually make up only a fraction of Big Pharma’s revenue. Of the top ten most prescribed medications in the U.S., four are medications that fight heart disease by addressing high blood pressure or high cholesterol; the remaining six drugs relieve afflictions such as bacterial infections and thyroid deficiencies. In 2018, almost $80 billion of U.S. pharmaceutical companies’ revenues were used for research and development, a trend that’s been steadily growing since 1995, at least. That was money well-spent, yielding some extremely effective treatments and medical innovation over the years. According to the American Cancer Society, there were over 15 million cancer survivors in the U.S. in 2016, and they expect those numbers to increase to over 20 million by 2026. These improvements for cancer patients are largely due to a multitude of advancements that can be traced back to Big Pharma: advancements in surgical solutions, radiation treatment discoveries, and, of course, drugs and chemotherapy developments that can be attributed to the R&D investments made by pharmaceutical companies. One such recent advancement is Keytruda, a lung cancer drug developed by the U.S.-based Merck & Co and was approved for use in 2014. A study completed last year shows that almost one-quarter of patients treated with Keytruda were still alive after five years—a remarkable improvement from the historic survival rate of 5%. According to Dr. Edward Garon, a lung cancer specialist from UCLA who led the study, “The uniformly negative outlook that has been associated with a diagnosis of advanced, non-small cell lung cancer is certainly no longer appropriate,” as a result of these improvements made by Keytruda. Lung cancer is easily the most deadly of all cancers and has historically been responsible for more deaths than cancers of the breast, colon, and prostate combined. It’s doubtful many of the patients who have had their lives saved from Keytruda oppose the pharmaceutical industry. It’s also useful to contrast the gains made by U.S. pharmaceutical companies to the many life-saving medications developed in the communist/socialist countries that the American left adores? Are medicines from North Korea or Venezuela saving millions of lives? Of course not. Modern medicine is truly miraculous, and we see evidence of that miracle constantly, and much of those wonders are due specifically to capitalism. The companies that design and manufacture the ultrasound equipment, for instance, that pinpoints tumors make a profit from selling that equipment—and that profit is key to incentivizing new medical innovation and the growth of treatment options for the world’s sick. For instance, GE Healthcare announced last year that a new ultrasound technique they developed can differentiate between malignant and benign breast tumors. Abbott Laboratories, working to develop better methods of testing our blood to identify coronavirus antibodies, and the industry giants working on cancer testing, make a profit from those methods. And the companies who make up Big Pharma—those who develop and sell drugs that save millions of lives every year from the ravages of disease—they make a profit as well. For those of us with loved ones who have survived cancer, imagine what their fate would have been without capitalism or Big Pharma. The next time Sen. Sanders calls Big Pharma a “bunch of crooks,” salivating at the opportunity to ‘profit’ from COVID-19 (as though profit-seeking were somehow corrupt), consider how many jobs the Senator has created and how many lives he’s saved—and of how little use his socialist utopia or free healthcare would be if there were no Americans left alive to enjoy it. For those of us with loved ones who have survived cancer, imagine what their fate would have been without capitalism or Big Pharma. Pharmaceutical companies are far from perfect—Purdue Pharmaceutical is just one hideous example, and they deserve our scorn. Those companies that engage in criminal behavior like price gouging or false advertising should be held accountable, exposed, and embarrassed when appropriate, and held criminally liable when justified. Purdue marketed OxyContin with the primary purpose of maximizing their profits, kick-starting the opioid epidemic in the process. A drug that may have been developed with the noble goal of helping patients manage their pain ended up causing tremendous harm as a result of the actions of the company’s leadership. Likewise, Martin Shkreli at Turing Pharmaceuticals clearly had profits as his primary objective. But while capitalism and the desire for profit may have been the main driver for the misdeeds of Purdue and Turing, it has also been a key aspect in motivating companies such as Merck and others whose innovations save lives. We need Big Pharma—all of us.

### Adv 2

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

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

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

#### Big Pharma prevents disease.

Sandip **Shah 19**. State Public Health Lab Director and Administrator at State Department of Health. "Opinion: Big Pharma doesn't deserve all the hate.". 11-21-2019. https://www.naplesnews.com/story/opinion/contributors/2019/11/21/opinion-big-pharma-doesnt-deserve-all-hate/4267640002/

This **scorn** is **misplaced**. It's true that the biopharmaceutical sector contains a few bad actors who price gouge and cut regulatory corners. But the majority of drug companies are **responsible** corporate citizens that **spend billions** to **invent lifesaving medicines**. If we let our **collective resentment** turn into tangible, **anti-innovation policies** – such as drug price controls – we'll end up **worse** off. American **pharmaceutical** researchers deserve credit for the **lion's share** of **medical progress**. In 2017, drug firms poured $97 billion into research and development operations in the United States. That's more than double the U.S. government's spending on scientific research. Scientists in U.S. labs are currently developing 4,500 experimental drugs – more than half of all medicines in development worldwide. Thanks to these efforts, Americans are **beating deadly diseases** in record numbers. Cancer death rates have declined close to 30% since the 1990s. Researchers credit nearly three-quarters of these **survival gains** to **groundbreaking new drugs**. Biopharmaceutical research also **revolutionized** the treatment of **HIV/AIDS**. Just 30 years ago, a diagnosis was a death sentence. In the mid-1990s, scientists developed **highly active** antiretroviral therapies. These drugs caused HIV/AIDS death rates to plummet 88%, and have averted close to 1 million premature deaths in the United States alone. Scientists have recently turned their attention to **new types** of drugs, such as **gene and immunotherapies**, that reprogram patients' own bodies to fight disease. Doctors are already using these **cutting-edge medicines** to treat **hemophilia**, **leukemia** **and blindness**. Progress like this doesn't come easy. Each new drug is the result of millions of man-hours of research and testing. It takes over a decade to turn a promising lab compound into a marketable medicine. For every experimental drug that makes it to patients, nine others fail in clinical trials. Taking this **failure rate** into consideration, it costs more than $2 billion on average to bring a **new treatment** to market.

**Disease causes extinction---the risk is categorically underestimated.**

Dennis **Pamlin &** Stuart **Armstrong 15**. \*Executive Project Manager Global Risks, Global Challenges Foundation. \*\*James Martin Research Fellow, Future of Humanity Institute, Oxford Martin School, University of Oxford. February 2015, “Global Challenges: 12 Risks that threaten human civilization: The case for a new risk category,” Global Challenges Foundation, p.30-93. https://api.globalchallenges.org/static/wp-content/uploads/12-Risks-with-infinite-impact.pdf

A pandemic (from Greek πᾶν, pan, “all”, and δῆμος demos, “people”) is an epidemic of infectious disease that has spread through human populations across a **large region**; for instance **several continents**, or even **worldwide**. Here only worldwide events are included. A widespread endemic disease that is stable in terms of how many people become sick from it is not a pandemic. 260 84 Global Challenges – Twelve risks that threaten human civilisation – The case for a new category of risks 3.1 Current risks 3.1.4.1 Expected impact disaggregation 3.1.4.2 Probability Influenza subtypes266 Infectious diseases have been one of the **greatest causes of mortality in history**. Unlike many other global challenges pandemics have happened recently, as we can see where reasonably good data exist. Plotting historic epidemic fatalities on a log scale reveals that these tend to follow a **power law with a small exponent**: many plagues have been found to follow a power law with exponent 0.26.261 These kinds of power laws are **heavy-tailed**262 to a significant degree.263 In consequence most of the fatalities are accounted for by the **top few events**.264 If this law holds for future pandemics as well,265 then the majority of people who will die from epidemics will likely die from the **single largest pandemic**. Most epidemic fatalities follow a power law, with some extreme events – such as the Black Death and Spanish Flu – being even more deadly.267 There are other grounds for suspecting that such a highimpact epidemic will have a **greater probability** than **usually assumed**. All the features of an extremely devastating disease **already exist in nature**: essentially **incurable** (Ebola268), nearly always **fatal** (rabies269), **extremely infectious** (common cold270), and **long incubation periods** (HIV271). If a pathogen were to emerge that somehow **combined these features** (and influenza has demonstrated **antigenic shift**, the ability to combine features from different viruses272), its death toll would be extreme. Many relevant features of the world have changed considerably, making past comparisons problematic. The modern world has better sanitation and medical research, as well as national and supra-national institutions dedicated to combating diseases. Private insurers are also interested in modelling pandemic risks.273 Set against this is the fact that **modern transport** and **dense human population** allow infections to spread much more rapidly274, and there is the potential for urban slums to serve as breeding grounds for disease.275 Unlike events such as nuclear wars, pandemics would not damage the world’s infrastructure, and initial survivors would likely be resistant to the infection. And there would probably be survivors, if only in isolated locations. Hence the risk of a civilisation collapse would come from the **ripple effect** of the fatalities and the policy responses. These would include **political and agricultural disruption** as well as **economic dislocation** and damage to the world’s **trade network** (including the food trade). **Extinction risk** is only possible if the aftermath of the epidemic **fragments and diminishes human society** to the extent that recovery becomes impossible277 before humanity succumbs to **other risks** (such as **climate change** or **further pandemics**). Five important factors in estimating the probabilities and impacts of the challenge: 1. What the true probability distribution for pandemics is, especially at the tail. 2. The capacity of modern international health systems to deal with an extreme pandemic. 3. How fast medical research can proceed in an emergency. 4. How mobility of goods and people, as well as population density, will affect pandemic transmission. 5. Whether humans can develop novel and effective anti-pandemic solutions.

### Solvency

#### Firms circumvent, issues in court rulings, and alt causes thump.

Suresh Naidu and Eric A. Posner 5-4. Professor in Economics and International and Public Affairs at Columbia SIPA. Kirkland & Ellis Distinguished Service Professor of Law, Arthur and Esther Kane Research Chair at UChicago. Labor Monopsony and the Limits of the Law. Journal of Human Resources. 05-04-2021 (Revised Edition). Pg. 27.

However, these reforms are likely to have only partial impact on wage suppression. The major problem is that most of them address only the problem of labor market concentration. Stricter merger review, for example, would at best reduce the rate of further labor market concentration, and even strict merger review may not be able to stop long-term trends toward concentration caused by growing economies of scale and other factors. It is unlikely that courts would break up large labor market monopsonists under the antitrust law, and even if they did, this would not likely have much of impact, since labor market concentration is mostly a local phenomenon. And firms can locate plants in sparely populated areas in order to avoid labor market competition, although this incentive is at least partially offset by agglomeration forces making plants locate in dense localities. Antitrust law is unlikely to block such behavior because the additional jobs, even if low-paying, are on balance beneficial to the local labor force.

#### Breaking up Big Pharma doesn’t solve innovation

Thomas Grennes, 21. Professor of Economics and Professor of Agricultural and Resource Economics at North Carolina State University. "Antitrust and 'Big Pharma'." *Regulation* 44 (2021): 5-6.

Conclusion

Research is essential to developing new technology that raises living standards around the world. New technology can also prevent negative shocks like COVID from destroying lives and reducing health. Avoiding damages from new viruses will require new vaccines. Weakening intellectual property rights would reduce the research and technological innovation that would produce new vaccines, not to mention other goods. Bigness of companies is not a reliable measure of monopoly power and allowing regulators to impose size limits on firms could be economically wasteful. **Breaking up large firms** and blocking vertical mergers could prevent firms from reaching economically optimal size. Free trade would be a much more effective antitrust policy than punishing firms for their size.

#### Antitrust in pharma chills innovation

D. Daniel Sokol, 20. Full-time law professor at the USC Gould School of Law, serves part-time as Senior Advisor at White & Case. Danny advises companies on antitrust, compliance, data security, and corporate governance issues." Merger Law for Biotech and Killer Acquisitions." In Fla. L. Rev. Forum, vol. 72, p. 1. 2020, p. 1-9.

In the pharma setting, antitrust law needs to be careful to properly identify issues that killer acquisitions raise. That is, where the technologies are different or mechanisms of action are different, it makes little sense to kill a pipeline product absent specific facts that suggest otherwise. To do otherwise would chill innovation. There needs to be an evidentiary basis on specific deals with theories of harm that match up with facts to block a given merger. The two key evidentiary issues are: (i) where the acquirer pays a lot of money and the target has invested into the pipeline product (given it is already so advanced that it is an actual threat to the acquirer), why assume it will be killed, especially if there is at least some room for product differentiation (e.g., in anti-depressants); and (ii) how can we be sure the pipeline product would have become a significant constraint, i.e., the deal (assuming it will be killed) will lead to a substantial lessening of competition (given that internal sales forecasts are often overly optimistic)? Without theories backed up by actual facts, antitrust law will chill innovation as investors are scared off from backing the next generation of biotech ventures for fear of lack of exit options for founders and investors to reap the rewards of a successful exit. The nature of innovation, due to the regulatory process and the particular issues involved in bringing pharmaceuticals to market, is different in pharma than in digital tech. If the pipeline product is close enough to the market to be a threat, creating concerns for antitrust authorities that it will be killed, the antitrust authorities have a good idea of what the acquiring firm will do and can check competitors' pipelines to see what the competitors have.12 By contrast, this approach tends to be much more elusive in digital transactions. For example, when Microsoft acquired Skype, many observers wondered how Skype would evolve and relate to Microsoft's products.13 Of course, a large pharma company may buy a pharma start-up not only because of a single pipeline product, and certainly not always with the intention of killing parts of the pipeline to shut the product down, hence the call for clear evidence (such as unequivocal internal documents) on the intent to kill the start-up. Pharma is different from platform tech and complementors for a different reason. In pharma, the regulations mean each drug-even very similar drugs-are distinct. In this sense, acquisitions are fueled by the acquiring firm's need to promote something new. In short, very close substitutes in pharma can be sold side by side without cannibalizing due to the eccentric and, typically American, overdone regulatory structure. The FDA is too big a barrier to new drugs coming to market.14 Businesses without that regulatory structure, such as platform-related tech, work differently.

#### Status quo solves the aff – drug prices, mergers, worker welfare

Lauren Clason & Niels Lesniewski, 21. Both are staff writers at Roll Call. “Biden orders agencies to look at hospital consolidation, costs of drugs and hearing aids.” July 9, 2021. https://www.rollcall.com/2021/07/09/biden-orders-agencies-to-look-at-hospital-consolidation-costs-of-drugs-and-hearing-aids/

The wide-ranging executive order President Joe Biden signed Friday includes plans to boost market competition in health care and other industries. The order, which White House officials have promoted throughout the week, touches on issues ranging from prescription drug prices to hospital and insurance consolidation, in a combination of policy directives that also incorporates priorities shared with the Trump administration. “What we’ve seen over the past few decades is less competition and more concentration that holds our economy back. We see it in big agriculture and big tech and big pharma and the list goes on,” Biden said before signing the executive order at the White House Friday. “Take prescription drugs: just a handful of companies control the market for many vital medicines, giving them leverage over everyone else to charge whatever they want,” the president said. Many of the provisions of the order provide direction or encouragement to federal departments and agencies on next steps, and there could be lengthy rule-makings to follow on health, transportation and other policy areas. For instance, the Federal Trade Commission [would be encouraged to ban or limit non-compete agreements](https://www.rollcall.com/2021/07/07/biden-to-target-noncompete-clauses-wage-collusion/) and revise unnecessary occupational licenses required of many positions in the health care field. “American’s healthcare and pharmacy workers have been on the frontlines helping millions to get the care and medicine they need throughout the pandemic,” United Food and Commercial Workers International President Marc Perrone said in a statement. “Today’s executive action lowers barriers to entry for healthcare and pharmacy jobs, helping more Americans pursue these good careers and closing the healthcare access gaps that have plagued so many communities across the country.” Biden’s order directs the Food and Drug Administration to work with states and tribal governments on their plans to import prescription drugs from Canada. The agency first outlined two narrow pathways to importation under former President Donald Trump, but has not yet approved a plan from the only state — Florida — to formally request permission. Drug importation still faces major headwinds. Industry trade group the Pharmaceutical Research and Manufacturers of America is suing to block the policy, and Canada has also signaled its opposition to large-scale exports. Biden’s order also directs the Department of Health and Human Services to bolster support for generic and biosimilar drugs and develop a comprehensive plan to combat “price gouging” in the prescription drug market. The order instructs the Federal Trade Commission to examine anticompetitive practices like “pay for delay,” in which brand name manufacturers strike deals with generic competitors to delay the entry of new products. The idea has broad bipartisan support in Congress, but has been bogged down in more partisan disputes such as whether to allow Medicare to negotiate drug prices. The FTC will also review guidelines related to hospital mergers in light of the recent string of closures in rural areas. Biden’s order comes after Congress approved a change to Medicare’s requirements for rural hospitals, which will allow facilities to shed unprofitable inpatient services while maintaining emergency and outpatient care. Right now, rural hospitals often seek to merge with larger health systems in order to make the conversion without losing the lifeline of Medicare funding. The leader of the trade association representing for-profit hospitals was quick to criticize the order. “The best of intentions can be misguided. Ensuring access to needed medical attention for rural Americans is not going to be assured by excessive anti-trust enforcement action of the FTC or Justice Department. Miring hospitals in legal and bureaucratic red tape will simply slow critical care to the bedside,” Federation of American Hospitals president and CEO Chip Kahn said in a statement. Health industry mergers Biden’s broader instructions to the FTC could also prompt the agency to target vertical mergers, which shook up the health care industry in recent years but received little scrutiny from regulators and lawmakers. Retail pharmacy giant CVS Health acquired health insurer Aetna in 2018, the same year that health insurer Cigna acquired Express Scripts, the nation’s largest pharmacy benefit manager. The executive order underscores that the FTC retains authority to challenge previous deals that were allowed under previous administrations. Health insurance markets are also mentioned in the order, and HHS will be directed to standardize plan options on HealthCare.gov. The order also highlights support for the Trump administration’s rules on hospital price transparency and a recent law on surprise medical bills, which HHS began implementing earlier this month. The president’s order also directs HHS to issue rules within 120 days related to a 2017 law allowing hearing aids to be sold over the counter. Biden on Friday specifically highlighted the push to promote competition in the hearing aid industry by increasing their availability. “Right now, if you need a hearing aid, you can’t just walk into a pharmacy and pick one up, over-the-counter. You have to get it from a doctor or a specialist,” Biden said. “Not only does that make getting hearing aids inconvenient, it makes them considerably more expensive.” The issue has split the provider and manufacturer industry concerned about a potential influx of cheap, ineffective devices, and consumer advocates who want lower prices and easier access. Hearing aids are often not covered by insurance and can cost thousands of dollars. Just four manufacturers control 84 percent of the market, according to the administration, and just 14 percent of people who need hearing aids have them. Democrats are currently debating whether to include Medicare coverage of hearing aids in a party-line infrastructure package later this summer. The senator with oversight over antitrust matters praised the White House effort. “I commend President Biden for this groundbreaking Executive Order, which will help restore competition to important sectors of our economy and will also protect workers from anticompetitive employment restrictions," Minnesota Democrat [Amy Klobuchar](https://www.rollcall.com/members/25668?utm_source=memberLinks&utm_medium=memberlinks&personid=25668), the chair of the Senate Judiciary subcommittee overseeing antitrust matters, said in a statement. “I look forward to working with the Administration to strengthen our nation’s competition policy, and I will continue to advance legislation in Congress to bring the lasting, transformative change we need to build a growing economy that works for all Americans.”

# 2NC vs NYU FP

## Cap K

### 2NC FW

#### CI: Evaluate competing political imaginaries – 4 warrants:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### \*\*2NC – K is Prior

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

Paul Mason 7-17-15. Writer of Live Working or Die Fighting: How the Working Class Went Global and [PostCapitalism: A Guide to our Future](https://en.wikipedia.org/wiki/PostCapitalism:_A_Guide_to_our_Future). Culture and Digital Editor of Channel 4 News. Visiting Professor at the University of Wolverhampton. Bachelors in Music and Politics from the University of Sheffield. "The end of capitalism has begun," Guardian, https://www.theguardian.com/books/2015/jul/17/postcapitalism-end-of-capitalism-begun

The power of imagination will become critical. In an information society, no thought, debate or dream is wasted – whether conceived in a tent camp, prison cell or the table football space of a startup company. As with virtual manufacturing, in the transition to postcapitalism the work done at the design stage can reduce mistakes in the implementation stage. And the design of the postcapitalist world, as with software, can be modular. Different people can work on it in different places, at different speeds, with relative autonomy from each other. If I could summon one thing into existence for free it would be a global institution that modelled capitalism correctly: an open source model of the whole economy; official, grey and black. Every experiment run through it would enrich it; it would be open source and with as many datapoints as the most complex climate models. The main contradiction today is between the possibility of free, abundant goods and information; and a system of monopolies, banks and governments trying to keep things private, scarce and commercial. Everything comes down to the struggle between the network and the hierarchy: between old forms of society moulded around capitalism and new forms of society that prefigure what comes next. ... Is it utopian to believe we’re on the verge of an evolution beyond capitalism? We live in a world in which gay men and women can marry, and in which contraception has, within the space of 50 years, made the average working-class woman freer than the craziest libertine of the Bloomsbury era. Why do we, then, find it so hard to imagine economic freedom? It is the elites, cut off in their dark-limo world, whose project looks forlorn It is the elites – cut off in their dark-limo world – whose project looks as forlorn as that of the millennial sects of the 19th century. The democracy of riot squads, corrupt politicians, magnate-controlled newspapers and the surveillance state looks as phoney and fragile as East Germany did 30 years ago. All readings of human history have to allow for the possibility of a negative outcome. It haunts us in the zombie movie, the disaster movie, in the post-apocalytic wasteland of films such as [*The Road*](https://www.theguardian.com/film/movie/131971/road) or [*Elysium*](https://www.theguardian.com/film/2013/aug/22/elysium-review). But why should we not form a picture of the ideal life, built out of abundant information, non-hierarchical work and the dissociation of work from wages? Millions of people are beginning to realise they have been sold a dream at odds with what reality can deliver. Their response is anger – and retreat towards national forms of capitalism that can only tear the world apart. Watching these emerge, from the pro-Grexit left factions in Syriza to the [Front National](https://www.theguardian.com/world/marine-le-pen) and the isolationism of the American right has been like watching the nightmares we had during the [Lehman Brothers](https://www.theguardian.com/business/lehmanbrothers) crisis come true. We need more than just a bunch of utopian dreams and small-scale horizontal projects. We need a project based on reason, evidence and testable designs, that cuts with the grain of history and is sustainable by the planet. And we need to get on with it.

### 2NC PDB

#### 2 – Psy-Op Link – anti-trust is a makeover for capital – it restores the legitimacy of a broken system to pacify the working class, buys time to avoid systemic accountability for unsustainable accumulation by targeting individual corporate culprits, and creates a blank check to bust unions thru the façade of good “small” business – that’s [Henwood/Lebow].

#### Any combo of the alt and the plan poisons the well

Curran 16 [William J. Curran Ill. Editor for the Antitrust Bulletin. Commitment and betrayal: Contradictions in american democracy, capitalism, and antitrust laws. Antitrust Bulletin. 2016. 61(2): 246]

Scholars now link antitrust with distributional values. 11 Professor Anthony B. Atkinson wants antitrust to value the individual,1 12 recognizing as Hand did in Alcoa1 13 that "among the purposes of Congress in 1890 was a desire to put an end to great aggregations of capital because of the helplessness of the individual before them." 1 14 And it is the individual-rich and poor, but especially the poor-whom Atkinson wants to protect from the inequities of the marketplace.115 Atkinson sees as Senator John Sherman did in 1890 that the "problems that may disturb [the] social order ... none is more threatening than the inequality of condition of wealth, and opportunity that has grown within a single generation out of the concentration of capital into vast combinations to control production and trade to break down competition." 11 6 Sherman's and Hand's worries were certainly not Bork's. Hand said it best in Alcoa, "[W]e have been speaking only of the economic reasons which forbid monopoly ... [but] there are others, based upon the belief that great industrial consolidations are inherently undesirable, regardless of their economic results.",1 1 7 Bork-regardless of destructive results to democracy-would never find efficient economic results inherently undesirable. Bork would likely find democracy a "cornucopia of social values, all rather vague and undefined but infinitely attractive."iiS A definition that was surely meant to disparage, fails. What makes democracy attractive is its socially related values. 11 9 What makes it infinitely attractive are its regenerative capacities and potential for self-definition. 120 Bork blocked democracy's values so as not to tempt liberal judges. He worried needlessly. An antitrust solution to wealth's severe inequality is simply not plausible. 121 Antitrust has always been the heart of capitalism's ideology. 122 In truth, antitrust's distribution of wealth for the wealthy is more than ideology-it is heartless reality. So was Bork right? Are the fates of capitalism and antitrust intertwined? 123 And if antitrust were repealed? Professor Atkinson wants antitrust saved and used for citizens.124 But like Professors Stiglitz, Krugman, and Reich, he has fallen headfirst into antitrust's heartless ideological trap. And like the other three he would resurrect TR's trust-busting for the twenty-first century. Piketty avoids ideological traps. He learns the facts of history-unencumbered by ideologies like Bork's-and has an unobstructed vision 125 of the unequal and democratically destructive wealth of capitalism. Bork's antitrust is the wrong policy tool for a nation presumed to be dedicated to serving citizens equitably. 126

### L – Markets

#### Market competition inevitably creates economic busts and proves capitalism’s contradiction – overproduction undermines profitability and spills-over to cause other crises.

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

When Things Fall Apart

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Accumulation precedes a competition-based analysis – the struggle for survival creates the conditions of capitalism by fracturing intra-class organizing.

Lefteris Tsoulfidis 15. Professor at the Department of Economics at the University of Macedonia. Contending Conceptions of Competition and the Role of Regulating Capital. PANOECONOMICUS, 2015, 62(1): 21-22

Marx’s analysis of competition is based and, at the same time, extends the classical conception of competition expounded mainly by Smith, Ricardo and J. S. Mill. Marx like his predecessors relates in a systematic way his notion of competition with the cost of production - equilibrium price as well as economic growth1 . The salient feature in Marx’s analysis is that competition is a derived concept and not the starting point of the analysis, which is the expansion of profits as an end in itself, and therefore the analysis of competition among capitals follows the laws of accumulation of capital (Shaikh 1980; Semmler 1984; Moudud 2010). For example, Ricardo begins his analysis of the value of commodities by assuming an equalization of profit rates, whereas for Marx such a determination of values of commodities requires a number of intermediate steps which are detailed in the first two volumes of Capital, and eight chapters from Capital III. As the units of capital strive to expand their market share, increase production and profits, they must take actions to confront the efforts of other similarly-motivated units of capital. This is the reason why Marx argues that the analysis of the laws of accumulation, what he calls the “inner nature of capital” (Marx 1867, p. 316), precedes the analysis of competition. And, furthermore, competition of capitals is the mechanism by which the laws of capital accumulation become “felt by each individual capitalist, as external coercive laws” (Marx 1867, p. 592). For Marx, competition is envisioned as a turbulent and inherently violent process that resembles, in many respects, actual “war”. The war-like aspect of competition in Marx is discussed in his writings already prior to Capital (e.g. Marx 1847) and also can be found quite earlier in the writings of Friedrich Engels (1845), who generalized the rivalrous competition to many aspects of economic life. For instance he notes: “Competition is the completest expression of the battle of all against all which rules in modern civil society. This battle, a battle for life, for existence, for everything, in case of need a battle of life and death, is fought not between the different classes of society only, but also between the individual members of these classes. Each is in the way of the other, and each seeks to crowd out all who are in his way, and to put himself in their place. The workers are in constant competition among themselves as are the members of the bourgeoisie among themselves. The power-loom weaver is in competition with the hand-loom weaver, the unemployed or ill-paid hand-loom weaver with him who has work or is better paid, each trying to supplant the other” (Engels 1845, emphasis added). Hence, competition is described as a rivalrous process involving entities in their struggle for survival, which in the conditions of capitalism is manifested by the insatiable desire of capital to obtain the largest possible profit as a condition sine qua non for its own survival. Their repressible desire for profit lead seach capital in opposition with anything stand in gas an obstacle to fulfilling its primary objective. This generalized rivalry leads to the following competitions: each individual capital fights against others in the battle for the expansion of its market share at the expense of rival capitals which may even end up being completely displaced from the market; ♣ capital against labour in order to reduce wages, increase productivity in the effort to reduce the unit cost, undercut the selling price and undersell competitors; ♣ capital against the state, to eliminate any legal obstacles which may limit capital’s actions; ♣ state against other states to safeguard or even to conquer markets or sources of raw materials; ♣ workers against other workers for employment positions.

### L – Small Businesses

#### Small businesses are worse for workers on every front

Matt Bruenig 18. Founder of People's Policy Project, formerly a lawyer at the National Labor Relations Board and as a policy analyst at the Demos Think Tank. “Small Businesses Are Overrated.” Jacobin. 1/16/2018. <https://jacobinmag.com/2018/01/small-businesses-workers-wages/>

We shouldn’t fetishize mom and pops. They offer lower wages, skimpier benefits, and inferior labor protections. As the anti-monopoly movement has picked up steam in important policy circles, some have begun thinking that small business promotion is a good idea. This seems to be partially driven by the technical view that small businesses are a way to counteract corporate concentration and partially driven by the more ideological and aesthetic view that there’s something inherently just and beautiful about small-time entrepreneurs and mom and pop shops. In reality, small business promotion is mostly a bad idea. Small businesses pay lower wages, provide worse benefits, are often exempt from important worker protections, and are incompatible with the way unionization works in the US. Wages According to the Quarterly Census of Employment and Wages (QCEW), smaller employers pay their workers considerably less than larger employers. In the first quarter of 2017, firms with five to nine employees paid an average weekly wage of $849. For firms with one thousand or more employees, the wage was $1,793. [figure 1 omitted] The wage premium enjoyed by workers in large firms has been documented for a long time and is present within most sectors and sub-sectors of the US economy. Benefits The wages reported in the QCEW exclude certain benefits, such as health insurance. When you include those, the picture looks even worse for small businesses. In 2016, around 20 percent of firms with zero to nine employees offered health insurance. For firms with one thousand or more employees, it was 99.8 percent. [figure 2 omitted] This is to be expected, of course. In addition to small businesses providing their workers lower overall compensation, they also have less ability to construct the same elaborate benefit systems that larger employers can. It is very time-consuming to construct a welfare state, but that is what the American system asks employers to do. Larger employers tend to have the resources to make welfare systems for their workers while smaller employers do not. Labor Protections The US labor code provides a variety of protections for workers in the country. But small businesses are generally exempted from those protections. The table below shows how many employees an employer must have before they are covered by major employment protections. [figure 3 omitted] The National Labor Relations Act, which protects the rights of workers to act collectively and organize into unions, does not require an employer to have a specific number of employees to be covered. But, constitutionally speaking, only employers whose activity in interstate commerce exceeds a minimal level are subject to the NLRA. In practice what this means is that smaller businesses, defined in terms of gross revenue as opposed to number of employees, are exempted from the NLRA. Even for workers in small businesses that are big enough to be covered by the NLRA, unionization is often not practical. Under US labor law, unions are organized on the establishment level, meaning employer by employer and worksite by worksite. Because union representation has a lot of fixed costs, it is not economically feasible in many cases to represent small units of workers. Against Small Business Fetishism America’s enthusiasm for small business remains remarkably high. Seventy percent of Americans say they have a “great deal” or “quite a lot” of confidence in small business. For big business the same figure is 21 percent. Both major parties can be seen singing small business’s praises, Democrats as a wholesome alternative to big corporations and Republicans as capitalism’s friendly face. But small businesses can be just as bad as large businesses and are, on average, much worse. They offer lower wages, skimpier benefits, and inferior labor protections. This isn’t to say small businesses are totally useless. The creation of new businesses, which often start out small, is one of the ways that innovation gets injected into the system. But there is a difference between supporting small entrants in order to keep open an important channel of innovation and supporting an economic structure that seeks to keep businesses permanently small. The latter would probably be a disaster — especially for workers.

### 2NC L T/ Case

#### Link turns case – domestic prohibitions push outsourcing and multinational integration – can’t fiat international enforcement, competition frames preclude modeling

Kopf et al 13 [Jerry. Professor of Economics, Radford University. Charles Vehorn, Professor of Economics, Radford University. Joel Carnevale, Professor of Economics, Syracuse University. “Emerging Oligopolies in Global Markets: Was Marx Ahead of His Time?” *Journal of Management Policy and Practice* 14(3): 96-98. <http://www.m.www.na-businesspress.com/JMPP/KopfJ_Web14_3_.pdf>]

With firms branching out into global competition and countries lowering their trade barriers to promote such competition, the absence of effective global regulation once again raises Marx concerns. Because of strong federal governments, national governments were able to pass and enforce, through the uses of military or police force where necessary, laws that regulated externalities, such as pollution, and antitrust. At the moment there is no strong federal government at the global level and, therefore, no one to pass and enforce laws that effectively regulate externalities or antitrust. Epstein and Greve raise a Marx like concern, “when firms have international market power, one would expect them to behave as monopolists just like domestic firms with market power” (2004). Therefore, without any dominant form of regulatory governance, industry concentration could very well replicate what was seen in the late 19th century, though, globally instead of nationally. Carstensen & Farmer discusses this tendency towards M&A’s: The transformation of formerly regulated or noncompetitive industries to competition is closely linked with merger movements. The historical record demonstrates that once faced with competition, leading firms in these industries began to merge. This has been the pattern in airlines, banks, railroads, electric and gas utilities, health care and, with great prominence, telecommunications (2008).

While some may argue that reaching that level of concentration is unlikely, one should consider current industries that hold a considerable global market share. “Although it may be more difficult to establish and maintain market power internationally, there is no reason to believe that it is impossible or, for that matter, rare. Industries such as pharmaceuticals, passenger aircraft, and software illustrate the phenomenon” (Epstein & Greve, 2004).

There are actually quite a few firms who have emerged into the global market that hold what can be considered a significant share within global industries, ranging from manufacturing, financial intermediation, and transport service along with other service industries. For example, The European Aeronautic Defense and Space Company and The Boeing Company combined hold more than 50% market share within the global civil aerospace products manufacturing industry. Goldman and Sachs hav2 20.20% market share within the global investment banking and brokerage industry and Vivendi holds 20.10% within the global music production and distribution industry. United Parcel Service holds 23.80%, within the global logistics – couriers industry (IBISW, 2011).

We do not intend to imply that the monopolization that had plagued the United States in the late 19th century has emulated itself at the global level, creating one dominant firm controlling an entire global industry. However, it does appear that a number of industries are starting to exhibit Marx, “inevitable move toward a monopoly.”

The increase in oligopoly power at the global level presents unprecedented challenges. Reaching a cross-country consensus on competition policy is a difficult. Epstein & Greve discuss some of the issues that arise when attempting to unite foreign and domestic competition policy. Competition policy embodies imprecise normative judgments that invite controversy and defection rather than consensus and commitment. Because its scope extends to such a wide range of economic activity, it has the potential to inflict significant costs on many transactors. In particular, competition policy tempts states both to impose nominally neutral policies that favor local producers and consumers at the expense of global welfare, and to administer their policies in a discriminatory fashion to similar ends” (2004).

While more and more countries are adopting competition policies, this seemingly positive step towards unification of trust law has its negative effects. “Nearly one hundred jurisdictions now have antitrust laws” according to Epstein & Greve, this raises increasing issues of “jurisdictional overlaps” since many countries will assert their “jurisdiction over extraterritorial conduct that has a domestic impact” (2004).

Antitrust enforcement agencies around the world have tried to cope with the increased power of global corporations by staying in regular and increasing contact with one another on individual merger cases as well as on general issues of mutual enforcement interest. Through instruments such as the 1995 Recommendation of the Organization for Economic Co-operation and Development (OECD) that its 29 members cooperate with one another in antitrust enforcement and bilateral agreements like that which exists between the United States and the European Community, the antitrust agencies notify one another when a case under investigation affects another's important interests and they share what information they can and otherwise cooperate in the investigation and resolution of those cases (1999).

Richard Parker, Senior Deputy Director of the Bureau of Competition FTC, presenting on global merger enforcement, discussed the implementation of the Organization for Economic Co-operation and Development (OECD) and concluded with examples of global merger enforcement. While attempts at unified standards of competition policy are underway, the efforts of the OECD are considered to have substantial limitations on enforcing global merger laws. Epstein and Greve state: Information sharing or “soft” cooperation has also been pursued at the Organization for Economic Co-operation and Development, which has generated several aspirational texts. None of these impose obligations on states, and they are not intended to do so. Their goals are modestly limited to improving communication on competition issues.

History shows us that even with a strong federal government with the ability to enforce laws through the use of force where necessary, such as the United States federal government has on its states, firms are very good at ignoring or getting around antitrust laws. If the U.S. government did not have strong federal power over states, and it was up to the states to reach agreements on antitrust laws, one can easily imagine that there would likely be problems resulting in less strenuous competition policy. Take for example state control over age discrimination laws. When these laws originated, states chose whether to enact policies aimed at protecting workers rights. By 1960 only 8 states had age discrimination laws until the federal government enacted such regulations as the Age Discrimination Employment Act of 1967 (ADEA). This, along with the Department of Labor in 1979 giving administrative authority to the U.S. Equal Employment Opportunity Commission (EEOC), established unified laws protecting individual employment rights (Lahey, 2007). Without this dominant authority of the federal government, fair employment practices may still continue to be a regionally dependent right. In the current era of globalization, where industry’s actions domestically can be felt by all corners of the globe and vice versa, without a global entity with strong “federal” powers capable of monitoring and enforcing competition policy, it seems reasonable to conclude that Marx may in fact be proven correct: the inevitable result of the efficient market is increasing concentration of power resulting in global oligopolies or, eventually, monopolies.

### S – Innovation – Disease

#### Red innovation solves disease – open source, public funds, fearless development

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

SHARING IS CARING—AND ABSOLUTELY NECESSARY

CityLab reports that, in response to the pandemic and the scarcity of official information, “a group of coders, analysts, scientists, journalists and others are working to follow coronavirus testing across the country through an open-sourced database called the COVID Tracking Project.”

Open-source communities have existed since the 1980s and have contributed to a range of innovations, from the creation of the internet to cheaper prosthetics and better disaster management systems. Typically, these online open-source collectives are made up of unpaid volunteers who contribute code and features meant to be used freely. A 2006 study from the University of Illinois set out to understand why coders would donate hours of their personal time to open-source projects. Researchers found that some enjoyed the freedom and creativity of managing their own work and disliked the hierarchical communities that claimed exclusive control over projects. Other coders said they had withheld their labor from more privatized projects because seeing their contributions redirected to private hands sapped both creativity and motivation.

The European Organization for Nuclear Research in Switzerland, known as CERN, has long adhered to an “open-source” philosophy, the belief that “the recipients of technology should have access to all its building blocks … to study it, modify it and redistribute it to others.” This communal ethic has helped support incredibly innovative projects. CERN operates a massive particle physics laboratory; its Large Hadron Collider (LHC) particle accelerator runs 17 miles underground and relies on collaboration networks developed through the open-source cloud system OpenStack. The LHC discovered the Higgs boson particle in 2012, earning a Nobel Prize for physicists Peter Higgs and François Englert. Two years after the Higgs boson discovery, CERN made data from its LHC experiments free to the public through an open data portal, which CERN then-Director General Rolf-Dieter Heuer hoped would “support and inspire the global research community, including students and citizen scientists.”

Some of the most innovative companies in America are now open-sourcing certain projects. On the heels of four years of lawsuits over a number of smartphone patents in 2014, for instance, Apple and Google announced they would settle out of court and “work together” on patent reform. The next year, Microsoft and Google co-founded the open-source Alliance for Open Media. A number of other companies came on board, including Apple, Amazon, Intel, Cisco, Facebook, Mozilla and Netflix. Its goal was to improve video compression technology, which had been held hostage by two patent holders charging millions in licensing fees. Netflix reported the new, open-source, royalty-free video technology improved its compression efficiency by 20%.

Rather than causing the imagination to stagnate, the Alliance for Open Media’s adoption of socialist principles benefited all involved—the larger media industry and their consumers alike. Of course, as Google demonstrated when it recently fired five employees involved in union organizing, the corporations involved are not challenging the economic status quo—they benefit from the precarity of work and go to great lengths to protect their bottom line. It is also highly likely that, aside from open-source advocates like Mozilla, most members of the Alliance for Open Media joined because it was economically advantageous. Intel’s director of strategy and planning, for example, explained his company believed the open-source project would “lower delivery costs across consumer and business devices as well as the cloud’s video delivery infrastructure.”

Without the likely economic benefit, it is difficult to say whether the Alliance for Open Media would have ever formed—and it is precisely because of this uncertainty that a more dramatic shift to a socialist economy is necessary to maximize new innovation. Those in power stand to benefit from sowing fear around socialism, but the rest of us would be better off in a society reorganized around democracy, equality, solidarity, autonomy and collective ownership.

That shift would mean more publicly funded medical research and cheaper drugs reaching those in need faster. It would mean more fearless development, unimpeded by expensive shareholder lawsuits and patent disputes. It would mean life-saving drugs like Truvada being available for all, rather than all who can afford them, and widespread economic security through the kind of safety net that empowers anyone to explore their talents, rather than just the children of the welloff. It would mean labor rights that allow workers to shape their working conditions and turn workplaces into places where ideas can thrive. It would mean an expansion of the open-source philosophy to promote free knowledge and perspectives, with collective ownership of the discoveries fueled by collective investment. It would mean an unwavering commitment to the funding of public institutions and projects, without a constant eye toward financial return.

And perhaps paramount in our minds in this moment: It would mean developing a vaccine against a disease as dangerous as COVID-19—before it could become a global pandemic. 

#### Market health innovation fails – cuts research funds, refuses to take risks out of fear of shareholder profits

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

Unfortunately, America’s rush toward privatization has come at the cost of public investment. The Information Technology & Innovation Foundation reports that America’s state and federal spending on university research has slipped dramatically since 2011. Between 2011 and 2018, U.S. spending on R&D fell 11%, from $165.6 billion to $147.3 billion. In fact, every proposed Trump administration budget has requested deep cuts to public research institutions. President Donald Trump’s budget proposal for fiscal year 2018, for instance, asked Congress for a $1.2 billion cut to the Centers for Disease Control and Prevention (CDC), including a $136 million blow to funding for public health preparedness and response. That same year, the CDC curtailed its work against global disease outbreak by 80%.

The public health crisis now hammering America reveals how vital it is to invest in research before it is desperately needed. But that’s not how market logic works. Instead of directing attention to what will protect the largest number of people from the greatest harm, capitalism steers innovation toward the largest profit in the shortest amount of time.

“Many vaccines used to be produced in the public sector; now the majority are produced in the private sector,” Dana Brown, director of the Next System Project at The Democracy Collaborative, explains. “Big Pharma is not well set up to bring a vaccine into the market: Vaccine development and production is a long, risky process requiring patient capital and sustained interest. Big Pharma focuses on short-term gains and maximizing shareholder value—there’s little, if any, gain for shareholders when companies invest in vaccine development.”

What’s more, only four major vaccine producers exist worldwide (Pfizer, Merck, GlaxoSmithKline [GSK] and Sanofi), down from 26 in the United States alone in 1967. “Limiting access to vaccines through high prices and monopolies is terrible public health policy,” Brown says. “A number of companies reported losing money on Ebola or SARS vaccines programs, which might make them hesitant to invest again—and their track record shows it. In recent years, GSK made commitments to Ebola vaccine development and later pulled out. Sanofi did the same with Zika, and Novartis, a pharmaceutical company in Switzerland, dumped its whole vaccine development unit in 2014.”

The Ebola outbreak from 2014 through 2016 is a particularly pertinent example of what can go wrong when private companies become responsible for vaccine development. Much of the early research and development for an Ebola vaccine was conducted by Canada’s National Microbiology Laboratory, which then provided licensing to a small U.S.-based biotech company for the final stages of development. That company then sublicensed the vaccine to Merck for $50 million. A 2020 report published in Journal of Law and the Biosciences reports that Merck then “failed to make any progress toward a phase 1 clinical trial until after the [World Health Organization] Public Health Emergency of International Concern freed substantial donor and public funds for the vaccine’s further development.” The report goes on: “It was unclear what Merck did during this period other than provide permission to use the Canadian procured and financed rVSV-ZEBOV clinical grade vaccine. What the record does establish is that it was the public sector, not Merck, that provided all of the financing, including for clinical trials, during the West African epidemic.”

Had public labs not relied on the private sector, the authors suggest, the vaccine’s 5-year timeline to reach U.S. and European markets might have been shortened.

### 2NC UQ

#### Cap is unsustainable:

#### A – Ag collapse – short term

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

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

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

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

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

#### B – Carbon bubble, peak oil

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

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

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

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

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

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

Endless growth will generate minerals scarcity within decades

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Adv 1

### T/Disease

#### Cap turns disease

#### A – Health care market incents pandemics, monocultures erode health

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

Such suffering at the individual and population level is, however, a significant commercial opportunity for the corporate players in the global healthcare market, valued at $US8.45 trillion in 2018, and, with an anticipated compounding annual growth rate of nearly 9%, expected to reach nearly $US12 trillion by 2022.23 In a revealing statement, a recent Businesswire commentary on this booming sector noted that:

“Going forward, faster economic growth, technological developments and the increasing prevalence of diseases due to rising busy and sedentary lifestyles will drive the growth [of the global healthcare market]. Factors that could hinder the growth of this market in the future are rising interest rates, increasing awareness of alternative therapies and natural remedies, government provisions in healthcare services, and stringent government regulations”23 (emphasis added).

The implication here is that greater public spending on healthcare and better public health generally are, from the perspective of the private healthcare market, unwelcome, insofar as they inhibit increasing profit. From the standpoint of ethics and a commitment to basic human rights, including the right to the highest attainable standard of health, such reasoning can only be described as perverse. And yet it is widely accepted as the ‘common sense’ of industry and financial markets, as well as being reinforced in a directly material sense by highly effective lobbying efforts aimed at inhibiting public health measures such as a sugar tax.24

In terms of the ecological impacts, large-scale industrialised monocultures and the deforestation and land-use change that they entail are major drivers of anthropogenic climate change, with the food system accounting for as much as 37% of all greenhouse gas emissions, according to the Intergovernmental Panel on Climate Change.25 Such practices are also major drivers of the ‘unprecedented’ rapid decline in ecosystems and accelerating rate of species extinction, leading to humanity ‘eroding the very foundations of our economies, livelihoods, food security, health and quality of life worldwide;’ this being the conclusion of the most comprehensive assessment of the state of planetary ecosystems ever undertaken by the world’s leading scientists in their respective fields.26

Summarising these and other major datasets, 16 leading biophysical scientists, in a paper published in January 2021, stated that ‘the scale of the threats to the biosphere and all its lifeforms – including humanity – is so great that is difficult to grasp for even well-informed experts.’27 They added that the current political and policy responses were woefully inadequate to the extent and severity of the crisis, concluding that:

“The gravity of the situation requires fundamental changes to global capitalism, education, and equality, which include inter alia the abolition of perpetual economic growth, properly pricing externalities, a rapid exit from fossil-fuel use, strict regulation of markets and property acquisition, reigning in corporate lobbying, and the empowerment of women.”27

Absent such thorough-going structural changes, they warned, the future in the coming decades would be ‘ghastly.’ They thus concluded with an exhortation to ‘experts in any discipline that deals with the future of the biosphere and human well-being to eschew reticence, avoid sugar-coating the overwhelming challenges and “tell it like it is.” Anything else is misleading at best, or negligent and potentially lethal for the human enterprise at worst.’27 This paper is written in the spirit of that academic and scientific call to arms.

#### B – Profit motive net increases new disease – empirics

Broughton 20. [Alan, Active Member of the Organic Agriculture Association and is a co-author of Sustainable Agriculture vs Corporate Greed. Capitalist greed and biodiversity loss is spawning new deadly diseases. Green Left. 05-16-2020. https://www.greenleft.org.au/content/capitalist-greed-and-biodiversity-loss-spawning-new-deadly-diseases]

Diseases such as COVID-19 have been predicted by various disease ecologists.

In Spillover: Animal Infections and the Next Human Pandemic, David Quammen wrote in 2012 about the likelihood of virulent infectious diseases because of urban sprawl, pesticides and international trade, which has altered ecosystems and damaged biodiversity, letting loose the viruses that were once confined to wildlife.

Dr Peter Daszak, a contributor to the World Health Organization Register of Priority Diseases, called it Disease X in 2018, well before COVID-19 broke out.

The number of new infectious diseases has tripled each decade since the 1980s: there have been at least 300 in the past 50 years, 72% of which originated in wildlife.

Ebola arrived via a chimpanzee that was caught and consumed in Gabon; it killed 90% of infected people. It is suspected to have been passed on to chimpanzees from bats, forced to inhabit the same ecosystems and compete for the same food sources by deforestation.

Middle East Respiratory Syndrome (MERS) passed from bats to camels and then to the camel handlers. Hendra virus came from fruit bats, urbanised because of loss of habitat, and was passed on to horses and people.

Kyasanur Forest Disease in India spread from monkeys to humans via ticks as monkeys invaded human territory when theirs was lost through deforestation.

Nipah virus in Malaysia spread from fruit bats driven from the forest by clearing on to mango trees, into pigs via bat droppings and saliva, and then on to the farmers. HIV-AIDS, Zika, Severe acute respiratory syndrome (SARS), bird flu and West Nile viruses all came from wild animals.

COVID-19 is likely to have passed by bats to another animal, possibly a pangolin, then on to humans trading in wild animals.

Disrupted ecosytems

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

As Joachim Spangenberg from the Sustainable Europe Research Institute wrote: “We are creating this situation, not the animals”.

Ending the trade in wildlife sounds like a simple solution but suppression could drive it underground where hygiene is likely to be worse. Many people are dependent on the trade for their income and sustenance.

The issues of poverty, unemployment and food insecurity need to be addressed at the same time. Simply blaming bush meat, which has been consumed since the start of human history, does not address the key issue — biodiversity loss.

The extent tropical forests has been halved in the past century. When animals at the top of the food chain disappear, those at the bottom, such as rats and mice that normally carry more pathogens, take up the space.

Habitat loss forces animals and their diseases to go elsewhere. Species in degraded ecosystems carry more disease.

Natural animal habitats are being destroyed for monocultural agricultural production by corporations — soy, corn and palm oil — and for logging, mining, roads and urbanisation. The consequences of this practice are not factored into the extracted profits.

Climate change

Climate change is another factor. As climatic zones are altered wildlife migrates to new areas and interacts with species it never did before, passing on its diseases.

COVID-19 has a low mortality rate — about 1% — but is highly infectious.

The Ebola mortality rate is 90%, but infection does not spread easily. A new disease with the mortality rate of Ebola and the infection rate of COVID-19, or the flu, would be far more devastating than either alone.

If the world continues to allow the unrestricted greed of profit to destroy the world’s natural and agricultural ecosystems, such an outcome becomes more likely. We live in a world where profits are privatised, but the ecological consequences are paid for by everybody.

Indian agroecologist Vandana Shiva says that the profit motive separates humans from the ecosystems that life, including us, depends on: “As forests are destroyed, as our farms become industrial monocultures to produce toxic, nutritionally empty commodities, and our diets become degraded through industrial processing with synthetic chemicals and genetic engineering in labs, we become connected through disease.”

COVID-19 was predicted, and inevitable, because of how nature is treated. As well as treating the epidemic, and preparing for the next one, we have to address the root cause, restoring the broken link between humans and the environment.

### Innovation – Extras

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

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

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

## Adv 2

## Solvency

### Circumvention

### AC---Solvency---2NC

#### More solvency issues---trade and tech alt causes facilitate companies to circumvent enforcement.

Suresh Naidu and Eric A. Posner 5-4. Professor in Economics and International and Public Affairs at Columbia SIPA. Kirkland & Ellis Distinguished Service Professor of Law, Arthur and Esther Kane Research Chair at UChicago. Labor Monopsony and the Limits of the Law. Journal of Human Resources. 05-04-2021 (Revised Edition). Pg. 28-29.

Like in the product market case, some increased labor market monopsony has probably been caused by trade and technological factors unrelated to mergers and other types of anticompetitive behavior that can be straightforwardly targeted by antitrust law. Benmelech et al. (2018) show that exposure to Chinese trade shocks resulted in increased labor-market concentration in manufacturing, lowering wages in exposed labor markets (particularly non- unionized ones). Many tech firms, for example, owe their market dominance to network effects. It would have been quite difficult for antitrust authorities to stop Google and Facebook from achieving product market dominance because they gained most of their early market share by offering products and services that customers wanted. Similarly, on the labor market side, firms like Uber have exploited advances in technology that have enabled them to isolate and monitor workers, and circumvent legal protections like minimum wage laws; they have not needed to merge with other firms in order to obtain this labor market power.

#### Fragmentation destroys enforcement---scattered locations, worker differentiation all evade market definition tests.

Suresh Naidu and Eric A. Posner 5-4. Professor in Economics and International and Public Affairs at Columbia SIPA. Kirkland & Ellis Distinguished Service Professor of Law, Arthur and Esther Kane Research Chair at UChicago. Labor Monopsony and the Limits of the Law. Journal of Human Resources. 05-04-2021 (Revised Edition). Pg. 29-30.

But there is a further problem for labor markets that they do not share with product markets, which is that labor markets are highly fragmented—far more so than most product markets. The reason is that people are less mobile than goods, with the result that labor market areas are typically (though not always) smaller than product market areas. To understand this point, consider, for example, the merger of two big farm equipment manufacturers. The market for farm equipment is national in scope,vi and hence an agency or court that evaluates the merger can focus on that single national market. To evaluate labor market effects, by contrast, one must identify the location of the factories of the two firms, which may be scattered throughout the country (or world). In some labor market areas, the merger may result in factory shutdowns, in others not. One then must evaluate all aspects of the local labor market—such as whether other employers, including employers in different industries, offer comparable jobs. And one must take into account the different types of workers in each factory—for example, line workers and IT workers belong in different labor markets. While some product markets are fragmented in this way, the problem for labor market antitrust is that fragmentation is pervasive if not universal. Indeed, applying existing market definition tests to labor markets may conclude that the relevant market is just the firm itself!

# 1NR---R6---Texas

## FTC

## T

### 2AC 1---AT: We Meet

#### Their evidence doesn’t say implementation, but does say enforcement---they are functionally the same thing---our 1nc evidence proves

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.

### 2AC 2---AT: Core

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

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

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

The Case for a Different Approach

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

Defense of the Consumer Welfare Standard

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

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

### Impact---2NC

#### 2. Only accessible literature base.

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

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

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

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

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

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

---FOOTNOTE 147 STARTS---

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

---FOOTNOTE 147 ENDS---