# 1NC vs Texas

## OFF

### 1NC – T – USFG

#### Interpretation: Topical affirmatives must instrumentally defend an increase by the United States federal government in prohibitions on anticompetitive business practices by expanding the scope of core antitrust laws

#### United States federal government means the three branches of government

USA.gov 13 "USA.gov is the U.S. government's official web portal" http://www.usa.gov/Agencies/federal.shtml

U.S. Federal Government - The three branches of U.S. government—legislative, judicial, and executive—carry out governmental power and functions.

#### “Expand the scope” means broadening the range of claims that can be brought by plaintiffs

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Lise A. Barrera, “Is the Courtroom the New Front for the Resolution of Publishing Disputes?,” The Wayne Law Review, Vol. 42, Summer 1996, LexisNexis

It is important to note the distinction between the expansion of the scope of section 43(a) and the standard that courts apply in granting relief to claims under this section. The scope of section 43(a) allows plaintiffs to claim the section provides them with protection and thus should grant them relief. The expansion of the scope allows a much broader range of claims to be brought legitimately under section 43(a). Once the scope of the statute allows the claim to be brought, the courts apply a standard to the claim in order to determine whether a plaintiff should be granted relief.22 The standard applied is also the product of years of judicial interpretation. While the scope of section 43(a) is expanding, however, the standard for relief seems to be becoming higher and harder to meet.

#### The “core antitrust laws” are the Sherman and Clayton Acts

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Carl Felsenfeld, “The Bank Holding Company Act: Has It Lived Its Life?,” Villanova Law Review, Vol. 38, January 1993, LexisNexis

It is well established that, despite the "extensive blanket of state and federal regulation of commercial banking, much of which is aimed at limiting competition,"480 the United States' core antitrust statutes (the Sherman and Clayton Acts) apply to banks.481 There is respectable opinion that "existing antitrust laws are fully adequate to guard against anticompetitive mergers or acquisitions, or other anticompetitive activity, in the banking industry."482 A proposal to remove the BHCA, however, is not a suggestion that only the Sherman and Clayton Acts would impose antitrust limitations on banks. The other bank laws and regulations would continue in effect.483

#### Two impacts ---

#### 1] Preserving the game – games cannot operate unless both sides can be confident in advance they have a chance of winning---leaving the neg guessing until the round starts about what they need to do to win locks in losses, makes research futile, and creates a game without rules that’s meaningless and unenjoyable

#### 2] It turns the Aff---their interp incentivizes the aff to run to the margins and pick topics that give the neg nothing to say---a model of disagreement is better for achieving any of the benefits they hope to gain than a monologue

### 1NC – Counteradvocacy – Antidomination

#### We endorse the entirety of the 1AC except for its rejection of expansion in the scope of antitrust laws

It’s competitive – the aff says “Antitrust preserves and exacerbates the effects of capitalism” and that “even if antitrust could be effective, the USFG would never break up behemoth corporations” – we’re impact-turning that logic

#### If they win capitalism is bad, the 1AC’s rejection of antitrust as a political tool is worse for dealing with it

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. 3-14, https://www.liberationinageneration.org/wp-content/uploads/2021/03/Anti-Monopoly-Activism\_032021.pdf.

In spite of this suffering and sacrifice, the future for predominantly white corporate monopolists has never been brighter. Excessive and unrestrained capitalism has enriched a small group of wealthy elite corporations and individuals by concentrating the nation’s economic and political power under their control—a mutually reinforcing, vicious cycle. Between March 18 (the unofficial beginning of the pandemic in the US) and November 24, 2020, 644 billionaires increased their combined wealth by $931 billion dollars (from $2.95 trillion to $3.88 trillion, or a rise of 31.6 percent).2 This occurred even as poverty deepened and the October unemployment rate hit nearly double its pre-pandemic low. Some in this elite class of corporations and individuals have used their accumulated power to concentrate markets that are fundamental to human thriving (e.g., technology, agriculture, financial services, and health care) by forming massive corporate monopolies.

Corporate monopoly is bad for workers, consumers, and for our democracy. Our nation’s founders were keenly aware of the danger of monopoly. In fact, the US revolution was sparked by anger directed at the monopolistic power of the British Crown. Though popularly taught as being about unjust taxation, the Boston Tea Party was actually a rebellion ignited by rage directed at the East Indian Trading Company, a monopoly chartered by the British monarchy.3 Additionally, in 1787, Thomas Jefferson wrote to James Madison that the proposed US Constitution should include a Bill of Rights that explicitly excluded monopolies.4 Though the language did not make it into the final Constitution, this letter demonstrates that the distrust of monopoly is justified and runs deep in our nation’s ethos.

Efforts to rein in the “robber barons” of the Gilded Age (i.e., Andrew Carnegie, J.D. Rockfeller, Cornielius Vanderbelt, and J.P. Morgan) are monumental in the history of anti-monopoly government action in the US. Victories following this period include government action to break up several large monopolies in the railroad and oil and gas industries. Additionally, this period normalized many worker protections that we take for granted today, such as a 40-hour workweek and overtime pay.

Unfortunately, though the start of the 20th century saw robust anti-monopoly government action, the government rapidly retreated from anti-monopoly enforcement in the second half of the century. Since, the federal government and the federal courts have aided—not prevented—the exponential growth in monopoly power in nearly every sector of our economy, including technology, telecommunications, food supply chains, banking, and health care. In 2015, for example, the US saw a record number of corporate mergers, totalling $3.8 trillion in merger and acquisition activity.5 Mergers that year involved massive companies, such as Time Warner Cable, AnheuserBusch, and Berkshire Hathaway, becoming more massive. In 2020, T-Mobile—the third-largest wireless carrier in the US— acquired Sprint,6 and Morgan Stanely acquired online stock trading company E-Trade.7

The economic problems created by monopoly power have been widely studied, and many solutions to curtail it have been developed by experts. Unfortunately, like so many large-scale and so-called “race-neutral” policy efforts, anti-monopoly policy ideation and implementation have left people of color behind. In researching this paper we found limited research or policy ideation on the impact of monopoly power on people of color. We believe that the absence of grassroots leaders of color in anti-monopoly policy conversations can be attributed to this disconnect.

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,8 the Athena Coalition 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).

These are just four examples of industries that have been taken over by monopolies, but they are in no way exclusive. Many other critical industries in our economy have been corrupted by monopolies, including the energy, health insurance, hospital, for-profit college, and delivery service industries.

One note of caution on monopolies: While all corporate monopolies are harmful, some government monopolies can be critical to providing essential programs and services. Examples of government monopolies include public K–12 schools, publicly owned utilities, and the United States Postal Service (USPS). In fact, the USPS is codified in the US constitution to ensure that all people—even those in remote rural areas—can send and receive mail. Today, the USPS is an important employer to people of color, particularly Black people, in providing competitive wages and quality health and retirement benefits.

The predation of corporate monopolies creates racial wealth inequality. Low-wage employers that employ people of color, such as Walmart—the nation’s largest private employer—often set the wage floor for local communities and the nation.22 Agribusinesses and pharmaceutical monopolies set prices at a “poverty premium” where people of color pay more for food and life saving drugs. Also, bank monopolies set the prices that people of color pay for basic financial services, and they provide capital to predatory lenders, including payday and car title lenders.

#### The counteradvocacy rejects the neoliberal underpinnings of antitrust, instead adopting an approach of antidomination

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K. Sabeel Rahman, “Domination, Democracy, and Constitutional Political Economy in the New Gilded Age: Towards a Fourth Wave of Legal Realism,” *Texas Law Review*, vol. 94, 2016, pp. 1338-1352, https://texaslawreview.org/wp-content/uploads/2016/09/Rahman.pdf.

The dramatic changes to the American economy a century ago catalyzed a diverse and highly mobilized movement of reformers and thinkers. Confronted by corporate entities of unprecedented scope and power - from railroad monopolies, trusts like Standard Oil, and financial elites like J. P. Morgan - and troubled by the violence of industrialization apparent in recurring strikes, financial panics, and economic dislocation, a number of Progressive Era thinkers developed a rich critique of market capitalism. 30 This context produced a broad intellectual movement, what Barbara Fried and Herbert Hovenkamp have referred to as the "first law and economics movement." 31 Approaching the problem from diverse methodologies including law, philosophy, sociology, and economics, they pioneered a compelling critique of American political economy. Among these more radical Progressive Era thinkers, from the legal realists to institutional economists and philosophers, there emerged a critique of capitalism focused not on efficiency or distribution so much as a more fundamental problem of domination and power. The problem of the market, for these thinkers, was, at root, a problem of disparate economic and political power - power that had to first be identified and unmasked before it could be contested and checked through collective action and reform politics. This conceptual framework can be distilled and understood as comprising of two elements: first, a critique of economic domination, and second, a turn to expanded democratic agency of citizens, movements, and democratic institutions as a response. This view of "democracy against domination" offers a compelling starting point for conceptualizing an alternative democratic political economy.

A. The Problem of Economic Domination

Louis Brandeis captured this concern with large corporations, monopolies, and trusts. Brandeis argued that the immense profits of large corporations juxtaposed with the below-subsistence wages they offered revealed a disparity in political power akin to slavery, where workers were "absolutely subject" to the will of the corporation. 32 Even if corporations acted in the interests of consumers and laborers, this would be at best a "benevolent absolutism," leaving in place the root problem that "within the State [there is] a state so powerful that the ordinary social and industrial forces existing are insufficient to cope with it." 33 The Knights of Labor and the labor movement similarly framed the problem of corporate power in such terms of seeking liberation from the arbitrary power of the master within the workplace. 34 Even Herbert Croly, whose faith in democracy was considerably less than other contemporaries like John Dewey, warned of the problems of rent extraction arising from monopoly and "economic privilege," which, if sufficiently "hostile to the public interest," would require a "shifting of the responsibility" away from these private actors. 35

But problematic exercises of economic power were not limited to large trusts and monopolies; the entire system of market exchange posed similar problems of unequal power. Legal realists like Robert Hale argued that unequal income distributions were a result not of natural forces but of disparities in power: "the relative power of coercion which the different members of the community can exert against one another." 36 Economist Walton Hamilton similarly argued that tyranny constraining individual liberty now took the form of the "bondage" of being dependent on wages [\*1340] for subsistence, subjected to the "tyranny of the system of prices," and to the dictates of large-scale economic development. 37

This diagnosis of unequal economic power recasts the problem of modern capitalism as one not of income inequality but rather one of domination - the accumulation of arbitrary, unchecked power over others. 38 Domination, as suggested by these Progressive Era critics, could manifest in both the concentrated form of corporate power and the diffuse form of the market system itself. Domination captures a wide range of the moral harms in an economically unequal society: the subjugation of workers to corporations, the subrogation of the public as a whole to monopolies and "too-big-to-fail" banks, and the ways in which diffuse patterns of discrimination or market structures might constrain individual and collective freedom. The problems of our unequal society are not just matters of distributive justice and income. To overcome these challenges we must do more to ensure that all Americans have real, meaningful freedom to shape their own lives - and that means have a real voice, a real share of power in economic, social, and political realms. The freedom that domination threatens - the freedom we must seek to realize - is not the libertarian freedom of consumer choice and market transaction; it is the richer freedom to live lives we each have reason to value - a freedom that is expanded with our capacities and capabilities to have real agency in the world. In short, it is the freedom of being an agent, capable of authoring one's own life and coauthoring collectively our shared political, social, and economic life. This is the freedom that is constrained by the accumulation of unchecked power, whether by the state, the corporation, or the market itself.

B. Democratic Agency and Popular Sovereignty

The domination-based critique of capitalism also points to a different account of the remedies to this problem of unaccountable, unchecked power: the need to rebalance the terms of economic and political power in society, whether by checking concentrations of private power on the one hand, or by expanding the democratic agency of citizens and communities on the other.

Indeed, this imperative to open up the seemingly natural and private domain of the market to the demands of democratic legitimation is what lies behind the critique the legal realists advanced of the public-private distinction. While this critique is often noted as a central element of the move away from formalism, 39 it served a much broader function of linking economic power to the same demands for democratic justification, legitimacy, and accountability normally expected of exercises of "public" power. If the exercise of power was not in fact limited to the coercive force of the state but rather omnipresent throughout the seemingly private domain of market transactions, then such private power should be subject to the same kinds of moral and prudential policy considerations that are applied to determining valid exercises of public state power. The free market itself was thus a regulatory system subject to state control and broader policy debate. 40

Thus, philosopher Horace Kallen warned that exercises of private power were often cloaked beneath appeals to liberty and laissez-faire economics, tainting the ideal of freedom "to vindicate tyranny and injustice." 41 Morris Cohen described property rights as a form of sovereign power, compelling obedience in the commercial economy just as state power compelled obedience in politics. 42 As a result, "it is necessary to apply to the law of property all those considerations of social ethics and enlightened public policy which ought to be brought to the discussion of any just form of government." 43

But this still leaves a further problem. Private power in the form of large corporations and market power in the form of the market system share another trait: they seem to defy the capacities of individual citizens to hold them accountable. Corporations exercise a vast power over workers, consumers, and politicians, far beyond the ability of any one person to counteract. 44 Similarly, the market as a system is so diffuse as to render it inactionable. 45 The challenge, then, lies in creating new vehicles and channels for democratic agency - institutions that can enable citizens to engage in more effective and empowered forms of collective action through which economic power can be contested and reshaped.

This need to create alternative modes of democratic agency is well exemplified by the thought of philosopher John Dewey. Dewey saw the libertarian resort to free markets as fundamentally misconstruing the nature of the modern economy; the market mechanism, with its disparities of economic and political power, was simply one system of allocating power - a particularly inequitable one - that had to be replaced by a "more equal and equitable balance of powers that will enhance and multiply the effective liberties of the mass of individuals." 46 The challenge, however, was that the lay public was too weak to counteract the pressures of an inequitable market economy. The purpose of political institutions, for Dewey, was to make it so a "scattered, mobile and manifold public may so recognize itself as to define and express its interests." 47 Without such public institutions, social and economic arrangements would seem obscured or otherwise beyond the scope of effective citizen action. 48 Dewey defined the public as the domain of "all those who are affected by the indirect consequences of transactions to such an extent that it is deemed necessary to have those consequences systematically cared for." 49 State institutions served a dual purpose: in addition to making and implementing policies, these institutions were also key "structures which canalize action," providing a "mechanism for securing to an idea [the] channels of effective operation." 50

According to Dewey, the current inability of lay citizens to be effective and knowledgeable policymakers was not evidence against the value of democracy. Rather, these limitations were products of the existing institutional structure which had to be reformed to enable greater educative public discourse and more regular forms of citizen participation in governance, through which they could become more effective participants in self-rule over time. 51 Achieving such expanded citizen political agency and participation required institutional structures that could foster, house, and incubate such political agency. In particular, it would require institutions that went beyond traditional appeals to elections, legislatures, or the separation of powers. As Dewey argued, there was "no sanctity" to particular received "devices" of democratic elections. 52 Instead,

The old saying that the cure for the ills of democracy is more democracy is not apt if it means that the evils may be remedied by introducing more machinery of the same kind as that which already exists, or by refining and perfecting that machinery. But the phrase may also indicate the need of returning to the idea itself, of clarifying and deepening our apprehension of it, and of employing our sense of its meaning to criticize and remake its political manifestations. 53

The link between democratic agency and domination is well exemplified by Brandeis. Consider one of Brandeis's famous dissents in Louis K. Liggett Co. v. Lee, 54 where the Supreme Court struck down a Florida anti-chain store tax provision on Fourteenth Amendment grounds. 55 While this dissent may be seen more narrowly as a defense of federalism, the opinion is driven more centrally by Brandeis's concern with economic domination and with his commitment to combating such private power by expanding the democratic capacities of the people themselves. The opinion begins with a lengthy discussion of the threat corporate power poses to individual liberty. The Florida legislators, in Brandeis's view, were appropriately motivated by the "fear of encroachment upon the liberties and opportunities of the individual[;] fear of the subjection of labor to capital[;] and fear of monopoly." 56 The tax provision represented an attempt to defuse this threat and expand economic opportunity for small businesses and towns under the domination of large corporate chains. 57 Florida's action is important less because of an intrinsic value to states' rights, and more as a vehicle for citizens to experience meaningful [\*1344] democratic agency: "Only through participation by the many in the responsibilities and determinations of business," wrote Brandeis, "can Americans secure the moral and intellectual development which is essential to the maintenance of liberty." 58

Similarly, in New State Ice Co. v. Liebmann, 59 Brandeis dissented again from a majority ruling striking down Oklahoma's chartering of a public utility on Fourteenth Amendment grounds. 60 Like in Liggett, Brandeis's dissent was motivated less out of deference to Oklahoma on federalist grounds, and more as a vital expression of democratic agency of the people seeking to secure equal access to the necessities of life in the face of the extreme hardship, inequality, and insecurity of the Great Depression, which, Brandeis notes in his dissent, represented an "emergency more serious than war." 61 In the face of this structural economic collapse, such democratic agency and experimentation was essential. Predicting an ideal alternative form of economic planning would require "some measure of prophecy," for "man is weak and his judgment is at best fallible." 62 As a result, Brandeis argued, there was no choice but to allow for social learning through the actual experience of policy innovation, development, and experimentation. 63 The Court, as a result, had to be extremely wary of unduly limiting the capacities of citizens to engage in such experimentation.

It is telling that in both cases, Brandeis does not attempt to flip the majority's Fourteenth Amendment argument in favor of a more egalitarian view of substantive due process. But he also does not call for the kind of mechanical judicial deference to political branches that is the conventional Holmesian critique of Lochner-type decisions. Instead, Brandeis couches this deference to the democratic political process of state legislation in a substantive (but not necessarily constitutionally rooted) moral account of the problem of domination that motivates this turn to democratic action in the first place. Brandeis's opinion does not, therefore, exhibit a neutrality of process or a simple appeal to antiformalism. It is a morally substantive, non-neutral critique of private power and an appeal to democratic values. But it is a vision of democracy that places the Court in the position of protecting and thickening, rather than displacing or usurping, the democratic capacities of citizens to counteract domination through political action.

III. Antidomination as a Political Economic Reform Agenda

Taken together, the problem of domination and the value of democratic agency thus offer a valuable normative framework for conceptualizing the challenges of an unequal political economy. This conceptual focus also provides a starting point for imagining the kinds of legal, regulatory, and reform politics needed to rebalance these disparities of economic and political power. The historical examples of Progressive Era reform are not meant to suggest a literal blueprint for reform policies today; we need not directly reapply Progressive Era policies to the modern economy. But they are valuable for revealing an underlying ethos, for showing what kinds of approaches might be useful for combating domination, and for expanding democratic agency.

We can see a hint of what this approach to curbing domination might look like in practice through the reform politics of the Progressive Era itself. In their response to this problem of domination, the reform politics of the Progressive Era represented a large-scale, structural attempt to redress this problem of domination in two respects: first, by restructuring the market system to curb private power; and second, by restructuring the political system to expand popular sovereignty. These reforms sought to both reduce the threat of domination and expand the capacities of the democratic citizenry to better hold economic actors accountable.

A. Reconstituting Economic Structures to Curb Domination

From the standpoint of domination and power, one of the central problems of today's political economy is the increasingly concentrated power of corporations. From too-big-to-fail banks to the battles over net neutrality and anxieties about private power of firms like Google in the information economy, we live in an era marked by new forms of what Brandeis famously called "the curse of bigness." 64 As in Brandeis's time, powerful firms increasingly control the terms of access and distribution for major social services. Some of these firms are monopolies in the conventional sense, following waves of major mergers and consolidations in industries like agriculture, food production, and telecom. 65 But some of these firms exhibit a different form of "platform power," centralizing control over key conduits of economic activity, from Amazon's control of its logistics and marketplace infrastructure to Uber's platform for matching riders and drivers to Comcast's control over the underlying infrastructure linking Internet content to end users. 66

Just as Progressive Era political thought points towards a normative diagnosis of these problems as rooted in domination, the reform politics of the Progressive Era suggests avenues for redressing such private power, specifically by radically restructuring the dynamics of the modern economy. While we are accustomed to viewing the Progressive Era as the rise of ideals of regulatory expertise in areas like consumer protection and worker safety, the more far-reaching innovations of this period came from attempts to radically restructure the dynamics of the market economy and the powers and capacities of corporations themselves. These efforts sought to curb private power and subject it to more direct public oversight.

Consider for example the rise of corporate governance as a field of law. In 1932, Adolf Berle and Gardiner Means argued in their seminal Modern Corporation and Private Property that the rise of large corporations owned by many diffuse shareholders represented a new form of property right where the owners of the corporation, the shareholders, lacked the power to command the corporation's actions. 67 This fact meant the creation of a new form of corporate power characterized by this separation of ownership (by shareholders) from control (by managers). 68 Today, Berle and Means are often cited as a starting point for modern corporate governance literature and for the emphasis on shareholder rights as a driving framework for justifying financial markets, mergers and takeovers, and corporate law more generally. 69 But for Berle and Means, the driving concern was not shareholder theories of the firm so much as it [\*1347] was the antecedent diagnosis of the problem of quasi-sovereign, concentrated private power exercised by corporations over workers and society as a whole, absent the kinds of checks and balances that accompany the exercise of public power in republican governance. 70 Indeed, attempts to shift corporate governance today could become vehicles not for maximizing growth or efficiency but rather for creating modes through which stakeholders, not just shareholders, can contest and hold accountable such exercises of concentrated private power. 71

The emergence and potential of antitrust law can be understood in a similar vein. The antitrust movement was a major political and intellectual force, seeking ways to redress the concentration of economic power among monopolies, trusts, and large corporations from Standard Oil to the railroads to finance. While modern antitrust is understood in a more narrow context of prioritizing consumer welfare, antitrust for these reformers was a fundamentally political project, seeking to undo concentrations of economic power and limit the ways in which large firms could exercise undue and unchecked influence on prices, economic opportunity, and the political process itself. 72 Antitrust is thus best understood as an antidomination strategy, a battle not over consumer welfare but rather private power. In contrast to modern day antitrust law, Progressive Era politics saw antitrust as critical to the maintenance of liberty against such private power. Their disagreements emerged not over whether to regulate such power but over how best to do it.

Today, we might seek a renewed push for antitrust enforcement to address these concentrations of economic power in an effort to restructure markets to be more open to competition and economic opportunity. As a number of journalists and scholars have increasingly argued, we are in a new era of private power and monopoly, as firms in industries from agriculture to food production to finance have concentrated power to shape market dynamics and to influence politics and public policy. 73 The antitrust ethos that has been steadily deconstructed over the course of the twentieth century may have relevance again in the twenty-first. 74

A third reform strategy among Progressive Era activists involved a different kind of economic restructuring: through the creation of public utilities. Where corporate governance sought to redress private power through changes to the internal dynamics of firms and antitrust remedied private power by breaking up large corporations, the public utility model represented an approach whereby Progressive reformers could accept economies of scale in some instances, but still ensure that the good or service would be provided fairly and at reasonable rates. 75 Reformers established utilities in industries as wide-ranging as ice, milk, transportation, communications, fuel, banking, and more. 76 Today we think of public utilities as natural monopolies with increasing returns to scale (such as electricity or water provision). 77 But Progressives saw public utilities as required where a good was of sufficient social value to be a necessity and where the provision of this necessity was at risk of subversion or corruption if left to private or market forces. 78 Indeed, many Progressive reformers experimented with the "municipalization" of key sectors like electricity production and water, founding the first public utilities. 79 As William Novak has argued, "for progressive legal and economic reformers, the legal concept of public utility was capable of justifying state economic controls ranging from statutory police regulation to administrative rate setting to outright public ownership of the means of production." 80 The central goal was accountability and oversight, but they also saw the need to balance oversight with maintaining efficiency of actual production. In practice, these thinkers saw the need to make context-specific judgments about the degree of public oversight and ownership on an industry-by-industry basis, rather than advocating outright nationalization across the board.

The concept of the public utility suggests another avenue through which we might restructure the modern economy as a way to combat domination, by regulating firms that provide critical necessities to ensure equal access, fair pricing, and that public needs are more directly met. The public utility framework has already been revived in the net neutrality effort to ensure common-carriage-type obligations for Internet service providers, preventing extractive discrimination of content by the firms controlling the [\*1350] backbone infrastructure of the Internet. 81 Public utility obligations may offer a way to reassert public oversight and direction over electrical utilities to better combat climate change, 82 or to create a "public option" for banking to better provide fair, cheap, and accessible access to basic financial services, 83 or to ensure fair dealing and better labor conditions among online "platforms" like Uber or Amazon. 84 The public utility approach provides both a limit on private power and a greater access to core goods and services - public goods, in a moral and social sense rather than an economistic one. This shifts economic power in both directions, limiting the potential for domination by private actors controlling these goods, and expanding the independence of individuals by ensuring equal and fair access to foundational goods and services.

B. Political Agency and Democratic Institutions

The creation of new regulatory institutions to implement these economic policies and to govern the modern economy points to another set of strategies employed by Progressive Era thinkers to counteract domination: changes to the structure of the political process. The creation of regulatory agencies and commissions at state, local, and national levels offered reformers the hope of an effective new tool for managing the increasingly complex modern economy, asserting the public good against powerful private actors such as trusts or corporations, and sidestepping the problems of political corruption and capture within legislatures. To expand democratic agency to counteract economic domination, these reformers effectively reinvented the fundamental structure of the political process itself, creating new channels for the expression of popular sovereignty. Thus reformers succeeded in institutionalizing ballot, recall, initiative, and referendum procedures in many state constitutions from 1890 to 1912. 85 Others established, for the first time, home rule powers for local government bodies as a way to expand participation and bypass the corruption of state legislatures and party machines. 86

In a similar vein, today we might address the problem of disparate political power by seeking alternative vehicles for democratic collective action through which to build the power of ordinary citizens and communities. The battle for reviving democratic accountability and responsiveness is not exhausted by a sole focus on campaign finance reform or voting rights, though of course both are critical to rebalancing political power. There are other forms of building democratic political power. Today, we see a similar revival of interest in cities as spaces for policy experimentation, as offering smaller-scale footholds where reformers can put into practice alternative economic arrangements, with an eye towards larger national debate and eventual policy change. 87

Regulatory agencies, though often understood in technocratic, expertise-oriented terms, might similarly become spaces for democratic action, participation, and accountability. Recent developments in legal history document the ways in which regulatory agencies have served as critical spaces in which democratic politics have taken place, and modern policy regimes and normative understandings of rights have been forged out of contestation between different stakeholders and policymakers. 88 Administrative agencies are therefore routinely in the forefront of developing novel applications of moral and political claims that we might otherwise think are the province of legislatures and courts, from the administration of welfare benefits to the implementation of fair-housing principles. 89 Such "administrative constitutionalism" involves the creative interpretation and evolution of legal norms and moral-rights claims by bureaucrats faced with pressure from social movements, often operating beyond or even despite the commands of the President, Congress, or the courts. 90

Agencies can be reformed to provide more direct forms of stakeholder representation. 91 In both cities and regulation, we also see attempts to create more participatory policymaking processes that can help redress disparities of influence and power, from participatory budgeting to technology-facilitated modes of voice and citizen monitoring of government actions. 92

Finally, across both of these domains of economic and political restructuring, a key driver of redressing power comes from the mobilization and organization of social movements. If the reform politics of the Progressive Era and the critique of domination were interrelated with the emergence of the antitrust movement, labor republicanism, populism, and urban reformism, the prospects for economic and political restructuring today depend crucially on new forms of civic power developed by movements and civil society organizations. 93 Many activists and reformers in this period sought to mobilize citizens through political association as a way to create a more equitable balance of political power. 94

#### That externally revives the administrative state – key to check existential threats and carry out democratic lawmaking

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Kate Jackson, “All the Sovereign’s Agents: The Constitutional Credentials of Administration,” *William & Mary Bill of Rights Journal*, 8 July 2021, pp. 2-7, https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=3813904.

We face no less than four urgent crises: an ongoing pandemic1; racial injustice and its consequent civil unrest2; an economic depression approaching the pain inflicted in 1929; and the accumulating, existential threat of climate change.4 Citizens must rely on their state to tackle these burning perils.5 Yet critics both left 6 and right 7 would tear down its institutional capacity to do so. Some denounce the exercise of administrative power as illiberal, unconstitutional and obnoxious to the rule of law.8 Others impugn it as undemocratic, paternalistic, and corrupt.9 Yet without some kind of agent to carry out collective solutions, these perils may very well proceed unabated.

Pushing an anti-administravist agenda, libertarians continue their “long war”11 against government agencies by insisting that they are an unconstitutional fourth branch of government. For them, administration is a kind of “absolutism”12 that violates the separation of powers and defies the principle of limited government.13 They contend that agencies’ discretionary rulemaking offends the liberal commitment to the rule of law. 14 Accordingly, they would punt agencies’ responsibility for social, economic, and environmental problems to courts and legislatures. 15 Regulation would thus be placed at the mercy of an undemocratic judiciary who increasingly “weaponizes” the First Amendment in favor of big business16 – or of a Congress whose already inefficient decision-making is crippled by hyperpolarization17 and distorted by the kind of material inequalities that the welfare state is meant to ameliorate. 18

Conservatives with a more authoritarian inflection seek to recall administration from its constitutional exile by subsuming it under presidential power. 19 Such critics would lend administration some democratic credentials by bootstrapping them to the president’s electoral accountability. Yet ridding agencies of their independence by placing them under the discretion of the president grants the president personal control over agency policymaking and adjudication without the checks provided by Congress, the courts, or an independent civil service.20 It thus, arguably, solves a separation-of-powers problem by introducing a new one.21 More ominously, empowering the president with the patina of democratic legitimacy emits a strong whiff of Schmittian politics.22 The prospect of a largely unbound executive officer claiming a popular mandate to hire and fire civil servants on a whim should alarm any that followed the Trump Administration’s treatment of refugees, civil protestors, polluters, and political cronies.

Agency power likewise fares poorly in the hands of the left. 23 They blame administrative technocracy for a variety of social and political ailments: the reification of social differences and the juridification of human nature24; corruption, privatization and regulatory capture25; the depoliticization of economic issues and the subsidization of globalized financial capitalism26 and, ultimately, the constellation of conspiratorial populist politics currently threatening liberal democratic states.27 Their preferred solutions include democratizing agency decision-making28 and constraining Congress’ capacity to delegate its lawmaking function. 29 While their interventions are welcome, they may deprive government of the nimble expertise necessary to address environmental and economic crises.30 Moreover, as illustrated by the president’s extraordinary powers to shape national immigration policy despite its “notoriously complex and detailed statutory structure,” increasing the amount of formal legislation may only expand agencies’ enforcement discretion.31 Agency democratization, furthermore, risks reproducing, perhaps under the cover of ostensible public consensus, the same social, economic and political inequalities that distort Congressional lawmaking. 32

In this essay, I contend that this multi-pronged anti-administravist attack stands upon shaky conceptual foundations. Each builds atop a theory of constitutionalism that embraces a too-literal conception of popular sovereignty.33 It is a conception that posits that there is, in fact, a “people” with a sovereign “will.” It is a “will” that can be clearly identified (through elections); straightforwardly transcribed (through lawmaking); mechanically applied (by administrators) and constrained (by judges). 34 But in a country of hundreds of millions, the diverse multiplicity of citizens could never find a common will.35 It is even more impossible that it could ever be accurately expressed through the lawmaking of elected representatives.36 As a result, critics of administration often grant statutory lawmaking more democratic credentials than it deserves. 37 The non-delegation doctrine purports to prevent the delegation of something that simply may not exist.

Critics commit another mistake when they invoke a theory of constitutionalism that analytically divides functions that cannot, as either a moral or empirical matter, be disentangled. First, they incorrectly posit two separate, autonomous processes: the collective formation of ends (lawmaking) and the implementation (execution) and application (adjudication) of those ends. 38 But we cannot presume that judges and administrators can mechanically apply and enforce the law without importing into the process their own value-laden, and therefore political, judgments.39 “They who will the end will the means” is a naïve argument that occludes the power wielded by unelected actors.40 It is also a mistake to presume that the legislative branch concerns itself only with value-laden final ends, and not with the means required to execute them.41 Indeed, most of our most bitter political fights are fights conducted precisely over means: how best to grow the economy; how best to care for the sick; how best to mitigate climate change, etc. 42 As a result, the theories overemphasize and distort the purpose of separating powers.43

Critics commit yet another mistake when they divorce the constitutional functions of (1) protecting rights and limiting government power, and (2) providing the decision-making procedures necessary for democratic will-formation. 44 They isolate elections and lawmaking from the process of enforcing rights and the rule of law – as if they have nothing to do with one another. Yet quarantining rights from democracy requires reliance on an outsourced moral order external to the political system itself – a reliance inappropriate for contemporary secular polities.45 They therefore lend judges too many liberal credentials while denying any to mechanisms of popular feedback.

Rather than critiquing agencies for violating the separation of powers, for their over-reliance on unelected technocrats, or for their indifference to universalizable legal principles, I argue that administration does indeed carry constitutional liberal democratic credentials – credentials borne out by political theory’s “representative turn.”46 By understanding agencies as embedded in a system of representative democracy that aims to set the conditions by which citizens can relate to each other as political equals, we can assess the legitimacy of government agencies without any “idolatrous”47 commitments to a fictitious popular sovereign or legal formalism. I suggest that agency institutions should be measured against the notion that popular sovereignty demands not consensus and consent, but instead institutions that permit citizens to understand themselves as co-equal participants in the collective decision-making process.

This essay will proceed as follows. Part I situates administrative agencies in an understanding of liberal democratic constitutionalism that (A) eschews outmoded notions of popular sovereignty and (B) natural law. It will then (C) explain how adequately conceived notions of the separation of powers and the rule of law cannot serve as indefeasible objections to administration. Part II makes a positive case for agency authority by drawing from the insights gained from political theory’s representative turn. It will first (A) define this important intellectual development and then (B) explain how administrative agencies might fit comfortably within a representative system. The essay (C) concludes by showing how theories of representation can inform some enduring debates in administrative law and suggesting some changes that might enhance the legitimacy of agency action.

PART I: ADMINISTRATION, POPULAR SOVEREIGNTY AND RIGHTS

Democracy promises the rule of “we the people.”48 Democratic citizens, possessing inalienable rights, are to come together, deliberate,49 and jointly create the laws that bind them. The administrative agency, with its unaccountable expert technocrats, policymaking autonomy, and immunity from micromanaging judicial review, looks like an unwelcome uncle at the constitutional dinner table.

Intuitively, these knee-jerk objections cannot be quite correct. Agencies carry some obviously democratic credentials. As Adrian Vermeule points out, they are, after all, the creation of statutory lawmaking.50 At least as early as 1798, Congress has delegated coercive rule-making power to Federal bureaucracy on matters as diverse as tax inspections, territorial governance, veterans’ pensions, mail delivery, intellectual property, and the payment of public debts.51 In McCullough v. Maryland,52 the U.S. Supreme Court interpreted the “necessary and proper” clause53 to anticipate Congress’ desire to create such agencies – in this case, a national bank. Bruce Ackerman,54 in his seminal work, argues that our contemporary agencies carry Constitutional credentials. Many were birthed through multiple hyperpolitical elections and constitutional challenges within the courts. Further, from their very inception, agencies struggled internally to accommodate their actions to constitutional requirements.55 The Administrative Procedure Act56 (“APA”), for example, imposes upon agencies principles of due process and the rule of law.57

Regardless, if democratic lawmaking is to shape the community of those that make it, there must be some kind of agent or instrumentality to carry it out.58 A Congressional decision to levy a tax is meaningless without an Internal Revenue Service to collect it.59 Yet it is impossible to imagine that such agencies might operate like mindless, loyal robots. Whether performed by court or administrator, the application of laws will inevitably involve controversial policy judgments.60 Lawmaking is, by its nature, always more abstract than we would like. Such “general propositions do not,” noted Justice Holmes, Jr. in his influential Lochner v. New York61 dissent, “decide concrete cases.” The required elaboration almost always imports values that are not clearly and unambiguously identified in any statutory text.62 The task of accommodating administration to constitutional democracy cannot, therefore, aim at eliminating the agency costs implicit in the application of law. It can only seek to understand how they might comfortably fit within a constitutional order.

The next two sections will elaborate upon these intuitions. Many objections to agency power presume antiquated conceptions of sovereignty and rights. They juxtapose the will of a powerful organ-body sovereign63 against a governed mass of subjects who hold an array of pre-political liberties that require judicial protection. This all-powerful body is thought to be represented by Congress64 as the commissioned agent (or embodiment?) of the popular sovereign. To preserve citizens’ natural, pre-political liberties, this agent of the popular sovereign is constrained by a separation of powers, checks and balances, a Bill of Rights, etc. – each policed by independent courts capable of identifying and enforcing citizens’ inalienable liberties.65 If this is indeed the rubric of the liberal democratic constitutional state, it is difficult to see how agencies pass constitutional muster. They are not Congress – and so their policymaking cannot be legitimate expressions of the popular will. They often avoid substantial judicial review, and so they might violate natural liberties with impunity. Fortunately, this rubric is wrong.

A. The Mind and Body of the Democratic Sovereign

True, for much of modern Western history, sovereignty, understood as the supreme, absolute and indivisible power to make law, was thought to be held by a specific body: the one wearing the crown.66 To constitute and justify public power, Hobbes, for example, imagined a state of nature full of individuals authorizing and relinquishing their natural liberties to a “Mortall God,”67 i.e., the modern corporate state, represented (or re-presented) in the flesh-and-blood bodies of the king or legislature.68 During the democratic revolutions, radical69 theorists merged the monarch with her subjects.70 They imagined “the people” not only replacing the king as sovereign, but also governing itself as a subject, thereby creating an identity between ruler and ruled. Rousseau’s volonté générale71 serves as a model for this kind of logic.72 Montesquieu, whose thinking influenced the American founders,73 likewise held that the “people as a body have sovereign power” in a republic.74 Even A.V. Dicey, despite his fame as a rule of law scholar, believed that a representative legislature would “produce coincidence between the wishes of the sovereign and the wishes of the subjects.”75 It is a sovereign-subject hat trick: the ruled become the ruler, the democratic “people,” understood as a body, a “unitary macro-subject,”76 come to occupy what was once occupied by the body of the king. Carl Schmitt likewise endorsed a scrupulous identity between governed and governor - with homogenizing and fascist implications.77 For Schmitt, it was impossible to imagine a leader speaking with the voice of the people unless the people themselves first sang in perfect harmony.

There are flaws in this equation. The “people,” understood literally, cannot rule. They do not possess a primordial collective will existing outside and independent of their political institutions.78 Moreover, the entire population of a diverse community of hundreds of millions cannot be present within those institutions. Nor can that population ever find a unanimous general will, a non-controversial understanding of the common good, no matter how constrained and qualified their public reasoning or how universal and general its aspirations.79 Thus, no coherent popular will can obtain even after undertaking the decision-making processes of political institutions.80 Just as the contractual “meeting of the minds” is a legal fiction of private law,81 a popular “meeting of the minds” is a political fiction of public law. As a result, despite the democratic revolutions, the old gap between ruler and ruled remains.82 In other words, the merger between governed and governor attempted by the democratic revolutions did not remove the danger of heteronomy,83 even if the offices of government might be staffed by elected representatives and even as constitutional systems split powers and limited legal authority.84 Some (body) would wield public power, and the rest would be subject to its rules. Even Rousseau downgraded the popular sovereign to a silent, passive actor that left the actual business of governing to functionaries.85 Like the client of a travel agent, Rousseau’s democratic citizen was meant only to approve or disapprove the prepackaged plans presented by ministers.86

Lawmaking under constitutional liberal democracy is thus not a question of ascertaining the existence of some non-existent popular “will” to be left in the hands of loyal fiduciaries in government87 to carry out like mindless automatons. Nor is it comprised of the dictates of a caesarist leader purporting to speak with the unified voice of the sovereign people.88 Instead, it a question of developing transparent and accessible collective decision- making procedures that ensure that all citizens can understand themselves as equal participants in their collective ordering; that ordinary people are involved in public life and have a say in their collective destiny.89 They do not rule. Rather, they are equal players in the game of representative democracy.90

Thus, although contemporary notions of constitutional liberal democracy ascribe the highest legitimate source of authority to “the people,” they do not understand “the people” as a reified, homogenous whole with an identifiable will that pre-exists whatever governing apparatus might be laid atop it. Though “popular sovereignty” is a political fiction, it is a useful one – at least if it is used as a standard of justification and critique, not as a proper noun. It is an aspirational, regulative idea intended to depersonalize and distribute public power in a way that serves the entire community.91 It is a Kantian “as if” principle.92 Namely, if we try to think like a popular sovereign might think, if such a thing could ever exist, we will orient our public reasoning not towards our individual self-interest alone, but in terms of inclusivity, human equality and the public good.93 Because if the sovereign is a “we,” then governing involves more than the interests and preferences of single individuals. We will therefore demand that political institutions remain accountable and accessible to popular complaints. We will adopt a Weberian politics of responsibility, remembering that our decisions might inflict unforeseen costs upon others.94

This figurative idea of popular sovereignty also unlocks the closed doors of power and forces the inclusion of voices previously ignored.95 Whosoever happens to be governing at any given time, that person is not “the people” precisely because “the people” cannot ever be present. As a result, anyone denied an audience can appeal to popular sovereignty as they seek admission to political decision-making. Importantly, popular sovereignty demands, as French philosopher Claude Lefort96 notes, that this place of power remain an empty one – or at least one with a revolving door – where no body at all is permitted to rule permanently. For to fill that void would allow for a part to speak on behalf of the whole. “We the People” might become, as political theorist Nadia Urbinati notes, “Me the People.”97 It would thus force homogeneity upon plural societies as leaders with controversial viewpoints purport to represent everyone as they make and implement policy. Moreover, the usurpation of this space would undermine the depersonalization of power inherent in the idea of a fictional popular sovereign and, importantly, the rule of law and not of men.98 If the place of power remains empty because all citizens contribute in some way to lawmaking, then we can credibly claim that it is law, not our politicians, who rule.

As a result, it can be no objection to agency policymaking that it usurps authority from the popular sovereign. Because if we take popular sovereignty literally, so, too, do elected representatives. They likewise cannot logically or credibly speak with the voice of the sovereign people.99 Thus, insofar as theories of non-delegation and legislative primacy rely on an organ-body theory of popular sovereignty,100 they are misplaced. Attacks against the “technocratic” power wielded by administrative officers may likewise overstate the democratic credentials of the Congressional legislation against which such power is compared – and found wanting. Indeed, it is at least possible that administrative agencies can be made consistent with the requirements of constitutional popular sovereignty.101 Namely, the question is whether and to what extent they operate according to procedures that allow citizens to understand themselves as co-equal participants in shaping agency action. Finally, that independent administration is “headless” is not, as feared by contemporary New Deal critics, fascist or totalitarian.102 It may in fact be a necessary precondition for liberal democracy. A Leviathan with a single head with a single mouth, purporting to speak for all, can be monstrous indeed.

## CASE

### 1NC – presumption

#### Vote neg on presumption:

#### A] no reason the ballot’s key—nothing about this debate spills out of the Zoom room to solve their impex

#### B] solvency is non falsifiable—academics have written about the 1AC’s content—no reason erring the content of the 1AC in debate is key

### 1NC – Competition Good

#### Logic of competition is good – price competition connects to all our offense, but avoids investing in a totalizing social order

Coniglio, antitrust attorney in the Washington, DC office of Sidley Austin LLP, ‘20

(Joseph V., “Economizing the Totalitarian Temptation: A Risk-Averse Liberal

Realism for Political Economy and Competition Policy in a Post-Neoliberal Society,” 59

Santa Clara L. Rev. 703)

The implication of the foregoing is that the most pressing task for competition policymakers may not involve a rethinking of first principles. The principles of neoliberal competition policy may have ultimately been proven justified by an unprecedented period of economic growth, technological progress and reductions in poverty, and should presumably remain operative as long as they remain the best framework for bringing about these ends. Neither, as we have suggested, must the capitalist entrepreneur be lost in the process. The totalitarian temptation to submit to general state control of the economy-whether it be in the form of communism from below or fascism from above should be resisted so as to preserve and build upon the great prosperity Western Civilization has managed to achieve.

This statement will no doubt be highly unsatisfactory to many critics of neoliberalism who seek more fundamental and revolutionary changes. Surely, they suggest, there must be some principled basis for critiquing the neoliberal status quo with which so many are frustrated. Indeed, there very well may be, and none of the arguments in this article should be understood to the contrary. The goal of this article has been limited to a tailored defense of neoliberal principles only as they relate to competition policy, broadly understood. It does not suggest that neoliberal monetary, trade, and fiscal policies are also sound-let alone a neoliberal social order, where all the core institutions within society are organized according to the neoliberal principles of wealthmaximization, empiricism, and the rest.129 This is to say that even if neoliberalism is a sound theory as applied to the area of competition policy, neoliberal monetary policy, for example, may be problematic and a just target for contemporary critics. Similarly, claiming that competition policy should be enforced using a consumer welfare standard does not mean that all the organs of law and civil society should be oriented to maximize wealth or consumer welfare, even if this economic inquiry is nonetheless informative. 30 It is well known that several prominent neoliberals have expanded the neoliberal policy apparatus beyond the regulation of market capitalism with which antitrust is concerned to domains typically understood to be beyond a purely utilitarian purview.' 3 ' However, whatever the merits of these broader neoliberal policy programs, the competition policy baby, so to speak, should not be thrown out with the bathwater.

Consider the charge that neoliberal policies have increased wealth inequality in the United States. Some commentators attempt to link this increased inequality with a decline in competition'3 2 and, by implication, consumer welfare competition policy. Notwithstanding the interest such theories appeared to have garnered from highly distinguished economists and policymakers, such as Nobel Laureate Joe Stiglitz,133 one might alternatively consider whether increasing wealth inequality and the resultant social strife are far more a result of policies in other areas, such as monetary policy. 134 At the same time as Chicago School antitrust policy took root, the American economy began to undergo sustained expansions in the money supply and reductions in interest rates that, at least in theory, disproportionately reward the owners of financial assets, who are more likely to be wealthy. 135

Indeed, after the financial crisis, monetary policy engaged in a truly unprecedented expansion, with the Federal Reserve lowering interest rates to zero and increasing its balance sheet from approximately $900 billion before the crisis to $4.5 trillion after, most of which constituted either troublesome mortgage-backed securities or treasury bonds. 36 The share of wealth of the world's richest people roughly doubled. 37 At the same time, however, one would seem to look in vain for any shift toward an increased laissez faire competition policy during the Obama administration. Indeed, antitrust enforcement under the Obama administration arguably increased relative to the George W. Bush administration, even if only at the margins and not in the area of monopolization. 3

### 1NC – Cap K2 Poverty

#### Capitalism is essential for lifting billions out of poverty – permutation creates the most sustainable solution – neg’s indicts on poverty reduction are wrong

Smith ’21 – PhD, Assistant professor at Stony Brook University, Bloomberg Opinion Columnist

Noah Smith, 04-02-2021, "Against Hickelism," <https://noahpinion.substack.com/p/against-hickelism>

Today’s post is about global poverty reduction. Hickel’s view, [laid out in a 2019 Guardian column](https://www.theguardian.com/commentisfree/2019/jan/29/bill-gates-davos-global-poverty-infographic-neoliberal), is that global poverty has worsened over the last few decades:

What happens if we measure global poverty at…$7.40 per day, to be extra conservative? Well, we see that the number of people living under this line has increased dramatically since measurements began in 1981, reaching some 4.2 billion people today…

Take China out of the equation, and the numbers look even worse. Over the four decades since 1981, not only has the number of people in poverty gone up, the proportion of people in poverty has remained stagnant at about 60%. It would be difficult to overstate the suffering that these numbers represent.

This is a ringing indictment of our global economic system, which is failing the vast majority of humanity.

This couldn’t be more wrong, and we’ll get to why in a minute. But first I want to talk about why Hickel is pushing this argument.

Basically, Hickel believes that to accept the reality of global poverty reduction would mean to accept the triumph of capitalism:

These figures have been trotted out in the past year by everyone from [Steven Pinker](https://www.ted.com/talks/steven_pinker_is_the_world_getting_better_or_worse_a_look_at_the_numbers/footnotes) to [Nick Kristof](https://www.nytimes.com/2018/01/06/opinion/sunday/2017-progress-illiteracy-poverty.html) and much of the rest of the Davos set to argue that the global extension of free-market capitalism has been great for everyone.

There are certainly some people out there who push the narrative that global poverty reduction is a result of free-market capitalism. Pinker [does make this claim](https://whyevolutionistrue.com/2019/01/31/is-the-world-really-getting-poorer-a-response-to-that-claim-by-steve-pinker/). But Nick Kristof, in [the New York Times column that Hickel links to](https://www.nytimes.com/2018/01/06/opinion/sunday/2017-progress-illiteracy-poverty.html), certainly did not make that claim. I invite you to search the column for the words “capital”, “capitalism”, “market”, or “markets”. You will not find them in the text. In fact, Kristof does not discuss the cause of global economic progress at all. He is merely celebrating the fact of global poverty reduction, as an antidote to Trumpian pessimism; he does not venture to assert a cause. Hickel has put words in Kristof’s mouth.

Why did Hickel put words in Kristof’s mouth? Because Hickel accepts Pinker’s narrative utterly; he believes that the modern global economic system (except for China, as we’ll see) is defined by free-market capitalism. And he seems to assume that everyone else, including Kristof, believes the same.

Hickel explicitly lays out his worldview in [a 2019 letter to Pinker](https://www.jasonhickel.org/blog/2019/2/3/pinker-and-global-poverty):

But what’s really at stake here for you, as your letter reveals, is the free-market narrative that you have constructed.  Your argument is that neoliberal capitalism is responsible for driving the most substantial gains against poverty.  This claim is not supported by evidence.  Here’s why:

The vast majority of gains against poverty have happened in one region: East Asia.  As it happens, the economic success of China and the East Asian tigers – as scholars like Ha-Joon Chang and Robert Wade have pointed out – is due not to the neoliberal markets that you espouse but rather state-led industrial policy, protectionism and regulation (the same measures that Western nations used to such great effect during their own period of industrial consolidation).  They liberalized, to be sure – but they did so partially, gradually, and on their own terms.

Not so for the rest of the global South.  Indeed, these policy options were systematically denied to them, and destroyed where they already existed.  From 1980 to 2000, the IMF and World Bank imposed structural adjustment programs that did exactly the opposite: slashing tariffs, subsidies, social spending and capital controls while reversing land reforms and privatizing public assets – all in the face of massive popular resistance.

Thus Hickel believes that any success of the modern global economic system (outside China) must constitute a victory for free-market capitalism. And so to him, criticizing capitalism requires that we deny that global poverty has fallen.

But Hickel is wrong about poverty, and he is wrong about the global economic system too.

Hickel is wrong about poverty reduction

First of all, if you want to assess the change in global poverty in an ideologically neutral way, why on Earth would you exclude China? China is a fifth of the entire human race. Its reduction of poverty is one of the great success stories of humankind, and this is a thing to be celebrated, not excluded from the statistics on ideological grounds.

Second of all, even excluding China, poverty has fallen substantially in recent decades. Here, via the World Bank (which does detailed studies of consumption levels in each country), is the picture of poverty defined at the lowest level of $1.90 per day:

[Chart, line chart

Description automatically generated](https://cdn.substack.com/image/fetch/f_auto,q_auto:good,fl_progressive:steep/https%3A%2F%2Fbucketeer-e05bbc84-baa3-437e-9518-adb32be77984.s3.amazonaws.com%2Fpublic%2Fimages%2F499d5ca4-4917-44a9-8da7-7f749599fd66_1021x638.png)

As you can see, at this very low level, poverty has fallen everywhere (though it has increased in the Middle East in the last few years, due to wars.)

Now let’s look at a higher level: $5.50 a day.

[Chart, line chart

Description automatically generated](https://cdn.substack.com/image/fetch/f_auto,q_auto:good,fl_progressive:steep/https%3A%2F%2Fbucketeer-e05bbc84-baa3-437e-9518-adb32be77984.s3.amazonaws.com%2Fpublic%2Fimages%2Fe3854c10-b7af-43d8-bf49-4de5440823e7_1011x623.png)

At this higher threshold, we see that poverty has fallen everywhere, with particularly impressive gains in Latin America and the Caribbean and Europe and Central Asia. (South Asia looks like it was accelerating in the early 2000s, but the data ends early.)

So how does Hickel deny this change? Simple: He insists that both the $1.90 level and the $5.50 level are too low to think about. From his Guardian column:

Earning $2 per day doesn’t mean that you’re somehow suddenly free of extreme poverty. Not by a long shot.

Scholars have been calling for a [more reasonable poverty line](http://wer.worldeconomicsassociation.org/papers/incrementum-ad-absurdum-global-growth-inequality-and-poverty-eradication-in-a-carbon-constrained-world/) for many years. Most agree that people need a minimum of about $7.40 per day to achieve basic nutrition and normal human life expectancy, plus a half-decent chance of seeing their kids survive their fifth birthday.

In [his response to Pinker](https://www.jasonhickel.org/blog/2019/2/3/pinker-and-global-poverty) and elsewhere, Hickel also insists on a $7.40 threshold. In his Guardian column and on Twitter, he has hinted that this might be too low for him, and that perhaps we should insist on a $10 or higher threshold.

In other words, Hickel insists on thinking of poverty in terms of a single threshold. Instead of the real growth of living standards for poor people, Hickel thinks of poverty reduction in terms of the number of people who cross a single finish line. And he’s the one who gets to decide where that finish line lies.

In [a Bloomberg post in 2019](https://www.bloomberg.com/opinion/articles/2019-03-07/global-poverty-is-in-retreat-as-poor-countries-catch-up?sref=R8NfLgwS), I explained why this is not a good way to think about global poverty:

[Hickel’s] argument is both economically and morally flawed. Although higher poverty thresholds are important to look at, the lower thresholds are actually more important. A person living on less than $1.90 a day is in danger of starving to death, has no access to life-saving medical care, proper sanitation or basic education. Let's imagine her income rose to $7.39 a day. That increase would be utterly life-changing — still poor, but out of immediate danger and the grueling daily struggle just to stay alive.

But by Hickel’s accounting, this gain in income would represent no reduction in poverty, since $7.39 a day is still less than his chosen threshold of $7.40. This is reflects an analytical failure because he doesn’t appreciate one of the [basic tenets](https://www.investopedia.com/terms/l/lawofdiminishingutility.asp) of eco  
nomics — the diminishing marginal utility of consumption, meaning that the less money you have, the more each small increase matters.

Hickel [waved away this argument in a rebuttal](https://www.jasonhickel.org/blog/2019/6/14/a-response-to-noah-smith-about-global-poverty), saying “Once again, I have not argued that we shouldn’t pay attention to low-level increases in income.” Except in all his later writings, he has relentlessly refused to pay attention to those increases. Instead, he has continued to treat poverty reduction entirely as a matter of crossing a single finish line. And he continues to set that line high enough to allow him to claim that poverty hasn’t fallen — moving the goalposts, when there should be no goalposts in the first place.

But perhaps it’s not Hickel’s fault? After all, the World Bank and other data sources define poverty at various thresholds, which might suggest that there’s one “correct” threshold. Instead, what we should really do is to look at how the distribution of global income has evolved. Fortunately, the folks at Our World in Data have produced such a picture:

[Shape

Description automatically generated](https://cdn.substack.com/image/fetch/f_auto,q_auto:good,fl_progressive:steep/https%3A%2F%2Fbucketeer-e05bbc84-baa3-437e-9518-adb32be77984.s3.amazonaws.com%2Fpublic%2Fimages%2F569fb2ee-f40f-40a0-bcb4-b87aef634a16_752x1280.jpeg)

Ignore the “international poverty line” on this graph — remember, we’re looking at distributions, not thresholds — and just look at the shape here. And ignore 1800, since we’re talking about recent decades. From 1975 to 2015 you see a huge rightward movement in the income distribution, with by far the biggest change happening in Asia, but with Latin America also making substantial gains. Africa is the only region that doesn’t appear to make much progress, expanding in size while its position shifts only a little.

You also see the distribution radically change shape, from two bell curves into a single bell curve. To me, that suggests that we’re looking at a picture of decolonization. But more on that in a bit.

Anyway, Max Roser has a cool animated graphic of how this distribution changed between 1988 and 2011, with a slightly more detailed breakdown:

You can see that though China is the top performer here, India and “Other Asia” have done quite well. I keep telling everyone who will listen that [we’re all sleeping on Southeast Asia + Bangladesh](https://noahpinion.substack.com/p/checking-in-on-the-global-south). Anyway, you can also see that Latin America and Central Asia both do quite well.

A glance at this graph should be enough to disprove Hickel’s narrative that global poverty has increased (or even that it has failed to fall). The rightward shift of the income distribution is smooth and broad and more or less continuous. Africa’s relative lack of progress and the Middle East’s recent war-driven reversal are big worries, to be sure. But when we eschew Hickel’s threshold-driven approach in favor of a broader picture of living standards, we see that poverty reduction is widespread, and it is widespread outside China.

Hickel is wrong about the global economic system

Hickel is right (and Pinker is very wrong) about one big thing — Dogmatic free-market capitalism, of the [Chicago Boys](https://en.wikipedia.org/wiki/Chicago_Boys)/[Washington Consensus](https://en.wikipedia.org/wiki/Washington_Consensus)/1990s IMF variety, is not a good strategy for economic growth or poverty reduction. In [his response to my Bloomberg post](https://www.jasonhickel.org/blog/2019/6/14/a-response-to-noah-smith-about-global-poverty), Hickel bizarrely claims that I support “Washington Consensus neoliberalism” over “state-led development strategies”, but this only shows the strength of Hickel’s mistaken belief that anyone who disagrees with him must be a priest of the free market. In fact, if he had bothered to read [anything](https://twitter.com/noahpinion/status/1029783616098787328?lang=en) that [I wrote](https://www.bloomberg.com/opinion/articles/2019-08-22/industrial-policy-is-no-longer-neglected-in-economics-circles?sref=R8NfLgwS) that didn’t contain his name, Hickel [would know](https://www.bloomberg.com/opinion/articles/2016-05-26/finding-better-ideas-to-rebuild-america?sref=R8NfLgwS) that I have been a [consistent](https://www.bloomberg.com/opinion/articles/2017-12-14/u-s-could-give-exporters-a-helping-hand?sref=R8NfLgwS), relentless [supporter](https://www.bloomberg.com/opinion/articles/2018-08-20/economists-struggle-to-explain-how-poor-countries-grow-rich?sref=R8NfLgwS) of [industrial policy](https://www.bloomberg.com/opinion/articles/2019-08-28/malaysia-reveals-immigration-critic-amy-wax-s-ignorance?sref=R8NfLgwS) and the [development state](https://www.bloomberg.com/opinion/articles/2020-02-12/-parasite-oscars-say-a-lot-about-south-korea?sref=R8NfLgwS). My friend once joked that I was a neural net trained on the book [How Asia Works](https://www.amazon.com/How-Asia-Works-Joe-Studwell/dp/0802121322/ref=sr_1_1?ie=UTF8&qid=1534354467&sr=8-1&keywords=how+asia+works), since I recommend it so often.

What Hickel gets wrong is his idea that Western powers, libertarian ideology, and international institutions have conspired to keep poor countries from adopting mixed approaches to their economies. In fact, activist state policies are quite common, and have contributed substantially to the poverty reduction documented above.

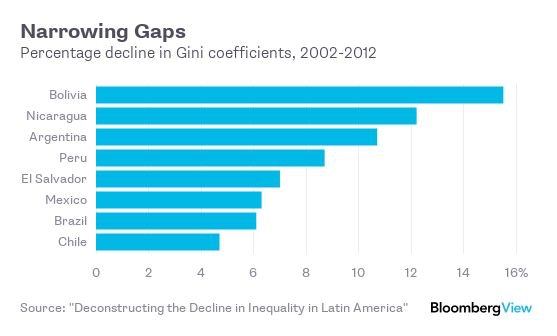
For example, take India. Dani Rodrik and Arvind Subramanian, in [a 2004 paper about India’s growth surge](https://www.imf.org/external/pubs/ft/staffp/2004/00-00/rodrik.pdf), write the following:

Most conventional accounts of India’s recent economic performance associate the pick-up in economic growth with the liberalization of 1991. This paper demonstrates that the transition to high growth occurred around 1980, a full decade before economic liberalization. We investigate a number of hypotheses about the causes of this growth—favorable external environment, fiscal stimulus, trade liberalization, internal liberalization, the green revolution, public investment—and find them wanting. We argue that growth was triggered by an attitudinal shift on the part of the national government towards a pro-business (as opposed to pro-liberalization) approach. We provide some evidence that is consistent with this argument. We also find that registered manufacturing built up in previous decades played an important role in influencing the pattern of growth across the Indian states.

In other words, India didn’t just liberalize things; it implemented its own version of a development state, and prospered as a result. The same is true of Southeast Asia, where Malaysia, Thailand, and to a lesser degree Indonesia have emerged as success stories and [have relied thoroughly](https://core.ac.uk/download/pdf/303071859.pdf) on development states and industrial policy. See Vietnam’s recent growth for another example.

In Latin America, it’s true that the Washington Consensus [slowed down structural change and productivity growth](https://rodrik.typepad.com/dani_rodriks_weblog/2010/06/the-most-telling-chart-i-have-seen-in-a-long-time.html). But that doesn’t mean Latin American governments had no role in reducing poverty. Bad advice may have held back the development state in Latin America, but governments there have engaged in extensive redistribution and better education.

A [series](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2304715) of [papers](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2226538) by Nora Lustig, Luis F. Lopez-Calva, and Eduardo Ortiz-Juarez documents these policies. Inequality in Latin American countries fell substantially during the 2000s:

[](https://cdn.substack.com/image/fetch/f_auto,q_auto:good,fl_progressive:steep/https%3A%2F%2Fbucketeer-e05bbc84-baa3-437e-9518-adb32be77984.s3.amazonaws.com%2Fpublic%2Fimages%2Ffbba456d-ebcb-423e-98ca-295239f1aaec_557x336.png)

Lustig et al. find that roughly half of this was due to government transfers and pension policies, while the other half was due to increasing incomes for workers at the bottom of the distribution — which in turn was due to better education. So Latin American governments, though they didn’t pursue the kind of manufacturing-intensive, export-led development policy used by many Asian countries, did manage to cut poverty with government action.

In fact, if there’s one country where we might make a case that liberalization and free-market capitalism did make the biggest contribution to poverty reduction, it would be — ironically — China. [Privatizing state-owned enterprises](https://www.weforum.org/agenda/2020/05/how-reform-has-made-chinas-state-owned-enterprises-stronger/) and allowing in [vast amounts of foreign investment](https://www.piie.com/sites/default/files/publications/wp/01-3.pdf) have been key to China’s growth strategy. Allowing private businesses and private land ownership, albeit sometimes under the official euphemistic names of “[township and village enterprises](https://en.wikipedia.org/wiki/Township_and_Village_Enterprises)” and “[70-year leases](https://asiatimes.com/2020/05/china-poised-for-major-property-rights-overhaul/)” on land, has also been important elements of China’s development.

Obviously China is no neoliberal paradise. But the capitalistic shift can easily be seen in the inequality statistics. In 2019, [Thomas Piketty, Li Yang, and Gabriel Zucman documented](https://www.aeaweb.org/articles?id=10.1257/aer.20170973) how private property ownership and private capital accumulation have driven Chinese inequality to levels similar to that of the U.S. When Piketty included these findings in his new book, [Capital and Ideology](https://www.amazon.com/Capital-Ideology-Thomas-Piketty/dp/0674980824), China’s government promptly [banned the book](https://www.scmp.com/economy/china-economy/article/3099460/china-censors-thomas-pikettys-book-touches-nations-growing).

So China’s massive growth leap, which Hickel holds up as a successful example of non-capitalist poverty reduction, actually coincided with a radical shift in the direction of free markets, private property, private business, and inequality.

But again, this is not to say that liberalizing one’s economy is a good strategy for reducing poverty. China continued to benefit from its development state; it [didn’t have much centrally planned industrial policy until around 2010](https://dusselpeters.com/CECHIMEX/Naughton2021_Industrial_Policy_in_China_CECHIMEX.pdf), but local governments had very strong industrial policies, while the central government worked on promoting exports and making financial and real resources available to businesses. And had China adopted the redistributionary policies of Latin America, it might not be facing such a big inequality problem right now.

The real point here is that Hickel is completely wrong to hold China up as a socialist success standing alone in a world of neoliberal failures. In fact, all the countries that have been successful at reducing poverty have adopted a mixed approach — neither free-market dogma nor command economies, but hybrid affairs with large components of both activist government and private business.

Developing countries can save themselves

So Hickel’s entire paradigm for thinking about global poverty reduction is off the mark. Poverty has indeed been falling in most of the developing world, and not because of free-market capitalism.

As for the gap between rich and poor countries, it still looms large. But in percentage terms, after growing in the 60s and 70s, that gap has [finally begun to shrink](https://noahpinion.substack.com/p/checking-in-on-the-global-south). Research shows that growth in the Global South [has accelerated since the early 1990s](https://www.cgdev.org/sites/default/files/new-era-unconditional-convergence.pdf), while the movement from global divergence to global convergence actually stretches all the way back to the [decolonization of the 1960s](https://scholar.harvard.edu/yangyou/publications/converging-convergence).

And this is really what gets me about Hickelism. It seems to envision a world that is zero-sum, or close to it, with rich countries hoovering up the riches that should be flowing to the Global South. At the same time, it envisions the countries of the Global South as being held down and held back by the Western ideology of capitalism.

This worldview simply gives the countries of the Global South far too little credit. Rather than being drained dry, they are advancing, growing their share of the global pie even as they deliver better lives to their own poorest citizens. And they’re doing it not by imbibing neoliberal nostrums from the West, but by experimenting pragmatically with a variety of different government-based and market-based policies — in Deng Xiaoping’s famous words, “crossing the river by feeling the stones”.

### 1NC – Cognitive Surplus

#### Cap and growth good – creates cognitive surplus from productivity gains that are necessary to actualize alt’s calls for equality/remedying structural violence

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Bonnie Nardi, “The Role of Human Computation in Sustainability, or, Social Progress Is Made of Fossil Fuels,” November 20, 2013, Handbook of Human Computation pp 1011-1020, <https://link.springer.com/chapter/10.1007/978-1-4614-8806-4_78>.

The Probable Future

We in the Global North enjoy historically high levels of wealth and economic security. Our present abundance seems inevitable, deserved, stable. We do not believe our lives will ever be like those of people who lived during the Great Depression, or of struggling middle and lower classes in chronically economically depressed areas of the world. Yet a sober look at economic and environmental indicators strongly suggests that we are headed for a future of decreasing abundance. The goal of this chapter is to sketch a future of economic decline and discuss how we should prioritize computational resources to prevent the erosion of social gains achieved during the 20th and 21st centuries. The argument is not about “saving the environment” or sustaining current lifestyles (which is impossible), but about sustaining and extending progressive social changes accrued during the period of industrial expansion. Human computation emerges as a positive force when collective human intelligence and technology are used together to solve problems and promote progressive changes (see Hourcade and Nathan, this volume). In this chapter, I make an argument for the likelihood of economic decline, and contend that information technology will serve an indispensable role in maintaining social progress. Technology has the capacity to help us defy historical patterns in which decline leads to regressive social trends in human relations.

Progressive change is built on what Clay Shirky calls a “cognitive surplus” (Shirky 2010). Shirky describes the cognitive surplus as abundant wealth that allows time for online participation such as crowdsourcing, writing fan fiction, game modding, and so on. But the notion of cognitive surplus is more general: wealth affords people the time and energy to do things other than meet basic needs. We have a lot of free time because our economic system is so productive. In this chapter I draw attention to one of the things some people have done with the cognitive surplus: develop and promote progressive social agendas. Some people spend their surplus watching television (up to several hours a day), but luckily for most of us, a persistent, energetic collection of various kinds of activists has been spending theirs looking out for our rights.

For most of human history, rights for workers, women, children, LGBTQ2 persons, the disabled, the aged, the ill, and minority populations were unheard of. The dominant group (usually able-bodied men of the primary race/ethnicity) simply ran things. As an anthropologist I had the opportunity during the early days of my career to live in two such societies, one in Western Samoa and the other in Papua New Guinea. These were village-based societies with low levels of literacy, practicing agriculture with hand tools. Although communities in these cultures provided close social bonds of the sort that have eroded to some degree in industrial society, and they produced beautiful art, it was also true that women had no voice in governance, the disabled were ignored or ridiculed, and people with alternate sexual orientations were devalued. “Domestic violence” was not even a linguistic category of action because hitting women and children was seen as a natural mode of discipline. Old people, unproductive in a horticultural setting, were often isolated and untended as they grew feeble and sick.

Largely during the 20th and 21st centuries, conditions changed as social activists addressed themselves to an Enlightenment agenda of progress, defined as equality for less equal groups. In industrial societies, workers and minorities were important groups for whom it was necessary to extend rights, in addition to women, the disabled, and so on.

We have not by any means solved the problems of inequality. Groups such as the mentally ill, homeless, and those addicted to drugs, are still often completely outside societal protections. We are a ways from true equality for all groups. Nonetheless, it is important that we recognize the immense progress that has been achieved. This progress is recent, tenuous, expensive to sustain, and far from stable. Looking to the future, equality is threatened in a scenario of economic decline because the cognitive surplus will be reduced as wealth is reduced. If we are economically stressed we will address ourselves to what will reasonably seem like more pressing problems such as food security, maintaining social order, providing shelter.

Is there a role for information technology in sustaining hard won gains in social equality? I believe there is. This chapter sketches probable causes for economic decline, followed by a discussion of what we know of “collapsed” societies historically, and how information technology might enable us to defy historical patterns. Both activist and technical activity will be necessary. Human computation should include using human cognitive capacity to understand how to deploy technical resources wisely, with compassion and social foresight—not only for instrumental purposes of efficiency and corporate profit. I argue that notions of human computation must, recursively, develop a clear sense of why we are using computation in the first place, understanding how it enhances human life. Vint Cerf recently called upon the ACM membership to “develop better tools and [a] much deeper understanding of the systems we invent” (2012). Cerf acknowledges that in its short history, computer science has transformed human experience, but he also notes that it has offered much less in terms of tools and practices for comprehending what it has unleashed. The call for the Handbook of Human Computation identifies “creativity, intuition, symbolic and logical reasoning” as central to human computation. These capacities derive from our lengthy sociobiological evolution from primitive humans to homo sapiens sapiens, but the speed with which we have only recently developed sophisticated information technologies along with a progressive social agenda, derive directly from the cognitive surplus.

### 1NC – Trade Good

#### Globalization solves war – expectations of future gains from trade disincentivize conflict escalation, *not* current flows

Fay 17

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It is not surprising therefore, that U.S. Treasury Secretary Steve Mnuchin nixed attempts to include language supporting free trade in a statement from a G-20 meeting in Baden-Baden, Germany. As CNN reported, while the statement included some positive words on trade, “conspicuous by its absence was the phrase ‘we will resist all forms of protectionism’ that was contained in the communiqué from the last meeting of the group in China, July 2016.” Mnuchin rejected the idea that the omission was meaningful, but the unwillingness to reaffirm American opposition to protectionism ignores that trade provides benefits beyond the global economy. Specifically, the expectation of future trade affects the likelihood of war and peace.

The connection between trade and conflict has never been as simple as early liberal theorists suggested. The idea, wrongly attributed to the nineteenth century French economist Frederic Bastiat, that “when goods don’t cross borders, soldiers will” still offers a good summation of the longstanding position that trade has pacifying effects on international politics. The logic behind the argument is compelling: the greater the extent of commercial relations between states, the less likely there will be conflict because the economic cost of war (and the lost benefits of trade) will be too high. However, history has shown that states still sometimes go to war despite high levels of economic interdependence at the time of the conflict.

In his book Economic Interdependence and War, political scientist Dale Copeland explained that it is not the current level of trade that is important to the likelihood of conflict. Rather, Copeland argues, it is the expectation of future trade that determines a state’s willingness to go to war. He writes,

In a very real way, it does not matter in the least whether past and current levels of trade and investment have been low, as long as leaders have strongly positive expectations for the future. It is their future orientation and expectations of a future stream of benefits that will likely make the leaders incline to peace. Likewise, it does not matter whether past and current levels of commerce have been high if leaders believe they are going to be cut off tomorrow or in the near future. It is their pessimism about the future that will probably drive these leaders to consider hard-line measures and even war to safeguard the long-term security of the state.

Multilateral trade has been a feature of the liberal international order developed after World War II for a reason. Postwar policymakers feared a return to the closed economic blocs of the 1930s that helped drive the world to war. It is entirely possible that the norms in favor of free trade are robust enough to withstand the absence of routine language from a statement by a meeting of the world’s finance ministers. But groups like the G-20 help set expectations about the future. Given the connection between those expectations and conflict, failing to reaffirm America’s opposition to protectionism could put the world on a dangerous path.

#### The alternative is fragmentation of the global trade order—Extinction

Drezner 16

Daniel W. Drezner, nonresident senior fellow at the Brookings Institution, professor of international politics at the Fletcher School of Law and Diplomacy at Tufts University, Five Known Unknowns about the Next Generation Global Political Economy, May 2016, <https://www.brookings.edu/wp-content/uploads/2016/07/IOS-Drezner-web-1.pdf>

All else equal, this increases the likelihood of great power conflict going forward. There have been other drivers of the decades-long reduction in militarized interstate disputes. Nuclear deterrence has helped curb violent conflict among the great powers. Multilateral peacekeeping missions mitigate small country conflicts. Even if there is a decline in interdependence, it is possible that the “Long Peace” will endure. Furthermore, it is impossible to predict the degree to which either innovations or geopolitics will lessen the need for international trade. Even technological optimists acknowledge that the future diffusion of 3D printing is unclear. Advocates of networked manufacturing insist that economic openness is a prerequisite for the process to continue.122 And the degree of geopolitical revisionism among great powers might be endogenous—that is to say, preexisting levels of globalization might constrain revisionist impulses, rather than such impulses weakening the globalized economy. If great powers resort to revisionist foreign policies, however, then the global economy will start to resemble the Cold War era of economic blocs and strategic embargoes—one in which trade and investment follow the flag rather than follow the rate of return. The increased American use of targeted financial sanctions, for example, has already generated grumblings from peer competitors about finding ways to diversify away from reliance upon the dollar.123 In 2015, China introduced its own international payment and settlements system, in part, to diversify away from reliance upon the dollar.124 The correlation of economic flows with geopolitical alliances would not just have a profound effect on cross-border flows; it would likely lead to the fragmentation of global economic governance**.** Just as significantly, great power governments would reverse post-Cold War trends and choose to allocate more scarce resources towards their militaries.

### 1NC – AT: Populism

#### No populist collapse – populism fails to advance coherent foreign policy

Rosa Balfour et al ’16, [1] Balfour: director of the Europe in the World Programme at the European Policy Centre, PhD in International Relations from the London School of Economics and Political Science, [2] Janis Emmanouilidis: political analyst, policy consultant, political scientist and Director of Studies at the European Policy Centre, [3] Heather Grabbe: director of the Open Society European Policy Institute and director of EU affairs, taught at the London School of Economics, [4] Timo Lochocki: transatlantic fellow, based in Berlin and Paris, and an expert on European party politics, lecturer on European politics at Humboldt University Berlin and Bard College Berli, [5] Cas Mudde: Associate Professor, Department of Political Science, Department of International Affairs, University of Georgia, [6] Juliane Schmidt: Junior Policy Analyst in the Europe in the World Programme, holds an M.A. in EU International Relations and Diplomacy from the College of Europe and an M.A. in European Studies from the University of Aberdeen, [7] Catherine Fieschi: Counterpoint’s Executive Director, PhD in Comparative Political Science from McGill University, [8] Christopher Hill: Dean of the Josef Korbel School of International Studies at the University of Denver, four-time ambassador, [9] Marie Mendras: research fellow with the Centre national de la recherche scientifique (CNRS) and a professor at Sciences Po University’s School of International Affairs in Paris, [10] Mari K. Niemi: Doctoral candidate, University of Tampere, [11] Corina Stratulat: Senior Policy Analyst at the European Policy Centre, Doctorate in Political and Social Sciences from the European University Institute, “Europe’s troublemakers: The populist challenge to foreign policy,” *European Policy Centre,* pgs. 49-51, http://www.epc.eu/documents/uploads/pub\_6377\_europe\_s\_troublemakers.pdf

Unlike A.J.P. Taylor's troublemakers who pioneered dissent in British foreign policy,86 on occasion leading to progressive change, contemporary European populists on both the left and right have so far shown limited transformative power in terms of their ability to determine actual policy choices. Today, their main aim seems to be to put spanners into the works of politics, tripping up mainstream politicians and undermining consensus. Most populist parties function more as a blocking force than as a source of viable alternatives.

Today's populists tend to focus on one or two issues, with opposition to European integration and immigration (as a function of their nativist and xenophobic identity) likely to remain two of the strongest drivers of right-wing populist movements, while antiglobalisation and anti-austerity positions have been given the greatest prominence in the left's arguments and political rhetoric.

Right-wing populists are currently clearly benefiting most from the generally critical situation in Europe. All these issues lie at the heart of the complex internal-external nexus, while the parties themselves tend to see them in simple black and white terms. One consequence of this tunnel vision and focus on limited issues is that the way populist parties position themselves on other foreign policy matters is subordinate to their main concerns and may be guided by opportunistic motives.

This has several implications. The formation of populist parties' positions on foreign policy issues will depend on how particular topics relate to their core ideology and to the political calculations of the moment. While they are likely to be more consistent on their core issues, they may use others tactically (UKIP, for example, is not against trade, but opposes TTIP because it is the EU's responsibility to negotiate with the US). On 'second order' issues, populists may be more willing to compromise if need be. On military intervention abroad, experience has shown that right-wing parties tend to interpret their principles more flexibly, whereas on the left there is a strong commitment to pacifism. In general, beyond their core issues, the unpredictability of populist parties' positions on a wide range of international matters will cloak foreign policy-making in increasing uncertainty.

Populists often have a hold over mainstream politicians and governments, especially when they touch on deep cords in societies. UKIP would not have such a prominent role in shaping the debate on 'Brexit' had there not been a deep-rooted ambivalence in British society towards EU membership. Other populist parties' Eurosceptic stances have been less successful in terms of actual policy results, although they have raised the possibility of 'domino' referenda. While populists now have a disproportionate influence on the debate over the refugee influx and migration issues in general, on other issues mainstream parties and governments have managed to push back the populist challenge. The Eurozone crisis was certainly inflamed by populist rhetoric, but neither left- nor right-wing populists, whether in government or not, succeeded in delivering on their declared objectives. The consensus on austerity was not broken by left-wing populists, but rather by the centre-right breaking electoral pledges by agreeing to a third Greek bailout. However, the language used to frame the discussion on these issues adopted some of the populists' inflammatory vocabulary and tone.

EU policy towards Russia is another clear example where, despite long-standing and deep divisions among member states and within European societies (and calculated efforts by the Russian propaganda machine to deepen those divisions), EU governments have managed to maintain unprecedented unity on sanctions in response to the conflict in Ukraine. On issues of war and peace, populists have thus far had little influence, although they could play a role in determining how national resources (defence, development aid) are spent, especially given their prominence in the migration and refugee debate.

The US is a frequent target of the populists, used as a scapegoat on many issues – from blaming Washington for the refugee influx to fuelling fears about unrestricted global trade – but populists are not alone in criticising the US. Trade issues such as the TTIP negotiations are vulnerable to populist influence partly because they are divisive for mainstream political parties too. Here, the latter could choose either to form tactical alliances with the populists or clearly differentiate themselves from populist positions, shunning and outnumbering them.

The seemingly simple solutions to complex international and domestic challenges offered up by populists disrupt politics and hamper policy-making rather than producing viable alternatives. As expected, the examples examined in this paper show there is no clear pattern of influence and impact: this varies across policy areas and national contexts, in light of differences in circumstances and the different weights and roles of populist parties in each country.

At the EU level, the interlinking of the national and European political arenas has become the norm, as has a greater sense of drama in the EU-domestic debate, involving all political actors, not just the populists. The European arena is also providing populists with the opportunity to confront, study or learn from each other, enhancing transnational dynamics of influence, encouraging the use of similar vocabularies (such as references to Christianity in opposition to Islam) and copy-cat campaigns on key issues, such as the potential domino effect of demanding referenda on EU-related issues. This 'adaptation technique' can play to the populists' advantage, as they can learn from the successes (and failures) of their counterparts in other member states. At the same time, their influence in the European Parliament has been limited by their inability to form effective alliances and their scant interest in shaping policy. Until now, the domestic political arena has been their natural environment, the place where they are best able to stir controversy, although national debates obviously affect the political discourse and decision-making processes in Brussels.

Despite their successes in opinion polls and in attracting media attention, it remains unlikely that populists will win power in many more governments in the EU in the foreseeable future. And even when they do enter coalition governments, they have in practice generally conformed with mainstream opinion on foreign policy issues rather than catalysing a clear change of direction. The examples examined in this paper show that populists do have influence, but the political choices that are made eventually cannot be attributed simply to this. The interaction between the role of populist parties in shaping public opinion and foreign policy outcomes is usually filtered through the (mostly mainstream) parties in government and the extent to which they perceive the issue to be susceptible to populist sentiment. In other words, the way in which populists frame issues shapes the way in which governments react.

### 1NC – Sustainability

#### Cap is sustainable – reject their pessimistic fear mongering

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Ronald. March 12. “Climate Change Problems Will Be Solved Through Economic Growth” <https://reason.com/blog/2018/03/12/climate-change-problems-will-be-solved-t>

"It is, I promise, worse than you think," David Wallace-Wells wrote in an infamously apocalyptic 2017 New York Magazine article. "Indeed, absent a significant adjustment to how billions of humans conduct their lives, parts of the Earth will likely become close to uninhabitable, and other parts horrifically inhospitable, as soon as the end of this century."

The "it" is man-made climate change. Temperatures will become scalding, crops will wither, and rising seas will inundate coastal cities, Wallace-Wells warns. But toward the end of his screed, he somewhat dismissively observes that "by and large, the scientists have an enormous confidence in the ingenuity of humans....Now we've found a way to engineer our own doomsday, and surely we will find a way to engineer our way out of it, one way or another."

Over at Scientific American, John Horgan considers some eco-modernist views on how humanity will indeed go about engineering our way out of the problems that climate change may pose. In an essay called "Should We Chill Out About Global Warming?," Horgan reports the more dynamic and positive analyses of two eco-modernist thinkers, Harvard psychologist Steven Pinker and science journalist Will Boisvert.

In an essay for The Breakthrough Journal, Pinker notes that such optimism "is commonly dismissed as the 'faith that technology will save us.' In fact, it is a skepticism that the status quo will doom us—that knowledge and behavior will remain frozen in their current state for perpetuity. Indeed, a naive faith in stasis has repeatedly led to prophecies of environmental doomsdays that never happened." In his new book, Enlightenment Now, Pinker points out that "as the world gets richer and more tech-savvy, it dematerializes, decarbonizes, and densifies, sparing land and species." Economic growth and technological progress are the solutions not only to climate change but to most of the problems that bedevil humanity.

Boisvert, meanwhile, tackles and rebuts the apocalyptic prophecies made by eco-pessimists like Wallace-Wells, specifically with regard to food production and availabilty, water supplies, heat waves, and rising seas.

"No, this isn't a denialist screed," Boisvert writes. "Human greenhouse emissions will warm the planet, raise the seas and derange the weather, and the resulting heat, flood and drought will be cataclysmic. Cataclysmic—but not apocalyptic. While the climate upheaval will be large, the consequences for human well-being will be small. Looked at in the broader context of economic development, climate change will barely slow our progress in the effort to raise living standards."

Boisvert proceeds to show how a series of technologies—drought-resistant crops, cheap desalination, widespread adoption of air-conditioning, modern construction techniques—will ameliorate and overcome the problems caused by rising temperatures. He is entirely correct when he notes, "The most inexorable feature of climate-change modeling isn't the advance of the sea but the steady economic growth that will make life better despite global warming."

Horgan, Pinker, and Boisvert are all essentially endorsing what I have called "the progress solution" to climate change. As I wrote in 2009, "It is surely not unreasonable to argue that if one wants to help future generations deal with climate change, the best policies would be those that encourage rapid economic growth. This would endow future generations with the wealth and superior technologies that could be used to handle whatever comes at them including climate change." Six years later I added that that "richer is more climate-friendly, especially for developing countries. Why? Because faster growth means higher incomes, which correlate with lower population growth. Greater wealth also means higher agricultural productivity, freeing up land for forests to grow as well as speedier progress toward developing and deploying cheaper non–fossil fuel energy technologies. These trends can act synergistically to ameliorate man-made climate change."

Horgan concludes, "Greens fear that optimism will foster complacency and hence undermine activism. But I find the essays of Pinker and Boisvert inspiring, not enervating....These days, despair is a bigger problem than optimism." Counseling despair has always been wrong when human ingenuity is left free to solve problems, and that will prove to be the case with climate change as well.

#### No imminent collapse – capitalism’s malleability and policy solutions ensure it weathers all crises

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Martin Lausegger, “The Future of Capitalism: Technological Progress, Block Chains and Karl Marx,” *OxPol* (blog), October 1, 2017, <https://blog.politics.ox.ac.uk/the-future-of-capitalism-technological-progress-block-chains-and-karl-marx/>.

Despite this, Marx’s prophecy is unlikely to be fulfilled. On the one hand, he took a teleological model of change that holds that a state of affairs nurtures its opposite, and that from the violent clash between the two a completely new state of affairs bursts into existence. However, the idea that changes happens in evolutionary and not revolutionary fashion seems to better describe societal change. Marx underestimated the adaptability of capitalism. Social systems can absorb challenges, tweak practices, learn from the past and come up with novel solutions to problems, especially when threatened by radical alternatives. For instance, in the late 19th century, as the influence of socialism and communism in Europe rose, Otto von Bismarck introduced the foundations of the modern welfare state, in order to reduce their influence in Germany (Valocchi, 1990). Like in the past, new policy innovations are currently being explored to find new ways to deal with the social pressure resulting from the increasing obsolescence of manual labour, as can be seen in the experimenting with Universal Basic Income in Finland. On the other hand, Marx did not account correctly for the effect of increases in productivity caused by durable technological progress. The Industrial Revolution saw both wages and living standards rise, which lowered the pressure for revolutionary change and served as a counterweight to the process of accumulation of private capital. Similarly, block-chains and artificial intelligence are expected to increase productivity significantly.

While technological progresses will lead to new social pressures, new policy innovations such as Universal Basic Income might serve as counterweights. It is true that many jobs will be replaced by technology, however it is also true that a range of new jobs is going to be created. Two decades ago nobody would have expected the emergence of jobs including app developers, data scientists or Instagram influencers. While certain jobs will disappear, newly created ones will require a different set of skills, put a premium on creativity, problem solving skills and the ability to connect with people. Marx’s revolution, then, will not materialise in the 21st century. Despite this, the future of capitalism, as its past, will lead to new socio-economic consequences and the continued transformation of employment, modes of production and societal structure.

### 1NC – Computation

#### No alt to markets – central planners can’t process data – we should make them more democratic instead of rejecting them

Posner and Weyl 18 – Eric A. Posner is Kirkland and Ellis Distinguished Service Professor of Law and Arthur and Esther Kane Research Chair at the University of Chicago. E. Glen Weyl is an economist and researcher at Microsoft Research New England.

Eric A. Posner and E. Glen Weyl, “Epilogue: After Markets?” *Radical Markets: Uprooting Capitalism and Democracy for a Just Society*, Princeton University Press 2018, Epub (email [arg5180@gmail.com](mailto:arg5180@gmail.com) for relevant text).

Markets as Miracles

As we saw in chapter 1, many economists who were committed to the market economy also considered themselves “socialists.” Yet in the early twentieth century, socialism became identified with central planning, thanks to the role of Marxism and the French Revolution in inspiring and justifying the economic policies of the Soviet Union. Central planning also received a boost from World War I, where national control of the economy for the purpose of war production was more successful than advocates of laissez-faire could ever have imagined. This led to a heated debate about whether central planning should be used in peacetime as well.

In the popular imagination, central planning could not succeed because it provided individuals with no incentives to work. People needed the prospect of riches, or at least wages, to get them out of bed in the morning. Yet incentives were quite strong in the Soviet Union, stronger, in many ways, than they are in capitalist countries. While there was less chance under Communism to grow rich, any prisoner of the Gulag knew the fate of those who “malingered.”

Another popular argument against central planning was advanced by Nobel Laureate Friedrich Hayek in 1945. Hayek argued that no central planner could obtain information about people’s tastes and productivity necessary to allocate resources efficiently.1 The genius of the market was the way that the price system could, in disaggregated fashion, collect this information from everyone and supply it to those who needed to know it, without the involvement of a government planning board.

A related version of this argument, less well-known than Hayek’s but actually more compelling, was made a few decades earlier. The brilliant economist Ludwig von Mises argued that the fundamental problem facing socialism was not incentives or knowledge in the abstract but communication and computation.2 To see what Mises meant, consider an illustrative parable proposed by Leonard Read in his 1958 essay, “I, Pencil.” 3

Read tells the “life story” of a pencil. Such a simple thing, one would at first think. And yet as you begin to reflect, you realize the enormously complex layers of thought and planning it would require to make a pencil from scratch. The wood must be chopped, cut, shaped, polished, and honed. The graphite must be mined, chiseled, and shaped. The ferrule—the collar that connects the wood shaft and the eraser—is an alloy of dozens of metals, each of which must be mined, melted, combined, and reformed. And so forth.

Yet what is most remarkable about the pencil is not its complexity but the complete lack of understanding that anyone involved in the manufacture of the eventual pencil has about any of these steps in the process. The lumberjack knows only that there is a market for his wood and some price that induces her to buy the needed tools, cut down trees, and sell lumber down the line of production. The lumberjack may never even know that the wood is used for a pencil. The pencil factory owner knows only where to purchase the needed intermediate materials and how to run a line assembling them. The knowledge and planning of the pencil’s creation emerge organically from the process of market relations.

Now suppose that we were to try to replicate the market relationships with a central planning board. The board would determine how much wood to chop and when, the number of workers to employ at each stage of production, the correct places and times to produce, ship, and build. Yet, to do this effectively the board would have to understand a great many things. It would have to learn from each of these specialized producers the unique knowledge of her domain of expertise that allows her to earn a living—for example, whether the lumber would have a more valuable use elsewhere in the economy (to build houses or ships or children’s toys) than as an input for pencils. Absorbing all this information and constantly receiving and processing the necessary updates to keep abreast of evolving conditions in each of these steps of the process, would overwhelm the capacity of even the most skilled managers.

And even if the board somehow had an unlimited capacity to absorb this information, it would still have the unmanageable problem of trying to act on this sea of data. Prices, supply and demand, and production relations in markets arise through a complex interplay of individuals each helping to optimize a tiny part of a broad social process. If, instead, a single board had to plan this entire dance, it would force a small number of individuals to contemplate an endless sequence of choices and plans. Such elaborate calculations are beyond the capacity of even the most brilliant group of engineers.

Mises wrote decades before the rise of the fields of computer science and information theory and lacked any way to formalize these intuitive ideas. Many of Mises’s arguments were dismissed by mainstream economists, whose increasingly narrow mathematical approach to the field Mises disdained. Mises’s critics, including Oskar Lange, Fred Taylor, and Abba Lerner, argued that the market mechanism was but one of many ways (and far from the most efficient way) to organize an economy. They viewed the economy purely mathematically, rather than computationally, and saw no difficulty in principle with solving a (very large) system of equations relating the supply and demand of various goods, resources, and services.

In a simplified picture of the economy, ordinary people perform dual functions as producers (workers, suppliers of capital, etc.) and consumers. As consumers, people have preferences regarding different goods and services. Some people like chocolate, others like vanilla. As producers, they have different talents and capacities. Some people are good at doing math, others at mollifying angry customers. In principle, all we need to do is figure out people’s preferences and their talents, and assign jobs to people who do them best, while distributing the value created by production in the form of goods and services that people really want. Rewards and penalties need to be determined to give people incentives to reveal their preferences and talents, and to ensure that they actually do what they are supposed to do. All of this can be represented mathematically and solved. That’s why socialist economists viewed the economy as a math problem the solution of which only required a computer.

Yet the later development of the theory of computational and communication complexity vindicated Mises’s insights. What computational scientists later realized is that even if managing the economy were “merely” a problem of solving a large system of equations, finding such solutions is far from the easy task that socialist economists believed. In an incisive computational analysis of central planning, statistician and computer scientist Cosma Shalizi illustrates how utterly impossible “solving” a modern economy would be for a central planning board. As Shalizi notes in his essay, “In the Soviet Union, Optimization Problem Solves You,” the computer power it takes to solve an economic allocation problem increases more than proportionately in the number of commodities in the economy.4 In practical terms, this means that in any large economy, central planning by a single computer is impossible.

To make these abstract mathematical relationships concrete, Shalizi considers an estimate by Soviet planners that, at the height of Soviet economic power in the 1950s, there were about 12 million commodities tracked in Soviet economic plans. To make matters worse, this figure does not even account for the fact that a ripe banana in Moscow is not the same as a ripe banana in Leningrad, and moving it from one place to the other must also be part of the plan. But even were there “merely” 12 million commodities, the most efficient known algorithms for optimization, running on the most efficient computers available today, would take roughly a thousand years to solve such a problem exactly once. It can even be proven that a modern computer could not achieve even a reasonably “approximate” solution—and, of course, today there are far more goods, services, transport choices, and other factors that would go into the problem than there were in the Soviet Union in the 1950s. Yet somehow the market miraculously cuts through this computational nightmare.

Markets as Parallel Processors

But all of this raises a question. If the problem is so hard to solve, how is it possible for the market to solve it? Consider Lange’s quote from our epigraph.5 The market is just a set of rules enforced by the government—not much different from a computer algorithm, although a very complex one. It’s true that no single person invented the market. Yet the rules of the market are well understood, and economists are constantly telling people to implement them. Imagine that a new country is created, and its leaders ask a western economist how best to create an economy. The economist will tell them how to set up a market—the rules of contract and property law, for example. (Indeed, economists have been running around the halls of government of developing countries and the floors of start-ups for decades doing just this.) Aren’t the economists just supplying a kind of computer program to the leaders, who by implementing it are engaging in a style of centralized planning?

To understand how the market solves the “very large system of equations,” you need to know the key ideas of distributed computing and parallel processing. In these systems, complicated calculations that no one computer could perform are divided into small parts that can be performed in parallel by a large number of computers distributed across different geographic locations. Distributed computing and parallel processing are best known for their role in the development of “cloud computing,” but their greatest application has gone unnoticed: the market economy itself.

While the human brain is wired differently from a computer, computational scientists estimate that a single human mind has a computational capacity roughly ten times greater than the most powerful single supercomputer at the time of this writing.6 The combined capacity of all human minds is therefore tens of billions of times greater than this most powerful present-day computer. The “market” is then in some sense a giant computer composed of these smaller but still very powerful computers. If it allocates resources efficiently, it does so by harnessing and combining their separate capacities.

Adopting this perspective, we must ask how the market is “programmed” to achieve this outcome. The economy consists of a variety of resources and human capacities at a range of locations, along with a system for transmitting data about these resources among individual human beings. A standard approach in parallel processing is to take information local to one location in, say, a picture or puzzle and assign this to one processor, integrating these inputs on still other processors in a hierarchical fashion. Now apply this image to the economy. In every place, we take one of the computers (humans) available to us and assign it to collect information about that location’s needs and resources and report some parsimonious “compressed” summary of all that data to other computers. For example, there might be a hierarchical arrangement of computers, with those responsible for particular locations on the ground reporting to a higher “layer” that integrates local areas and then upward from there.

Consider the following example. A person works on a farm and is in charge of ensuring that the farm is productive and that her family is happy. This person sends information about the farm and her family, not in its full richness and complexity, but in broad strokes, to district managers. One manager specializes in understanding the resources that farms need to operate—seeds, fertilizer— while another understands the resources that people living on farms need in order to be happy, including food and clothing. These managers would then aggregate these data and convey them to the next layer, perhaps a national wheat distributor or a regional supplier of products for use on farms. At every level of this chain, some information would need to be lost for the parallel processing to remain parallel and tractable: the farm manager could not detail every way in which a slightly better paved road would help in conveying goods to market or how slightly cleaner water would protect her crops. But at least she could report the largest and most important needs and hope that the loss of information only slightly reduces the efficiency of the resulting solution.

This arrangement has a flavor of central planning but also resembles a market economy. People specialize in different parts of the production chain and operate under limited information, yet are able to coordinate their behavior because the information takes a certain form. While people are experts on local conditions, they know little about economic conditions elsewhere. They know that grain prices are high and tractor prices are low, but not why this is the case. When they buy a tractor or sell grain, they don’t tell the vendor or purchaser their life story, all the conditions on their farm, and so forth. They just place an order or offer so much grain at the going price.

This “price system” thus greatly simplifies communication between different parts of the economy. In fact, economists have shown that prices are the minimum information that a farmer needs to plan her operations effectively. So long as every important way that the farm could benefit or draw down resources from the outside world has a price attached to it, this is all the information the farmer needs to make economic decisions. Any greater information would be a waste, from a purely economic efficiency perspective, though it might be interesting from time to time to develop personal relationships. Conversely, if these prices were not available, there would be no way for a farmer to know whether it pays to use new tractors or rely instead on more labor, nor would she know how many seeds to plant for next season. The farmer without such prices could easily produce too little or waste resources on a tractor that could be better used for more labor, seed, or even consumption.

In this sense, prices are the “minimum” information necessary for rational economic decision-making.7 No other system of distributed computing can be equally productive and yet require less communication.

Markets elegantly exploit distributed human computational capacity. In doing so they allocate resources in ways that no present computer could match. Von Mises was right that central planning by a group of experts cannot replace the market system. But his argument was mistakenly taken as implying that the market is “natural” rather than a human-created program for managing economic resources. In fact, there is nothing natural about market institutions. Human beings create markets—in their capacity as judges, legislators, administrators, and even private business people who frequently set up organizations that create and manage markets.

Markets are powerful computers, but whether they produce the greatest good or not depends on how they are programmed. We advocate “Radical Markets” because we believe that in the present stage of technological and economic development, when cooperation has grown too large to be managed by moral economies, the market is the appropriate computer to achieve the greatest good for the greatest number. If we see it as such, we can fix the bugs in the market’s code and enable it to generate more wealth that is distributed more fairly.

By sharpening our understanding of the role and value of markets, the computational analogy clarifies our claim that the solutions we propose are based on extending the reach of markets. The COST on wealth radicalizes markets as it puts greater responsibility on individuals to articulate their values and gives them greater ability to claim things they value highly. QV does the same in the political sphere. Our ideas on migration give individuals more scope for determining the best path for where they live and work. Our proposals on antitrust and data valuation break up centralized power and place greater responsibility on individuals and small firms to compete, innovate, and make rational economic choices to allow for the distributed computation of optimal economic allocations. But all these proposals raise the question: if the market is just a computer program that harnesses the power of individual human intellects, will it still be necessary as computer power increases?

### 1NC – CCS

#### Market is key to CCS

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(Emma Foehringer Merchant, “Can Updated Tax Credits Bring Carbon Capture Into the Mainstream?,” February 22, 2018, <https://www.greentechmedia.com/articles/read/can-updated-tax-credits-make-carbon-capture-mainstream>)

Among the energy credits tucked inside the budget deal eked out in early February lies a controversial measure: carbon capture and sequestration (CCS) credits designed to push the technology from the clean energy margins toward the mainstream.

For years the technology has divided environmentalists and many working in the energy industry, even as some researchers argued for its essentiality in a decarbonized world. Now, modifications to an existing credit called Section 45Q offer more money per ton of carbon dioxide captured and remove a cap on how much plants can store.

“These changes to the tax code and the enhancements of the 45Q tax credit will absolutely make the difference between a whole bunch of projects being financed and a whole bunch of projects not making it,” said Julio Friedmann, formerly of the Department of Energy’s Office of Fossil Energy, and now a distinguished associate at the Energy Futures Initiative and CEO of Carbon Wrangler, LLC.

The changes extend tax credits to carbon capture projects constructed over the next six years. Projects formerly received $10 for each ton of carbon captured and used for enhanced oil recovery and $20 for each ton captured and put “in secure geological storage” underground. The new credit bumps those sums to $35 and $50, respectively. It also eliminates a pre-existing annual volumetric cap of 75 million tons of carbon dioxide.

Taken together those adjustments reduce risk for developers and make CCS projects more viable, according to Jesse Jenkins, a researcher at the Massachusetts Institute of Technology Energy Initiative.

Jenkins said carbon capture has been stuck in a negative feedback loop: high cost barriers to entry prevented companies from pushing forward on innovation, which in turn prevented the technology from getting cheaper.

“The biggest obstacle is that carbon is a free pollutant. We don’t charge for carbon dioxide pollution, so there’s no direct financial incentive for a power plant to want to capture its CO2,” Jenkins said. “Without a clear financial upside, there’s very little reason for companies to pursue that risky technology development.”

Credit where credit is due

That’s where tax credits come in. Supporters of carbon capture say a little boost should help nudge the technology to where it can be profitable on its own.

“The reality of any technology development, particularly in the energy space, is it's very difficult to move technologies into the marketplace without some sort of push,” said Walker Dimmig, spokesperson for NET Power, a company now testing carbon capture technology at its natural gas plant in Texas. “The energy marketplace is incredibly competitive.”

That’s why supporters of carbon capture argue the technology deserves the same type of support that helped now-mainstream and cost-competitive technologies like wind and solar.

Based on work at DOE’s Office of Fossil Energy and National Energy Technology Lab, the technology for carbon capture projects has existed in the U.S. for years. But according to Friedmann -- aside from some money in the 2009 stimulus package -- the funding did not.

In recent decades, carbon capture watchers initially expected prices to fall and technology to improve. Instead, wind and solar ran away with significant price declines while CCS advancement largely idled.

Matt Lucas, associate director of carbon capture, utilization and storage technology at the Center for Carbon Removal, called the updated credits a “pull” mechanism directly analogous to the Investment Tax Credit and the Production Tax Credit. In that sense, he said, “this is pretty revolutionary.”

Others see it as a form of the derided activity known as “picking winners.” Daniel Cohan, a professor of environmental engineering at Rice University, said a carbon tax would be more appropriate to let all technologies compete.

“One concern that I have with these tax credits is that they specifically incentivize one option to cleaner energy: carbon capture with fossil fuels,” said Cohan. “That gives it a competitive advantage against renewable energy options that might cut emissions even [more].”

Many advocates, though, see the credits as a leveling of the playing field. Jenkins called it a “technology-neutral market pull” to bring carbon capture projects to the fore.

Whether it yields the same results as other clean energy tax credits, Cohan said, will decide “whether carbon capture is ready for primetime.”

Proponents suspect it is.

“I would consider this program a success if after six years we have one or more turnkey carbon capture solutions that are relevant in industry or power generation,” said Jenkins. “I think that’s likely to be the case, given our experience with tax credits in other industries.”

Big flops and game-changers

Even with past economic headwinds, several power generating plants have stepped into the carbon capture market as early entrants, with mixed results.

Last year Mississippi and Southern Company shut down the carbon capture portion of the Kemper Plant, an integrated gasification combined cycle project that was billions of dollars over budget and years behind schedule. The project was designed to capture carbon dioxide emissions from lignite coal and received millions of dollars in federal government subsidies. The plant now burns just natural gas.

“That was a big flop that’s really set the industry back,” said Cohan.

NRG Energy and JX Nippon Oil & Gas Exploration completed their post-combustion capture Petra Nova plant with more success. It opened in 2016, on time and on budget. That project tacked carbon capture onto an existing coal power plant outside Houston. Geography gave Petra Nova an economic advantage: Captured carbon brings in additional revenue by being utilized in enhanced oil recovery at a nearby oil field operated by Hilcorp Energy Company.

The NET Power plant in Texas, a joint venture of Exelon Corporation, CB&I and 8 Rivers Capital, uses yet another type of technology. Dimmig said carbon capture is “inherent to the plant’s design,” which is still in early testing. It uses carbon dioxide produced in combustion to drive turbines at the plant rather than steam.

Though Dimmig said the updates to 45Q will likely help the plant, he said NET Power’s goal is to create a technology that was economic with or without support.

“We never wanted to be developing a technology where policy is an absolute requirement,” he said.

So far, the “game-changer” system looks to be cheap and efficient. If the company can perfect it, Dimmig said 45Q will help with financial support in building out future commercial-scale plants.

Abroad, Jenkins said 45Q could also make an impact on power generation. While adding carbon capture to older U.S. coal plants may remain relatively uneconomic, countries like South Africa, China and Indonesia have a fleet of young, critical coal plants unlikely to retire in the near term.

If U.S. companies can capitalize on carbon capture innovation, Friedmann said it may “create an export technology” as countries look to reduce emissions while maintaining those plants.

#### Carbon capture is necessary to reach emissions targets – we’ve gone past core tipping points and can’t decarbonize in time absent CCS

Moniz 19 - 13th Secretary of Energy (2013 to 2017) and is the founder and CEO of the Energy Futures Initiative

Fredd Krupp is president of the Environmental Defense Fund, Ernest Moniz, “Cutting Climate Pollution Isn’t Enough — We Also Need Carbon Removal,” Text, TheHill, September 23, 2019, <https://thehill.com/opinion/energy-environment/462609-cutting-climate-pollution-isnt-enough-we-also-need-carbon-removal>.

It has been almost four years since the Paris climate agreement was signed. But as leaders gather in New York this week for the United Nations Climate Change Summit, the world remains far off track from meeting the Paris objective of limiting global warming to well below 2 degrees Celsius -- and pursuing efforts at 1.5 degrees.

To meet that target, the world must achieve a 100 percent clean economy — one that produces net zero emissions, or no more climate pollution than can be removed from the atmosphere — soon after mid-century, with the United States and other advanced economies reaching that milestone no later than 2050. It’s a daunting but doable task.

The consequences of falling short are enormous. This year, the U.S. government’s fourth National Climate Assessment documented the huge economic and social impacts of unchecked warming. The Pentagon has repeatedly warned of the impacts on national security and our troops.

Achieving a 100 percent clean economy will require a swift transition to renewables and other zero-carbon energy sources. But we also need to face the reality that meeting the Paris target will require taking carbon out of the atmosphere at massive scale. In part, that’s because eliminating emissions will be very challenging for some sectors, especially the transportation industry and agriculture. Removing carbon from the atmosphere would also bring concentrations down, helping to stabilize the climate at safer levels. So, the push for clean energy must be supplemented by a suite of technologies known as carbon dioxide removal (CDR).

It is not a question of what we’d prefer. It’s a question of insurmountable math.

The crucial role carbon removal must play is becoming more widely recognized. The 2018 Intergovernmental Panel on Climate Change report stressed the importance of carbon removal, and the U.S. National Academies of Sciences, Engineering and Medicine late last year estimated that ten billion tons of CO2 will need to be pulled from the atmosphere annually by 2050, and double that by 2100. For context, today’s global emissions are less than 40 billion tons per year. If the 10 billion tons of CO2 from CDR were stored underground, that would be roughly double the world’s annual oil production.

The good news is that there are a surprisingly large number of promising pathways for carbon dioxide removal. Nature-based approaches include reforestation and forest management as well as agricultural practices that increase carbon stored in soils. Some of the attendant challenges include competition for land and permanence of the carbon sequestration.

Technological approaches include direct air capture — machines that actually suck carbon from the air — and technologically-enhanced natural processes, such as plants genetically modified with deep roots to fix carbon in the soil; enhanced mineralization, which uses certain reactive rocks to bind with carbon from the air; and accelerated ocean uptake in phytoplankton. These technologies are immature and require considerable research, development and demonstration to ensure viability and affordability at very large scale.

Despite the urgency, there is no dedicated federal effort to develop these crucial technologies; existing programs are piecemeal and largely focused on sequestering emissions from industrial and electricity generating sources.

The National Academies recommended the rapid establishment of a robust, focused, scalable and accelerated federal research program spanning the Departments of Energy and Agriculture, the National Oceanic and Atmospheric Administration and the National Science Foundation, among others. Such a program would encompass the full range of technological pathways that can remove CO2 from the environment. ‘’Clearing the Air,’’ an analysis of CDR’s value and a proposed plan to deploy it, has been completed by the Energy Futures Initiative. Over the next decade, the program scale would be about a billion dollars a year.

Carbon dioxide removal is not a magic bullet. We must do everything we can to deploy innovative low- and zero-carbon methods to generate electricity, heat homes, fuel vehicles, and power industry, creating new economic opportunities in the process. Tackling the climate crisis also requires placing a declining limit and a price on carbon pollution, as well as a significant increase in energy technology innovation and deployment across the board.

But CDR is also not a “Plan B.” It is a critical part of any “Plan A” for climate, a necessary complement to emission reduction. It can provide more flexibility and optionality in policy planning, which could ease the transition to a carbon-neutral economy while minimizing transition costs and providing greater assurance that science-based climate goals can be met in a timely manner. It would eventually enable a net negative global economy that could bring the atmospheric carbon concentrations down — and global temperatures with it.

We have delayed meaningful action for far too long. As a result, the scale and urgency of the challenge is such that we cannot simply work on doing better in the future. We need to correct what we did in the past. Carbon removal is the enabler.

#### The impacts to warming are linear - CCS is the only method of preventing catastrophic tipping points – all other options require impossible global societal transformation

Wells 19

(David Wallace-Wells is a National Fellow with the New America Foundation and is a deputy editor of New York Magazine, “The Cautious Case for Climate Optimism Believing in a comfortable future for our planet probably means some giant carbon-sucking machines,” New York Magazine, February 4, 2019, http://nymag.com/intelligencer/2019/02/book-excerpt-the-uninhabitable-earth-david-wallace-wells.html)

It’s not too late. In fact, it never will be. Whatever you may have read over the past year — as extreme weather brought a global heat wave and unprecedented wildfires burned through 1.6 million California acres and newspaper headlines declared, “Climate Change Is Here” — global warming is not binary. It is not a matter of “yes” or “no,” not a question of “fucked” or “not.” Instead, it is a problem that gets worse over time the longer we produce greenhouse gas, and can be made better if we choose to stop. Which means that no matter how hot it gets, no matter how fully climate change transforms the planet and the way we live on it, it will always be the case that the next decade could contain more warming, and more suffering, or less warming and less suffering. Just how much is up to us, and always will be.

A century and a half after the greenhouse effect was first identified, and a few decades since climate denial and misinformation began muddying our sense of what scientists do know, we are left with a set of predictions that can appear falsifiable — about global temperatures and sea-level rise and even hurricane frequency and wildfire volume. And there are, it is true, feedback loops in the climate system that we do not yet perfectly understand and dynamic processes that remain mysterious. But to the extent that we live today under clouds of uncertainty about the future of climate change, those clouds are, overwhelmingly, not projections of collective ignorance about the natural world but of blindness about the human one, and they can be dispersed by human action. The question of how bad things will get is not, actually, a test of the science; it is a bet on human activity. How much will we do to forestall disaster and how quickly?

These are the disconcerting, contradictory lessons of global warming, which counsels both human humility and human grandiosity, each drawn from the same perception of peril. There’s a name for those who hold the fate of the world in their hands, as we do — gods. But for the moment, at least, many of us seem inclined to run from that responsibility rather than embrace it. Or even admit we see it, though it sits in front of us as plainly as a steering wheel. That climate change is all-enveloping means that it targets us all and that we must all share in the responsibility so we do not all share in the suffering — at least not share in so suffocatingly much of it.

Since I first began writing about climate a few years ago, I’ve been asked often whether I see any reason for optimism. The thing is, I am optimistic. But optimism is always a matter of perspective, and mine is this: No one wants to believe disaster is coming, but those who look, do. At about two degrees Celsius of warming, just one degree north of where we are today, some of the planet’s ice sheets are expected to begin their collapse, eventually bringing, over centuries, perhaps as much as 50 feet of sea-level rise. In the meantime, major cities in the equatorial band of the planet will become unlivable. There will be, it has been estimated, 32 times as many extreme heat waves in India, and even in the northern latitudes, heat waves will kill thousands each summer. Given only conventional methods of decarbonization (replacing dirty-energy sources like coal and oil with clean ones like wind and solar), this is probably our best-case scenario. It is also what is called — so often nowadays the phrase numbs the lips — “catastrophic warming.” A representative from the Marshall Islands spoke for many of the world’s island nations when he used another word to describe the meaning of two degrees: genocide.

You do not need to contemplate worst-case scenarios to be alarmed; this best-case scenario is alarming enough. Two degrees would be terrible, but it’s better than three, at which point Southern Europe would be in permanent drought, African droughts would last five years on average, and the areas burned annually by wildfires in the United States could quadruple, or worse, from last year’s million-plus acres. And three degrees is much better than four, at which point six natural disasters could strike a single community simultaneously; the number of climate refugees, already in the millions, could grow tenfold, or 20-fold, or more; and, globally, damages from warming could reach $600 trillion — about double all the wealth that exists in the world today. We are on track for more warming still — just above four degrees by 2100, the U.N. estimates. So if optimism is always a matter of perspective, the possibility of four degrees shapes mine.

It is unlikely, I think, that we reach four degrees this century. But this is what it would take to stay under two: a comprehensively decarbonized economy, a perfectly renewable energy system, a reimagined system of agriculture, perhaps even a planet without meat-eaters. We also need overhauls of the world’s transportation systems and infrastructure. Every year the average American emits enough carbon to melt 10,000 tons of ice in the Antarctic ice sheets — enough to add 10,000 cubic meters of water to the ocean. Every minute, we each add five gallons.

If the task of reversing all that seems incomprehensibly big, it is. The scale of the technological transformation required ~~dwarfs~~[surpasses] every technological revolution ever engineered in human history, including electricity and telecommunications and even the invention of agriculture 10,000 years ago. By definition, it dwarfs them, because it contains all of them — every single sector needs to be rebuilt from the foundation, since every single one breathes on carbon like it’s a ventilator. In October, the U.N.’s Intergovernmental Panel on Climate Change warned that the world has only a dozen years to halve its carbon emissions to safely avoid two degrees of warming and all those “catastrophic” impacts.

Is it possible? The short answer is, technically speaking, maybe — though just maybe. But speaking practically, and politically, is another matter.

Let’s consider the tools at hand. First: a carbon tax. The very same day the IPCC released its “Doomsday” report, the Nobel Prize in economics was awarded to William Nordhaus, who pioneered the economic study of climate change and is known today primarily for having championed the idea of carbon pricing. The premise is simple: Legislate a high enough cost on the stuff and the market will respond by producing less, then eventually none, of it. It is also an appealing proposition to those who don’t want to see the economy truly upended; to those who trust that market forces will deliver the outcomes they are predicted to; to those who believe that the world would trust action on climate only if it came for free or, better yet, with economic benefits; and to those who believe that action would otherwise involve, invariably, a trade-off — that climate action of any meaningful scale would be expensive, probably too expensive for any growth-minded country to countenance.

Over the past several years, there has been a raft of papers showing that the intuitive terms of that bargain are backward: Faster action on climate will save or gain the world enormous amounts of money ($26 trillion in potential growth by just 2030, according to one estimate; those $600 trillion in damages avoided by the end of the century, according to another). But the labor involved in such a transformation makes it seem burdensome anyway, and so the hope of the market solving the problem on its own — with the help of just a little incentive-setting — has prevailed, at least among a certain set.

In January, 45 economists described by Bloomberg as both “an all-star lineup” and the world’s “economic brain trust” united behind the cause of a gradually increasing carbon tax, though they did not name their starting price, which is a crucial variable. For his part, Nordhaus has identified pricing for an “optimal” scenario: between $35 and $229 per ton of CO2, a tax that, by his own estimate, could result in 3.5 degrees Celsius of warming by 2100. That is 1.5 degrees warmer than that island-nation “genocide.”

A carbon tax is hypothetical for Americans, which may be one reason they tend to be optimistic about it. But there are already, today, many places with existing carbon pricing — South Korea, Japan, the E.U. None of their emissions are declining fast enough to meet a goal of two degrees, according to the carbon-watchdog site Climate Action Tracker. It is conceivable, even probable, that at much higher levels of taxation, the impact would be clearer. But as Jay Inslee, the governor of bright-green Washington State, which tried and failed to enact such a tax in 2018, recently put it, “To actually get carbon savings, you have to jack up the price so high that it becomes politically untenable.”

The longer we wait, the steeper the declines will have to be. If the world as a whole had begun decarbonization in the year 2000, when Al Gore collected half a million more votes in the presidential election than George W. Bush, emissions would have had to fall by 3 percent per year to achieve climate stability at two degrees; if we begin now, we will have to cut them by 10 percent each year; if we wait another decade, the cuts will be enormous, 30 percent per year, to even hope for warming levels below “genocide.” Last year, Nordhaus’s own nephew Ted wrote in Foreign Affairs that the dream of keeping the world under two degrees of warming, under any approach, was simply naïve.

The carbon tax is the solution favored by business. On the left, another possible approach has emerged: massive public investment and public works, both directed toward replacing dirty energy sources with clean ones and producing, along the way, an entirely renewable economy. In other words, the Green New Deal.

The term may seem like a response to our very present tense of climate panic, but it has bounced around for a while. It was used by Van Jones, Obama’s green-jobs adviser, in 2008 and formed the centerpiece of Jill Stein’s 2012 and 2016 campaigns, not that too many people took note. This year, under that same banner, Alexandria Ocasio-Cortez has rallied an astonishing level of political and policy energy around it — Cory Booker and Kamala Harris and Elizabeth Warren have already endorsed the plan, and many of their fellow aspiring nominees will surely follow. Their endorsements were for only a set of goals, as the proposal was still being hammered into legislation when they attached their support. The initial concept offered only one extremely ambitious goal — decarbonizing the American economy entirely by 2030 — and a number of other commitments that have excited many on the left whose political priorities may not be so climate-focused. That is: to use the economic stimulus of green-energy investment “to virtually eliminate poverty in the United States and to make prosperity, wealth, and economic security available to everyone participating in the transformation.”

These proposals are worthy, invigorating, and — believe it or not — popular. I’m all for them. Unfortunately, they are also, on their own, not enough. As a strategy of avoiding that same threshold of two degrees of warming, the investments of a Green New Deal are what logicians call “necessary but insufficient.”

This is not a reflection of the modesty of the legislation, which is not at all modest — in fact, it is perhaps the most ambitious bill put forward in congress in three quarters of a century. It is simply a reflection of the scale of the challenge. In its report, the IPCC compared the transformation required to stay safely below two degrees to the mobilization of World War II. That mobilization was unprecedented in human history and has never been matched since. That time, there was a draft, a nationalization of industry, widespread rationing: The entire American nation turned single-mindedly toward the relevant threat, as did the entire Russian nation — and the two of them, almost inconceivably, in retrospect, allied. That is the kind of mobilization the sober-minded scientists of the world believe is necessary today — to get to half of our current emissions by 2030. Is it possible? Well, just about anything is possible, as the total mobilization of the nation in World War II shows you. But it recently took New York City 45 years to build three new stops on a single subway line.

And if such a Green New Deal transformation within the U.S. were possible, it would affect only one country in the world, a country producing only 15 percent of global emissions. This is the second reason the Green New Deal is, on its own, insufficient. Last year, China was responsible for more than a quarter of emissions — and that figure does not account for any of the massive infrastructure projects the country is undertaking across Asia and Africa as part of its “Belt and Road” initiative to remake highways and ports and airports throughout those continents. If the cement industry were a country, it would be the world’s third-largest emitter, and China is now pouring more concrete in a span of three years than the United States poured during the entire 20th century.

Climate action does not just take place within nations but between them. Here too the hurdles are monumental. We have not yet really begun to consider the ways in which climate change will shape and distort our global politics — bringing carbon budgets into the architecture of trade agreements and peace treaties, reshaping rivalries between nations by literally reshaping their geographies, introducing in the face of drowning nations and uninhabitable cities in the poorest parts of the world the matter of climate reparations and the question of just who will pay. But the way our present politics is shaping our climate policy is already clear enough.

The Paris climate accords, signed nearly a decade after the Great Recession, seemed to mark the end of the long era of technocratic, neoliberal globalism. And yet, as a multilateral treaty negotiated on the principle of positive-sum cooperation, it reflects those values in almost every way. Distressingly, it also reflects the failures of those values. Just two years in, no major industrial nation in the world but India is on track to keep warming below two degrees.

In some places, government action is being lapped by market forces. In America, for instance, coal production is projected to fall faster than was predicted if Obama’s Clean Power Plan were enacted (which it wasn’t). Over the past 25 years, the cost per unit of renewable energy has fallen so far that you can hardly measure today’s price using the same scales (since just 2009, for instance, solar-energy costs have fallen more than 80 percent). But over that same 25 years, the proportion of global energy use derived from renewables has not grown at all, which means that, billions of dollars and thousands of dramatic breakthroughs later, the planet is in some ways no further in its “green-energy revolution” than it was when hippies were affixing solar panels to their geodesic domes. In fact, less far along, because the market has not responded to these developments by retiring dirty-energy sources and replacing them with clean ones. It has responded by simply adding the new capacity to the same system. To the market, this is growth; to human civilization, it is suicide. In 2003, Kan Caldeira of the Carnegie Institution found that the world would need to add clean-power sources equivalent to the full capacity of a nuclear plant every single day between 2000 and 2050 to avoid catastrophic climate change. In 2018, James Temple of MIT’s Technology Review surveyed our progress; he found that the world was on track to complete the necessary energy revolution in 400 years.

That gap yawns so wide it could swallow whole civilizations, and indeed threatens to. Into it has crawled the dreams of those extraordinary technological fixes: If we can’t rebuild the entire infrastructure of the modern world soon enough to save it from self-destruction, perhaps we can at least buy ourselves some time by artificially cooling off the planet or maybe sucking some of its toxic fumes out of the air. If that seems too sci-fi for you, you are not alone; in 2018, Nature dismissed all such scenarios as “magical thinking.”

But if, today, you want to believe in climate hope — want to believe the planet can stay below two degrees of warming — it means believing in something more fanciful than decarbonization and clean energy. No matter how quickly we take action, and no matter how aggressively, the goal of a stable climate is functionally out of reach by any conventional method. We can implement the most aggressive climate policy yet conceived, doubling or even tripling the most ambitious decarbonization proposals being put forward today by the world’s greenest leaders, and we will still need some “magic.” Probably a whole lot of it.

The most promising variety of this magic is “negative emissions”: taking carbon out of the atmosphere. Once a last-ditch, if-all-else-fails strategy, negative emissions has recently been built into nearly all climate-action goals. This is a chilling fact, which almost nobody outside the climate world appreciates: Just about every plausible scenario for avoiding catastrophic change is built on these technologies, which we are only now beginning to test. Of 400 IPCC emissions models that land us below two degrees Celsius, 344 feature negative emissions, most of them significantly. The ones that don’t rely on negative emissions all require such sharp and immediate emissions drops it is hard to believe they could be produced by any policy on the table today. On your chalkboard, you can draw whatever carbon-emissions curve you’d like, but keeping the world safely under two degrees by conventional decarbonization alone probably means policies like an immediate ban on all new internal-combustion engines and much of the world’s heavy industry being suddenly shuttered or redirected by fiat.

What is more of a fantasy — that scenario or the “magical thinking” of negative emissions? Because it promises a sort of global extension on the project of decarbonization, that magical thinking has also been described as the ultimate moral hazard. It is. But the math tells us negative emissions is also a last, best, hope.

### 1NC – No Transition

#### Degrowth transition is impossible – lack of support, consumption habits, and elite power domination

Burch-Hansen 18

(Hubert Buch-Hansen, Department of Business and Politics, Copenhagen Business School, “The Prerequisites for a Degrowth Paradigm Shift: Insights from Critical Political Economy,” Ecological Economics, Volume 146, April 2018, pp. 157-163)

Political projects do not become hegemonic just because they embody good ideas. For a project to become hegemonic, (organic) intellectuals first need to develop the project and a constellation of social forces with sufficient power and resources to implement it then needs to find it appealing and struggle for it. In this context, it is worth noting that degrowth, as a social movement, has been gaining momentum for some time, not least in Southern Europe. Countless grassroots' initiatives (e.g., D'Alisa et al., 2013) are the most visible manifestations that degrowth is on the rise. Intellectuals – including founders of ecological economics such as Nicholas Georgescu-Roegen and Herman Daly, and more recently degrowth scholars such as Serge Latouche and Giorgos Kallis – have played a major role in developing and disseminating the ideas underpinning the project. A growing interest in degrowth in academia, as well as well-attended biennial international degrowth conferences, also indicate that an increasing number of people embrace such ideas.

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 anti-market 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.

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### 2NC – TVA

#### Here’s a solvency advocate that explicitly says this is topical and connects to the 1AC’s theory of power

Vaheesan 19 – Policy Counsel at the Open Markets Institute. Former regulations counsel at the Consumer Financial Protections Bureau.

Sandeep Vaheesan, “Accommodating Capital and Policing Labor: Antitrust in the Two Gilded Ages,” *Maryland Law Review*, vol. 78, no. 4, 2019, pp. 816-825, https://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=3832&context=mlr.

IV. How Remaking Antitrust Law Could Help End the New Gilded Age

Congress, the antitrust agencies, and federal courts should restore the original anti-monopoly, pro-worker vision for the antitrust laws. For much of their history, these laws had a pro-capital, anti-worker orientation. Notwithstanding this record, these laws can be reoriented to police capital and accommodate labor in accord with the intent of Congress. In passing these laws, Congress aimed to curtail the power of capital and also preserve space for workers to organize. 392 The antitrust agencies and federal courts should reject the ahistorical and deficient efficiency paradigm and embrace the political economy framework of the sponsors of the antitrust laws. Specifically, they need to reinterpret antitrust to restore competitive market structures and limit the power of large businesses over consumers, producers, rivals, and citizens. Along with imposing checks on the power of large businesses, Congress, the agencies, and the courts must preserve freedom of action for workers acting in concert.

New statutes and executive and judicial reinterpretation of antitrust law, in accord with congressional intent, would help remedy many economic and political injustices in the United States today. Monopoly and oligopoly appear to contribute to a host of societal ills. These include increased inequality, 393 diminished income for workers 394 and other producers, 395 and declining business formation. 396 At the same time, protecting workers' collective action against antitrust challenges would create more space for workers to organize and claim a fairer share of income and wealth. 397 Restoring antitrust law to its original goals would likely produce a more just and equitable society. Although no means a panacea for what ails the United States, antitrust law should be part of a broader social democratic agenda that reduces the yawning inequalities in wealth and power today. 398

Reinterpreting and reviving antitrust law will require new legislation from Congress, 399 a radical remaking of the federal antitrust agencies and the courts, or some combination of both. Congress, the DOJ, the FTC, and the courts would have to undo a thick accretion of pro-business, anti-worker case law and guidelines. 400 The current Supreme Court and the Trump administration are, if anything, likely to entrench the consumer welfare antitrust that failed consumers and workers, to continue to tolerate the abuses of monopolies and monopsonies, and to deploy antitrust against the powerless. 401 Yet, administrations and the composition of the Supreme Court are not destined to remain the same.

Already signs of progress are clear. Along with bills on strengthening antitrust in Congress, a number of members of Congress and candidates for Congress are making antitrust a centerpiece of their agenda. 402 At least on the Democratic side, antitrust and anti-monopoly appear likely to be important themes in the contest to be the party's presidential nominee in 2020. And if and when an administration committed to the revival of antitrust and control of corporate power is elected, it would have an opportunity to pursue a different course on antitrust through both appointments to the federal antitrust agencies and to the judiciary. In relying on the executive branch and the courts, the conservative reinterpretation - and retrenchment - of antitrust offers one model for reviving the field. 403 And even in the near term, litigation can yield important advances. Some lower courts appear receptive to reinvigorating or at least honoring mid-century precedents the Supreme Court has not overruled. 404

A. Confronting the Power of Capital

A reinterpretation of the antitrust laws needs to be founded on the political economy embodied in the legislative histories of the principal antitrust laws. The Congresses that enacted these statutes were not concerned with narrow economics or some abstract notion of competition. Instead, they sought to control the power of the new monopolies and trusts that dominated the American political economy. They had a broad conception of the power of large-scale enterprise and considered - and condemned - the trusts' power over consumers, producers, competitors, and citizens. 405 A review of the legislative histories reveals economic and political ideas that are consonant with popular concerns about corporate power today. 406

Permissive merger and monopoly policy resulted in a highly concentrated industrial structure. 407 Numerous sectors across the economy became more concentrated over the past two decades. 408 A few examples are illustrative. In the airline industry, the number of major carriers declined from nine to four since 2005. 409 Two duopolies dominate railroads - one east of the Mississippi and one west of it. 410 The wireless industry has four major players, 411 with AT&T and Verizon accounting for approximately seventy percent of market share by revenue. 412 In agriculture, concentration increased dramatically in markets throughout the supply chain, starting with inputs such as fertilizer and seeds through processing of farmers' crops, livestock, and poultry and food retailing. 413 Most local labor markets in the United States, and in rural areas in particular, are highly concentrated (as defined by the Horizontal Merger Guidelines) 414 and have become more concentrated since the 1970s. 415

Consumer welfare antitrust failed even on consumer welfare grounds. In metropolitan areas across the country, hospital mergers created highly concentrated markets for hospital services and contributed to higher costs in health care. 416 John Kwoka has shown that the antitrust agencies often failed to challenge mergers that had subsequent anticompetitive effects (higher short-term consumer prices). 417 Furthermore, Kwoka found that merger remedies, especially behavioral remedies, often failed to preserve competition. 418 Other research has also shown that increased market concentration contributes to higher consumer prices. 419

The failures of consumer welfare antitrust become even clearer when a broader set of economic and political interests are examined. Higher consumer prices are one manifestation of business power but only one and arguably not the most important one. Concentration in labor and product markets contributes to lower wages. 420 Just from a consumer angle, dominant online platforms, with their huge troves of user data and lack of effective competition, pose serious threats to personal privacy. 421 Companies that control infrastructure that support a range of activity, whether they are the electric grid or a search engine monopoly, have the power to shape large swaths of the economy over time. 422

The economic power of large business can also translate into great political power. 423 Empirical research found that big business exercises disproportionate influence over the political system. 424 John Browne, the former CEO of oil and gas giant BP, explained the nexus between economic power and political power. In an interview with The Wall Street Journal in 2003, he described how BP's size gives it political power:

We do get the seat at the table because of our scope and scale. Whether we are the second or the third largest (oil) company is of very little import, but we're certainly up there and we operate in places which are important to the United States government, and the United States government is important to us... . We have large numbers of employees in the United States. That's very important in a political system. And they are highly concentrated. So we have a very significant presence in Texas, Illinois, Alaska, California. These are important because our employees are voters. 425

Economic power extends beyond influence over politicians, regulators, and other public officials. Comcast and Google illustrate this hegemonic power. These giants use their power and wealth to shape the terms of debate through financial support for academics and non-profit organizations, including organizations with otherwise progressive reputations. 426 In their funding of academics and think tanks, these companies are representative of large-scale capital, rather than outliers. Large businesses outside telecommunications and technology also use their wealth and power to manipulate the parameters of public discussion, 427 including by attempting to discipline critical voices. 428

Current legal standards fail to provide a check on the prerogatives of large businesses and do not even protect consumers from the burden of monopoly and oligopoly. Antitrust legal standards, such as the rule of reason and the analytically comparable Horizontal Merger Guidelines, impose onerous burdens on plaintiffs challenging anticompetitive conduct and call for complicated, speculative inquiries into whether a business practice or merger led to or will likely lead to consumer harm in the near term. 429 These standards ensure plaintiffs rarely win and help protect monopolistic and oligopolistic domination of markets. 430 Largely quantitative analysis, likely defective even for the consumer welfare standard, 431 cannot do justice to the qualitative manifestations of business power identified in the legislative histories of the Sherman, Clayton, and FTC Acts. 432 These standards cannot protect the open markets or the American political system from private business power. And these standards, by elevating complexity over simplicity, favor well-heeled interests who can afford to retain the most expensive lawyers and consultants - the monopolies and oligopolies themselves. 433

To limit the power of large corporations, Congress, the antitrust agencies, and the courts must embrace clear rules and presumptions and reject the prevailing rule of reason approach. The Supreme Court once recognized the importance of rules in antitrust law and the unworkability of complicated standards. 434 For antitrust enforcement to be effective and efficient, per se rules and presumptions of illegality must become the default in antitrust law. 435 At present, rules are the norm only for price fixing and similar forms of horizontal collusion. 436 Per se rules or presumptions of illegality should govern a range of conduct that threatens structurally competitive markets. Conduct that carries this competitive threat includes horizontal and vertical mergers in concentrated markets and predatory pricing, exclusive dealing, and tying by monopolists and near-monopolists. Under these presumptions, certain firm conduct would be illegal unless the business could present credible business justifications.

#### Another card that proves antitrust is compatible with their side of the library.

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.

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.

## Case

### 1NR

#### COVID has exposed capitalism’s major crises but reforms thru existing institutions can make it sustainable – not an abandonment of current economic systems

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(Mariana Mazzucato, 4-1-2020, "Coronavirus and capitalism: How will the virus change the way the world works?," World Economic Forum, https://www.weforum.org/agenda/2020/04/coronavirus-covid19-business-economics-society-economics-change)

This triple crisis has revealed several problems with how we do capitalism, all of which must be solved at the same time that we address the immediate health emergency. Otherwise, we will simply be solving problems in one place while creating new ones elsewhere. That is what happened with the 2008 financial crisis. Policymakers flooded the world with liquidity without directing it toward good investment opportunities. As a result, the money ended up back in a financial sector that was (and remains) unfit for purpose.

Capitalism is facing at least three major crises. A pandemic-induced health crisis has rapidly ignited an economic crisis with yet unknown consequences for financial stability, and all of this is playing out against the backdrop of a climate crisis that cannot be addressed by “business as usual.” Until just two months ago, the news media were full of frightening images of overwhelmed firefighters, not overwhelmed health-care providers.

The COVID-19 crisis is exposing still more flaws in our economic structures, not least the increasing precarity of work, owing to the rise of the gig economy and a decades-long deterioration of workers’ bargaining power. Telecommuting simply is not an option for most workers, and although governments are extending some assistance to workers with regular contracts, the self-employed may find themselves left high and dry.

Worse, governments are now extending loans to businesses at a time when private debt is already historically high. In the United States, total household debt just before the current crisis was $14.15 trillion, which is $1.5 trillion higher than it was in 2008 (in nominal terms). And lest we forget, it was high private debt that caused the global financial crisis.

Unfortunately, over the past decade, many countries have pursued austerity, as if public debt were the problem. The result has been to erode the very public-sector institutions that we need to overcome crises like the coronavirus pandemic. Since 2015, the United Kingdom has cut public-health budgets by £1 billion ($1.2 billion), increasing the burden on doctors in training (many of whom have left the National Health Service altogether), and reducing the long-term investments needed to ensure that patients are treated in safe, up-to-date, fully staffed facilities. And in the US – which has never had a properly funded public-health system – the Trump administration has been persistently trying to cut funding and capacity for the Centers for Disease Control and Prevention, among other critical institutions.

On top of these self-inflicted wounds, an overly “financialized” business sector has been siphoning value out of the economy by rewarding shareholders through stock-buyback schemes, rather than shoring up long-run growth by investing in research and development, wages, and worker training. As a result, households have been depleted of financial cushions, making it harder to afford basic goods like housing and education.

The bad news is that the COVID-19 crisis is exacerbating all these problems. The good news is that we can use the current state of emergency to start building a more inclusive and sustainable economy. The point is not to delay or block government support, but to structure it properly. We must avoid the mistakes of the post-2008 era, when bailouts allowed corporations to reap even higher profits once the crisis was over, but failed to lay the foundation for a robust and inclusive recovery.

This time, rescue measures absolutely must come with conditions attached. Now that the state is back to playing a leading role, it must be cast as the hero rather than as a naive patsy. That means delivering immediate solutions, but designing them in such a way as to serve the public interest over the long term.

For example, conditionalities can be put in place for government support to businesses. Firms receiving bailouts should be asked to retain workers, and ensure that once the crisis is over they will invest in worker training and improved working conditions. Better still, as in Denmark, government should be supporting businesses to continue paying wages even when workers are not working – simultaneously helping households to retain their incomes, preventing the virus from spreading, and making it easier for businesses to resume production once the crisis is over.

Moreover, bailouts should be designed to steer larger companies to reward value creation instead of value extraction, preventing share buybacks and encouraging investment in sustainable growth and a reduced carbon footprint. Having declared last year that it will embrace a stakeholder value model, this is the Business Roundtable’s chance to back its words with action. If corporate America is still dragging its feet now, we should call its bluff.

When it comes to households, governments should look beyond loans to the possibility of debt relief, especially given current high levels of private debt. At a minimum, creditor payments should be frozen until the immediate economic crisis is resolved, and direct cash injections used for those households that are in direst need.

And the US should offer government guarantees to pay 80-100% of distressed companies’ wage bills, as the UK and many European Union and Asian countries have done.

It is also time to rethink public-private partnerships. Too often, these arrangements are less symbiotic than parasitic. The effort to develop a COVID-19 vaccine could become yet another one-way relationship in which corporations reap massive profits by selling back to the public a product that was born of taxpayer-funded research. Indeed, despite US taxpayers’ significant public investment in vaccine development, the US Secretary of Health and Human Services, Alex Azar, recently conceded that newly developed COVID-19 treatments or vaccines might not be affordable to all Americans.

We desperately need entrepreneurial states that will invest more in innovation – from artificial intelligence to public health to renewables. But as this crisis reminds us, we also need states that know how to negotiate, so that the benefits of public investment return to the public.

A killer virus has exposed major weaknesses within Western capitalist economies. Now that governments are on a war footing, we have an opportunity to fix the system. If we don’t, we will stand no chance against the third major crisis – an increasingly uninhabitable planet – and all the smaller crises that will come with it in the years and decades ahead.

#### No resource shortages – tech prevents every scenario

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Ronald. February 16. “Is Degrowth the Only Way to Save the World?” <https://reason.com/blog/2018/02/16/is-degrowth-the-only-way-to-save-the-wor>

Unless us folks in rich countries drastically reduce our material living standards and distribute most of what we have to people living in poor countries, the world will come to an end. Or at least that's the stark conclusion of a study published earlier this month in the journal Nature Sustainability. The researchers who wrote it, led by the Leeds University ecological economist Dan O'Neill, think the way to prevent the apocalypse is "degrowth."

Vice, pestilence, war, and "gigantic inevitable famine" were the planetary boundaries set on human population by the 18th-century economist Robert Thomas Malthus. The new study gussies up old-fashioned Malthusianism by devising a set of seven biophysical indicators of national environmental pressure, which they then link to 11 indicators of social outcomes. The aim of the exercise is to concoct a "safe and just space" for humanity.

Using data from 2011, the researchers calculate that the annual per capita boundaries for the world's 7 billion people consist of the emission of 1.6 tons of carbon dioxide per year and the annual consumption of 0.9 kilograms of phosphorus, 8.9 kilograms of nitrogen, 574 cubic meters of water, 2.6 tons of biomass (crops and wood), plus the ecological services of 1.7 hectares of land and 7.2 tons of material per person.

On the social side, meanwhile, the researchers say that life satisfaction in each country should exceed 6.5 on the 10-point Cantril scale, that healthy life expectancy should average at least 65 years, and that nutrition should be over 2,700 calories per day. At least 95 percent of each country's citizens must have access to good sanitation, earn more than $1.90 per day, and pass through secondary school. Ninety percent of citizens must have friends and family they can depend on. The threshold for democratic quality must exceed 0.8 on an index scale stretching from -1 to +1, while the threshold for equality is set at no higher than 70 on a Gini Index where 0 represents perfect equality and 100 implies perfect inequality. They set the threshold for percent of labor force employed at 94 percent.

So how does the U.S. do with regard to their biophysical boundaries and social outcomes measures? We Americans transgress all seven of the biophysical boundaries. Carbon dioxide emissions stand at 21.2 tons per person; we each use an average of 7 kilograms of phosphorus, 59.1 kilograms of nitrogen, 611 cubic meters of water, and 3.7 tons of biomass; we rely on the ecological services of 6.8 hectares of land and 27.2 tons of material. Although the researchers urge us to move "beyond the pursuit of GDP growth to embrace new measures of progress," it is worth noting that U.S. GDP is $59,609 per capita.

On the other hand, those transgressions have provided a pretty good life for Americans. For example, life satisfaction is 7.1; healthy life expectancy is 69.7 years; and democratic quality stands at 0.8 points. The only two social indicators we just missed on were employment (91 percent) and secondary education (94.7 percent).

On the other hand, our hemisphere is home to one paragon of sustainability—Haiti. Haitians breach none of the researchers' biophysical boundaries. But the Caribbean country performs abysmally on all 11 social indicators. Life satisfaction scores at 4.8; healthy life expectancy is 52.3 years; and Haitians average 2,105 calories per day. The country tallies -0.9 on the democratic quality index. Haiti's GDP is $719 per capita.

Other near-sustainability champions include Malawi, Nepal, Myanmar, and Nicaragua. All of them score dismally on the social indicators, and their GDPs per capita are $322, $799, $1,375, and $2,208, respectively.

The country that currently comes closest to the researchers' ideal of remaining within its biophysical boundaries while sufficient social indicators is...Vietnam. For the record, Vietnam's per capita GDP is $2,306.

"Countries with higher levels of life satisfaction and healthy life expectancy also tend to transgress more biophysical boundaries," the researchers note. A better way to put this relationship is that more wealth and technology tend to make people happier, healthier, and freer.

O'Neill and his unhappy team fail drastically to understand how human ingenuity unleashed in markets is already well on the way toward making their supposed planetary boundaries irrelevant. Take carbon dioxide emissions: Supporters of renewable energy technologies say that their costs are already or will soon be lower than those of fossil fuels. Boosters of advanced nuclear reactors similarly argue that they can supply all of the carbon-free energy the world will need. There's a good chance that fleets of battery-powered self-driving vehicles will largely replace private cars and mass transit later in this century.

Are we about to run out of phosphorous to fertilize our crops? Peak phosphorus is not at hand. The U.S. Geological Survey (USGS) reports that at current rates of mining, the world's known reserves will last 266 years. The estimated total resources of phosphate rock would last over 1,140 years. "There are no imminent shortages of phosphate rock," notes the USGS. With respect to the deleterious effects that using phosphorus to fertilize crops might have outside of farm fields, researchers are working on ways to endow crops with traits that enable them to use less while maintaining yields.

O'Neill and his colleagues are also concerned that farmers are using too much nitrogen fertilizer, which runs off fields into the natural environment and contributes to deoxygenated dead zones in the oceans, among other ill effects. This is a problem, but one that plant breeders are already working to solve. For example, researchers at Arcadia Biosciences have used biotechnology to create nitrogen-efficient varieties of staples like rice and wheat that enable farmers to increase yields while significantly reducing fertilizer use. Meanwhile, other researchers are moving on projects to engineer the nitrogen fixation trait from legumes into cereal crops. In other words, the crops would make their own fertilizer from air.

Water? Most water is devoted to the irrigation of crops; the ongoing development of drought-resistant and saline-tolerant crops will help with that. Hectares per capita? Humanity has probably already reached peak farmland, and nearly 400 million hectares will be restored to nature by 2060—an area almost double the size of the United States east of the Mississippi River. In fact, it is entirely possible that most animal farming will be replaced by resource-sparing lab-grown steaks, chops, and milk. Such developments in food production undermine the researchers' worries about overconsumption of biomass.

And humanity's material footprint is likely to get smaller too as trends toward further dematerialization take hold. The price system is a superb mechanism for encouraging innovators to find ways to wring ever more value out less and less stuff. Rockefeller University researcher Jesse Ausubel has shown that this process of absolute dematerialization has already taken off for many commodities.

After cranking their way through their models of doom, O'Neill and his colleagues lugubriously conclude: "If all people are to lead a good life within planetary boundaries, then the level of resource use associated with meeting basic needs must be dramatically reduced." They are right, but they are entirely backward with regard to how to achieve those goals. Economic growth provides the wealth and technologies needed to lift people from poverty while simultaneously lightening humanity's footprint on the natural world. Rather than degrowth, the planet—and especially its poor people—need more and faster economic growth.

#### Physical limits to growth are irrelevant – we can inevitably combine resources in new ways to check all impacts

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While few people would go as far as to compare population growth and the concomitant increase in consumption to “the creed of a cancer cell,” as Ehrlich did, many people continue to feel uneasy about overpopulation and overconsumption. These concerns have deep historical roots and may have been justified at a time when human and animal worlds were more similar than they are today. Back then, a sudden increase in population really could lead to overconsumption of resources, starvation, and death.79

Today’s world, however, is very different from that analyzed by Aristotle or Malthus. As American writer Jonah Goldberg put it in a recent book chronicling human progress, “Almost everything about modernity, progress, and enlightened society emerged in the last 300 years. If the last 200,000 years of humanity were one year, nearly all material progress came in the last 14 hours.”80

It is, in fact, much more difficult to compile a list of measures by which the world is worse off today than it was before science, reason, and humanism made us all healthier, better fed, safer, richer, and even happier.81 We are also much better educated, though old habits, such as our propensity toward pessimism, refuse to go away. Hence Simon’s Rule, which states that “As population increases, the timeprice of most commodities will get cheaper for most people, most of the time. Unfortunately, most people will assume the opposite.”

Simon’s revolutionary insights with regard to the mutually beneficial interaction between population growth and availability of natural resources are counterintuitive, but they are real. The world is a closed system in the way that a piano is a closed system. The instrument has only 88 notes, but those notes can be played in a nearly infinite variety of ways. The same applies to our planet. The Earth’s atoms may be fixed, but the possible combinations of those atoms are infinite. What matters, then, is not the physical limits of our planet, but human freedom to experiment and reimagine the use of resources that we have.

#### Decoupling possible and tech solves – increases efficiency to overcome increasing energy demand

Gupta et al. 18

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Need of energy is continuously increasing with increasing development aspirations and world population. To meet the energy demand, world requires production of more energy from the available limited resources. Technological development is both a cause of many environmental problems as well as a key enabler for solving them. It is a matter of fact that the technologies of the past are still dominating in transport, energy production, industry, and agriculture sector, which are gradually harming our basic life supporting systems—clean water, fresh air, and fertile soil. However, in each of these sectors there are new technologies available or emerging that may essentially solve these environmental problems if used widely and wisely. Thus, new technologies have the potential to contribute in decoupling of economic growth from pressure on natural resources. To address the global challenges of energy security, climate change, and economic growth, it is a global need to develop low-carbon energy technologies such as bioenergy for heat and power, biofuels for transport, solar photovoltaic energy, solar thermal elec- tricity, wind energy, solar heating and cooling, efficient and environment-friendly energy storage. The long-term sustainability of the global energy systems is essential to counter balance of current demographic, economic, social, and technological trends.

During the 1990s, we have seen a substantial diffusion of renewable energy and transport technologies and further progress in industry and agriculture technology, not least biotechnology. A systematic introduction of best available technology could reduce the use of energy with 20—50%. New technologies for waste man- agement offer a great potential; the most recent investment in this sector demon- strates utilization of more than 90% of the energy content of waste. Even more fundamental are new technologies for "up-stream" resource management in industry, offering strong synergies for productivity in production, quality in goods and services, and efficiency in the use of natural resources (Lindqvist 2002). Currently, most of the energy demand is being fulfilled by the conventional energy resources such as coal, natural gas, petroleum products, but continuous consump- tion of these resources leads to environmental pollution and global warming by carbon emissions. Global temperature is increasing every year because of global warming since conventional energy resources are being used for the energy supply at very high rate. This consumption trend is also depleting the available source of energy, which will be exhausted in near future (https://www.iea.org/roadmaps[).

In twenty-first century, developing and emerging economies are facing two-fold energy challenges: meeting the needs of billions of people who still lack access to basic, modern energy services while simultaneously participating in a global transition to clean, low-carbon energy systems. Globally, a large fraction of the world's population—more than two billion people, by some estimates—still lacks access to one or several types of basic energy services, including electricity, clean cooking fuels, and adequate means of transportation. The need for a profound transformation of the world's energy-producing and using infrastructure has been already widely recognized in the context of mounting concern about global climate change (Ahuja and Tatsutani 2009).

In order to develop an understanding of the issues associated with global carbon emissions, it is necessary to comprehend the relationship between urban growth and energy use. The energy need of cities increases with both urban growth and industrial development. Energy policies and programs must keep this spatial dif- ferentiation in mind. The dependence of cities on intensive energy consumption is a major cause of climate disruption, and there is increasing interest in the potential for many cities to facilitate a transition to sustainable energy utilization. Energy resources and their utilization are intimately related to sustainable development. Energy conservation involves efflciency improvements, formulation of appropriate pricing policies, and good housekeeping practices, and load management strategies, among other measures. For a world to attain sustainable development, much effort must be devoted not only to discovering sustainable energy resources, but also for increasing the energy efficiencies of processes utilizing these resources. Increasing the efficiency of energy-utilizing devices is therefore important, and due to increased awareness of the benefits of efficiency improvements, numerous agencies have undertaken efficiency-related initiatives. Many energy conservation and effl- ciency improvement programs have been and are being developed to reduce present levels of energy use (Dhakal 2009; Bi et al. 201 1; Milner et al. 2012; Song et al. 2017).

Renewable energy technologies become important as environmental concerns increase, utility (electricity) costs climb, and labor costs escalate. In addition, the development and implementation of renewable energy technologies depend in part on the global economy. The attributes of renewable energy technologies, which include modularity, flexibility, and low and relatively stable operating costs, are considerably different than those for traditional, fossil-based technologies, whose attributes include large capital investments, long implementation lead times, and uncertain operating costs regarding future fuel prices. The overall benefits of renewable energy technologies are often not well understood, and consequently, these technologies are often evaluated to be not as cost effective as traditional technologies. To assess renewable technologies comprehensively, however, all of their benefits, some of which are often not considered, must be taken into con- sideration (Rosen 1995).

Many books have been written on the subject of sustainable energy, but very few have approached these issues specifically from a developing country viewpoint. In nations where a significant portion of the population still lacks access to basic energy services, concerns about long-term environmental sustainability often are overshadowed by more immediate concerns about energy access and affordability. For discussing the issues, the present book covers the issues of sustainable energy, transportation technologies, and energy policy. The changing face of transportation toward sustainability discusses about to eliminate redundancy of capacity and competition within public transport modes, and to achieve the highest level of efficiency and network-wide connectivity. Smart city dream in Indian scenario describes various successful models of sustainable transportation and makes rec- ommendations for Indian cities. Role of electric vehicles in future road transport provides the insight into the battery electric vehicle technology, needed resources, and the economics, which is developing around this technology. This volume also covers need and importance of alternative fuel sources for diesel engines including engine performance and emission characteristics of these arrangements. Discussion on coal energy sustainability in India discusses the estimate of available energy resources and its exploitation through unconventional technologies such as underground coal gasification (UCG), coal bed methane (CBM) for sustainable energy production. Investments in Clean Energy in South Asia article discuss the challenges, constraints, and risks (facing investors) for increasing investments in clean energy in South Asia. General policy framework has been included with command and control, price and quantity instruments to boost renewable energy implementation.

Energy and sustainable development within a society requires a supply of energy from resources that are sustainably available at reasonable cost and can be utilized for all required tasks without causing negative societal impacts. Supplies of such energy resources as fossil fuels (coal, oil, and natural gas) and uranium are generally acknowledged to be finite; other energy sources such as sunlight, wind, and falling water are generally considered renewable and therefore sustainable over the relatively long term (Dincer and Rosen 1998). Fossil fuel restrictions as well as concerns about change of climate globally motivate the energy transition to a sustainable energy sector requiring very high penetration level of renewable energy sources in the world energy matrix (Gallo et al. 2016). Environmental concerns are an important factor in sustainable development. For a variety of reasons, activities which continually degrade the environment are not sustainable over time, e.g., the cumulative impact on the environment of such activities often leads to a variety of health, ecological, and other problems. Improved energy efficiency leads to reduced energy losses. Most of effciency improvement methods produce direct environ- mental benefits in two ways. First, operating energy input requirements are reduced per unit output, and pollutants generated are correspondingly reduced. Second, consideration of the entire life cycle for energy resources and technologies suggests that improved efficiency reduces environmental impact during most stages of the life cycle (Dincer and Rosen 1998). The chapter on waste heat recovery discusses this perspective.

In most global energy scenarios to meet stringent C02 constraints, bioenergy is assumed to be the dominating new energy source, displacing fossil fuels and associated C02 emissions. Technological details and implementation methods of bioenergy systems have been covered in two chapters. The alarming greenhouse gas perspective has led the industry to seek new more sustainable ways of meeting the need of transport. Alternative fuel vehicles and intelligent transpon systems technologies may be used to promote the sustainable development in the transport sector. Even further advances in technology include the use of fuel cells, where zero emissions might be achieved in combination with substantially higher energy efficiency rates. Alternative fuels are being used today in place of gasoline and diesel fuel made from petroleum, e.g., biodiesel, electricity, ethanol, hydrogen, methanol, natural gas, propane. Penetration of any new transport technology is fundamentally dependent on broad availability of the fuel (Lindqvist 2002). Wireless power transfer (WPT) provides the prospect of new opportunities for electric vehicles (EVs) to enhance sustainable mobility (Bi et al. 2016).

The energy sector constitutes a fundamental element of industrial economies and supports all economic activities. Economic growth is strongly linked to increased energy consumption. One of the main roads to sustainable development is a reduction of demand for energy through implementation of better technologies in the residential and tertiary sectors, transport, industry, decisive shift from fossil fuel to renewable fuels, and decarburization of fossil fuel. Economic policies should concentrate on creating the right conditions for the efficient use of productive and natural resources and for their enhancement over time. In particular, they should contribute to improved market functioning by addressing market imperfections or failure due to the existence of externalities, market power, imperfect information, or the regulatory environment. We hope that this volume will stimulate the integrated thought process for ensuring fulfillment of energy requirements in sustainable manner with due consideration of various energy usage sectors and applicable technologies in those sectors.