# 1NC Round 6 UMW

### 1NC – T USFG

#### Topical affirmatives must affirm the resolution---they don’t:

#### The “United States federal government” is the three branches in DC

U.S. Legal ’16 [U.S. Legal; 2016; Organization offering legal assistance and attorney access; U.S. Legal, “United States Federal Government Law and Legal Definition,” <https://definitions.uslegal.com/u/united-states-federal-government/>; RP]

The United States Federal Government is established by the US Constitution. The Federal Government shares sovereignty over the United Sates with the individual governments of the States of US. The Federal government has three branches: i) the legislature, which is the US Congress, ii) Executive, comprised of the President and Vice president of the US and iii) Judiciary. The US Constitution prescribes a system of separation of powers and ‘checks and balances’ for the smooth functioning of all the three branches of the Federal Government. The US Constitution limits the powers of the Federal Government to the powers assigned to it; all powers not expressly assigned to the Federal Government are reserved to the States or to the people.

#### Expanding the scope of CORE antitrust law requires modifying Sherman, FTC, or Clayton

US Chamber of Commerce, no date [America’s Antitrust Laws Protect Competition and Benefit Consumers, https://www.uschamber.com/antitrust-laws,]

Antitrust laws ensure competition in a free and open market economy, which is the foundation of any vibrant economy. And healthy competition among sellers in an open marketplace gives consumers the benefits of lower prices, higher quality products and services, more choices, and greater innovation. The core of U.S. antitrust law was created by three pieces of legislation: the Sherman Antitrust Act, the Federal Trade Commission Act, and the Clayton Antitrust Act. These laws have evolved along with the market, vigilantly guarding against anti-competitive harm that arises from abuse of dominance, bid rigging, price fixing, and customer allocation.

#### Prohibitions are legal restrictions against certain conduct.

DLD ‘ND [Duhaime's Law Dictionary; “Prohibition Definition”; http://www.duhaime.org/LegalDictionary/P/Prohibition.aspx; AS]

A legal restriction against the use of something or against certain conduct.

Only ensuring debates are grounded in resolution-based stasis guarantees contestability and reasonable burdens for 2Ns – any alternative definition of the topic is infinitely unpredictable and nullifies core negative research

#### There’s 2 impacts---

#### 1) Procedural Fairness---Predictability of the resolution ensures an equal chance to win 50% of debates on the negative---non-resolutional aff choice overstretches the research burden which puts them structurally ahead. It also decreases the viability of pre-tournament prep which unbalances the game. That’s an impact since debate is inherently a competitive space and the ability to win each individual debate matters---especially true considering the ballot can only resolve our procedural impacts

#### 2) Iteration---resolutional stasis is key to refute the aff rigorously---their interpretation encourages AFF conditionality and shielding links since their advocacy isn’t tied to a predictable stasis---that encourages teams to craft the trickiest 1AC which prevents testing over essential truth-claims and solvency---instead prefer debates against well-prepared opponents that make us better advocates---that fosters the best disagreement and ensures we have the ability to persuade people who hold dissenting opinions

Default to competing interpretations---winning the 1AC was good doesn’t prove their counterinterpretation is. Neg framework ballots pick a winner but no ballot solves structural impacts. Any “net benefit” to their interp that isn’t about the types of debates it encourages is not offense---you can vote neg and agree with claims like “the 1AC was good” or “some topical debates could be bad”.

### Legalism Tradeoff DA---1NC

#### Technical discussions of antitrust law are good---they create a paradigm shift in how we address monopoly power, the 1ac tradesoff.

David Dayen 15, author of *Monopolized: Life in the Age of Corporate Power (2020)* and *Chain of Title: How Three Ordinary Americans Uncovered Wall Street's Great Foreclosure Fraud*, “Bring Back Antitrust,” The American Prospect, Vol. 26, No. 4, Fall 2015, lexis.

In 1964, historian Richard Hofstadter gave a speech at the University of California, Berkeley, titled "What Happened to the Antitrust Movement?" He wondered why anti-monopoly sentiment ceased to become the subject of public agitation. "Once the United States had an antitrust movement without antitrust prosecutions," Hofstadter said. "In our time, there have been antitrust prosecutions without an antitrust movement."

Now we have lost both the movement and the prosecutions. When we talk about banks that are too big to fail, we're talking about antitrust. When we talk about the high cost of health care, we're talking about antitrust. So many of our key domestic issues are fundamentally questions about whether we should tolerate monopolies, or dismantle them. But this formulation-a centerpiece of public debate in the last robberbaron era between the 1880s and 1910s-has all but disappeared from popular discourse.

Can anti-monopoly sentiment be revived? When New York's Working Families Party first recruited Zephyr Teachout to run for governor, she said she would only do it if she could talk about monopolies. "They polled it, and they were correct that nobody knew what I was talking about," Teachout says. But when she eventually ran an insurgent campaign against incumbent Andrew Cuomo, she was determined to talk about it anyway.

"The minute you got past the sound-bite level, people responded to the concentration of power," Teachout says. They did campaign events at places where people paid their cable bills, using the pending Comcast-Time Warner merger, eventually abandoned, as the hook. She engaged farmers in upstate New York about monopsony power, and discussed Amazon and big banks on the stump. And it resonated. After only one month of campaigning, Teachout won 35 percent of the vote, with particular strength in upstate counties where farming issues were prominent.

"The Tea Party talks to people and says, 'You're out of power because government is taking it away from you,"' Teachout says. "Far too often, Democrats say, 'You're wrong, you're not out of power.' That's dissonant with our lived experience. You're out of power ... because your priorities don't matter and JPMorgan's do."

Beyond Teachout, you can see through the haze the stirrings of a grassroots antitrust agenda. The greatest anti-monopoly victory of the modern age, the Federal Communications Commission's net-neutrality rules, owed much to a smart, tech-savvy movement that leveraged big protest platforms. Web-native activists fought for the decentralized power of the Internet, without gatekeepers collecting tolls along the way. And they made the connection to things like the Comcast-Time Warner merger, which failed amid public outcry.

"After this existential threat to the Web, you see the same groups becoming interested in the deep history of anti-monopoly laws," Teachout says. "It's kind of an exciting intellectual moment, a fusion between old-school farmers who have been complaining for 30 years and new net-neutrality dreamers."

Monopolists have long used technological advances to consolidate power, from Gilded Age tycoons leveraging control of railroads and telegraphs to Amazon using its first-mover status in e-commerce to squeeze book producers, or Google harvesting traffic to their market-leading search engine to serve ads. It's easy to translate the need for a neutral platform for websites into the same need for book sales or car ride-sharing.

The European Union, in fact, did file formal antitrust charges against Google, accusing it of forcing search engine users into its own shopping platforms, and bundling Android phones with their own apps, to prevent competitors from performing the same functions. The FTC shut down its own investigation into Google over the same concerns in 2013. But an inadvertent disclosure revealed that the agency's Bureau of Competition recommended bringing a lawsuit, arguing that Google's conduct "has resulted-and will result-in real harm to consumers and to innovation in the online search and advertising markets." The political leadership ignored the recommendation.

The next administration must show "leadership that has a certain intellectual curiosity," says Maurice Stucke, pointing to the Google case as a missed opportunity. An alteration in posture would make enforcement far more vigorous, and bringing more cases will give litigators more experience and confidence to negotiate the judicial barriers. The American Antitrust Institute plans to create a transition document for the incoming administration, as they did for the Obama transition.

But at a time of political disempowerment, teaching about the dangers of monopolies and how we have the laws on the books to fight them, and creating upward pressure to do it, offers great potential for a paradigm shift. Connecting Senator Elizabeth Warren's fight against a rigged financial system and Al Franken's fight against media concentration can spark broader political energy.

You could see this potential in Washington, D.C., where in August, the city's Public Service Commission rejected a merger between energy firms Exelon and Pepco, citing "more active participation by parties and interested persons than any other proceeding in the Commission's more than a century of operations." Activists argued a giant Exelon conglomerate would fail to devote resources to the city's clean-energy goals, connecting anti-monopolization with fighting climate change.

There are a lot of reasons for runaway monopolies: an intellectual hijacking by Chicago-school conservative economists, the over-financialization of the economy, a failure of federal antitrust enforcement. But perhaps the biggest reason is that antitrust policy has become divorced from politics, confined to specialized lawyers and mathematicians instead of citizens and activists. Without grassroots momentum, politicians and enforcement agencies can safely ignore the issue. That's the challenge for a small band of academics, think-tank fellows, and activists: to make monopolies a vital issue again, connecting with the severe economic anxiety Americans feel.

#### Only that paradigm shift can make antitrust law effective.

Kate Andrias and Benjamin I. Sachs 21, Kate Andrias is Professor of Law, University of Michigan Law School. Benjamin I. Sachs is Kestnbaum Professor of Labor and Industry, Harvard Law School, “Constructing Countervailing Power: Law and Organizing in an Era of Political Inequality,” 130 Yale L.J. 546, January 2021, lexis.

[\*548] INTRODUCTION

Among the painful truths made evident by COVID-19 are the deep inequality of American society and the profound inadequacy of our social-welfare infrastructure. The nation's lack of comprehensive health care, 1Link to the text of the noteits underfunded and inefficient system of unemployment insurance, 2Link to the text of the noteand weak workplace safety and health guarantees, 3Link to the text of the notealong with nearly nonexistent paid sick leave, 4Link to the text of the notedebtor-forgiveness rules, 5Link to the text of the noteand tenant protections 6Link to the text of the noteleave poor and working-class communities--particularly communities of color--dangerously exposed to the ravages of this pandemic, both physical and economic. 7Link to the text of the noteAmerica's weak social safety net is, in turn, a product of a profound failure that has plagued American democracy for decades now: the wealthy exercising vastly disproportionate power over politics and government. 8Link to the text of the note

[\*549] Indeed, public faith in American democracy is at near-record lows, and increasing numbers of Americans report that they no longer feel confident in the health of their democratic institutions. When asked why, many say that money has too much of an influence on politics and that politicians are unresponsive to the concerns of regular Americans. 9Link to the text of the noteResearch supports these fears, showing both that wealthy individuals are spending record sums on electoral politics 10Link to the text of the noteand that elected officials are at best only weakly accountable to nonwealthy constituents. 11Link to the text of the note [\*550] As political scientist Martin Gilens has observed, "[W]hen preferences between the well-off and the poor diverge, government policy bears absolutely no relationship to the degree of support or opposition among the poor." 12Link to the text of the note

Of course, democracy does not require that policymaking always follow majority will or the median voter's preferences. But democracy, as well as the faith citizens have in their government, falters when lawmakers persistently disregard the priorities of nonwealthy citizens.

Much of the legal scholarship (and public commentary) concerned with this democracy deficit focuses on the increased flow of money into electoral politics and advocates for stemming that flow. 13Link to the text of the noteScholars writing in this vein criticize the Supreme Court's jurisprudence, exemplified by Citizens United v. FEC, that has enabled unfettered campaign spending. 14Link to the text of the noteThey offer a range of reforms designed to limit the flow of money into elections, many of which would require a change in the composition of the Supreme Court or the ratification of a constitutional amendment. 15Link to the text of the noteA related group of scholars advocates for shielding the legislative and administrative process from money's influence through, for example, lobbying restrictions and disclosure requirements. 16Link to the text of the note

[\*551] A second robust body of scholarship focuses not on insulating the political process from money but on trying to ensure equal rights of individuals to participate in the governance process through elections. These scholars criticize barriers to equal voting rights, including contemporary uses of gerrymandering and legislation that impose hurdles on individual voters' ability to exercise the franchise or minimize the effective voting power of particular constituents. 17Link to the text of the noteScholars urge both doctrinal and legislative reform that would ensure more equal rights of participation.

In the last few years, a third approach has begun to emerge in the legal scholarship. This approach begins by recognizing the difficulty--both practical and constitutional--of keeping money out of politics. It also recognizes that while equal voting and participation rights are critical to the goal of combatting political inequality, they are not enough to ensure political equality in a system where wealth functions so prominently as an independent source of political influence. Thus, this third approach moves beyond campaign finance and individual participation rights and focuses instead on what we will call countervailing power. In particular, this approach is concerned with the ability of mass-membership organizations to equalize the political voice of citizens who lack the political influence that comes from wealth. 18Link to the text of the note

The beneficial effects of countervailing, mass-membership organizations are well known to theorists and researchers of democracy. 19Link to the text of the notePut simply, such groups increase political equality by building and consolidating political power for the [\*552] nonwealthy, thus serving as counterweights to the political influence of the rich. Mass-membership organizations can serve in this capacity because, at bottom, they aggregate the political resources and political power of people who, acting as individuals, are disempowered relative to wealthy individuals and institutions. 20Link to the text of the noteMore particularly, mass-membership organizations enable pooling of politically relevant resources, including money, among individuals with fewsuch resources; they provide information to decisionmakers about ordinary citizens' views; they navigate opaque and fragmented government structures, thereby enabling citizens to monitor government behavior; and they allow citizens to hold decisionmakers accountable. And, in fact, when citizens are organized into mass-membership associations that are active in the political sphere, researchers find an exception to the general rule that policymakers are disproportionally responsive to the preferences and concerns of the wealthy. 21Link to the text of the note

Over recent decades, however, there has been a decline in broad-based, massmembership organizations of low- and middle-income Americans. 22Link to the text of the noteThis decline in countervailing organizations has exacerbated the political distortions caused by the increase in political spending by the wealthy. But the capacity for countervailing organizations to address the distorting effects of wealth raises a critical question for legal scholars: How can law facilitate the construction of countervailing organizations among the nonwealthy? Put differently, how can law facilitate political organizing among Americans whose voices are drowned out by the distorting effects of wealth? That is the question we address in this Article.

Recently, legal scholars have begun to address related topics. For example, K. Sabeel Rahman and Miriam Seifter have written about ways that participation in administrative processes can improve the organizational strength of citizen groups. Thus, Rahman argues for designing administrative processes in ways that enhance the countervailing power of ordinary citizens, 23Link to the text of the notewhile Seifter urges administrative-law scholars to pay attention to the characteristics of interest groups participating in the administrative process and to consider "looking [\*553] within interest groups," referencing the manner by which interest groups determine the views of their constituents, "to illuminate the quality and nature of participation in administrative governance." 24Link to the text of the noteTabatha Abu El-Haj has urged greater use of universal benefits and targeted philanthropy, to encourage the growth of mass-membership organizations, since both "create reasons to organize on the part of beneficiaries." 25Link to the text of the noteBoth of us have written about the countervailing role that labor organizations can play in politics. 26Link to the text of the noteAnd Daryl Levinson and one of us have written about the ways in which ordinary public policy often has the effect--and at times the intent--of mobilizing political organization around the policy. 27Link to the text of the note

Meanwhile, another group of legal scholars has highlighted the importance of social movements and their organizations in legal change, focusing on how movements shape decisionmaking by courts, legislatures, and administrative agencies. 28Link to the text of the noteIn particular, a rich literature has developed on the relationship between popular mobilization and evolving constitutional principles, 29Link to the text of the noteand on [\*554] how "cause lawyers" can best serve social movements. 30Link to the text of the noteMore recently, there has been a resurgence of scholarship that "cogenerates legal meaning alongside left social movements, their organizing, and their visions." 31Link to the text of the noteThis work builds on an older tradition of critical legal studies and critical race theory that interrogates the limits of traditional legal rights in bringing about progressive social change given the political, economic, and social conditions that systematically disadvantage poor people and people of color. 32Link to the text of the note

To date, however, no one has tackled directly the question that we pose here. 33Link to the text of the noteRather than asking how the enactment of substantive legislation or administrative-participation mechanisms might boost organizing, how social [\*555] movements can or hope to reshape law, or how a focus on traditional legal rights disables fundamental social change, we ask how law could be used explicitly and directly to enable low- and middle-income Americans to build their own socialmovement organizations for political power.

The question is particularly urgent today as the COVID-19 pandemic has exacerbated society's existing inequalities. Working-class communities, especially low- and middle-income people of color, have experienced hardships as a result of the disease to a far greater extent than the wealthy--from massive unemployment to dangerous working conditions, from food insecurity to rising debt and risk of eviction. 34Link to the text of the noteThe suffering wrought by the pandemic, as well as by the financial crisis of 2008, has led to an upsurge in protests by low- and middle-income Americans, particularly among workers, tenants, and debtors. 35Link to the text of the noteAt the same time, endemic violence against Black communities, including the recent killing of George Floyd, has led to widespread organizing around issues of racial justice. 36Link to the text of the noteThese movements demand that government respond to the [\*556] concerns of ordinary Americans and attempt to elicit better treatment from powerful actors. Yet, despite their promise, such movements face significant obstacles in translating their members' anger into robust and lasting political power. 37Link to the text of the noteA pressing task, therefore, is to ask how law can facilitate and protect these new and revived protest movements, helping to create durable organizations that can exercise sustained power in the political economy.

We start from the premise that the robustness of countervailing, mass-membership organizations should be understood as a problem both of and for law. The shape of civil society and organizational life is already a product of legal structures and rules. 38Link to the text of the noteAnd although law has frequently been a tool of oppression, rather than of empowerment, of poor and working-class people and movements, 39Link to the text of the notealternative legal regimes that encourage the growth of and the exercise of power by social-movement organizations of the poor and working class are possible. Indeed, for those who are committed to decreasing political inequality, alternative legal structures that encourage the growth of countervailing organizations are imperative.

In analyzing how legal and institutional reforms could facilitate a different picture of organizational and political life in the United States, we draw from the successes and failures of labor law--the area of U.S. law that most explicitly and directly creates a right to collective organization for working people--while also moving beyond that context to literature considering "how, in what forms, and under what conditions social movements become a force for social and political change." 40Link to the text of the noteWe do not attempt to adjudicate priority among factors that [\*557] contribute to successful organizing, nor do we attempt to build an exhaustive list of such factors. Instead, we consolidate factors that have two attributes: (1) they are likely to contribute to the successful building of membership organizations among poor and working-class people, and (2) their existence or development might be enabled by law.

We recognize that some factors, undoubtedly critical to successful organizing, are beyond the reach of our proposal. For example, sociologists and historians have demonstrated that several structural opportunities helped facilitate the growth of the Civil Rights movement, including the collapse of cotton; the increase in Black migration and electoral strength; and the advent of World War II and the Cold War. 41Link to the text of the noteThese kinds of objective structural conditions, exogenous to movements themselves, are frequently important to movement formation, but they cannot be directly affected by the kinds of legal reforms we suggest. Likewise, sociologists have shown that strategic leadership within organizations is critical to movement success, 42Link to the text of the notebut internal leadership dynamics are not easily affected through legal regulation. 43Link to the text of the note

Three additional principles guide our analysis. First, because small-scale, concrete victories are essential to successful organizing, and because organizing tends to be most successful among people with shared identities and existing relationships, we focus on reforms that enable organizing within particular structures of authority and resource relations. By way of examples, we consider organizing among workers, tenants, debtors, and recipients of public benefits. We pick these contexts in part because they are ones rife with exploitation and [\*558] power imbalances and populated by the relevant income groups, and in part because they are home to important organizing efforts, both historical and contemporary. 44Link to the text of the noteWe do not suggest that these are the only relevant contexts in which our suggestions might be explored, nor do we in any sense imply that broader organizational development encompassing poor and working-class people as a whole is impossible or ineffective. In fact, the context-specific organizing regimes we envision might well facilitate broader community-based and political organization. However, we leave for another day exploration of how the law might directly enable broad-based political organization--say, a political organization of all poor people or a political-party system that incentivizes grassroots participation among nonwealthy individuals. 45Link to the text of the note

Second, we focus on how law can build organization, as opposed to more amorphous configurations of insurgency. The organizations our reforms seek to facilitate are very much social-movement actors, in that they seek to change "elements of the social structure and/or reward distribution of a society." 46Link to the text of the noteBut the goal is to encourage enduring organization that can wield sustained, [\*559] countervailing power. 47Link to the text of the noteThus, our approach rejects the idea that formal structures facilitated by law are necessarily deradicalizing and inimical to social change. 48Link to the text of the note

Finally, our focus is on how law can facilitate organizations of working-class and poor Americans--not on either of two other questions: one, how law could be designed specifically to enhance the political power of communities of color, or two, how law could encourage the formation of interest groups generally. The first question could not be more critical. Just as our government is disproportionately responsive to the wealthy, it is also disproportionately responsive to white people, 49Link to the text of the noteand the crisis of structural racism is perhaps the most acute we face as a nation. As such, a program for building political power among communities of color is just as necessary as a program for building power among workers and the poor. But it is also true that our focus on working and poor Americans ought, in practice, and in part due to the crisis of structural racism itself, to amount to a program for building power among and by communities of color. This is not the exclusive reach of our proposals, and continued attention must be paid to ensure that racial inequities do not infect the political organizing we aspire to enable. But because people of color are over-represented in the sectors of the population that we do address--low-income workers, tenants, government-benefits recipients, debtors--these communities would likely benefit from the success of our proposals. As to the second question, while a more expansive civil society may bring a host of benefits, including greater social cohesion and civic education, this Article's concern is with building organizations that can serve as a countervailing force to the extraordinary power of economic elites in our political economy. 50Link to the text of the note

[\*560] We argue that a legal regime designed to enable this kind of organizing should have several components. First, the law should grant collective rights in an explicit and direct way so as to create a "frame" that encourages organizing. Second, as importantly, though more prosaically, the law should provide for a reliable, administrable, and sustainable source of financial, informational, human, and other relevant resources. Third, the law should guarantee free spaces--both physical and digital--in which movement organization can occur, free from surveillance or control. Fourth, the law should remove barriers to participation, both by protecting all those involved from retaliation--no worker may be fired, no tenant evicted, no debtor penalized, and no welfare recipient deprived of benefits because they are active in or supportive of the movement's efforts--and by removing material obstacles that make it difficult for poor and working people to organize. Fifth, the law should provide the organizations with ways to make material change in their members' lives and should create mechanisms for the exercise of real political and economic power, for example by providing the right to "bargain" with the relevant set of private actors and by facilitating organizational participation in governmental processes. Finally, the law should enable contestation and disruption, offering protections for the right to protest and strike. 51Link to the text of the note

The particulars necessarily vary by context. For example, a law designed to generate organizing among tenants would start by affirmatively granting tenants the right to form and join tenant unions. It would grant such unions the right to access information and landlord property for organizational purposes. It would vest the organization with authority to collect dues payments through deductions from rent payments. It would mandate that landlords negotiate with tenants' organizations over rent and housing conditions. It would ensure that organizations have special rights of participation in administrative processes related to housing policy. And it would provide for the right of tenants to engage in rent strikes and protests, free from retaliation. A law designed to facilitate organizing among debtors would similarly create a collective frame, provide a mechanism for funding, protect against retaliation, mandate bargaining and [\*561] rights of participation in governance, and protect the right to protest and strike, but a debtor-organizing law might not provide for access to physical spaces, instead putting more emphasis on providing information and enabling online organizing.

Some of our proposals will generate resistance--theoretical, legal, and political. And, indeed, we concede that our approach has limitations. For example, we do not attempt to articulate the optimal level of political influence that the organizations in question ought to enjoy, nor a way of measuring when and whether they have become sufficiently strong. As Richard Pildes has written in a related context, we believe it is possible to "identify what is troublingly unfair, unequal, or wrong without a precise standard of what is optimally fair, equal, or right." 52Link to the text of the noteIn addition, the scope of our inquiry is limited to problems of economic inequality. Yet we do not mean in any way to minimize other aspects of inequality, including racial and gender discrimination and hierarchy, which are both inseparable from economic inequality and worthy of separate examination and intervention. To that end, we believe law ought to require inclusion and nondiscrimination among poor and working people's social-movement organizations. 53Link to the text of the note

Finally, we recognize both that our recommendations will not provide a panacea to the imbalance in power that characterizes our political economy and that our proposals will be difficult to enact. Indeed, although we suggest a range of possible reforms and explain how they could be achieved, the goal is to illuminate law's constitutive potential and to suggest a path for further work, not to provide a comprehensive blueprint. 54Link to the text of the noteIn short, analysis of what makes poor and working people's social-movement organizations succeed helps show that law [\*562] can make a difference--and that the absence of such law is a choice, one we believe our society cannot afford to make. 55Link to the text of the note

#### Turns case---causes excess wealth and inequality.

Katharina Pistor 21, Professor of law at Columbia law school and leading scholar and writer on corporate governance, money and finance, property rights, and comparative law and legal institutions, “The Code of Capital: How the Law Creates Wealth and Inequality – Core Themes”, Accounting, Economics, and Law: A Convivium Volume 11 Issue 1, feb 12th, https://www.degruyter.com/document/doi/10.1515/ael-2020-0102/html

1 The Code of Capital: Core Themes

I would like to thank the editors of Convivium for putting together this special issue and for inviting me to write a reply to the critiques in this issue. My hope was to write a book about capital that would open fresh perspectives and also engage readers from different disciplinary backgrounds. Having the opportunity to engage scholars from philosophy, law, sociology and business/accounting is a wonderful reward for such an undertaking. Thanks also to the contributors who read the book and put their thoughts and their critiques in writing. In what follows, I will summarize the core themes of my book with only scant reference to their critiques, which I reserve for the reply at the end of this issue.

Capital is not a thing, but a social relation, as Marx taught us (Marx, 1974) according to Marxists, the relation between capital and labor as at the heart of this relation. Ownership over the means of production allows capitalists to extract surplus from labor, which they can feed back into the production and surplus creation process, or take out for consumption. Law figures in this story, but as part of the super-structure, not its basis. Only the “old” institutional economists, foremost among them John Commons, gave law a central role in explaining capitalism (Commons, 1924). This book owes much to their writings and to the legal realists, as it does do social theorists like Karl Polanyi who sought to understand the long arch of historical transformations by observing the details that link societies to markets, social to economic and ultimately political change (Polanyi, 1944).

Capital, I argue in my book, is indeed a social relation, but one that is organized around and mediated by the state and its coercive powers, which have been institutionalized as law. Law is often depicted as a vertical relation between a state and the subject it controls, the people and organizations that occupy its territory. For social and economic activities, there is, however, another dimension of law, namely private law. The distinction between public and private law belongs to the modern period and is more pronounced in some legal systems than in others. It reflects an increasing differentiation of governance tasks and mechanisms for ever more complex social organizations. Several contributors to this issue have criticized this book for not saying enough about public law, a point to which I will return in my reply. For now, suffice to say that the legal domain that in my view has remained largely hidden from view in the discussion of social change, has been private law. It has been naturalized and reified and the fact that it owes its power of social ordering ultimately to the state is often ignored.

Private law consists of legal arrangements that allow private parties to organize their horizontal relations while resting assured that these arrangements will (in all likelihood) be enforceable in a court of law. Private actors may trade, invest, or gamble without this assurance, but they would have to protect themselves against possible breach or interference by strangers to their transactions and the social groups within which they take place. They would have to carefully select and monitor their counterparties or middlemen, wall in their properties, hire private guards, and so forth (Kronman, 1985; Landa, 1981). To be sure, modern technologies have greatly reduced the cost of self-help. As a result, the relative importance of coercive law enforcement (and thus of states) may decline. In the book, I argue that the digital code is unlikely to replace the legal code any time soon; and moreover, that the decisions that digital coders make are not fundamentally different from legal coders. Still, while writing the book, I did not fully grasp the potential of digital coding and of data, an issue I have since taken up (Pistor, 2020a, 2020b).

Setting aside the promises and challenges of the digital code, a critical premise of my argument is that for social relations to scale beyond the size of social groups that can rely on self-monitoring, something else is needed: a powerful agent with the authority to verify the rules that can enforce promises and uphold property rights, if necessary with the help of coercive power (Hodgson, 2009; Weber, 1968). Private law enables private parties to avail themselves of the state’s coercive powers in organizing their social and economic relations well beyond tightly knit spheres of exchange, while enjoying considerable flexibility in doing so. This is key for turning simple objects, promises and ideas or knowhow (or assets) into capital, that is, into assets that create new and secure past wealth. Deciphering the role that private law plays in the making of capital is the book’s core mission.

The basic argument the book makes is fairly simple: With the right legal coding any object, promise or idea can be turned into a capital asset. The process of coding capital bestows its holders with legal attributes that greatly enhance the likelihood that they will produce and secure wealth. I identify four attributes, namely priority, durability, universality, and convertibility. Priority means that some asset holders enjoy stronger rights than others; these rights can be extended in time by protecting them against other claims, thereby lending them durability and allowing capital to grow. Holders of financial asset attain durability by way of convertibility, an option to swap privately into state issued legal tender that maintains its nominal value (Ricks, 2016), and thereby to lock in past gains. Last but not least, universality ensures that all have to yield to these legal rights, whether or not they knew about them. Coding capital then is the process of grafting priority, durability or convertibility, and universality on to different types of assets and thereby creating wealth for their holders and inequality for the rest.

Only a handful of institutions of private law are needed to turn a simple asset into capital. For priority, property and collateral law do most of the work; and for durability, trust and corporate law. Bankruptcy is in the mix, because, even though it is mandatory and as such less malleable, it sanctions priority rights that were created outside bankruptcy. Owners of assets that are in the possession of a defaulting debtor can retrieve them, and holders of collateral interests can enforce against them before any other creditors. Claimants at the end of the queue get only the leftovers. The legal modules that confer priority and durability operate by design against anybody; in contrast, contract law is a legal relationship that binds only two parties to the contract. Still, contract law occupies an important role in the coding of capital, because contractual relations enjoy legal protection against outside interference. Moreover, with the help of information technology, the costs of contracting can be reduced to a point that contractual relations can be universalized – simply by requiring millions of platform users to click “agree” and thereby sign on to the same contract that bind everybody else. To be clear, these six modules are not the only legal devices that can be used for coding capital, but they have been central for coding of capital over the past four hundred years or so. The book applies this framework to the coding of land, firms, debt, and knowhow. While land came first, the story unfolds not in chronological order. In other words, there is no explicit or implied argument about historical stages of the coding of capital.

To me, one of the most striking discoveries was the persistence and versatility of the modules of the code. Property rights, as Bernard Rudden reminds us, first emerged during the age of feudalism (Rudden, 1994). The same legal modules, property rights, collateral as well as trust law, which were used to code land are used today for coding securitized assets and complex financial derivative structures. The legal modules are not entirely static; they were adapted to changing circumstances. Property rights in land evolved from an integral part of the feudal socio-political order into a legal right held by individuals in principle irrespective of their social status. I say “in principle”, because endowment effects limited access to land and other assets long after legal restrictions had been lifted and gave the privileged landowners a head-start over everyone else. The importance of land as the primary source of wealth prior to the onset of industrialization, and indeed of capitalism, is also evident in the evolution of trust last. Well into the nineteenth century, land was the only asset that could be conveyed to a trust, with sovereign debt and shares in the English East Indian Company allowed only later. Today, virtually anything that can generate future cash flows can be thrown behind the veil of a trust thereby granting investors (the beneficiaries) privileged access to these cash flows. In addition, the fiduciary duties of trustees have been relaxed, leading one student of trust law to talk of the “stripping of the trust” (Hofri-Winogradow, 2015), and beneficiaries have turned their equitable interests against the trust into fixed income claims.

These modifications notwithstanding, I stress continuity of the legal modules over change, because their basic structure remained intact even as they were adapted to new assets and changing circumstances. Still, there might room for another book that tells the story of each module over time, and preferably, in comparative perspective. In fact, I first thought about organizing the book around the legal institutions (property, trust, corporate law etc.), rather than the assets (land, firms, debt, knowhow) they have coded as capital. It might have been a great book for legal historians, but probably would have not conveyed the power of the legal code and its impact on the creation of wealth and inequality for a broader readership. Yet, analyzing the patterns of legal change in greater detail will be an important aspect for further deepening the theoretical analysis and drawing out the implications of “The Code of Capital” for social and political theory (more on this in the reply).

Placing private law at the center of the analysis seems to disregard the rise of global capitalism. Private law is domestic law; only some aspects of private have been harmonized globally. Even the EU, which had aspired to creating a comprehensives set of common rules for a common market, eventually switched direction. In lieu of a common set of substantive rules, say for contract, corporate law, etc., member states have harmonized the rules that determine which country’s rules should apply in cross-border cases where more than one legal system is in play. In legal jargon, these are the “conflict-of-law rules” (or international private law), which are part of the domestic legal orders of every country. These rules stipulate separately for every legal domain the factors that should determine whose law applies: the location of an asset for property rights, a company’s headquarters or place of incorporation for corporate law, or simply party choice for contract law – and increasingly for other areas of the law as well.

They may look arcane or unassuming, but these rules have been instrumental for the integration of economic and financial systems globally. In the absence of a global state and a global law, conflict-of-law rules have been used to extend the reach of domestic law beyond the territorial borders of the states from which it originated. Creating a menu of legal systems for private agents to choose from when organizing their transnational relations required at least two things: Different rules with some legal systems offering greater advantages for the coding of capital than others; and the willingness of states with less desirable rules to enforce the selected rules within their territories. The first condition is easy to meet, as legal rules do in fact vary across countries and legal system. More interestingly, they do so fairly systematically, with the common law offering for the most part superior conditions than do most civil law systems. Comparing civil law and common law regimes has a long trajectory, including more recently the law and finance literature (La Porta, Lopez-de-Silanes, Shleifer, & Vishny, 1998). I don’t add much to this debate other than suggesting that the organization of the legal profession, the role of private attorneys and courts in the legal system, has not received the attention it deserves.

The second condition, i.e. other states willing to enforce foreign law in their courts, requires a bit more explanation. Here, we have seen a shift over the past several decades towards allowing private parties to freely choose the law from among different legal systems that best suits their needs. Some states did so on their own behest; others were pushed by economic and legal integration projects, such as the European Union. Either way, the timing is conspicuous: it overlaps with the integration of financial markets globally since the late 1980s and early 1990s. Teasing out the interaction between decisions to remove capital controls, to privatize financial intermediaries and allow for the free movement of capital and changes in conflict-of-law rules certainly deserve further research.

When using the lens of the code of capital, global capitalism does not appear as some “supra-national” system that is detached from states or state law or that has diminished the role of states. Instead, global capitalism is rooted in select legal systems that have accommodated capital for centuries and that today are home to the major players in global finance, as well as the 100 top global law firms. English law has dominated international trade for centuries, with the direction of causality possible running from empire to legal dominance, but equally possible in the opposite direction. Today, English and New York state law dominate the coding of financial capital that is traded globally. These two jurisdictions are the rule makers for global capital. Most other jurisdictions will recognize and enforce the legal rights they create; they are rule takers. By recognizing and enforcing foreign law in their courts, they extend universality way beyond the territory of the country to provide the critical modules of the code.

Capital and the system to which it has given its name was not designed by anybody in a coherent fashion, but neither can it be described as the product of natural evolution. To turn a simple object, promise or idea into capital, somebody must decide, which and whose assets shall be coded as capital; others must accept the coding, even yield to it. And should the coding be challenged, someone must decide, whether a strategy should be upheld, struck down, or changed. These tasks are taken up by different agents: asset holders, lawyers, courts, regulators, and legislatures; and not just agents that all belong to the same state, but are dispersed among several. The de-centering and diffusion of state power through private law and conflict-of-law rules, the book suggests, is critical for understanding a system that is at once built from state law and difficult to constrain through collective governance mechanisms of states. This might help explain, why there is no simple reform strategy. In the book, I therefore propose a strategy of incremental change aimed at scaling back the mechanism that have contributed to the diffusion of state power and their concentration in private hands. To several critics this strategy is unsatisfactory. I don’t disagree and my own thinking has evolved since the book went to press, especially since the economic fallout from COVID-19 pandemic, which might create an opportunity for more radical change. Still, the measures I discuss in the book are in my mind and indispensable for creating the needed space for retooling state power.

## Case

### Case

#### Antitrust debates are good---rigorous and iterative research gives us the tools to challenge violent corporate monopolization.

Greer and Rice 21 – Jeremie Greer and Solana Rice are Co-founders and Co-executives of Liberation in a Generation, a national movement-support organization working to build the power of people of color to transform the economy.

Jeremie Greer and Solana Rice, “Anti-Monopoly Activism: Reclaiming Power Through Racial Justice,” *Liberation in a Generation*, March 2021, pp. 3-13, https://www.liberationinageneration.org/wp-content/uploads/2021/03/Anti-Monopoly-Activism\_032021.pdf.

It is critical that grassroots leaders of color are positioned to lead on anti-monopoly policy, as they are uniquely positioned to understand its impact on people of color at the household, community, and societal levels. This gives them a unique perspective in policy ideation efforts that should be valued and validated. These leaders also possess the unique skills to mobilize the people and public power that are necessary to force the government to reclaim its historic role of reining in runaway corporate monopoly power.

We at Liberation in a Generation believe that the power to change our economic systems rests with the organizers of color who are building the political strength of communities of color. Anti-monopoly research and advocacy need to better quantify, center, and reflect what people of color are experiencing and the ways that they are being harmed by monopoly power’s reach. These efforts should also better connect anti-monopoly policy and advocacy as tools to advance the existing priorities of leaders of color, such as the Green New Deal, Medicare for All, closing the racial wealth gap, and a Homes Guarantee. This paper aims to contribute a major step in the long journey of bridging the divide between anti-monopoly researchers and policy advocates and grassroots leaders of color. The first step on that journey is knowledge.

Recognizing that anti-monopoly work is a new policy issue to many grassroots leaders of color, this paper will serve as a primer to 1) educate grassroots leaders on the issue of corporate concentration, 2) connect the issue to racial justice, and 3) recommend a path forward for grassroots leaders as well as the researchers and advocates who need to embrace them. Our hope is that this paper provides a foundation of knowledge that grassroots leaders of color can use to build race-conscious solutions and mobilize for action to rein in runaway corporate monopoly power. To that end, the paper is organized into six sections.

SECTION 1 Monopoly Power Is Corporate Power Magnified and Maximized

In 1975, millions flooded theaters to see the blockbuster thriller Jaws. The story follows a police chief in a small resort town as he risks his life to protect beachgoers from a monstrous man-eating great white shark.

Monopolies are a lot like the shark in Jaws. While enormous, ruthless, dangerous, and scary, the movie’s monster is just a shark, and the police chief uses tools and community to defeat it. Comparatively, while also enormous, ruthless, dangerous, and even scary, monopolies are just corporations, and we, together, can confront them. Their massive power controls the wages we earn, the prices we pay, and the actions of the politicians who are supposed to represent us in DC, the statehouse, and city hall. In a representative democracy, we the people are at the top of the food chain, and it is within our power to make these monopolies fear us— and end their existence in the first place.

Grassroots leaders of color are highly experienced and uniquely skilled at challenging corporate power, and these capacities can and should be used to curb monopoly power. For example, the Athena Coalition8 has successfully leveraged grassroots power to challenge the monopoly power of Amazon, and Color of Change9 has effectively used grassroots digital organizing to challenge the monopoly power of social media platforms such as Facebook. Putting monopolies in the crosshairs of organizers is critical because they best understand the real human and structural devastation caused by monopoly power, which is otherwise all too easily neglected.

Though we believe that grassroots leaders of color have the experience and expertise necessary to challenge monopoly power, the question remains: Why should they lead this fight? Grassroots leaders of color are already engaged in high-stakes battles with the forces of corporate power on fundamental issues, including environmental justice, worker justice, housing justice, prison and police abolition, and voter and democratic justice. We believe that these efforts can be bolstered if anti-monopoly policy development and advocacy were incorporated into these existing efforts but then followed the lead of organizers. For example, the primary opponents of prison and police abolition are private prison monopolies, such as GEO Group and CoreCivic, which profit from the arrest and incarceration of Black and brown people. Opponents of the Green New Deal include energy monopolies BP and ExxonMobile, whose profits are derived from polluting Black and brown communities.10 Finally, opponents of the Homes Guarantee, and its call for creating 12 million units of social housing outside of the for-profit housing market, include big banks that profit from the commodification of affordable and low-income housing. Challenging these opponents by diminishing their monopoly power could prove to be a powerful weapon in the fight to dismantle unchecked corporate power and its real-life economic impact on people of color.

How Corporate Monopolies Show Up in Today’s World

The distinguishing features of monopolies, when compared to your run of the mill corporation (large or small), are the reach and intensity of the corporate power that they wield. Monopoly power turbocharges the ills of corporate power and creates a wider impact of the overlapping consequences for people. In many ways, monopolies are created when corporate power becomes governing power.11 Their sheer size and market dominance allow them to govern markets, and their expansive wealth gives them the power to manipulate prices, crush workers, and steamroll governments. Ultimately, monopolies’ extreme economic power—which they use to gain outsized political power and then more economic power—undermines the collective power of workers, consumers, small businesses, local communities, and governments.

It has become difficult, and inadequate, to rely on legal definitions to identify monopolies. The legal definition of monopolization is highly technical and complicated by centuries of conflicting jurisprudence. It's been narrowed to exclusively focus on the negative impact that anticompetitive actions have on consumers.12 This narrower focus intentionally shielded monopolies from any accountability for anticompetitive harm inflicted on workers, the environment, local communities, government, and democracy. Federal enforcement of monopoly power is confined to the highly specialized legal practice of antitrust law enforcement.13 However, centuries of political power wielded by corporate monopolies and their acolytes (e.g., universities, think tanks, trade associations, and major law firms) have rendered much of antitrust law enforcement toothless.14

In the late 19th and early 20th century, the definition of monopoly was much wider and comprehensive. In this paper, we will expand the definition as well. Recognizing that this definitional work is in many ways a work in progress, we offer our definition as a point of discussion and debate for the larger field of anti-monopoly advocates.

In this paper, we define monopoly as a corporate entity (a single corporation or a group of corporations) whose sheer size and anticompetitive behavior grant it disproportionate economic power and governing influence. This negatively affects the well-being of workers, consumers, markets, local communities, democratic governance, and the planet.

Below are a few major industries that reveal how corporate concentration and monopolistic industries harm the economic lives of workers, consumers, and communities of color.

Big Tech

Four corporations comprise what has come to be known as “Big Tech”: Amazon, Apple, Facebook, and Alphabet (the parent company of Google). Each of these technology firms dominate an enormous share of their respective technology markets. Google, for example, controls 90 percent of the internet search market, and it controls the largest video sharing platform on the internet through its ownership of YouTube. Apple controls 50 percent of the cellphone market,15 and Amazon controls 50 percent of all ecommerce. Facebook and its many subsidiaries (such as WhatsApp and Instagram) dominate the social media and online advertising marketplace.16 Other technology firms, including Uber, Lyft, Microsoft, and Netflix, also demonstrate monopolistic, anticompetitive behavior in their respective markets. In many ways, these companies, and the people who control them, are the “robber barons” of our time.

Big Pharma

The world's largest pharmaceutical corporations, including Johnson & Johnson, Pfizer, Merck, Gilead, Amgen, and AbbVie, together comprise “Big Pharma.” These monopolies build their profits by controlling the prices of critical life-saving pharmaceuticals (e.g., insulin, drugs that regulate blood pressure, and critical antibiotics) and life-altering medical devices (e.g., heart stents and joint replacement devices). Between 2000 and 2018, a disproportionately small number of pharmaceutical companies made a combined $11 trillion in revenue and $8.6 trillion in gross profits.17 In 2014, the top 10 pharmaceutical companies had 38 percent of the industry’s total sales revenue.18 Much of these profits were gained driving up the price of critical drugs , extorting research and development (R&D) funding from the government, and leveraging Big Pharma’s political influence to weaken government oversight of the industry.19

Big Agriculture

Big Agriculture, or “Big Ag,” refers to monopolies that control major aspects of the global food supply chain. This includes companies such as Cargill, Archer Daniels Midland Company (ADM), Bayer, and John Deere. Though once a diffuse network of small farmers and supply chain companies, recent mergers have created a system comprising a small number of corporations that are crowding out smaller, family-run companies including small farms. Similar to Big Pharma, government subsidies are a massive component of the obscene profits made by Big Ag. Further, as often the largest employer in many small rural towns, these corporations often ruthlessly wield their monopoly power to drive down wages and benefits to workers, skirt government safety regulations, and bully (and even buy out) small farmers.

Big Banks

Known as the “Big Five,” five banks control almost half of the industry’s nearly $15 trillion in financial assets: JPMorgan Chase, Bank of America, Wells Fargo, Citigroup, and US Bancorp. Their collective importance to the nation’s financial system has led some to consider them “too big to fail.”20 In fact, in response to the financial crisis of 2008, the federal government provided trillions of dollars in relief to ensure that they did not collapse under the weight of the crisis.21 The Big Five have an incredible influence over the flow of money throughout our economy. They finance critical goods and services, such as housing, higher education, infrastructure, and renewable energy. They also finance extractive elements of our economy, such as fossil fuels and private prisons. But, most importantly, they set the rules for who can and cannot access loan capital, and their exclusionary practices have been widely linked to the growth of racial wealth inequality (as described in Section 3).

#### Refusing fails – they assume a transformative potential from small moments of resistance that simply does not exist.

Reed 16 (Adolph, Jr., Prof. of Political Science @ Penn., “Splendors and Miseries of the Antiracist “Left”” *Nonsite*, http://nonsite.org/editorial/splendors-and-miseries-of-the-antiracist-left-2)

More than a decade and a half ago I criticized similar formulations of a notion of “infrapolitics,” understood as the domain of pre-political acts of everyday “resistance” undertaken by subordinated populations, which was then all the rage in cultural studies programs. Proponents of the political importance of this domain insisted that, because insurgent movements emerge within such cultures of quotidian resistance, a) examining them could help in understanding the processes through which insurgencies develop and/or b) they therefore ought to be considered as expressions of an insurgent politics themselves. Several factors accounted for the popularity of that version of the argument, which mainly had to do to with the political economy of academic life, including the self-propulsion of academic trendiness and the atrophy of the left outside the academy, which encouraged flights into fantasy for the sake of optimism. The infrapolitics idea also resonated with the substantive but generally unadmitted group essentialism underlying claims that esoteric, insider knowledge is necessary to decipher the “hidden transcripts” of the subordinate populations; put more bluntly, elevating infrapolitics to the domain on which the oppressed express their politics most authentically increased its interpreters’ academic capital.8

I discussed those factors in my critique. However, the point in that argument most pertinent for evaluating Birch and Heideman’s confidence that the contradictions they acknowledge in BLM should be seen only as growing pains of a “new movement” is the following:

At best, those who romanticize “everyday resistance” or “cultural politics” read the evolution of political movements teleologically; they presume that those conditions necessarily, or even typically, lead to political action. They don’t. Not any more than the presence of carbon and water necessarily leads to the evolution of Homo sapiens. Think about it: infrapolitics is ubiquitous, developed political movements are rare.9

#### It's resilient and transition fails

Hubert Buch-Hansen 18. Associate Professor, Department of Business and Politics, Copenhagen Business School. “The Prerequisites for a Degrowth Paradigm Shift: Insights from Critical Political Economy.” *Ecological Economics* 146: 157-63. Emory Libraries.

Still, the degrowth project is nowhere near enjoying the degree and type of support it needs if its policies are to be implemented through democratic processes. The number of political parties, labour unions, business associations and international organisations that have so far embraced degrowth is modest to say the least. Economic and political elites, including social democratic parties and most of the trade union movement, are united in the belief that economic growth is necessary and desirable. This consensus finds support in the prevailing type of economic theory and underpins the main contenders in the neoliberal project, such as centre-left and nationalist projects. In spite of the world's multidimensional crisis, a pro-growth discourse in other words continues to be hegemonic: it is widely considered a matter of common sense that continued economic growth is required.

It is also noteworthy that economic and political elites, to a large extent, continue to support the neoliberal project, even in the face of its evident shortcomings. Indeed, the 2008 financial crisis did not result in the weakening of transnational financial capital that could have paved the way for a paradigm shift. Instead of coming to an end, neoliberal capitalism has arguably entered a more authoritarian phase (Bruff, 2014). The main reason the power of the pre-crisis coalition remains intact is that governments stepped in and saved the dominant fraction by means of massive bailouts. It is a foregone conclusion that this fraction and the wider coalition behind the neoliberal paradigm (transnational industrial capital, the middle classes and segments of organized labour) will consider the degrowth paradigm unattractive and that such social forces will vehemently oppose the implementation of degrowth policies (see also Rees, 2014: 97).

While degrowth advocates envision a future in which market forces play a less prominent role than they do today, degrowth is not an antimarket project. As such, it can attract support from certain types of market actors. In particular, it is worth noting that social enterprises, such as cooperatives (Restakis, 2010), play a major role in the degrowth vision. Such enterprises are defined by being ‘organisations involved at least to some extent in the market, with a clear social, cultural and/or environmental purpose, rooted in and serving primarily the local community and ideally having a local and/or democratic ownership structure’ (Johanisova et al., 2013: 11). Social enterprises currently exist at the margins of a system, in which the dominant type of business entity is profit-oriented, shareholder-owned corporations. The further dissemination of social enterprises, which is crucial to the transitions to degrowth societies, is – in many cases – blocked or delayed as a result of the centrifugal forces of global competition (Wigger and Buch-Hansen, 2013). Overall, social enterprises thus (still) constitute a social force with modest power.

Ougaard (2016: 467) notes that one of the major dividing lines in the contemporary transnational capitalist class is between capitalists who have a material interest in the carbon-based economy and capitalists who have a material interest in decarbonisation. The latter group, for instance, includes manufacturers of equipment for the production of renewable energy (ibid.: 467). As mentioned above, degrowth advocates have singled out renewable energy as one of the sectors that needs to grow in the future. As such, it seems likely that the owners of national and transnational companies operating in this sector would be more positively inclined towards the degrowth project than would capitalists with a stake in the carbon-based economy. Still, the prospect of the “green sector” emerging as a driving force behind degrowth currently appears meagre. Being under the control of transnational capital (Harris, 2010), such companies generally embrace the “green growth” discourse, which ‘is deeply embedded in neoliberal capitalism’ and indeed serves to adjust this form of capitalism ‘to crises arising from contradictions within itself’ (Wanner, 2015: 23).

In addition to support from the social forces engendered by the production process, a political project ‘also needs the political ability to mobilize majorities in parliamentary democracies, and a sufficient measure of at least passive consent’ (van Apeldoorn and Overbeek, 2012: 5–6) if it is to become hegemonic. As mentioned, degrowth enjoys little support in parliaments, and certainly the pro-growth discourse is hegemonic among parties in government.5 With capital accumulation being the most important driving force in capitalist societies, political decision-makers are generally eager to create conditions conducive to production and the accumulation of capital (Lindblom, 1977: 172). Capitalist states and international organisations are thus “programmed” to facilitate capital accumulation, and do as such constitute a strategically selective terrain that works to the disadvantage of the degrowth project.

The main advocates of the degrowth project are grassroots, small fractions of left-wing parties and labour unions as well as academics and other citizens who are concerned about social injustice and the environmentally unsustainable nature of societies in the rich parts of the world. The project is thus ideationally driven in the sense that support for it is not so much rooted in the material circumstances or short-term self-interests of specific groups or classes as it is rooted in the conviction that degrowth is necessary if current and future generations across the globe are to be able to lead a good life. While there is no shortage of enthusiasts and creative ideas in the degrowth movement, it has only modest resources compared to other political projects. To put it bluntly, the advocates of degrowth do not possess instruments that enable them to force political decision-makers to listen to – let alone comply with – their views. As such, they are in a weaker position than the labour union movement was in its heyday, and they are in a far weaker position than the owners and managers of large corporations are today (on the structural power of transnational corporations, see Gill and Law, 1989).

6. Consent

It is also safe to say that degrowth enjoys no “passive consent” from the majority of the population. For the time being, degrowth remains unknown to most people. Yet, if it were to become generally known, most people would probably not find the vision of a smaller economic system appealing. This is not just a matter of degrowth being ‘a missile word that backfires’ because it triggers negative feelings in people when they first hear it (Drews and Antal, 2016). It is also a matter of the actual content of the degrowth project.

Two issues in particular should be mentioned in this context. First, for many, the anti-capitalist sentiments embodied in the degrowth project will inevitably be a difficult pill to swallow. Today, the vast majority of people find it almost impossible to conceive of a world without capitalism. There is a ‘widespread sense that not only is capitalism the only viable political and economic system, but also that it is now impossible to even imagine a coherent alternative to it’ (Fisher, 2009: 2). As Jameson (2003) famously observed, it is, in a sense, easier to imagine the end of the world than it is to imagine the end of capitalism. However, not only is degrowth – like other anti-capitalist projects – up against the challenge that most people consider capitalism the only system that can function; it is also up against the additional challenge that it speaks against economic growth in a world where the desirability of growth is considered common sense.

Second, degrowth is incompatible with the lifestyles to which many of us who live in rich countries have become accustomed. Economic growth in the Western world is, to no small extent, premised on the existence of consumer societies and an associated consumer culture most of us find it difficult to completely escape. In this culture, social status, happiness, well-being and identity are linked to consumption (Jackson, 2009). Indeed, it is widely considered a natural right to lead an environmentally unsustainable lifestyle – a lifestyle that includes car ownership, air travel, spacious accommodations, fashionable clothing, an omnivorous diet and all sorts of electronic gadgets. This Western norm of consumption has increasingly been exported to other parts of the world, the result being that never before have so many people taken part in consumption patterns that used to be reserved for elites (Koch, 2012). If degrowth were to be institutionalised, many citizens in the rich countries would have to adapt to a materially lower standard of living. That is, while the basic needs of the global population can be met in a non-growing economy, not all wants and preferences can be fulfilled (Koch et al., 2017). Undoubtedly, many people in the rich countries would experience various limitations on their consumption opportunities as a violent encroachment on their personal freedom. Indeed, whereas many recognize that contemporary consumer societies are environmentally unsustainable, fewer are prepared to actually change their own lifestyles to reverse/address this.

At present, then, the degrowth project is in its “deconstructive phase”, i.e., the phase in which its advocates are able to present a powerful critique of the prevailing neoliberal project and point to alternative solutions to crisis. At this stage, not enough support has been mobilised behind the degrowth project for it to be elevated to the phases of “construction” and “consolidation”. It is conceivable that at some point, enough people will become sufficiently discontent with the existing economic system and push for something radically different. Reasons for doing so could be the failure of the system to satisfy human needs and/or its inability to resolve the multidimensional crisis confronting humanity. Yet, various material and ideational path-dependencies currently stand in the way of such a development, particularly in countries with large middle-classes. Even if it were to happen that the majority wanted a break with the current system, it is far from given that a system based on the ideas of degrowth is what they would demand.

#### Aff fails---capitalism is ingrained.

Bryant 12—Professor of Philosophy at Collin College (Levi, “We’ll Never Do Better Than a Politician: Climate Change and Purity,” <https://larvalsubjects.wordpress.com/2012/05/11/well-never-do-better-than-a-politician-climate-change-and-purity/>, dml)

It is quite true that it is the system of global capitalism or the market that has created our climate problems (though, as Jared Diamond shows in Collapse, other systems of production have also produced devastating climate problems). In its insistence on profit and expansion in each economic quarter, markets as currently structured provide no brakes for environmental destructive actions. The system is itself pathological.

However, pointing this out and deriding market based solutions **doesn’t get us very far**. In fact, such a response to proposed market-based solutions is **downright dangerous** and **irresponsible**. The fact of the matter is that 1) we currently live in a market based world, 2) there is not, in the foreseeable future an alternative system on the horizon, and 3), above all, **we need to do something now**. We **can’t afford to reject interventions** simply because they **don’t meet our ideal conceptions** of how things should be. We have to **work with the world that is here**, not the one that we would like to be here. And here it’s crucial to note that pointing this out **does not entail** that we shouldn’t work for producing that other world. It just means that we have to grapple with the world that is **actually there before us**.

It pains me to write this post because I remember, with great bitterness, the diatribes hardcore Obama supporters leveled against legitimate leftist criticisms on the grounds that these critics were completely unrealistic idealists who, in their demand for “purity”, were asking for “ponies and unicorns”. This rejoinder always seemed to ignore that words have power and that Obama, through his profound power of rhetoric, had, at least the power to shift public debates and frames, opening a path to making new forms of policy and new priorities possible. The tragedy was that he didn’t use that power, though he has gotten better.

I do not wish to denounce others and dismiss their claims on these sorts of grounds. As a Marxist anarchists, I do believe that we should fight for the creation of an alternative hominid ecology or social world. I think that the call to commit and fight, to put alternatives on the table, has been one of the most powerful contributions of thinkers like Zizek and Badiou. If we don’t commit and fight for alternatives those alternatives will never appear in the world. Nonetheless, we still have to grapple with the world we find ourselves in. And it is here, in my encounters with some Militant Marxists, that I sometimes find it difficult to avoid the conclusion that they are **unintentionally aiding** and **abetting** the **very things they claim to be fighting**. In their **refusal to become impure**, to **work with situations** or **assemblages** as we find them, to **sully their hands**, they end up **reproducing the very system** they wish to **topple** and **change**. Narcissistically they get to sit there, smug in their superiority and purity, while **everything continues as it did before** because they’ve **refused to become politicians** or engage in the **difficult concrete work** of assembling human and nonhuman actors to **render another world possible**. As a consequence, they occupy the position of Hegel’s beautiful soul that denounces the horrors of the world, celebrate the beauty of their soul, while depending on those horrors of the world to sustain their own position.

To engage in politics is to engage in networks or ecologies of relations between humans and nonhumans. To engage in ecologies is to descend into networks of causal relations and feedback loops that you cannot completely master and that will modify your own commitments and actions. But there’s **no other way**, there’s no way around this, and we **do need to act now**.

#### Lazzarato’s theory is wrong, can’t solve, and reifies existing structures.

Nazif 2014 [José Ignacio Nazif is a PhD candidate in sociology at McGill University. He has published in peerreviewed journals on social stratification, focusing on cultural consumption, as well as on road risky behaviours, “Book review: Maurizio Lazzarato, The Making of the Indebted Man: An Essay on the Neoliberal Condition”, https://d1wqtxts1xzle7.cloudfront.net/34561148/International\_Sociology-2014-Ignacio\_Nazif-439-41-with-cover-page-v2.pdf?Expires=1634425663&Signature=KuFX7KlVXnA7J3fegkGRovrNbfp8pD2mxR5rnPvpZhyXpBpbDhsHTcd9-rq8l9isXpafTftWEzzNhrB~KdxfeHhiuTLw0PLWuur-7DUkIPhXl8M9mMkDo3V6cK9COUtgJfiEasw3nYK35kVVk5RPrNLJ8AvnXxQNEVDS3yiK4OsrNe7sc2~m1crH9j4W5dScpoOv9NjAU~L3ODuVfmz9YRnBQULROlVp-N4ooC2z-25hOb4b2tqKIpzmtyJ3nnw9K8lk~C6p905xsyV7FYzBIDVWSDVGmZRHR1Ji-z0EI8rfr0McObA2Qt612Fu-g4dgXuBUb-59fryC8BcsrYsL5g\_\_&Key-Pair-Id=APKAJLOHF5GGSLRBV4ZA] IanM

Although the book is highly suggestive, and invites readers to reflect on debt processes at large, there are theoretical and empirical elements that severely weaken Lazzarato’s contribution. First, the author suggests that neoliberalism is simultaneously a policy, ideology, hegemony, economy, discourse, practice, paradigm and system. Thus, it is difficult to acknowledge what neoliberalism really is. Although this might seem a pedantic observation, deciphering something central to Lazzarato’s overall effort should not ultimately be the reader’s main work. Second, because the **creditor–debtor** relationship is what – at the ‘last instance’ – seems to **characterize** **neoliberalism**, Lazzarato is not faithful to his own sociological assumption that neoliberalism is a complex phenomenon. This option is costly because he ends up reifying a new dichotomous categorization whereby a researcher is forced to only observe those who offer credit and those who can take on debts. One also really wonders why Lazzarato’s analysis did not consider the work of Max Weber. As a matter of fact, Weber, in his postscript ‘The concepts of status groups and classes’, acknowledges the creditor–debtor relationship to be one of the few cases where a conflict might lead to a revolutionary struggle: ‘[T]he only cases in which conflict of property classes may lead to revolutionary struggle are those in which either landowners are ranged against the declasses, or creditors against debtors’ (Weber and Runciman, 1978: 58). The latter actually best represents the prescriptive tone that Lazzarato carefully introduces at the end of his book:

The resumption of the class struggle in the right place, that is, where it is the most effective, must recapture this ‘second innocence’ with respect to debt. A second innocence no longer toward divine debt, but toward mundane debt, the debt that weighs in our wallets and forms and formats our subjectivities. This not only means annulling debts or calling for default … but leaving behind debt morality and the discourse in which it hold us hostage. (p. 164)

Lazzarato’s book enters a field that has been heavily researched empirically, and therefore the oversimplification of the creditor–debtor categorization that Lazzarato applies in the second part of the book is problematic. He does not consider cases where countries have successfully resisted the debtor role, and therefore the category itself needs an urgent revision. Nor does he acknowledge the different trajectories that the **IMF** or the **World Bank** have **followed** in the past 30 years – his critical period of analysis – and therefore **uniformity** when engaging with debtors cannot be suggested to be the rule. At the microlevel, his creditor–debtor analysis imposes a homogeneous taste and therefore elements such as race, gender, age and immigration, or even time, are simply overlooked. Granted, his effort aims at recapturing debt as a decisive category of analysis. Nonetheless, debt is not evenly distributed within any population, and it is there that a more precise theoretical effort is needed if criticizing neoliberalism is at the core of any research agenda. In the latter case, **two examples** **merit consideration**: in the United States, the fixing of interest loan rates regardless of economic class or educational level of the individuals is **more abusive** the **darker the skin** is. In **Canada**, recent **immigrants**, unlike what Lazzarato ultimately suggests, face countless problems trying to be integrated into what he calls the financing market. In both examples, the creditor–debtor relationship seems to paradoxically have a stronger effect once notions of privileges temper the analysis, or rather when more ‘nuances’ have been added to understand ‘neoliberalism’.

Unfortunately, in what is actually a very important sociological effort to revive debt as a core analytical device to carry out sociological theoretical and empirical research, Lazzarato’s argument fades and hides the uneven market practices whereby both unintended and intended privileges have coexisted beyond the recent emergence of ‘neoliberalism’.

#### The aff fails

Epstein 14 (Barbara, author, former Professor Emerita in the Humanities Division @ UC Santa Cruz, “Prospects for a Resurgence of the U.S. Left”, Tikkun, Volume 29, Number 2, Spring 2014, Project Muse)

The United States has no coherent, effective Left. Over the last four decades, since the movements of the sixties and seventies went into decline, the problem of the degradation of the environment has reached a level that threatens the existence of humans and other species on the planet. The neoliberal form of capitalism that has taken hold globally has caused the gap between the wealth and power of those at the top and the rest of us to widen dramatically, undermining the quality of life of the majority and threatening the public arena itself. Despite the depth of the economic crisis of 2008, there is no substantial movement for the abandonment of neoliberalism, the regulation of industry, or the creation of a more egalitarian economy. The environmental movement has grown, but not to the point of having the capacity to reverse environmental degradation. There are undoubtedly more people and projects devoted to economic and social justice—and to environmental sustainability—than there were in the sixties and seventies. The problem has to do with collective impact. No movements of the Left have emerged capable of making a real difference in the conditions that we face. Why is this? And what can be done about it?¶ A Fatalistic Approach to Gradual Crises¶ The weakness of the Left is partly due to the fact that these problems have come upon us gradually, allowing us to accommodate ourselves to them. The widening of the gap in wealth and power has been for the most part incremental; it is only in retrospect that one can see how dramatic the effect has been. The same is true of the working day, which has been lengthened, for most people, bit by bit, but at no point by enough to lead to a widespread revolt. Something similar could be said about the environment. Environmental crises for the most part take place somewhere other than where one lives. Such crises are increasingly severe and increasingly common, and there is widespread awareness that at some point in the future we are all likely to be directly affected. But a future crisis does not have the mobilizing capacity of a crisis that confronts one in the present. Most people, including those who are aware of the depths of these problems, go about their business, doing what they—we—have always done, though with increasing apprehension about the future.¶ “The environmental movement has grown, but not to the point of having the capacity to reverse environmental degradation,” Epstein writes. Environmental activists march in Detroit to protest its air-polluting incinerator.¶ “The environmental movement has grown, but not to the point of having the capacity to reverse environmental degradation,” Epstein writes. Environmental activists march in Detroit to protest its air-polluting incinerator.¶ A widespread sense that nothing can be done is probably an even more significant obstacle to effective, collective action than the gradual character of these changes. Mobilization against a system, an institution, or a ruling elite is most likely to take place when it seems not only oppressive but also outmoded, on the way out, or at least on the defensive. The Civil Rights Movement had existed since World War II but gained momentum in the late fifties and early sixties, when the international aspirations of the United States made racism at home a serious embarrassment. Feminism likewise took hold on a mass basis when the entry of women into the labor force on a large scale placed patriarchal authority in question and gave women the leverage to demand equality. Movements for change are most likely to take hold when change seems possible, when there are levers that can be grasped, as when oppressive institutions seem ready to collapse or are widely seen as illegitimate. It helps when some of those in positions of power agree that the existing system is not working and support change. The depression of the 1930s affected the corporate class as well as the rest of society, though not nearly as badly; fear of a continuing downward economic spiral led some among the elite to agree that changes of some sort were necessary. In the wake of 2008, while most people have suffered economic reverses, corporate profits have more than recovered. Neoliberal capitalism is thriving, at least if measured by corporate profits.¶ The Left is weakened by its deep generational divide and by the fact that “white leftists tend to know little about movements of the Left among people of color,” Epstein writes. Here, members of a Latina immigrant organization participate in a May Day rally in San Francisco.¶ Click for larger view¶ The Left is weakened by its deep generational divide and by the fact that “white leftists tend to know little about movements of the Left among people of color,” Epstein writes. Here, members of a Latina immigrant organization participate in a May Day rally in San Francisco.¶ This is not to argue that movements of the Left take shape and grow only when conditions are propitious. Left-led resistance movements formed in the major ghettos of German-occupied Central and Eastern Europe, despite the fact that the deaths of those involved seemed the most likely outcome. Slave revolts took place in the West Indies and the American South under similar circumstances. But when circumstances are difficult, oppositional movements are most likely to take hold when there are stable organizations that provide a sustained, reliable framework for action, and when such movements have compelling goals and a clear conception of how to achieve these goals—that is, a strategic perspective. The current U.S. Left has none of these.¶ Fragmentation and Generational Divides¶ The major organizations of the Left that once provided the framework for ongoing collective action and strategic discussion either no longer exist or have atrophied. There are large numbers of progressive nonprofits but few organizations that those who want to make a difference, but lack special skills or expertise, can join and work with. Among young people, leftist activist projects thrive, but they tend to come and go. The most stable and influential institutions of the Left are its media outlets: published and online journals, radio stations, a few left-wing presses, and books with a left-wing perspective published by mainstream presses. The central role of media leads to a Left that is defined more by what people read and what opinions they hold than by their associations or their practical activity.¶ We have a fragmented Left held together by a vague commitment to a more just, egalitarian, and sustainable world, but in practical terms lacking a common focus or basis for coordinated action. The fragmented and fluid character of the Left reflects the fragmentation and fluidity of contemporary society: there is probably no going back to the structured and stable organizations of the past (the Socialist Party, the Communist Party, or even the Students for a Democratic Society) consisting of members who were likely to remain active and engaged for many years. But a Left based on individuals with leftist views and a plethora of frequently ephemeral projects has little ability to consider its collective direction and less influence than its numbers would warrant.¶ The Left is weakened especially by the deep divide between the older generation, veterans of the movements of the sixties and seventies, now in their sixties or older, and the younger generation, in their early forties or younger. The outlook and vocabulary of the older generation, shaped for the most part by perspectives ranging from Marxism to social democracy, tends to clash with the outlook of the younger generation, among whom anarchism has been a major influence. The result is little contact and less cooperation between activists of the two generations. In addition, white leftists tend to know little about (and have little contact with) movements of the Left among people of color. And the sector of the Left that consists largely of professionals and intellectuals has little contact with the labor Left.¶ The most promising sector of the U.S. Left is the arena of youth activism that tilts toward anarchism and that was at the center of the Occupy movement. Activists in this arena share an opposition to all forms of oppression (racism, sexism, homophobia, and others), a dislike of hierarchy and a deep suspicion of the state, a vision of an egalitarian, cooperative, and decentralized society, and a desire to model that society in their political practice. Many would include an explicit opposition to capitalism.¶ The Occupy movement was shaped by the idealism, energy, and commitment of a politics influenced by what some call anarchism and others call anti-authoritarianism. Occupy’s protest against the consolidation of wealth and power among the few plus the utopian quality of Occupy communities led to explosive growth of the movement and massive public support. But when police closed the encampments, the movement, as a mass movement, soon collapsed. Valuable organizing projects spun off, but these are quite different from Occupy. One may criticize Occupy activists for not having given much thought to what form the movement would take after the inevitable police closures. But the episodic, fleeting character of Occupy is shared by movements around the world: an incident sets off protest over long-standing grievances, protest mushrooms into a mass movement, the protest is repressed, and the movement collapses, having altered public discourse but leaving no organization or institution capable of bringing about social change. This is the weakness of the ascendant form of leftist or protest politics that emphasizes spontaneity and avoids organizational forms able to last.

#### Instead of rejecting antitrust entirely we need to modify it to benefit the worker instead of capitalist interests

Block and Elga 21 [SHARON BLOCK, former executive director of the Labor and Worklife Program at Harvard Law School, where she also teaches. She currently serves as the Associate Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, and BENJAMIN ELGA, founding executive director of Justice Catalyst and Justice Catalyst Law. The Legal Case for Reform, Book Title: Inequality and the Labor Market, Book Subtitle: The Case for Greater Competition, Chapter 2, Brookings Publication, https://www.jstor.org/stable/10.7864/j.ctv13vdhvm.7, poapst]\*edited for ableism

But ~~turning a blind eye to~~ [ignoring] anticompetitive mergers and conduct among employers is not the only way antitrust has failed workers. There is a rich history of public and private enforcement that perverts the intended purpose of antitrust law by attacking worker organizing (Vaheesan 2019). Some worker organizing is immunized from antitrust. Sections 6 and 20 of the Clayton Act establish that the Sherman Act does not apply to the existence of labor unions or to the legitimate activities of unions, such as strikes, boycotts, and pickets. These exemptions were interpreted by the Supreme Court in the 1940s to protect the activities that unions undertook to address competition in the labor market, but not competition in the product market (Greenslade 1988). Powerful interests have carefully monitored the borders of this immunity and pounced on collective action that crosses the line. And labor law does nothing to protect independent contractors; by some estimates, 30 percent of these workers are employees misclassified as contractors (Greenslade 1988, 809). The best recent example of this perversion of antitrust law is the Seattle ordinance to provide Uber and Lyft drivers collective bargaining rights. In December 2015, the Seattle City Council passed an ordinance that set forth a process through which Uber and Lyft drivers could choose a union or nonprofit organization to be an exclusive representative for them in negotiations with the companies. Because drivers are treated by Uber and Lyft as independent contractors, they had been denied collective bargaining rights under the National Labor Relations Act.12 The U.S. Chamber of Commerce challenged the ordinance on a number of grounds, including that it violated antitrust by allowing price-fixing among independent contractors. The Ninth Circuit held in U.S. Chamber of Commerce v. City of Seattle that the ordinance did violate the Sherman Act on its face and failed to meet the requirements of Parker immunity from the act.13 Thus, the effect was to leave Uber and Lyft drivers without any recourse to acting collectively to countervail the companies’ power, and to leave them stymied by both labor and antitrust law.14 Powerful interests have always been able to avail themselves of powerful tools like antitrust law to challenge their opponents, and antitrust law is certainly a powerful cudgel. After all, it allows for public and private enforcement, both criminal and civil liability, joint and several liability, civil penalties, and treble damages. And labor has rightly sought protection from these abuses over the years. But it would be a mistake to overlook the tremendous potential that antitrust law offers labor to take on consolidation, redress fissuring by rationalizing the borders of what constitutes a firm under employment law, and, with a nudge in the right direction, to ensure their mobility—a central lever in maintaining the balance of power between employers and workers. Now, when the antitrust establishment is waking up to the pernicious effects of noncompetes,15 no-poach agreements, and other wage-suppressing conduct (U.S. Department of Justice 2018), it would be a shame to throw the baby out with the bathwater.

#### It is impossible to distinguish the ideological intent of antitrust law – we must look to the consequences of future reform to determine positive intent

Crane 15 [DANIEL A. CRANE, Associate Dean for Faculty and Research and Frederick Paul Furth, Sr. Professor of Law, University of Michigan, RATIONALES FOR ANTITRUST: Economics and Other Bases, Chapter 1 of THE OXFORD HANDBOOK OF INTERNATIONAL ANTITRUST ECONOMICS Volume 1, poapst]\*edited for ableism

What are the purposes or objectives of the antitrust laws? There are several ways to answer this question. To answer it descriptively, one could look at the history of antitrust enforcement and ask who the antitrust laws have actually benefited or what they have achieved over time as they have been enforced. As the economist George Stigler wrote, “The announced goals of a policy are sometimes unrelated or perversely related to its actual effect and the truly intended effects should be deduced from the actual effects” (Stigler 1975, 140). The actual beneficiaries of antitrust enforcement may be quite different from those intended by the legislative framers of the antitrust statutes or the ones proposed by normative theorists. The answer to the descriptive question is contested. Public choice scholars have claimed that the history of US antitrust enforcers shows that small, inefficient businesses are the primary beneficiaries of antitrust enforcement, often at the expense of consumers and economic efficiency (McChesney and Shughart 1995). Many antitrust advocates would contest this claim and argue that consumers have been the primary beneficiaries of antitrust enforcement. In this chapter, I will not attempt to answer the empirical question. One could also attempt to answer the rationale question as a matter of legislative intent by looking to the intentions of the framers of the Sherman Act (1890) in the United States, the Treaty of Rome (1957), reborn in 2009 as the Treaty on the Functioning of the European Union (“TFEU”), or the foundational antitrust statute of any of the more than 100 nations that currently have antitrust laws. Such an approach is highly contestable too. Claims about the intentions of the framers of the Sherman Act, for example, have been controversial. The Chicago School theorist Robert Bork claimed to locate an economic efficiency objective in the congressional minds of 1890 (Bork 1978). Subsequent scholarship refuted Bork’s claim, finding the avoidance of wealth transfers from consumers to producers or protection of small, inefficient businesses to be the predominant legislative purposes (Lande 1982, DiLorenzo 1985, Hovenkamp 1988, Hazlett 1992). A third approach to determining antitrust rationales is to engage in a free-form normative debate about the role of monopoly, competition, law, and regulation in modern society. Should we have antitrust laws and, if so, why? This is where most of the action is today. Most scholars and antitrust practitioners—at least in the established antitrust regimes, particularly the United States and Europe—tend to assume that the foundational legal instruments creating antitrust law are sufficiently open-textured and subject to interpretation to accommodate a variety of different and sometimes conflicting normative objectives. Hence, the existential purposes of antitrust law are open for continued creation and recreation by litigants, scholars, judges, and government officials. Further, whoever have been the actual beneficiaries of antitrust law in the past, most antitrust practitioners assume that the proper beneficiaries can be reached if the right substantive norms, procedural rules, and institutional constraints are enacted. Thus, objections based on the past record of antitrust enforcement have largely ~~fallen on deaf ears~~.

#### Growth is sustainable and solves a laundry list of threats.

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Discourse on food ethics often advocates the anti-capitalist idea that we need less capitalism, less growth, and less globalization if we want to make the world a better and more equitable place, with arguments focused on applications to food, globalization, and a just society. For example, arguments for this anti-capitalist view are at the core of some chapters in nearly every handbook and edited volume in the rapidly expanding subdiscipline of food ethics. None of these volumes (or any article published in this subdiscipline broadly construed) focuses on a defense of globalized capitalism.1

More generally, discourse on global ethics, environment, and political theory in much of academia—and in society—increasingly features this anti-capitalist idea as well.2 The idea is especially prominent in discourse surrounding the environment, climate, and global poverty, where we face a nexus of problems of which capitalism is a key driver, including climate change, air and water pollution, the challenge of feeding the world, ensuring sustainable development for the world's poorest, and other interrelated challenges.

It is therefore important to ask whether this anti-capitalist idea is justified by reason and evidence that is as strong as the degree of confidence placed in it by activists and many commentators on food ethics, global ethics, and political theory, more generally.

In fact, many experts argue that this anti-capitalist idea is not supported by reason and argument and is actually wrong. The main contribution of this essay is to explain the structure of the leading arguments against the anti-capitalist idea, and in favor of the opposite conclusion. I begin by focusing on the general argument in favor of well-regulated globalized capitalism as the key to a just, flourishing, and environmentally healthy world. This is the most important of all of the arguments in terms of its consequences for health, wellbeing, and justice, and it is endorsed by experts in the empirically minded disciplines best placed to analyze the issue, including experts in long-run global development, human health, wellbeing, economics, law, public policy, and other related disciplines. On the basis of the arguments outlined below, well-regulated capitalism has been endorsed by recent Democratic presidents of the United States such as Barack Obama, and by progressive Nobel laureates who have devoted their lives to human development and more equitable societies, as well as by a wide range of experts in government and leading nongovernmental organizations.

The goal of this essay is to make the structure and importance of these arguments clear, and thereby highlight that discourse on global ethics and political theory should engage carefully with them. The goal is not to endorse them as necessarily sound and correct. The essay will begin by examining general arguments for and against capitalism, and then turn to implications for food, the environment, climate change, and beyond.

Arguments for and against Forms of Capitalism

The Argument against Capitalism

Capitalism is often argued to be a key driver of many of society's ills: inequalities, pollution, land use changes, and incentives that cause people to live differently than in their ideal dreams. Capitalism can sometimes deepen injustices. These negative consequences are easy to see—resting, as they do, at the center of many of society's greatest challenges.3

And at the same time, it is often difficult to see the positive consequences of capitalism.4 What are the positive consequences of allowing private interests to clear-cut forests and plant crops, especially if those private interests are rich multinational corporations and the forests are in poor, developing countries whose citizens do not receive the profits from deforestation? Why give private companies the right to exploit resources at all, since exploitation almost always has some negative consequences such as those listed above? These are the right questions to ask, and they highlight genuine challenges to capitalism. And in light of these challenges, it is reasonable to consider the possibility that perhaps a different economic system altogether would be more equitable and beneficial to the global population.

The Argument for Well-Regulated Capitalism

However, things are more complicated than the arguments above would suggest, and the benefits of capitalism, especially for the world's poorest and most vulnerable people, are in fact myriad and significant. In addition, as we will see in this section, many experts argue that capitalism is not the fundamental cause of the previously described problems but rather an essential component of the best solutions to them and of the best methods for promoting our goals of health, well-being, and justice.

To see where the defenders of capitalism are coming from, consider an analogy involving a response to a pandemic: if a country administered a rushed and untested vaccine to its population that ended up killing people, we would not say that vaccines were the problem. Instead, the problem would be the flawed and sloppy policies of vaccine implementation. Vaccines might easily remain absolutely essential to the correct response to such a pandemic and could also be essential to promoting health and flourishing, more generally.

The argument is similar with capitalism according to the leading mainstream arguments in favor of it: Capitalism is an essential part of the best society we could have, just like vaccines are an essential part of the best response to a pandemic such as COVID-19. But of course both capitalism and vaccines can be implemented poorly, and can even do harm, especially when combined with other incorrect policy decisions. But that does not mean that we should turn against them—quite the opposite. Instead, we should embrace them as essential to the best and most just outcomes for society, and educate ourselves and others on their importance and on how they must be properly designed and implemented with other policies in order to best help us all. In fact, the argument in favor of capitalism is even more dramatic because it claims that much more is at stake than even what is at stake in response to a global pandemic—what is at stake with capitalism is nothing less than whether the world's poorest and most vulnerable billion people will remain in conditions of poverty and oppression, or if they will instead finally gain access to what is minimally necessary for basic health and wellbeing and become increasingly affluent and empowered. The argument in favor of capitalism proceeds as follows:

Premise 1. Development and the past. Over the course of recorded human history, the majority of historical increases in health, wellbeing, and justice have occurred in the last two centuries, largely as a result of societies adopting or moving toward capitalism. Capitalism is a relevant cause of these improvements, in the sense that they could not have happened to such a degree if it were not for capitalism and would not have happened to the same degree under any alternative noncapitalist approach to structuring society. The argument in support of this premise relies on observed relationships across societies and centuries between indicators of degree of capitalism, wealth, investments in public goods, and outcomes for health, wellbeing, and justice, together with econometric analysis in support of the conclusion that the best explanation of these correlations and the underlying mechanism is that large increases in health, wellbeing, and justice are largely driven by increasing investments in public goods. The scale of increased wealth necessary to maximize these investments requires capitalism. Thus, as capitalist societies have become dramatically wealthier over the past hundred years (and wealthier than societies with alternative systems), this has allowed larger investments in public goods, which simply has not been possible in a sustained way in societies without the greater wealth that capitalism makes possible. Important investments in public goods include investments in basic medical knowledge, in health and nutrition programs, and in the institutional capacity and know-how to regulate society and capitalism itself. As a result, capitalism is a primary driver of positive outcomes in health and wellbeing (such as increased life expectancy, lowered child and maternal mortality, adequate calories per day, minimized infectious disease rates, a lower percentage and number of people in poverty, and more reported happiness);5 and in justice (such as reduced deaths from war and homicide; higher rankings in human rights indices; the reduced prevalence of racist, sexist, homophobic opinions in surveys; and higher literacy rates).6 These quantifiable positive consequences of global capitalism dramatically outweigh the negative consequences (such as deaths from pollution in the course of development), with the result that the net benefits from capitalism in terms of health, wellbeing, and justice have been greater than they would have been under any known noncapitalist approach to structuring society.7

Premise 2. Economics, ethics, and policy. Although capitalism has often been ill-regulated and therefore failed to maximize net benefits for health, wellbeing, and justice, it can become well-regulated so that it maximizes these societal goals, by including mechanisms identified by economists and other policy experts that do the following:

* optimally8 regulate negative effects such as pollution and monopoly power, and invest in public goods such as education, basic healthcare, and fundamental research including biomedical knowledge (more generally, policies that correct the failures of free markets that economists have long recognized will arise from “externalities” in the absence of regulation);9
* ensure equity and distributive justice (for example, via wealth redistribution);10
* ensure basic rights, justice, and the rule of law independent of the market (for example, by an independent judiciary, bill of rights, property rights, and redistribution and other legislation to correct historical injustices due to colonialism, racism, and correct current and historical distortions that have prevented markets from being fair);11 and
* ensure that there is no alternative way of structuring society that is more efficient or better promotes the equity, justice, and fairness goals outlined above (by allowing free exchange given the regulations mentioned).12

To summarize the implication of the first two premises, well-regulated capitalism is essential to best achieving our ethical goals—which is true even though capitalism has certainly not always been well regulated historically. Society can still do much better and remove the large deficits in terms of health, wellbeing, and justice that exist under the current inferior and imperfect versions of capitalism.

Premise 3. Development and the future. If the global spread of capitalism is allowed to continue, desperate poverty can be essentially eliminated in our lifetimes. Furthermore, this can be accomplished faster and in a more just way via well-regulated global capitalism than by any alternatives. If we instead opt for less capitalism, less growth, and less globalization, then desperate poverty will continue to exist for a significant portion of the world's population into the further future, and the world will be a worse and less equitable place than it would have been with more capitalism. For example, in a world with less capitalism, there would be more overpopulation, food insecurity, air pollution, ill health, injustice, and other problems. In part, this is because of the factors identified by premise 1, which connect a turn away from capitalism with a turn away from continuing improvements in health, wellbeing, and justice, especially for the developing world. In addition, fertility declines are also a consequence of increased wealth, and the size of the population is a primary determinant of food demand and other environmental stressors.13 Finally, as discussed at length in the next section of the essay, capitalism can be naturally combined with optimal environmental regulations.14 Even bracketing anything like optimal regulation, it remains true that sufficiently wealthy nations reduce environmental degradation as they become wealthier, whereas developing nations that are nearing peak degradation will remain stuck at the worst levels of degradation if we stall growth, rather than allowing them to transition to less and less degradation in the future via capitalism and economic growth.15 In contrast, well-regulated capitalism is a key part of the best way of coping with these problems, as well as a key part of dealing with climate change, global food production, and other specific challenges, as argued at length in the next section. Here it is important to stress that we should favor well-regulated capitalism that includes correct investments in public goods over other capitalist systems such as the neoliberalism of the recent past that promoted inadequately regulated capitalism with inadequate concern for externalities, equity, and background distortions and injustices.16

Conclusion. Therefore, we should be in favor of capitalism over noncapitalism, and we should especially favor well-regulated capitalism, which is the ethically optimal economic system and is essential to any just basic structure for society.

This argument is impressive because, as stated earlier in the essay, it is based on evidence that is so striking that it leads a bipartisan range of open-minded thinkers and activists to endorse well-regulated capitalism, including many of those who were not initially attracted to the view because of a reasonable concern for the societal ills with which we began. To better understand why such a range of thinkers could agree that well-regulated capitalism is best, it may help to clarify some things that are not assumed or implied by the argument for it, which could be invoked by other bad arguments for capitalism.

One thing the argument above does not assume is that health, wellbeing, or justice are the same thing as wealth, because, in fact, they are not. Instead, the argument above relies on well-accepted, measurable indicators of health and wellbeing, such as increased lifespan; decreased early childhood mortality; adequate nutrition; and other empirically measurable leading indicators of health, wellbeing, and justice.17 Similarly, the argument that capitalism promotes justice, peace, freedom, human rights, and tolerance relies on empirical metrics for each of these.18

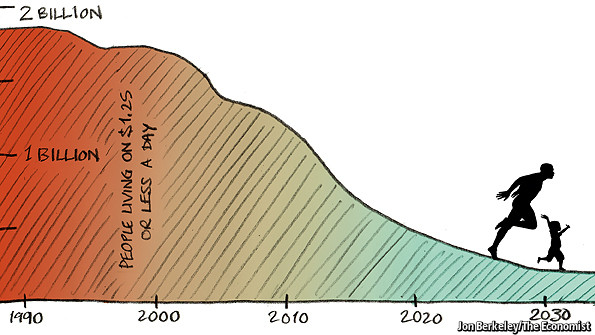
Furthermore, the argument does not assume that because these indicators of health, wellbeing, and justice are highly correlated with high degrees of capitalism, that therefore capitalism is the direct cause of these good outcomes. Rather, the analyses suggest instead that something other than capitalism is the direct cause of societal improvements (such as improvements in knowledge and technology, public infrastructure, and good governance), and that capitalism is simply a necessary condition for these improvements to happen.19 In other words, the richer a society is, the more it is able to invest in all of these and other things that are the direct causes of health, wellbeing, and justice. But, to maximize investment in these things societies need well-regulated capitalism.

As part of these analyses, it is often stressed that current forms of capitalism around the world are highly defective and must be reformed in the direction of well-regulated capitalism because they lack investments in public goods, such as basic knowledge, healthcare, nutrition, other safety nets, and good governance.20 In this way, an argument for a particular kind of progressive reformism is an essential part of the analyses that lead many to endorse the more general argument for well-regulated capitalism.

Although these analyses are nuanced, and appropriately so, it remains the case that the things that directly lead to health, wellbeing, and justice require resources, and the best path toward generating those resources is well-regulated capitalism. And on the flip side, according to the analyses behind premise 1 described above, an anti-capitalist system would not produce the resources that are needed, and would thus be a disaster, especially for the poorest billion people who are most desperately in need of the resources that capitalism can create and direct, to escape from extreme poverty.21

#### Capitalism solves global poverty

Pethokoukis ’18 (James; a columnist and policy analyst, is the Dewitt Wallace Fellow at the American Enterprise Institute; October 18th; “Ending poverty by ‘ending capitalism’ is absolute nonsense. Just so, so wrong”; <http://www.aei.org/publication/ending-poverty-by-ending-capitalism-is-absolute-nonsense-just-so-so-wrong/>; accessed 1/12/19; MSCOTT)



It’s hardly to Teen Vogue’s credit that its dreadful story “[What ‘Capitalism’ Is and How It Affects People](https://www.teenvogue.com/story/what-capitalism-is?mbid=social_twitter)” isn’t nearly as wrongheaded and offensive as the viral [tweet](https://twitter.com/TeenVogue/status/1052641654367313921) promoting it: “Can’t[#endpoverty](https://twitter.com/hashtag/endpoverty?src=hash)without ending capitalism!” But let’s start with the grotesque, clickbaity tweet. End poverty where, exactly? Is Teen Vogue referring to the United States, which it identifies as an example of a “modern capitalist” country along with Britain and Germany?

First of all, the median income of the bottom 20 percent of households is up more than 70 percent since 1979 in real terms, according to the [CBO](https://www.cbo.gov/publication/53597). More to the point, poverty in America has declined considerably since LBJ declared a War on Poverty in 1964. Like other advanced capitalist economies, the United States redistributes some of its massive, market-generated wealth to improve living standards at the bottom. According to the Census Bureau’s [Supplemental Poverty Measure](https://www.census.gov/library/publications/2018/demo/p60-265.html) — which unlike the official poverty measure takes into account key safety net programs such as the Earned Income Tax Credit and the Supplemental Nutrition Assistance Program — the poverty rate fell to 13.9 percent in 2017 from 26 percent in 1967. There’s even better news when one looks at “consumption-based” poverty measures, which calculates what a family consumes instead of how much income it earns. The work of visiting AEI scholar Bruce Meyer (along with his colleague James Sullivan) finds consumption-based poverty [is more like 3 percent](http://www.aei.org/publication/annual-report-on-us-consumption-poverty-2016/). Here is a relevant bit from a recent [podcast chat](http://www.aei.org/publication/inequality-and-poverty-in-the-us-a-long-read-qa-with-bruce-meyer/) we had:

Pethokoukis: Correct me if I have the numbers wrong, but if you look at just the official poverty rate measure you hear about in the news, since 1980 it seems kind of flat. But if you look at consumption, poverty has gone down fairly considerably. Is that right?

Meyer: Yes, so one of the statistics that I like least and I think is most misleading is the poverty rate. The official poverty rate says that we are at the same level of poverty now as we were in the 70s, which just does not fit.

Pethokoukis: So the Great Society failed, we spent all this money and poverty is no better.

Meyer: That’s essentially what the official statistics say, but you shouldn’t believe them for two main reasons. First, the official statistics don’t count much of what we’ve done to reduce poverty; so the official statistics look at pre-tax money income which omits the earned income tax credit, which omits food stamps, it omits housing benefits, it omits Medicaid. So, it gives you a very distorted picture of how those at the bottom are doing.

The second big reason that the official poverty statistic completely misleads the people taking them at face value is that the thresholds above which you have to be to not be poor go up too fast over time because they are indexed to inflation in a way that overstates the effects of inflation.

And you can see that again if you look at material circumstances in more objective ways of those at the bottom. If you look at the housing conditions of the bottom 20% of the income distribution, they look like the housing conditions of the middle class 30 years ago. So, the rates of air conditioning, central air conditioning, of washers and dryers in the apartment, have gone way up. The incidents of peeling paint, of water leaks in the ceiling or in the pipes, and the like have gone way down.

Pethokoukis: When I think about the house I grew up in, it was about half the size of my current house, it had no air conditioning, and I remember the leaks in the ceilings. I certainly am sure that my parents considered us a solidly middle-class household. But I guarantee if I drove by that house with my kids, they would say, “We didn’t know you were so poor.”

Meyer: I think that’s exactly right. I think that’s what a lot of us can see in how our lives have changed, but the official statistics don’t really reflect that, in significant part because of the overstatement of inflation and because of the omission of in-kind transfers and other government benefits.

And if Teen Vogue doesn’t understand what’s happening in the US, maybe it’s really too much to ask that it understand global trends, like the historic massive reduction in global poverty over recent decades. ([Most Americans have no idea](http://www.aei.org/publication/extreme-poverty-declining-americans-have-no-idea/).) Over the past 30 years, the share of our fellow humans living in extreme poverty has decreased to 21 percent from 52 percent. That’s a billion fewer people in extreme poverty, largely in China and India. The Economist magazine — a publication quite willing to address flaws in the world’s capitalist economies — has put it this way:

The world’s achievement in the field of poverty reduction is, by almost any measure, impressive. . . . Most of the credit, however, must go to capitalism and free trade, for they enable economies to grow — and it was growth, principally, that has eased destitution. The world now knows how to reduce poverty. A lot of targeted policies — basic social safety nets and cash-transfer schemes help. So does binning policies like fuel subsidies to Indonesia’s middle class and China’s hukou household-registration system that boost inequality.

But the biggest poverty-reduction measure of all is liberalizing markets to let poor people get richer. That means freeing trade between countries (Africa is still cruelly punished by tariffs) and within them (China’s real great leap forward occurred because it allowed private business to grow). Both India and Africa are crowded with monopolies and restrictive practices. Many Westerners have reacted to recession by seeking to constrain markets and roll globalization back in their own countries, and they want to export these ideas to the developing world, too. It does not need such advice. It is doing quite nicely, largely thanks to the same economic principles that helped the developed world grow rich and could pull the poorest of the poor out of destitution.

You’ll find none of the above in the Teen Vogue piece, which means they’ve missed the story. Totally. Modern advanced economies — whether America, Sweden, the UK, or Germany — combine market-driven economies with social safety nets of one flavor or another. The result is high living standards and a low poverty level. But you can’t redistribute wealth without creating it. And that is what innovation-driven capitalism has done really well for the past two centuries. I would urge Teen Vogue editors and reporters to read “[Factfulness: Ten Reasons We’re Wrong About the World–and Why Things Are Better Than You Think](https://www.amazon.com/dp/B0756J1LLV/ref=dp-kindle-redirect?_encoding=UTF8&btkr=1" \t "_blank)” by the late Hans Rosling, a fantastic book which examines all the ways in which very smart people are getting so many important things so very wrong — including poverty. Hard to believe this story has been up since April without any apparent modification

#### Cap stops war---alternative systems are more conflict prone

Lee and Pyun 16 (Jong-Wha Lee is a professor of economics and director of the Asiatic Research Institute at Korea University. He served as a senior adviser for international economic affairs to former President of South Korea. Ju Hyun Pyun is a professor in the School of Business Administration at Korea University. “Does Trade Integration Contribute to Peace?” 2016. https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2724298) BW

The empirical analysis shows that an increase in bilateral trade interdependence and global trade openness significantly reduces the probability of military conflict between countries. Our empirical results are robust when controlling for the simultaneous determination of trade and peace. Our results also show that the peace-promotion effect of trade varies depending on the geographical proximity between countries. Greater bilateral trade interdependence appears to bring about a considerably larger peace-promotion effect for neighboring countries. In contrast, greater global trade openness has a more significantly positive effect on peace for distant countries than it does on neighboring ones. Overall, our results consistently show that trade integration has an important effect on conflict between states. A seminal paper in global trade and conflict argues that globalization (increase in multilateral trade) can increase the probability of military conflict by reducing the bilateral dependence to any given country (Martin et al., 2008). Our empirical findings strongly contest this argument. Our conceptual framework also shows that the critical assumptions in Martin et al. (2008) do not hold robust in most cases. Our results show that globalization promotes peace through two channels: one from the increased advantage peace holds for bilateral trade interdependence; and the other from a country’s integration into global markets, same regardless of the size of trade with each trading partner. “Globalization” has been one of the most salient features of the world economy over the past century. At the time, the number of countries involved in world trade has also increased significantly. However, despite the increase in the number of country-pairs, the probability of dyadic military conflict has decreased. Our findings also suggest that trade integration not merely results in economic gains, but can bring about significant political gains as well—such as a peace dividend between trading partners. It also explains why economic integration, whether regional or global, is often initiated to satisfy political and security motives. For example, the raison d’etre behind the formation of the European Union following World War II was the desire for peace—particularly between France and Germany. Further research on quantitative assessments of peace dividends resulting from economic integration would be of great interest.

#### No more endless wars. Biden’s Afghanistan pull out also proves politics are malleable.

Fontaine 19 ⁠— Richard Fontaine, 2019, “The Nonintervention Delusion,” Foreign Affairs November/December 2019 edition

As the casualties and financial costs of the United States’ Middle Eastern wars have mounted, Americans’ appetite for new interventions—and their commitment to existing ones—has understandably diminished. The conventional wisdom now holds that the next phase in the United States’ global life should be marked by military restraint, allowing Washington to focus on other pressing issues. This position seems to be one of the few principles **uniting actors** as diverse as foreign policy realists, progressives, nearly all of the presidential candidates in the 2020 Democratic primary, and President Donald Trump. It’s not hard to see why Americans would look at U.S. military involvement in Afghanistan, Iraq, and Libya and conclude that such interventions should never be repeated. The costs of these wars have been extraordinary: at a rally in Ohio in April 2018, Trump estimated them at $7 trillion over 17 years and concluded that the country has nothing to show for the effort “except death and destruction.” Although the precise financial cost depends on how one counts, what is certain is that more than 4,500 U.S. military personnel have been killed in Iraq and nearly 2,500 in Afghanistan, plus tens of thousands injured in both wars—to say nothing of the casualties among allied forces, military contractors, and local civilians. Critics of these resource-intensive operations blame them for bogging down the United States in a region of second-tier importance and distracting Washington from the greater threats of China and Russia, as well as from pressing domestic issues. With the costs so high, and the benefits seen as low, the imperative is obvious to political leaders in both parties: get out of the existing conflicts in Afghanistan, Iraq, and Syria and avoid starting new ones. In his State of the Union address this year, Trump declared that “great nations do not fight endless wars.” Scores of House Democrats have signed a pledge to “end the forever war,” referring to the global war on terrorism and U.S. military involvement in Afghanistan, Iraq, Jordan, Niger, Somalia, Syria, Thailand, and Yemen, as have many of the Democrats running for president. Joe Biden, the former vice president and current presidential candidate, has also promised to “end the forever wars.” He has described the Obama administration’s withdrawal of U.S. troops from Iraq as “one of the proudest moments of [his] life” and has called for pulling U.S. forces out of Afghanistan. Conventional wisdom now holds that the United States’ foreign policy should be marked by military restraint. Many experts are of a similar mind. Discussions of “offshore balancing,” a strategy in which the United States would dramatically scale back its global military presence and reduce the frequency of its interventions, were once mostly confined to the halls of academia, but today the idea is garnering new attention. Faced with such a sweeping political consensus, one might conclude that Washington should simply get on with it and embrace restraint. The problem is that such a strategy overlooks the interests and values that have prompted U.S. action in the first place and that may for good reasons give rise to it in the future. The consensus also neglects the fact that, despite the well-known failures of recent large-scale interventions, there is also a record of more successful ones—including the effort underway today in Syria. To assume that nonintervention will become a central tenet of future U.S. foreign policy will, if anything, induce Americans to think less seriously about the country’s military operations abroad and thus generate not only less successful intervention but possibly even more of it. Instead of settling into wishful thinking, policymakers should accept that the use of military force will remain an essential tool of U.S. strategy. That, in turn, requires applying the right lessons from recent decades. GOODBYE TO ALL THAT? The first sign that the sweeping consensus around “ending endless war” is more problematic than it first appears is the telling set of caveats that emerges even among its most ardent advocates. Consider the many qualifications that Democratic presidential candidates are applying to a withdrawal from Afghanistan. Biden has said that he would bring U.S. combat troops home during his first term but that he remains open to a “residual presence” to conduct counterterrorism operations—roughly the same approach as Trump’s. Senator Cory Booker of New Jersey has promised that as president he would immediately begin a “process” to withdraw troops from Afghanistan, while somehow ensuring that the country does not again become a safe haven for terrorists. Pete Buttigieg, the mayor of South Bend, Indiana, who served as a naval officer in Afghanistan, has agreed that “it’s time to end this endless war,” and yet he envisions a peace agreement that keeps U.S. special operations forces and intelligence operatives there. Such concessions, responsible policy though they are, stop well short of terminating the United States’ longest war. Even the most committed anti-interventionists continue to come up with exceptions. The foreign policy manifesto of Senator Bernie Sanders of Vermont, published in Foreign Affairs in June, is titled “Ending America’s Endless War,” and yet he has acknowledged that “military force is sometimes necessary, but always—always—as the last resort.” His foreign policy adviser has emphasized Sanders’ commitment to collective defense among NATO allies and has said that genocide and mass atrocities would “weigh heavily” on Sanders when contemplating military action. Advocates of offshore balancing, such as the scholar John Mearsheimer, favor using force if a regional balance of power is breaking down, and Mearsheimer has written that his approach would not preclude operations to halt genocides like the one that befell Rwanda in 1994. Even at a rhetorical and intellectual level, then, the end of intervention is not nearly as clear-cut as today’s politicians suggest. The reality of being commander in chief complicates things further: on the campaign trail, Bill Clinton, George W. Bush, Barack Obama, and Trump each pledged to engage in fewer foreign military adventures and redirect resources toward needs at home. In office, each reluctantly proceeded to not only continue existing wars but also launch new offensives. The result is that, according to a Congressional Research Service estimate, the United States has employed military force over 200 times since the end of the Cold War. Many of these operations have taken place in or around the Middle East, including in Afghanistan, Iraq, Libya, Somalia, Syria, and Yemen. But other, less frequently recalled interventions have occurred elsewhere, as in Bosnia, Colombia, Haiti, Kosovo, Liberia, and the Philippines. What’s more, the tendency to intervene is not simply the product of the United States’ emergence as an unbridled superpower after the Cold War. Between 1948 and 1991, during a time of supposedly stabilizing bipolar competition, the United States sent its military to fight abroad more than 50 times. American military action is not, as many believe, a feature of post–Cold War overstretch; it has been a central element of the United States’ approach to the world for decades. THE CASE AGAINST Just because the United States has intervened so frequently over its history does not mean that it will continue to do so or that it should. The case against intervention generally takes five forms. And although there are elements of truth to each, they also threaten to obscure other, more complicated realities. The first argument holds that the United States need not employ military means in response to terrorism, civil wars, mass atrocities, and other problems that are not its business. Washington has used force against terrorists in countries ranging from Niger to Pakistan, with massive human and financial expenditures. And yet if more Americans die in their bathtubs each year than in terrorist attacks, why no war on porcelain? The post-9/11 overreach, this camp contends, endures some 18 years later, having stretched well beyond eradicating the original al Qaeda perpetrators and their Afghan base. In this view, as the threats have diminished, so should American attention. The civil wars in Libya, Syria, and Yemen may be tragic, but they do not demand a U.S. military response any more than did the atrocities in Rwanda, eastern Congo, or Darfur. Check in to a military intervention, and it often seems like you can never leave. Adopting such a cramped view of American interests, however, carries its own costs. Terrorism remains a threat, and the effect of successful attacks on Americans goes beyond their immediate casualties to include increased pressure to restrict civil liberties at home and wage impromptu operations abroad—operations that end up being costlier and less effective than longer-term, better-planned ones would be. After the Islamic State (or ISIS) took hold in Iraq and Syria and footage of terrorists decapitating American hostages horrified the public, Obama undertook a far larger operation than would have likely been necessary had he left a residual force in Iraq after 2011. As for genocide and civil war, certain cases can pose such serious threats to U.S. interests, or be so offensive to American values, as to merit intervention. Successive presidents have used military might to prevent, halt, or punish mass atrocities—Clinton to cease the genocide against Bosnian Muslims in the Balkans, Obama to protect the Yezidi minority in Iraq, and Trump after Bashar al-Assad’s chemical attacks against his own people in Syria. There is every reason to believe that similar cases will arise in the future. The second argument against intervention highlights its supposedly poor track record. For all of the United States’ good intentions—stopping terrorists, ending genocide, stabilizing countries, spreading democracy—Washington simply is not very successful in its attempts. Iraq and Libya look worse today than when the wars against Saddam Hussein and Muammar al-Qaddafi began, and the Taliban currently control more of Afghanistan than at any time since 2001. Long gone are U.S. aspirations to turn these countries into democracies that would radiate liberalism beyond their borders. Yet this argument ignores the many other times in which the use of American force worked. It ejected Saddam from Kuwait, it ended a war in Bosnia, it stopped ethnic cleansing in Kosovo, it paved the way for a democratic transition in Liberia, and it helped defeat narcoterrorists and bring temporary peace to Colombia. Even in Afghanistan, it should not be forgotten that Washington denied al Qaeda a safe haven, and in Iraq and Syria, it eliminated ISIS’ physical presence, limited the flow of foreign fighters, and liberated cities from depravity. Then there are other, harder-to-measure effects of U.S. intervention, such as enforcing norms against ethnic cleansing and deterring countries from offering terrorists sanctuary or engaging in wars of aggression. To get an accurate picture of intervention’s mixed track record, one cannot cherry-pick the disastrous cases or the successful ones. The third argument against intervention points to the slippery slope involved in such efforts: start a military campaign, and the United States will never get out. After the 1995 Dayton peace accords formally ended the ethnic conflict in Bosnia, U.S. troops stayed in the area for ten years, and NATO retains a presence in Kosovo to this day. The United States seems to be stuck in Afghanistan, too, because without a peace deal with the Taliban, the U.S.-backed government could fall. In Iraq, Obama removed all U.S. troops, only to send them back in when ISIS established a vast presence there. Check in to a military intervention, and it often seems like you can never leave. Once deployed, American troops often do stay a long time. But staying is not the same as fighting, and it is wrong to think of troops who are largely advising local forces the same way as one thinks about those who are actively engaged in combat. There is a stark difference between what it meant to have U.S. forces in Iraq during the peak of the war and what it means to have U.S. troops there now to train Iraqi forces—just as there is a massive gulf between deploying troops to Afghanistan during the troop surge there and keeping a residual presence to strengthen the government and its security forces. Some American interests are worth the price of continued military deployments, and the aim should be to diminish those costs in blood and treasure as the conditions stabilize. Even once they do, there may remain a case for an enduring role, particularly when the U.S. troop presence is the only thing maintaining the domestic political equilibrium, as was the case in Iraq before the 2011 withdrawal and as is true in Afghanistan today. The fourth argument can be boiled down to the plea, “Why us?” Why must the United States always run to the sound of the guns, especially when other countries are capable of taking on such burdens and may have more skin in the game? Europe is geographically closer to Libya and Syria, at far greater risk from terrorism and refugee flows, and possesses capable military forces of its own. Middle Eastern allies have their own resources, too. The American role might not be so indispensable after all. For all the contributions of U.S. partners, however, more often than not, only the United States has the will and the capability to lead successful military operations. France led a successful operation in Côte d’Ivoire in 2004 and in Mali in 2013, and the United Kingdom led one in Sierra Leone in 2000, but those were exceptions. Iraq would not have left Kuwait in 1991 had the United States not led the effort; mass slaughter in the Balkans during the 1990s would not have ended without a dominant U.S. role, even though it took place on European soil. In Afghanistan and Syria, U.S. allies have made it clear that they will stay as long as the United States does but will head for the exit otherwise. U.S. friends in Europe have proved decidedly uninterested in taking matters into their own hands, and when Washington has declined to meaningfully intervene itself, they have often stood idly by. In Libya after Qaddafi’s fall, the Europeans failed to impose security even as growing numbers of refugees and migrants set sail across the Mediterranean. In Syria before U.S. bombing began, they undertook no military campaign against ISIS, even as the arrival of Syrian refugees destabilized European politics. When U.S. allies do take matters into their own hands, they can make a bad situation worse. Saudi Arabia and the United Arab Emirates decided to intervene in Yemen’s civil war, but their brutal and indiscriminate campaign led to a humanitarian disaster and strengthened the very Iranian role it sought to eliminate. American intervention might not be so indispensable after all. The final reason most frequently offered for getting out of the intervention business relates to its costs, both direct ones—the lives lost and damaged, the dollars borrowed and spent—and opportunity costs. It is increasingly clear that China and Russia represent the foremost challenge to the United States over the long term and that the competition with them has begun in earnest. If that’s the case, why tie up scarce resources in less important military interventions? Here, too, a dose of subtlety is in order. The prospect of great-power competition should indeed structure the United States’ coming approach to national security, but a focus on counterterrorism is required, as well. After all, the George W. Bush administration entered office hoping to focus on China, only to see its best-laid plans upended by the 9/11 attacks. Withdrawing prematurely from terrorist safe havens such as Afghanistan, Iraq, and Syria would threaten the great-power emphasis necessary in the next phase of the United States’ global life. A major terrorist attack on U.S. soil, for instance, would likely cause Washington to once again embrace counterterrorism as its chief national security priority, leaving it more vulnerable to threats from China and Russia. Unless the United States chooses to give up its global role and instead focus only on Asia and Europe, it must engage in great-power competition while attending to other security challenges in other areas. A SUBTLER STRATEGY Every possible intervention, past and future, raises difficult what-ifs. If presented again with a situation like that in Rwanda in 1994—800,000 lives in peril and the possibility that a modest foreign military effort could make a difference—would the United States once again avoid acting? Should it have stayed out of the bloodbath in the Balkans or intervened earlier to prevent greater carnage? Should it have left Qaddafi to attack Benghazi? Pursued al Qaeda after the 1998 attacks on the U.S. embassies in Kenya and Tanzania, perhaps obviating the need to overthrow the Taliban three years later? In such discussions, the gravitational pull of the Iraq war bends the light around it, and for obvious reasons. The war there has been so searing, so badly bungled, and so catastrophically costly that, according to former Secretary of Defense Robert Gates, anyone thinking of a similar engagement “should ‘have his head examined,’ as General MacArthur so delicately put it.” Almost everything that could go wrong in Iraq did. What started as a war to eliminate weapons of mass destruction found none. The impulse to liberate the Iraqi people from tyranny pushed them into a civil war. The desire to open another front in the war on terrorism created far more terrorists than it eliminated. A war that some U.S. officials promised would be a “cakewalk” exacted an unbearable toll on U.S. troops, their families, and the Iraqi people themselves. Almost everything that could go wrong in Iraq did. Ironically, many among Washington’s political and national security elite, especially on the Republican side, were for years unable to admit publicly that the invasion was the mistake it so clearly was. After the 2003 invasion, politics and a resistance to suggesting that American sacrifices were in vain kept such observations private. Republican political leaders’ failure to admit that the war’s costs exceeded its benefits undermined their credibility, which was already tarnished by their general support for the war in the first place. That, in turn, may have helped usher in the blunt anti-interventionism so prevalent today. Washington needs a subtler alternative to it.

#### It’s too ingrained for it to change.

Thomas Wiedmann et al. 20, Sustainability Assessment Program, School of Civil and Environmental Engineering, UNSW Sydney; Manfred Lenzen, ISA, School of Physics, The University of Sydney; Lorenz T. KeyßEr, Institute for Environmental Decisions, Department of Environmental Systems Science, ETH Zürich; Julia K. Steinberger, Sustainability Research Institute (SRI), School of Earth and Environment, University of Leeds, "Scientists’ Warning on Affluence," Nature Communications, Vol. 11, 06/19/2020, Springer.

Growth imperatives are active at multiple levels, making the pursuit of economic growth (net investment, i.e. investment above depreciation) a necessity for different actors and leading to social and economic instability in the absence of it7,52,60. Following a Marxian perspective as put forward by Pirgmaier and Steinberger61, growth imperatives can be attributed to capitalism as the currently dominant socio-economic system in affluent countries7,51,62, although this is debated by other scholars52. To structure this topic, we will discuss different affected actors separately, namely corporations, states and individuals, following Richters and Siemoneit60. Most importantly, we address the role of the super-affluent consumers within a society, which overlap with powerful fractions of the capitalist class. From a Marxian perspective, this social class is structurally defined by its position in the capitalist production process, as financially tied with the function of capital63. In capitalism, workers are separated from the means of production, implying that they must compete in labour markets to sell their labour power to capitalists in order to earn a living.

Even though some small- and medium-sized businesses manage to refrain from pursuing growth, e.g. due to a low competition intensity in niche markets, or lack of financial debt imperatives, this cannot be said for most firms64. In capitalism, firms need to compete in the market, leading to a necessity to reinvest profits into more efficient production processes to minimise costs (e.g. through replacing human labour power with machines and positive returns to scale), innovation of new products and/or advertising to convince consumers to buy more7,61,62. As a result, the average energy intensity of labour is now twice as high as in 195060. As long as a firm has a competitive advantage, there is a strong incentive to sell as much as possible. Financial markets are crucial to enable this constant expansion by providing (interest-bearing) capital and channelling it where it is most profitable58,61,63. If a firm fails to stay competitive, it either goes bankrupt or is taken over by a more successful business. Under normal economic conditions, this capitalist competition is expected to lead to aggregate growth dynamics7,62,63,65.

However, two factors exist that further strengthen this growth dynamic60. Firstly, if labour productivity continuously rises, then aggregate economic growth becomes necessary to keep employment constant, otherwise technological unemployment results. This creates one of the imperatives for capitalist states to foster aggregate growth, since with worsening economic conditions and high unemployment, tax revenues shrink, e.g. from labour and value-added taxes, while social security expenditures rise60,62. Adding to this, states compete with other states geopolitically and in providing favourable conditions for capital, while capitalists have the resources to influence political decisions in their favour. If economic conditions are expected to deteriorate, e.g. due to unplanned recession or progressive political change, firms can threaten capital flight, financial markets react and investor as well as consumer confidence shrink51,58,60. Secondly, consumers usually increase their consumption in tune with increasing production60. This process can be at least in part explained by substantial advertising efforts by firms47,52,66. However, further mechanisms are at play as explained further below.

Following this analysis, it is not surprising that the growth paradigm is hegemonic, i.e. the perception that economic growth solves all kinds of societal problems, that it equals progress, power and welfare and that it can be made practically endless through some form of supposedly green or sustainable growth59. Taken together, the described dynamics create multiple dependencies of workers, firms and states on a well-functioning capital accumulation and thus wield more material, institutional and discursive power (e.g. for political lobbying) to capitalists who are usually the most affluent consumers61,67. Even if different fractions of the capitalist class have manifold and competing interests which need to be constantly renegotiated, there is a common interest in maintaining the capitalist system and favourable conditions for capital accumulation, e.g. through aggregate growth and high consumption51,62. How this political corruption by the super-affluent plays out in practice is well documented, e.g. for the meat industry in Denmark6.

Super-affluent consumers drive consumption norms

Growth imperatives and drivers (with the latter describing less coercive mechanisms to increase consumption) can also be active at the individual level. In this case, the level of consumption can serve as a proxy47,60,68. To start with, individual consumption decisions are not made in a vacuum, but are shaped by surrounding (physical and social) structures and provisioning systems47,61,69. Sanne66 and Alexander47 discuss several structural barriers to sufficiency-oriented lifestyles, locking in high consumption. These include lack of suitable housing, insufficient options for socialising, employment, transport and information, as well as high exposure to consumer temptations. Often, these conditions are deliberately fostered by states and also capitalists (the latter overlapping with super-affluent consumers and having disproportionate influence on states) to increase consumption61,66.

Further active mechanisms to spur growth include positional and efficiency consumption, which contribute to an increase in consumption overall52,60,68,70. After basic material needs are satisfied, an increasing proportion of consumption is directed at positional goods52,70. The defining feature of these goods is that they are expensive and signify social status. Access to them depends on the income relative to others. Status matters, since empirical studies show that currently relative income is one of the strongest determinants of individual happiness52. In the aggregate however, the pursuit of positional consumption, driven by super-affluent consumers and high inequalities, likely resembles a zero-sum game with respect to societal wellbeing70,71. With every actor striving to increase their position relative to their peers, the average consumption level rises and thus even more expensive positional goods become necessary, while the societal wellbeing level stagnates42,71. This is supported by a large body of empirical research, showing that an individual’s happiness correlates positively with their own income but negatively with the peer group’s income71 and that unequal access to positional goods fosters rising consumption52. This endless process is a core part of capitalism as it keeps social momentum and consumption high with affluent consumers driving aspirations and hopes of social ascent in low-affluence segments70,72. The positional consumption behaviour of the super-affluent thus drives consumption norms across the population, for instance through their excessive air travel, as documented by Gössling73.

Lastly, in capitalism, workers must compete against each other in the labour market in order to earn a living from capitalists7,63. Following Siemoneit68, this can lead to a similar imperative to net invest (increase the level of consumption/investment) as is observed with capitalists. In order to stay competitive, individuals are pushed to increase time and cost efficiency by investing in cars, kitchen appliances, computers and smartphones, by using social media and online trade etc. This efficiency consumption—effectively another facet of the rebound effect38,47,68—helps to manage high workloads, thus securing an income, while maintaining private life. This is often accompanied by trends of commodification61, understood as the marketisation of products and services which used to be provisioned through more time-intensive commons or reciprocal social arrangements, e.g. convenience food vs. cooking together. As in the food example74, this replacement of human labour with energy- and material-intensive industrial production typically increases environmental pressures47,75. Through these economic pressures, positive feedback loops and lock-ins are expected to emerge, since other consumers need to keep up with these investments or face disadvantages, e.g. when car or smartphone ownership become presupposed. Taken together with positional consumption, structural barriers to sufficiency and the substantial advertising efforts by capitalists, these mechanisms explain to a large extent why consumers seem so willing to increase their consumption in accordance with increasing production60.

#### Rona locks-in capitalism.

Dr. Farok J. Contractor 21, Distinguished Professor, Management and Global Business Department, Rutgers Business School, Rutgers University, "The World Economy Will Need Even More Globalization in the Post-Pandemic 2021 Decade," Journal of International Business Studies, 02/01/2021, Springer.

WHY, POST-PANDEMIC, THE WORLD ECONOMY WILL SEE EVEN MORE GLOBALIZATION

The indispensable role played by the multinational enterprise (MNE) as a bridging agent that aggregates demand and arbitrages differences across nations, as well as orchestrates and conduits the cross-border flows of capital (FDI), goods and services (trade), and intellectual assets (in affiliates and in contractual sharing of knowledge and capabilities with licensing and alliance partners18), will not diminish, but remain even more needed in a post-pandemic world. In a world remaining fragmented and unequal, the MNE also plays a salutary role as a catalyst of higher institutional, governance, sustainability, HRM, environmental and ethics standards, both through its own affiliate network (Foss & Pedersen, 2019) and by its external influence in countries that still have to catch up with “best practices.”

The pandemic is more an accelerator of changes that were already under way rather than an event that enforces radically new patterns globally. Moreover, the impact of Covid-19 will affect a few nations and sectors more strongly than others. We have indeed seen, in the past three years and only in some nations, marginally more protectionism, nationalism,19 and calls for greater self-sufficiency. Mimicking trends espoused by the Trump Administration, India’s Modi declared his hope to “… transform India into a more self-reliant country, making the goods and providing the services consumed in the country largely at home” (Roy, 2020). However, these trends are not entirely orthogonal to globalization. Waldman and Javidan (2020) describe this as a “false dichotomy.”

Protectionism and nationalism can even increase the geographical “footprint” of the MNE if trade barriers lead to increased tariff-jumping FDI (Buckley, 2020). For example, China’s long tradition of protecting its automobile sector has resulted in substantial FDI investments by western companies from Volkswagen to General Motors to Tesla. Not only do the foreign companies dominate but, for some of them, China is their largest and most profitable market; moreover, Chinese industry has benefited greatly from the transfer of technology, designs, productivity, and best practices to China (Buckley, Clegg, Zheng, Siler, & Giorgioni, 2010).

Nationalist policies can sometimes increase globalization, a seemingly paradoxical effect. Glennon’s (2020) study concludes that the more stringent enforcement of H1-B visas by the Trump Administration has already seen an increase in the offshoring of technological jobs. As a global orchestrator or network organizer, the international firm has more than one conduit of opportunity to enable cross-border transfers. If migration of talent is constrained, it can be replaced by remote virtual work. Observers suggest that, post-pandemic, more service functions will be carried out remotely (Tilley, 2020). However, by the same logic (i.e., the “Zoom Effect”), that job can be done even more remotely from Sofia or New Delhi. True, geographical and cultural distances impose higher organizational and transaction costs on the firm (Larson, Vroman, & Makarius, 2020), but these can be more than offset by the labor cost saving. Since there is no proposal to restrict the hiring of remote foreign employees, the “Zoom effect” and the growing worldwide familiarity with the “gig economy” can lead to even more offshored work. For example, while cross-border telemedicine faces significant regulatory barriers in advanced nations (Ferreira & Rosales, 2020), this is not the case everywhere. Instead of the patient crossing borders to visit the hospital abroad, some diagnoses and treatments will increasingly occur remotely.

Petricevic and Teece (2019) correctly identify the rekindling of the idea of government intervention in the foreign direct investment process. While most of the rest of the world has been lifting restrictions – liberalizing incoming FDI and eliminating lists of sectors requiring prior governmental approval (UNCTAD, 2019) and under the general rubric of “Ease of Doing Business” (World Bank, 2019) – the two biggest investors, China and the US, have been tightening scrutiny and vetoing a few proposed investments. The CFIUS (Committee on Foreign Investment in the United States) scrutinizes large FDI proposals for national security20 concerns and is comprised of nine cabinet members, with the Treasury Secretary as Chair, and aided by senior intelligence officials. Ostensibly, China proclaims itself as a “champion of globalization” (Wang & Quan, 2019). China’s new “Foreign Investment Law” promulgated in January 2020 has slightly relaxed inward FDI regulations, reduced its “negative list”, and promises “national treatment” (Dresden & Xia, 2020). However, the interventionist hand of the state remains just below the surface.

The few vetoes of FDI proposals in the US, and even rarer such occurrences in Europe, constitute an insignificant fraction-of-one-percent of overall global flows. Anxieties elevated by the pandemic having abated, most countries may become more vigilant, but will resume their welcome towards FDI simply because it adds net value to the host nation. Petricevic and Teece (2019) go too far in characterizing the future of globalization as a “structural reshaping.” They are correct in highlighting the rising techno-political rivalry between the US and China. Almost their entire paper (except for the first two pages) refers to – and is colored by – this bilateral relationship.21 While China and the US remain the two biggest economies and direct investors, and they may partially decouple from each other, it is too much of a stretch to extrapolate this possible rivalry to the rest of the 191 nations on the planet. Only a handful of other nations will add some sectors to their list of “strategic industries.” The fact remains that the vast bulk of FDI is in “…non-strategic sectors, such as agriculture, fashion, consumer goods, and even insurance.” (Petricevic & Teece, 2019, p. 1502). Even in the US, an examination of Chinese FDI investments between January 2007 and June 2020 shows only a small percentage in technology-related sectors (American Enterprise Institute, 2020).22 For all countries’ MNEs seeking to invest in the US, CFIUS conducted 561 reviews for the entire 9-year period, 2009–2017, of which 145 FDI proposals were withdrawn during the investigation, and only 3 or 5 were vetoed by presidential order (Jackson, 2020).23

Buckley (2020) takes a balanced view, stating that “the fracture (between the US and China) may not be complete, nor be the only global policy change of significance in the post-virus world” (parentheses added). As noted in this piece above, I propose that, after the post-pandemic hiatus, globalization will resume and that changes will be marginal or incremental rather than structural.

#### AND the aff empowers authoritarian populists---that turns every impact.

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Hegemony, crisis, and transformational change

Just as the reversal into natural and eternal features of historically-specific economic categories and social relations of the capitalist production and reproduction process generates general and immediate consent (Marx 1990; 2006; Koch 2018), the habitus produces “harmony between practical sense and objectified meaning” or a “common-sense world” (Bourdieu 1990a: 58), which is constantly reinforced in day-to-day practices such as expressions, commonplaces, or sayings. We can understand the cultural hegemony of the growth imperative in analogy with Bourdieu’s analysis of the role of symbolic power in the maintenance of the social order. In fact, it comes close to that of the Catholic doxa of the Middle Ages, serving as a kind of pensée unique, since it appears to provide quasi-natural solutions for all kinds of social and ecological issues. And like all manifestations of power, the social genesis of which is forgotten, invisible, and appears to be natural, the growth imperative includes a certain readiness for collaboration, or a degree of practical consent, on the part of those who are at the receiving end, an “acceptance of domination” (Bourdieu 1984, 386). 5 Yet far from being a “voluntary servitude,” a “conscious, deliberate act,” such a submission goes further than what the Marxian tradition discussed in terms of “consciousness” and “ideology.” It is in fact a “tacit and practical belief made possible by the habituation which arises from the training of the body” (Bourdieu 2000, 171–172). The incorporation of objective structures in dispositions of the habitus is of a pre-reflexive kind, which helps to explain the somewhat astonishing “ease with which, throughout history and apart from a few crisis situations, the dominant impose their domination” (Bourdieu 2000, 178).

According to Bourdieu, the chance that the customary correspondence between structure, habitus, and practice breaks and that alternative ways of thinking and acting become hegemonic depends upon the existence of a crisis. In this event, the economic, political, cultural, and symbolic structures of society undergo a process of transition leading to a “collapse, weakening, or obsolescence of traditions or of symbolic systems” that provided the principles of people’s “worldview and way of life” (Bourdieu 1991, 34). Crises can first take the form of a crisis within the ancien régime: the institutional structure of the old social order turns out to be flexible enough for the actors to enter new kinds of alliances (on welfare and social inclusion, for example), that is, without questioning its fundamental principles. Hence, the social order, including its corresponding values, habitus forms, and so forth is maintained based on some gradual or incremental change (Mahoney and Thelen 2010); second, crises can take the form of a crisis of the existing social order. Its institutional structure turns out to no longer be capable of giving a realistic future perspective to satisfying the needs, wishes, and desires of a majority of citizens. We may conclude with Bourdieu that in this event, the traditional correspondence of habitus, practice, and structure breaks, making the economic, social and symbolic institutions of society crumble. At once, the social specificity of relations, which is normally taken for the natural order of things and goes largely unquestioned, becomes transparent, and the simple formula of societal reproduction according to “doxa” – structure-habitus-practice-structure – ceases to apply. To the extent that what is normally unconscious becomes conscious, the habitus stops generating social practice and is gradually replaced by other organization principles such as rational calculus and conscious action. Bourdieu (1977; 1990a; 2000) refers to this possibility as “heterodoxy” or “heresy.”

However, while alternative discourses and heterodox social forces gain ground during a crisis of the social order so do those that opt for its authoritarian defense, which may include the marginalization or abolition of democratic institutions and civil rights (Figure 2). Bourdieu calls this alternative exit strategy of crisis “orthodoxy.” In contrast to heterodoxy, which tends to “open up the future,” orthodoxy refers to periods of restoration, in a sense to “stop time, or history, by closing down the range of possibles so as to try to induce the belief that ‘the chips are down’ for ever” (Bourdieu 2000, 235). 6

Diagram

Description automatically generated

Much evidence indicates that we are in the midst of a multidimensional crisis which is unlikely to be resolved under the institutional arrangements of the current growth strategy of finance-driven capitalism (Koch 2012; Buch-Hansen 2018; Overbeek and Apeldoorn 2012). According to the late Max-Neef (2014, 17), “never before in human history [have] … so many crises converged simultaneously to reach their maximum level of tension.” There are at least four dimensions of this crisis. First, while the negative economic and social consequences of the 2008 financial crisis are not yet overcome, a new financial crisis is already looming (IMF 2016, 1). Political economists such as Gordon (2012) take the associated massive levels of public and private debt as a strong “headwind” for the promotion of future material prosperity. In fact, even scholars and policy makers outside the degrowth camp would be well advised to consider the possibility that economic growth rates are likely to be small for the foreseeable future and plan accordingly. Second, massive and growing inequality has resulted in a social crisis that leaves growing shares of the population in the rich countries unable to satisfy their basic needs (OECD 2015), while the wealth of the richest household groups continues to surge. Third, the environmental crisis described in the introduction above undermines current and future living conditions for human beings and other species and threatens to end human civilization as we know it (IPBES 2019). Finally, there is a crisis of political representation (Crouch 2004), culminating in events such as Brexit and the election of Donald Trump. More generally, this crisis dimension is expressed through the weakening in support and power resources of once-strong political parties such as Social and Christian Democrats in several European countries as well as the simultaneous inroads that rightwing populist parties have made in a range of democracies in the global North.

This multidimensional crisis suggests that the Western European postwar class compromise, including its promise of permanent and increasing material prosperity based on the provision of economic growth (Lutz 1989), has come to an end. Yet whether this crisis of the economic and social order will eventually result in an overcoming of the capitalist growth economy via an ecological and social transformation and degrowth is far from certain. This is because the crumbling of doxa has, historically, only rarely led to its replacement by heterodox thought and practice. More often than not, the crisis of an established order has resulted in a new kind of orthodoxy where dominant interests are defended by replacing democratic rule by authoritarian rule and the use of force. New types of rightwing populist movements combine a conservative critique of finance-driven capitalism with chauvinistic and xenophobic slogans, and provide the popular basis for an authoritarian “solution” to the crisis that we may call “Europe first” 7 one in which the rich countries’ “way of life” is defended virtually to the last minute. This is achieved by using military power, closing borders, and leaving the victims of climate change to their fate. Whether the current crisis will result in “Europe first” or an “ecological social transformation” will not least depend on the availability of “hands-on” eco-social policy strategies. In other words, it will be necessary to forge ideas for both single policies and their synergy in the short and long-term, to which critical researchers and activists can contribute, and involving both “bottom-up” civil society mobilization and “top- down” policies of an active state (Hirvilammi 2020; Koch 2020).