# 1NC vs USC

## 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

Barrera 96 – J.D., Wayne State University Law School

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

Felsenfeld 93 – Professor of Law, Fordham University School of Law

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] The process of research---debates on a narrow and predictable set of issues create a sustainable research incentive, where the negative knows a finite set of issues debates can come down to, and focus on researching those---that competitive incentive is shattered when the Aff can come in and say anything to make that research irrelevant

#### It’s intrinsically valuable---this forces us to dive deep into scholarship, and builds the ability to research effectively and identify relevant information. Any action, whether pessimistic or optimistic, requires knowing how to research information and come to well-defended conclusions about the would

#### 2] 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

### 1NC – K

#### Political refusal finds comfort in the fulfillment of individual demands --- this accepts as a given the powerlessness of the left, depoliticizing any concrete power struggles --- radical movements must become political to combat climate change, fascism, and rampant inequality.

Dorman 16

Peter Dorman, Faculty in the Political Economy Department at Evergreen State College, “The Climate Movement Needs to Get Radical, but What Does that Mean?,” Nonsite. May 26, 2016. http://nonsite.org/editorial/the-climate-movement-needs-to-get-radical-but-what-does-that-mean

2. The cultural turn has gone too far. Of course, the deciphering of discourses has much to recommend it; all social action takes place in a context of meanings—shared, contested or both. It’s remarkable, however, that a high profile book that claims to be about radical social change, and which has won widespread approval across the leftward half of the political spectrum, could sidestep any sustained consideration of wealth and power altogether.

Why have governments failed to act to counter the threat of catastrophic climate change? Is it solely because of faulty thinking, or could it be that there exists a gross imbalance of power in every modern capitalist country, such that business interests are firmly in control? What institutions wield this power and what methods do they use? Crucially, how can those who struggle for democratic collective action contest this power? What types of organizations can be effective? What structural changes should be prioritized to rebalance power and enable rational solutions to overriding problems like climate change? I wouldn’t fault Klein for failing to provide answers—who has? What is astonishing, however, is that the questions are never posed, not even in passing. What does it mean to espouse radical politics and never take up the issue of power?

But a second absence is even more telling. At variou–s points Klein refers to the need for a price to be placed on carbon; it clearly is not her main interest, since she devotes no space at all to the political struggle required to achieve this, but she recognizes it is an important part of the story. What’s missing, however, is any serious consideration of how much money this will be, out of whose pockets it will be extracted and to whose pockets it will be transferred. I cannot emphasize how extraordinary it is for a book to be ostensibly about capitalism but pay so little attention to money.

The reality is that carbon revenues will be immense. If even approximately sufficient global action is undertaken, the sums will be in the trillions of dollars. And despite Klein’s moral calculus, the actual, real-life operation of carbon pricing will guarantee that it is the public at large—everyone who purchases a good or service with a carbon energy component—that will pay it. This is visible in gasoline taxes today, which consumers pay at the pump; a carbon price, whether it is engineered by a tax or a cap on permits, will be the same sort of tax writ very, very large. Such a tax will be regressive, and lower income people will effectively be taxed at a higher rate.

This is potentially catastrophic on multiple levels. It is intolerable from a social justice perspective in an age of rampaging inequality. It would also be impossible to disguise from voters, making it difficult to impossible to get majority support for a stiff carbon price. Klein blithely recommends using this new source of revenue to finance green investments, but she doesn’t inquire whose money is being spent, nor does she consider that, in practice, governments will simply shift a lot of the investments they would have made anyway over to this new revenue spigot, freeing up more money for their other pet projects. The one word that sums up Klein’s attitude toward this trillion-dollar question is uninterested.

Of course, there are ways to turn around the economics of carbon pricing. The money can be returned to the public on an equal per capita basis, which would have the effect of turning an otherwise regressive transfer system into a progressive, inequality-reducing one. Given the amount of money at stake, this will require a massive political mobilization, but it is worth fighting for. To repeat, however, the purpose of bringing up this issue is not to proselytize for a different system of carbon pricing, but simply to point out the glaring incongruity of an ostensibly radical, anti-capitalist book (a rather long one at that) which ignores the single most important principle for how things work in a capitalist society: follow the money!

3. The left has adapted to powerlessness. This Changes Everything practically exudes triumphalism, especially in the final hundred pages or so. Vibrant, righteous movements are springing up everywhere, we are told, and through their proliferation they will change the world.

Except, of course, they won’t. They do not have the means to change the world to something different, only to obstruct the bits of the existing world they can get their bodies in front of. That is important to do, and it can play a crucial role in a larger movement to contest power—if that movement can come into existence. If no larger movement arises, the local fires will be put out one by one. A radical political vision cannot abjure politics, and it is politics which is missing from Klein.

Here it is necessary to step back and consider the historical context. In the English-speaking world, and to a lesser extent in other wealthy, capitalist countries, the past several decades have seen profound defeat and demobilization on the left. In no country is there a mass political party with a program to transform the existing political economic order into something else. Unions, where they have any clout at all, have been fighting a rearguard struggle to retain as many of the gains of former times as they can. Of course, there have also been substantial victories for racial, gender and other social equalities and a general drift toward less authoritarian cultural norms. But the core institutions of wealth and power are more firmly entrenched now than they have been in generations, and the left as a political force is hardly noticeable.

How have those who still identify with the left coped with this epoch of powerlessness? There are many answers, but all of them express some form of disengagement. For instance, redefining politics as the performance of moral virtue rather than the contest for power can provide consolation when political avenues appear to be blocked. Activities of this sort are evaluated according to how expressive they are—how good they make us feel—rather than any objective criterion of effectiveness in achieving concrete goals or altering the balance of political forces. This is how I would interpret Blockadia, for instance, in the absence of a broader movement that includes both direct action and political contestation: Klein can devote page after page to how righteous these activists are without any attention to whether they have had or have any prospect of having an impact on carbon emissions. Their very activism constitutes its own victory, which is convenient if the more conventional sort of victory is believed to be out of reach. (It is bad form to even bring this up: why, some will ask, am I dwelling on the negative with so much positive energy to celebrate?)

Another response is to collapse social change into personal choices over lifestyle and philosophy. If you believe that the threat of climate change can be defeated by a shift to more modest consumption habits and rejection of the false intellectual gods of globalization and economic growth, one individual at a time, then each moment of conversion constitutes its own little victory. The reader of Klein’s book, feeling a sense of unity with that consciousness and its program to downshift consumption, can experience this victory first hand. This is very gratifying, and it reinforces the message that powerlessness in conventional terms is irrelevant, since the change we are part of is at a deeper level than governments and their laws or corporations and their assets. After all, what can be more subversive than thinking new thoughts?

One of Klein’s favorite adaptations is the conflation of wishes and operative political programs. Again and again she holds up statements of intent—protect Mother Earth, treat all people equally, respect all cultures, live simple, natural, local lives—as if they were proposals whose implementation would have these outcomes. It’s all ends and no means. This is a double convenience: first it eliminates the need to be factual and analytical about programs, since announcing the goal is sufficient unto itself, and second, it evades the disconcerting problem of how to deal with the daunting political challenge of getting such programs (if they even exist) enacted and enforced. I believe the treatment of goals as if they were programs is the underlying reason for the sloppiness of this book on matters of economics and law. Klein can say we should finance a large green investment program by taxing fossil fuel profits, or we should simultaneously shrink the economy and increase the number of jobs, because in the end it doesn’t matter whether these or other recommendations could actually prove functional in the real world. The truth lies in the rightness of the demand, not the means of fulfilling it. But this too is an adaptation to powerlessness.

To close, I wish to emphasize that this critique is ultimately not directed at a single individual. On the contrary, even if we consider only this one book, it is clear that its writing was a team effort; the long acknowledgments section identifies both paid assistants and an army of internal reviewers. But what I find diagnostic is the warm reception it received from virtually every media outlet on the English-speaking left. This suggests that Klein is moving with the political tide and not against it, and that the problems that seemed obvious to me were either invisible to her reviewers or regarded as too insignificant to bring up. The view that capitalism is a style of thinking, progress is a myth, and political contestation is irrelevant to “true” social change belongs not just to this one book but to all the commentators who found nothing to criticize. That’s the real problem.

#### Their rejection of political organizing sutures neoliberalism --- individual action is insufficient to combat existential risks --- our alternative is to affirm political organization in the name of socialism and class struggle.

Gude 12 Shawn Gude, Shawn Gude is an associate editor at Jacobin. “Occupy Anti-Politics.” Jacobin. November 13, 2012. https://www.jacobinmag.com/2012/11/occupy-anti-politics

In my new neighborhood, in Baltimore, “Occupy the Vote: Re-Elect Obama” signs still pepper the landscape. They’re planted in front yards, posted in front windows, positioned on sidewalk strips.

This irks me, to an extent — this wanton appropriation of the Occupy name, used to declare allegiance to a president firmly ensconced in the very neoliberal consensus the movement hoped to dislodge. Yet as much as I find the diction disquieting, its social movement-electoral politics linkage is provocative and pregnant, given Occupy’s missteps.

Last year at this time, the Left was emboldened and highly visible. And now? Occupiers are providing important support to existing struggles and launching their own campaigns. Last week, Sarah Jaffe documented Occupy’s heartening role in the post-Sandy recovery [in these pages](http://jacobinmag.com/2012/11/power-to-the-people/). But this is all occurring locally, on a relatively small scale.

As [Thomas Frank points out](http://www.thebaffler.com/past/to_the_precinct_station) in the current issue of the Baffler, the term “the one percent” has been the movement’s only lasting contribution to national politics; a tax code classification morphed into a usefully polarizing pejorative. But that’s it. The way Obama and Romney campaigned, you’d think Occupy never happened.

So what went wrong? Frank is unsparing in his criticism, hitting occupiers for being self-absorbed and self-aggrandizing, more taken by esoteric theorizing than apt to take consequential action. Frank also assembles a rather conventional list of objections to Occupy: its absence of enumerated demands, its consensus model and distaste for structure, its outsized love for building community.

The blows that really land all have a common thread. Each are, at bottom, instances of occupiers’ aversion to politics. This antipathy wasn’t unanimous among the movement’s ranks, but it was pervasive. And it was, along with police repression, one of the key reasons Occupy failed.

Early on, many occupiers, myself included, fretted that established progressive groups and Democratic partisans would try to funnel the élan of Occupy into mainstream politics; the movement would then quickly wither and die. Co-opt: utter the word, and the implicated party was instantly put on the defensive. These worries weren’t entirely born of paranoia, and activists were right to keep a wary eye on the center-left. But the vigilance had the unfortunate tendency of cloistering and marginalizing the movement. Activists customarily viewed anyone connected to electoral politics with suspicion.

And when not a few occupiers averred that the movement was resolutely anti-political, they weren’t being glib — they meant electoral politics, the political process, everything. The world they sought would have no politics, no debased struggles for power. They didn’t just want to democratize power, but eradicate it. In their minds, the encampments were harmonious, experimental sites of prefiguration, a glimpse into the politics-free future. Transforming a stodgy corporate park into a liveable space, they would provide the model.

The desire to foster community and build emotional bonds was well-intentioned and, in small doses, salutary. Developing and maintaining relationships is vitally important to retaining and attracting new people, to building a strong movement. Casual participants are more apt to leave — or limit their involvement — if they lack personal connections to other movement members. Particularly trying junctures are easier to handle if you know your comrades have your back, and vice versa. Facing a phalanx of riot cops becomes disconcerting, not disabling (that is, until they start letting their truncheons fly).

So community is important. Occupiers were wrong, however, when they viewed it as a resounding step towards a more egalitarian, just society.

I remember a beautiful moment this spring. It was a Sunday night in Chicago, the weekend of the Occupy anti-NATO protests. Most everyone was tired after several days of meandering marching. Following a thousands-strong, permitted march earlier in the day, several hundred of us had tried and failed to break through a police line; our chimerical goal was to shut down the conference. Now it was night, and hundreds of us had headed north to the Art Institute, the site of a dinner for NATO leaders’ spouses. Police ringed the building. We could make some noise and mount a sit-in, but little else. Soon, it started pouring. The rain didn’t precipitate despair among the youthful throng, though, but euphoria. There was a street dance party, and then a group hug. A feeling of deep, visceral cohesiveness with my fellow occupiers overcame me. I felt fulfilled. This was, in many ways, Occupy encapsulated.

It was marvelous. And, in retrospect, meaningless.

The one percent is content with the fetishization of feelings, because it poses little threat to their plutocratic power: Build your small, mutual aid communities. We’ll continue our rapacious behavior, unmolested and untouched. We’ll continue to brandish the coercive power of the state, a state that, if so pressured, could pose an existential threat to capitalist power.

Politically, Occupy accomplished little because we were often too wary of acting politically, of making demands on the political system, of acknowledging conflict and structuring our movement accordingly. Many in the movement thought structure carried the patina of the establishment, that demand making would simply serve to legitimize the malevolent state. So we got an amorphous, highly decentralized movement that, after a miraculous flourish in its embryonic stages, tapered off.

This wasn’t the practice of politics. It was an attempt to transcend it.

Joseph Schwartz, a political philosopher at Temple University, argues in his 1995 book The Permanence of the Political that the Left has long had these anti-political inclinations — “either through the stifling solidaristic general will of Rousseau, the spontaneous postscarcity anarchism of Marx’s ‘full communism,’ or the technocratic, scientistic rule of Lenin’s vanguard party.”

Schwartz continues:

 [A]lthough viewed by some as patron saints of “radical democracy,” these theorists did not conceptualize a further democratization of political life but rather the transcendence of politics through the creation of societies characterized by minimal social conflict and universally shared conceptions of the public or human good.

Sound familiar?

Even for those who find the state of American politics repulsive (and I, emphatically, do) the principle, the idea, of politics and the democratic process must be defended. Jaundiced resignation redounds to the benefit of the Right. They relish anti-political cynicism. They oppose concerted collective action, so they harness the sentiment to subvert politics itself. They adopt a sort of aloof, cooler-than-thou detachment from the political arena, a pernicious posture that ineluctably elevates apathy and inaction to the status of beau ideal. Politics-averse leftists risk falling into the same pattern of passivity and discrediting the necessarily political solutions to our social ills.

What we have in the case of climate change, for example, is both the largest market failure and most daunting collective action problem in human history. The hyper-decentralized, quasi-primitivist solutions popular in some corners of the radical left are laughably inadequate or execrably anti-humanist. The antidote to a collective problem is collective action. So too with issues of inequality, poverty, and imperialism.

Acting politically means confronting power, not side-stepping it. It means reshaping existing institutions, not just building alternative ones. It means directly and indirectly engaging the state, not cocooning oneself from it.

Even as we on the democratic left offer impassioned critiques of our political system we mustn’t eschew politics. We’ve already seen what that can do to our most promising social movements.

### 1NC – Antitrust DA

#### Expanding scope of antitrust liability brings innovation to a halt—undermines dynamism and global competitiveness

Thierer 21– Adam Thierer is a senior research fellow with the Mercatus Center at George Mason University. Author of several books on antitrust law; former president of the Progress & Freedom Foundation, director of Telecommunications Studies at the Cato Institute, and a senior fellow at the Heritage Foundation.

(Adam Thierer, 2-25-2021, "Open-ended antitrust is an innovation killer," TheHill, https://thehill.com/opinion/technology/540391-open-ended-antitrust-is-an-innovation-killer)

Antitrust reform is a hot bipartisan item today, with Democrats and Republicans floating proposals to significantly expand federal control over the marketplace. Much of this activity is driven by growing concern about some of the nation’s largest digital technology companies, including Facebook, Google, Amazon and Apple.

Unfortunately, the calls for more bureaucracy and regulation emanating from all corners of the political world could have an unintended consequence: discouraging the sort of vibrant innovation and consumer choice that made America’s tech companies household names across the globe.

Sen. Amy Klobuchar (D-Minn.) is leading one charge. Klobuchar, who chairs the Judiciary Subcommittee on Antitrust, Competition Policy and Consumer Rights, recently introduced the “Competition and Antitrust Law Enforcement Reform Act.” This sweeping measure seeks to expand the powers and budgets of antitrust regulators at the Federal Trade Commission and the Department of Justice. It also includes new filing requirements and potentially hefty civil fines.

The most important feature is the proposed change to the legal standard by which regulators approve business deals. It would allow the government to stop any deal that creates an “appreciable risk of materially lessening competition,” and it also defines exclusionary behavior as, “conduct that materially disadvantages one or more actual or potential competitors.”

These may sound like simple, semantic tweaks, but – much like some of the other policy ideas currently circulating – they would upend decades of settled law and create a sea change in U.S. antitrust enforcement. This change could undermine business dynamism, innovation and investment in ways that inhibit the global competitiveness of U.S. businesses.

Critics of merger and acquisition (M&A) activity by large tech firms include not only Sen. Klobuchar but also Republicans such as Sen. Josh Hawley (R-Mo.). Hawley recent offered an amendment to a budget bill that would preemptively prohibit mergers and acquisitions by dominant online firms. Klobuchar and Hawley believe that M&A skews the market in favor of today’s largest firms, entrenching their market power and discouraging innovation.

History teaches a different lesson. Consider DirecTV and Skype, both once considered innovative market leaders in their respective fields of satellite TV and internet telephony. Both firms stumbled, however, and they might not even be with us today without creative business deals. DirecTV has been partially or fully controlled by Hughes Electronics, News Corp., Liberty Media and now AT&T. Skype has swapped hands multiple times, moving from eBay, to a private investment firm and now to Microsoft.

These were complex deals, and some didn’t work, leading to divestitures. But each was a learning experience that illustrated how dynamic media and technology markets can be with firms constantly searching for value-added arrangements that serve their customers and shareholders. If we make this type of activity presumptively illegal, we’re imagining that government bureaucrats are better suited to make these calls than businesspeople and the consumers who choose whether or not to buy the product.

Worse yet, legal tests like those Klobuchar proposes – “conduct that materially disadvantages potential competitors” – are remarkably open-ended and could be easily abused. The system will be gamed by opponents of deals for business reasons. They will claim that their own failure to attract investors or customers must all be the fault of more creative rivals. That’s a recipe for cronyism and economic stagnation.

Those who worry about today’s largest tech giants becoming supposedly unassailable monopolies should consider how similar fears were expressed not so long ago about other tech titans, many of which we laugh about today. Just 14 years ago, headlines proclaimed that “MySpace Is a Natural Monopoly,” and asked, “Will MySpace Ever Lose Its Monopoly?” We all know how that “monopoly” ceased to exist.

At the same time, pundits insisted “Apple should pull the plug on the iPhone,” since “there is no likelihood that Apple can be successful in a business this competitive.” The smartphone market of that era was viewed as completely under the control of BlackBerry, Palm, Motorola and Nokia. A few years prior to that, critics lambasted the merger of AOL and TimeWarner as a new corporate “Big Brother” that would decimate digital diversity and online competition.

GOP divided over bills targeting tech giants

Today, we know these tales of the apocalypse ended up instead becoming case studies in the continuing power of “creative destruction.” New innovations and players emerged from many unexpected quarters, decimating whatever dreams of continued domination the old giants once had.

Today’s biggest players face similar pressures, and it’s better to let rivalry and innovation emerge organically, not through the wrecking ball of heavy-handed antitrust regulation.

#### Tech innovation prevents nuclear conflict—US leadership key

Kroenig and Gopalaswamy 18 – Associate Professor of Government and Foreign Service at Georgetown University and Deputy Director for Strategy in the Scowcroft Center for Strategy and Security at the Atlantic Council; Director of the South Asia Center at the Atlantic Council

Matthew Kroenig and Bharath Gopalaswamy, "Will disruptive technology cause nuclear war?," Bulletin of the Atomic Scientists, 11-12-2018, <https://thebulletin.org/2018/11/will-disruptive-technology-cause-nuclear-war/>

Rather, we should think **more broadly** about how new technology might affect global politics, and, for this, it is helpful to turn to scholarly international relations theory. The dominant theory of the causes of war in the academy is the “bargaining model of war.” This theory identifies rapid shifts in the balance of power as a primary cause of conflict.

International politics often presents states with conflicts that they can settle through peaceful bargaining, but when bargaining breaks down, war results. Shifts in the balance of power are problematic because they undermine effective bargaining. After all, why agree to a deal today if your bargaining position will be stronger tomorrow? And, a clear understanding of the military balance of power can contribute to peace. (Why start a war you are likely to lose?) But shifts in the balance of power muddy understandings of which states have the advantage.

You may see where this is going. New technologies threaten to create potentially destabilizing shifts in the balance of power.

For decades, stability in Europe and Asia has been supported by US military power. In recent years, however, the balance of power in Asia has begun to shift, as China has increased its military capabilities. Already, Beijing has become more assertive in the region, claiming contested territory in the South China Sea. And the results of Russia’s military modernization have been on full displayin its ongoing intervention in Ukraine.

Moreover, China may have the lead over the United States in emerging technologies that could be decisive for the future of military acquisitions and warfare, including 3D printing, hypersonic missiles, quantum computing, 5G wireless connectivity, and artificial intelligence (AI). And Russian President Vladimir Putin is building new unmanned vehicles while ominously declaring, “Whoever leads in AI will rule the world.”

If China or Russia are able to incorporate new technologies into their militaries before the United States, then this could lead to the kind of rapid shift in the balance of power that often causes war.

If Beijing believes emerging technologies provide it with a newfound, local military advantage over the United States, for example, it may be more willing than previously to initiate conflict over Taiwan. And if Putin thinks new tech has strengthened his hand, he may be more tempted to launch a Ukraine-style invasion of a NATO member.

Either scenario could bring these nuclear powers into direct conflict with the United States, and once nuclear armed states are at war, there is an inherent risk of nuclear conflict through limited nuclear war strategies, nuclear brinkmanship, or simple accident or inadvertent escalation.

This framing of the problem leads to a different set of policy implications. The concern is not simply technologies that threaten to undermine nuclear second-strike capabilities directly, but, rather, any technologies that can result in a meaningful shift in the broader balance of power. And the solution is not to preserve second-strike capabilities, but to preserve prevailing power balances more broadly.

When it comes to new technology, this means that the United States should seek to maintain an innovation edge. Washington should also work with other states, including its nuclear-armed rivals, to develop a new set of arms control and nonproliferation agreements and export controls to deny these newer and potentially destabilizing technologies to potentially hostile states.

These are no easy tasks, but the consequences of Washington losing the race for technological superiority to its autocratic challengers just might mean nuclear Armageddon.

## 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 – Techno-Managerialism Good

#### Attempts to manage technological problems are inevitable and good – they tend to a fragile working order WITHOUT falling into a strictly managerial approach. That uniquely lets us recognize complexity and accept insecurity

Nordmann, Professor of Philosophy and History of Science and Technoscience at Darmstadt Technical University, ‘18

(Alfred, “Four Horsemen and a Rotten Apple. On the Technological Rationality of Nuclear Security,” in *Jahrbuch Technikphilosophie: Arbeit und Spiel*, pg. 279 – 294)

The apple is rotting. During the times of the Cold War, the precarious equilibrium of strategic threats had its own working order. It could be trusted and, in fact, had to be trusted in many ways. The weapons were carefully monitored, subject to permanent surveillance from many points of view. They were closely watched through the eyes of one's own strategists, technicians and engineers, military personnel, local opposition forces, but also through the eyes of friends and foes, international agencies and monitoring groups. Everyone was attending to the weapons for different, perhaps conflicting reasons, and yet the many observations were maintained in a relation of mutual support. The weapons themselves became fixated and paralyzed at their center of attention.

When the so-called »four horsemen« (Henry Kissinger, George Shultz, William Perry, Sam Nunn) and political leaders like Barack Obama have called for a world without nuclear arms, it is because they are worried about the break-down of this working order.24 In their view, the current modes of monitoring, proliferation, negotiation, and sanctioning represent a deviation from the Cold War rationality of deterrence with its system of mutual checks and balances. Accordingly, they call for adequate ways of controlling material flows, of regulating access, of instituting transparency and accountability. Their question is a technical question: Given the half-life of plutonium and given the volatility of systems of government in many parts of the world, how does one institute a robust international system of arms-control? Thus, they worry only secondarily whether the weapons might get into the wrong hands, politically speaking and in the short term. They pose primarily a question from within a technologically advanced, economically and politically robust knowledge society — aside from the United States, who can be counted upon to reliably provide the necessary know-how in the long term? Who can take responsibility for the management of what was once and is no longer a denumerable, firmly circumscribed set of nuclear things?

This point can be further developed by briefly considering three other aspects of the current state of debate: First, as Christopher Daase has pointed out, the extension into the future of the nuclear privilege of weapon states in the NPT becomes questionable when this privilege no longer serves to maintain a taboo in times of strategic conflict but when it somewhat arrogantly declares whose hands are the good hands such that they can be entrusted to carry out a managerial process. Inclusion and exclusion can be justified more easily on the criterion of the possession of nuclear weapons, it becomes contestable if the criterion is the cultural competence of handling with due diligence and care a dangerous and globally endangering commodity.25 Second, this may prove to be the reason why some of the non-nuclear states like Norway, Austria, Mexico are seizing the moment to claim that, if anyone, they are best suited to frame the question or redefine the terms of the debate. They wish to bring the humanitarian consequences to the fore and thus the mishandling of the bomb, irrespective of a balance of power or terror.26 Finally, when the question is one of maintaining or recreating a safe working order for a dangerous technology and when the arms race is taking place between knowledge societies and their claims that the technology is with them in good hands, the general technical capabilities of these societies become increasingly important. The responsibility of diplomats and negotiators in the political and military sphere to create conditions for global security is shifting to the maintenance, broadly speaking, of a safety culture in civil society.

If this diagnosis is correct, the rules of the game have changed as has the rationale for inclusion and exclusion in the club of nuclear-weapon states, and the definition of the community of responsible actors. The global challenge is defined not as preserving peace or security in an age of ideological conflict and competing national interests. Instead, the challenge is one of tending to a working order of nuclear safety and safeguards. Issues of proliferation and disarmament, transparency and control now appear in the collective consciousness as analogous to the global threat of climate change. Both put national and stakeholder interests into a managerial mode. The Earth and the Bomb need to be handled with care — grounded in the perhaps illusory hope that in good hands, with a technical mindset, and attunement to the complexity of affairs, the challenge can be met and the danger contained.

Hazardous Waste

At this point it may appear as if I wanted to recommend or valorize an engineering approach that abstains from moral and political judgement but brings to the table the requisite understanding for maintaining, modulating, recreating a working order or technological system. This is not the case. I am arguing merely that one need to take seriously the different modes of conceiving the problems that are in need of solution — not only because the definition of a problem entails a conception of its solution and the reasoning processes adequate to it. If only for heuristic purposes we should attend to the implications of a shift from the logic of warfare and deterrence to a logic of attunement and trust — attunement to a working order and trust in the good hands of technical expertise. In conclusion, here are some of these implications, briefly stated.

First of all, the acquisition of working knowledge and the ability to maintain and modulate a working order does nothing to justify technocratic approaches or to en-throne the expertise of managers and engineers. As the case of the klu(d)ge served to remind us, deviations from strategic rationality coincide with deviations from top-down engineering or rational design. The situations in which working knowledge comes to the fore are highly ambivalent, whether it is the challenge of maintaining a rotten apple or of managing material flows in an ageing nuclear arsenal. In these situations, rational decision making is of the kind where a security update is scheduled to the operating system of a computer and users wonder a bit nervously whether it is really such a good idea to install the update. Not only the readers of Charles Per-row's Normal Accidents will wonder whether the security updates might increase the complexity, perhaps instability, perhaps insecurity of the operating system.27 And of course, with the end of the Cold War, the operating system of nuclear security has been changed, prompting us to ask anew what are the conditions for stability and security.

### 1NC – Contingent

#### Reject techno-determinism – it’s reductive, and tech is contignent

Susen, Department of Sociology, School of Arts and Social Sciences, ‘19

(Simon, “No escape from the technosystem?” *Philosophy & Social Criticism*, October)

Technological determinism

A major irony of Feenberg’s book is the following contradiction: on several occasions, he criticizes, and distances himself from, technological determinism; key parts of his argument suggest, however, that he himself flirts with, if not subscribes to, technological determinism. He rightly maintains, and convincingly demonstrates, that ‘society and technology are inextricably imbricated’.240 This insight justifies the underlying assumption that there is no comprehensive study of society without a critical sociology of technology. Yet, to contend that ‘[s]ocial groups exist through the technologies that bind their members together’241 is misleading. For not *all* social groups are *primarily* defined by the technologies that enable their members to relate to, and to bond with, one another. Indeed, not all social relations, or social bonds, are based on, let alone determined by, technology.

Of course, Feenberg is right to argue that ‘technologically mediated groups influence technical design through their choices and protests’.242 Ultimately, though, the previous assertion is tautological. This becomes clear if, in the above sentence, we replace the word ‘technological(ly)’ with terms such as ‘cultural(ly)’, ‘linguistical(ly)’, ‘political(ly)’, ‘economic(ally)’, or indeed another sociological qualifier commonly used to characterize the specificity of a social relation. Hence, we may declare that ‘culturally, linguistically, politically, and economically mediated groups influence cultural, linguistic, political, and economic conventions through their choices and protests’. In saying so, we are stating the obvious. If, however, we aim to make a case for cultural, linguistic, political, or economic determinism, then this is problematic to the extent that we end up reducing the constitution of social arrangements to the product of one overriding causal set of forces (whether these be cultural, linguistic, political, eco- nomic, technological, or otherwise).

While declaring that he is a critic of technological determinism, Feenberg – in central passages of his book – gives the impression that he is one of its fiercest advocates. Feenberg’s techno-Marxist evolutionism is based on the premise that ‘progress is realized essentially through technosystem change’243 – that is, on the assumption that, effectively, human progress is reducible to technological development. Feenberg is right to stress that ‘[t]echnical progress is joined indissolubly to the democratic enlargement of access to its benefits and protection from its harms’.244 ‘Concretization’,245 understood in this way, conceives of progress as a ‘local, context-bound phenomenon uniting technological and normative dimensions.246 We may add, however, that progress has not only technical (or technological) but also economic, cultural, and political dimensions, which contain objective, normative, and subjective facets. At times, the differentiation between these aspects is blurred, if not lost, in Feenberg’s account, given his tendency to overstate the power of technology at the expense of other crucial social forces. In other words, progress is not only ‘inextricably entangled with the technosystem’,247 but it is also indissolubly entwined with the *economic*, *cultural*, and *political* systems in which it unfolds and for (or against) which it exerts its objective, normative, and subjective power.

The preceding reflection takes us back to the problem of techno-reductionism: The struggle over the technosystem began with the labor movement. Workers’ demands for health and safety on the job were public interventions into production technology.248

*All* struggles over social (sub)systems have *not only* a technological *but also* various other (notably economic, cultural, and political) dimensions. Demands made by particular subjects (defined by class, ethnicity, gender, age, or ability – or a combination of these sociological variables) are commonly expressed in public interventions not only into production technology, but also into economic, cultural, and political systems. In all social struggles (including class struggle), technology can be an important means to an end, but it is rarely an end in itself. Put differently, social struggles are partly – but seldom essentially, let alone exclusively – about technology.

### 1NC – No Info Overload

#### No info-overload – actions are context specific have a material impact in spite of the linguistic economy

Mattson, professor of German politics and culture, Rhodes College, ‘12

(Michelle, “Rebels Without Causes: Contemporary German Authors Not in Search of Meaning,” Monatshefte Volume 104, Number 2, Summer 2012)

While I find Liesegang’s argument plausible, **there are** other explanations **for this apparent disinterest and disengagement outside of Baudrillard’s theory of the postmodern condition** or a desire to neutralize the German past, although it does have to do with socio-economic status. One of the things that many of us familiar with German culture admire about it is the state’s commitment to creating livable conditions for virtually all of its citizens. The social welfare network in Germany (indeed in Western Europe more broadly) may be under siege in the current economic climate, but from health care to housing the state has managed to offer its citizens a level of basic support that Americans cannot really fathom and—as the most recent health care debate demonstrated—in large numbers appear not to condone. Thus, the glaring need for individual citizens to offer their services to their fellow human beings has remained somewhat underdeveloped in Germany (Wiedermann and Held) and has led to a set of expectations that the government will address the society’s most basic needs. Recent studies of volunteerism in Germany **indicate that this is changing and that a substantive portion of the population** **now gives of its time to myriad social organizations** in ways that would seem entirely futile to the characters in the texts analyzed here.13 Furthermore, sociological and social psychological studies indicate that people who volunteer do feel a greater connection to other people and a greater level of personal satisfaction than those who do not.14 The findings of this research, as mentioned above, [End Page 258] have led me to question whether the literature analyzed in this article reflects the perspective of a highly specific section of German society far more than it offers a broader portrait of central European society today, namely that of a disaffected, disengaged intellectual class that no longer sees itself as called upon to participate in the improvement of society now that the great German political problem of the 20th century appears to have been “solved.” This may have something to do with the specific situation of Germany in the first decades after the fall of the Wall but it may also be a result of the socio-economic structures of the Federal Republic.

I do not wish to present here an overly simplified and naïve argument that Hermann’s characters should go out and get involved in volunteer organizations and that doing so would make the pervasive sense of sadness and ennui vanish. Nor would it necessarily reorient the consumerist attitudes or patterns of consumption of Naters’ group of friends or Regener’s Herr Lehmann into more socially productive outlets. **However, I do question the individual, social, and even aesthetic value of** wallowing in indecision **and isolation and presenting them as representative of a crisis in human subjectivity**. Steven Best describes the world according to Baudrillard **as “an abstract non-society devoid of cohesive relations**, social meaning, and collective representation” (Best 51). The characters of Mau Mau, Herr Lehmann, and the stories of Sommerhaus, später and Nichts als Gespenster inhabit the same or at least a similar world to Baudrillard’s. Thus Baudrillard’s work offers an effective tool in understanding the implications of the world these literary characters inhabit and their creators’ perspective on contemporary German society. Their world, however**, is itself a human projection**, a choice**. It is an** interpretation of reality **that allows individuals to become resigned and passive.** Furthermore, it is a perspective possible only from a position of relative affluence.

I shall not venture to judge whether Baudrillard’s diagnosis of postmodern society is accurate, although it appears that many of Germany’s current writers agree with him or were influenced by postmodern theories of late 20th-century consumerist societies. I can, however**, say in conclusion that it** is not helpful **or productive on either an individual or social level in imagining ways of living in today’s world**. As Steven Best points out:

Baudrillard’s radical rejection **of referentiality is premised upon a one-dimensional,** No-Exit world of self-referring simulacra. But, however, reified and self-referential postmodern semiotics is, signs do not simply move in their own signifying orbit. **They are** historically produced **and circulated and while they may not translucently refer to some originating world, they none the less can** be socio-historically contextualized, **interpreted, and critiqued.**(57)

In other words, **human beings generate the simulacra in specific historical contexts that are** subject to interpretation and challenge. **Regardless of** how pervasively the media spin our reality**,** real people suffer **and**—occasionally [End Page 259] prosper—**because of political decisions made at the local, national, and international level**. **Media images may overpower us, but they** shouldn’t make us lose sight of the real ramifications of political and economic development.

Many critics have suggested that Baudrillard’s chief accomplishment was to serve as an agent provocateur. In an interview with Mike Gane, Baudrillard himself saw his method of reflection as “provocative, reversible, [ . . . ] a way of raising things to the ‘N’th power [ . . . ] It’s a bit like a theory-fiction” (Poster 331). One could argue that this is precisely the function of such novels and short stories as the ones examined here: to provoke us. But to what end? Naters, Regener, and Hermann all write very readable literature, and they challenge us to understand the world of the insipid, self-centered, and myopic characters that they have created. It would indeed be a disservice to the authors to imply that they do not view their own characters with critical distance. Thus, I am not suggesting that they believe their readers should emulate the characters they have created. They have not, however, successfully demonstrated either why we should care about them or—more importantly—what we can learn from them.

### AT: Affirm Difference

#### They inevitably turn into an affirmation of ambivalence

Thomas Nail, Post-doctoral Lecturer in European Philosophy at the University of Denver, 2013, Deleuze, Occupy, and the Actuality of Revolution, Theory & Event Volume 16, Issue 1

(1) Political Ambivalence

“Affirming Difference in the state of permanent revolution [affirmer la Différence dans l’état de révolution permanente],” as Deleuze says in Difference and Repetition (75/53),8 may escape the previous problems of vanguardism and the party-state, **but it also poses a new danger: that the “pure affirmation of Difference” will be ultimately ambivalent**. Revolution may provide a new non-representational space of liberty, or it may provide a ruptured “open” domain for a new discourse of rights and military occupation by the state, or it may merely reproduce a complicity with the processes of capitalist deterritorialization necessary for new capitalist reterritorializations. Slavoj Žižek, in particular, frequently attributes this capitalist ambivalence to Deleuze and Guattari’s politics (2004, 184). But to say, with Alain Badiou, that **affirming the potentiality for transformation as such is to affirm a “purely ideological radicality” that “inevitably changes over into its opposite**: **once the mass festivals of democracy and discourse are over, things make place for the modernist restoration of order** among workers and bosses,” would be to overstate the problem (Badiou and Balmès 1976, 83).

Rather, it would be much more appropriate to say, with Paolo Virno, that “[t]he multitude is a form of being that can give birth to one thing but also to the other: ambivalence” (Virno 2003, 131). Accordingly, the affirmation of this ambivalence as a political commitment, and the “politico-ontological optimism and unapologetic vitalism” it assumes in Hardt, Negri, and Deleuze’s work, according to Bruno Bosteels, remains radically insufficient (2004, 95). While the purely creative power of the multitude may be the condition for global liberation from Empire, it is also the productive condition for Empire as well. With no clear political consistency to organize or motivate any particular political transformation “vitalist optimism” is politically ambivalent, speculative, and spontaneous. Showing the non-foundational or ungrounded nature of politics provides no more of a contribution for organized politics than does the creative potentiality of desire. “A subject’s intervention,” Bosteels suggests, “cannot consist merely in showing or recognizing the traumatic impossibility, void, or antagonism around which the situation as a whole is structured” (2004, 104). Rather, following Badiou, a “political organization is necessary in order for the intervention, as wager, to make a process out of the trajectory that goes from an interruption to a fidelity. In this sense, organization is nothing but the consistency of politics” (Badiou 1985, 12). And in so far as Deleuze and Guattari, and those inspired by their work, do not offer developed concepts of political consistency and organization that would bring differential multiplicities into specific political interventions and distributions, they remain, at most, ambivalent toward revolutionary politics.

(2) Virtual Hierarchy

In addition to this first danger of revolutionary ambivalence, Deleuze’s concept of revolution, according to Badiou and Hallward, risks a second danger; namely, that of creating a political hierarchy of virtual potential. Badiou argues at length in The Clamor of Being that,

… contrary to all egalitarian or “communitarian” norms, Deleuze’s conception of thought is profoundly aristocratic. Thought only exists in a hierarchized space. This is because, for individuals to attain the point where they are seized by their preindividual determination and, thus, by the power of the One-All—of which they are, at the start, only meager local configurations—they have to go beyond their limits and endure the transfixion and disintegration of their actuality by infinite virtuality, which is actuality’s veritable being. And individuals are not equally capable of this. Admittedly, Being is itself neutral, equal, outside all evaluation … But ‘things reside unequally in this equal being’ (Deleuze 1994, 60/37). And, as a result, it is essential to think according to ‘a hierarchy which considers things and beings from the point of view of power’

(Deleuze 1994, 60/37; Badiou 1999, 12–13).

**The political thrust of this argument is that, if we understand revolutionary change as the pure potential for change as such, and not actual change** for or against certain forms, **then, contrary to any kind of egalitarianism, there will instead be a hierarchy** of actual political beings that more or less participate in this degree of pure potential transformation. The more actual political beings renounce their specific and local determinations and affirm their participation in the larger processes of difference-in-itself, the more powerful they become. Thus, if the point of examining any local political intervention is in every case to show to what degree it renounces its concrete determinations and might “become other than it is” (as a virtuality or potentiality), there is, according to Badiou, a risk of “asceticism” and hierarchy in such a relationship of potential (Badiou 1999, 13).

Similarly, Peter Hallward has argued that Deleuze’s political philosophy is “indifferent to the politics of this world” (2006, 162). Hallward claims that “once a social field is defined less by its conflicts and contradictions than by the lines of flight running through it” any distinctive space for political action can only be subsumed within the more general dynamics of creation, life, and potential transformation (2006, 62n16). And since these dynamics are “themselves anti-dialectical if not anti-relational, there can be little room in Deleuze’s philosophy for relations of conflict and solidarity” (2006, 162). If each concrete, localized, actual political being is important only in so far as it realizes a degree of pure potentiality of a virtual event, “and every mortal event in a single Event” (Deleuze 1990, 178/152), then the processional “telos” of absolute political deterritorialization is completely indifferent to the actual politics of this world (2006, 97). By valorizing this pure potentiality for transformation as such against all actual political determinations, Hallward argues, Deleuze is guilty of affirming an impossible utopianism. “By posing the question of politics in the starkly dualistic terms of war machine or state,” Hallward argues, “by posing it, in the end, in the apocalyptic terms of a new people and a new earth or else no people and no earth—the political aspect of Deleuze’s philosophy amounts to little more than utopian distraction” (2006, 162).

(3) Subjective Paralysis

The differential reading of Deleuze and Guattari’s concept of revolution may be able to avoid the problem of representational subjectivity—that it can reject or affirm particular desires but never change the nature of the “self that desires”—but it does so only at the risk of diffusing the self into an endless multiplicity of impersonal drives: a self in perpetual transformation. This leads to the third danger, that of subjective paralysis. Firstly, to read Deleuze and Guattari’s theory of revolutionary subjectivity as the “simple fact of one's own existence as possibility or potentiality” (Agamben 1993, 43), or as Paul Patton calls it, one’s “critical freedom” (“the freedom to transgress the limits of what one is presently capable of being or doing, rather than just the freedom to be or do those things” (2000, 85) suggests an ambivalence of action. What are the conditions and factors by which one might decide to take an action or not? Emancipation and enslavement in this sense are merely just different things to be done.

Secondly, without a pre-given unity of subjectivity, how do agents qua multiplicities deliberate between and distinguish (in themselves) different political decisions? Without the representational screen of reason, or the state-guaranteed grounds of political discourse, what might something like a dispute or agreement look like? If “becoming other is not a capacity liberated individuals possess to constitute themselves as autonomous singularities,” but “what defines ‘autonomy’ itself” (2006, 146), as Simon Tormey argues, then the political danger, according to Hallward, is that the subject is simply replaced by the larger impersonal process of transformation as such: “pure autonomy.” **The radical affirmation of the ambivalent** and unlocalizable processes of subjective potentiality (qua pure multiplicities) **seems then to have nothing to contribute to an analysis of the basic function of participatory democracy and collective decision-making, which remains at the core of** many of **today’s radical political struggles** (See Starr, Martinez-Torres, and Rosset 2011). Insofar as a theory of subjectivity is defined only by its potential for transformation, it is stuck in a kind of paralysis of endless potential change no less disempowering than subjective stasis. Or, as Hallward frames this criticism, Deleuze “abandons the decisive subject in favor of our more immediate subjection to the imperative of creative life or thought” (2006, 163).

### 1NC – Pragmatism

#### Pragmatism centered on weak-ontological claims is the best process for political contestation

Nyman, Teaching Fellow in International Relations at the University of Leicester, UK, ‘16

(Jonna, “Pragmatism, practice and the value of security,” in *Ethical Security Studies: A new research agenda*, Routledge, pg. 139-141)

A pragmatic, practice-centred approach can help us return to the original forces of critical security studies: the politics of security and life experiences of it. Existing approaches remain split over the value of security and the meaning or purpose of ‘critical’/’Critical’ research. Many reject the possibility for security to be ethically good, **suggesting that it is too ‘tainted’ by its association with existing problematic national security practices** **and ontologies**. Alongside this a concern with power has led poststructuralist authors to focus on deconstruction over reconstruction, in return for which they are critiqued for lacking ‘emancipatory impetus’ (Hnyek and Chandler 2013).

However, pragmatism can help us recognise core concerns and help us move forward through three contributions. First, it avoids foundational 'truth’; second it presents a different way to think about ethics though a 'weak foundationalism' allowing for contingent ethical claims; and third, it allows us to move forward with a practical research agenda. The rest of this chapter will expand on these contributions.

**A pragmatic approach rejects the idea of foundational 'truth',** **and involves a recognition that** nothing is ever definitively settled. **Rather than being** anti-foundationalist, Cochran suggests, **a pragmatic approach can be seen as 'weak foundationalist'**, **and leads to contingent ethical claims which are** context-dependent**,** temporary **and** provisional' (Cochran 1999: 16). Based on this, Cochran has used pragmatism to build bridges in normative theorising within IR. She argues that for pragmatists, **establishing 'truth' is not the same as for a positivist**: it involves settling a controversial or complex issue for the time being, until something comes along to dislodge the comfort and reassurance that has thereby been achieved, **forcing inquiry to begin again'** (Cochran 2002: 527, 1999). So, while progress is always provisional, 'it is not empty' (Cochran 2002: 528).

Such a 'weak foundationalist' approach helps us to move beyond debates over whether or not **security is 'positive\* or 'negative',** **as nothing is ever definitively settled**. Though she doesn't use the terminology of pragmatism, Mustapha makes a similar argument in proposing a 'modified’ poststructuralist approach to security based on weak foundationalism. As with an 'unsettled' pragmatic approach, this means that **'any ontological claims that are made must** always be open to interrogation' (Mustapha 2013: 74-5). This allows us to engage with the (contingent) "realities" of actual "security" problems' (Mustapha 2013: 77), a**nd makes reconstruction possible even for most poststructuralists.** Here, '(contingent) foundational claims are not static and are open to interrogation, **but are** necessary **for** politics **and** ethics. Security is a practice/means as well as an end’ (Mustapha 2013: 82).

The weak foundationalism which underpins pragmatism emphasises the contingent nature of claims, and shows that security doesn't have to always be negative - but likewise, any 'ethical' or 'positive' notion of security should not be considered to be fixed or permanent. Instead, reflexivity is imperative, **with continuous evaluation and re-evaluation of our claims**. It also helps us to move past arguments by poststructuralist and Copenhagen School authors who suggest that the way in which security has traditionally been attached to problematic national security politics **means it is 'tainted by association.** Instead, the meaning and value of security is not fixed and can change, **and will never be settled**. **It also helps to avoid some of the controversial baggage of emancipatory approaches** (Barkawi and Laffey 2006: 350).

It also helps us to move beyond debates over deconstruction/reconstruction and the meaning and purpose of critique - most importantly because it is inherently pluralist, and therefore argues that there is no one 'truth’ **and so no correct approach to critique or ethics**. Poststructuralist discomfort with going beyond critique and related concerns with power **become less significant once we recognise this**. Anti-foundauonalists don't believe that there are secure foundations on which we can base ethics: a pragmatic approach helps us to recognise the lack of secure foundations and still move forward with reconstructive agendas. Ultimately, **it allows for suggestions of alternatives based on experiences**, **while recognising that these alternatives will never be final**. Consequently, although we can never reach emancipation' or 'security', **we can instead** focus on becoming more secure**, given what we know about** different conditions **and** contexts **at any given time.**

This moves us onto the second contribution a pragmatist approach can make: it provides us with a different way to think about ethics. As noted, Cochran makes a link between a pragmatic weak foundationalism and contingent ethical claims. Once we reject 'truth', it becomes clear that ethical claims, or the ‘good’, can never be settled **but must rather be continually re-thought and unproved upon**. Thus, while we can draw ethical conclusions, **these conclusions are 'no more than** temporary resting places **for ethical critique'** (Cochran 1999: 17). Drawing on Brassett's work on pragmatism, **we can suggest 'possibilities, while remaining sensitive to their limitations'** (Brassett 2009a: 226). Once we drop the obsession with 'truth' and finding 'truth' in scholarly enquiry, the task becomes one of engaging in the trial and error process of suggesting possibilities' (Brassett 2009a: 226). Drawing on Rorty, he argues that 'ethics is political - negotiated is a relational human construct - and politics is ethical: a process of contest that has direct ethical outcomes'; therefore, recognising that there is no foundation 'does not mean dropping values, or the notion of progress' (Brassett 2009b: 282).

This helps us move past debates over the value of security by showing that it depends on the context. Thus, both sides of the debate are right: security can be problematic, but it can also be 'good'. However, any notion of positive or good' security **has to be continually interrogated**. It also helps to reframe the debate over deconstruction/reconstruction by **shifting it in favour of moving forward towards 'better' things rather than establishing abstract 'positive' alternatives**. In the process, it emphasises the fact that all alternatives have limitations. The focus on experience. including alternative experiences, is central to pragmatism's contribution to debates over security ethics. Brassett makes a related argument drawing on Rortv. presenting a different view of ethics as grounded in experiences:

we need to overcome the second view that effective resistance requires us to somehow 'distance' ourselves from power. This view that we can somehow practice critique from a standpoint that transcends questions of power and domination in **Truth, the ideal speech situation, or some other idea(l) suggests that there are** correct 'spaces' **or** 'practices' **of resistance**, be it democracy, the revolutionary working class or a post-national constellation.

(Brassett 2009a: 242)

### 1NC – Consequentialism

#### Evaluating consequences is key to ethics

David Runciman 17, Politics, Cambridge University, “Political Theory and Real Politics in the Age of the Internet,” The Journal of Political Philosophy, Volume 25, Issue 1, March 2017, Pages 3–21

Contemporary political realism carries echoes of this line of argument and of Bentham's shift from the weaker to the stronger version of it, even though Bentham's direct influence is rarely in evidence. Critics of the current ubiquity of the language of human rights often point out that in the absence of a robust account of the power relations that are needed to underpin any rights regime—in particular, an answer to the question of who does the enforcing—all such talk is a massive distraction from the real business of improving the situation on the ground to which human rights are meant to apply.9 But for more radical critics the emptiness of human rights talk is too convenient to be merely a confusion: it serves as the perfect cover for the sinister interests of those engaged in neo-colonial projects of exploitation and expropriation.10 However, these two poles of the Benthamite case against moralism—from inadvertent confusion to deliberate deception—do not exhaust the range of explanations for what is wrong with it. There is another answer, drawn from an alternative intellectual tradition, which appears more frequently in the current realist literature. This is the Weberian idea that moralism does not so much obscure what politicians are really up to, as conceal the truth about their personal motives from political actors themselves. In other words, political moralism is less a form of deception than of self-deception: it lets politicians avoid looking political reality squarely in the face because it allows them to believe they have their eyes set on something higher. Conviction politicians think they can transcend the messy reality of politics. That belief is dangerous because their response when they encounter the messy reality is to deny it, or to ignore it, or to insist they can mould it to their higher purposes, which only makes the mess worse. Weber's case against allowing an ethic of conviction to trump an ethic of responsibility in politics—which requires, among other things, that politicians face up to the unintended consequences of what they do—remains compelling.11 But it does not map onto any sharp distinctions between realism and moralism. That is because the convictions that can breed self-deception are not necessarily moralistic beliefs; they can be beliefs about anything, including beliefs about how contingency trumps moral certainty. On the Weberian account it is not what you believe but how you believe it that makes the difference. Realists, too, can be self-deceived, because the strength of their convictions against moralism produces its own self-deceptions and blind spots. This is the case that can be made against Bentham, who was so thoroughly dogmatic about the vapidity of all talk of rights that it served to blind him to what was missing from his own understanding of politics. Macaulay made the point in his celebrated takedown of the Benthamites published in the Edinburgh Review in 1829: ‘They surrender their understandings … to the meanest and most abject sophisms, provided these sophisms come before them disguised with the externals of demonstration. They do not seem to know that logic has its illusions as well as rhetoric—that a fallacy may lurk in a syllogism as well as a metaphor.’12 Bentham was insufficiently sensitive to the ways in which the attempt to ground political argument in the language of force neglects the capacity of other sorts of arguments to move people successfully. Conviction politics is not simply the preserve of the moralisers. Likewise, it is not the case that moral political philosophy is itself incapable of seeing the merit of arguments that point towards the unavoidability of unintended consequences. Just as realists can be blind to contingency, so moralists can be alive to it. Take the example of Robert Nozick, the most prominent early critic of Rawlsian political philosophy from within the discourse of rights. Nozick's ‘Wilt Chamberlain example’ was designed to highlight the inability of Rawlsian schemes of justice to accommodate the unintended consequences of cumulative instances of contingent rightful action on the part of individuals (in this case, their willingness to hand over small amounts of their own money to watch the best basketball player around ply his trade, which would generate unjustifiable inequalities of wealth—Chamberlain becomes very rich—unless the state intervenes to circumscribe their choices).13 The challenge to Rawls is to adapt his patterned view of justice to a world in which events inevitably take place that will break up the pattern. But this challenge does not come from a realist; it comes from a moralist (and a self-professed utopian to boot). There are many possible ways to push back against the apparent force of the Wilt Chamberlain example.14 A realist response would be to challenge the assumptions behind the case itself. We live in societies that enrich leading sportspeople on a scale that even Nozick might have found hard to imagine (Nozick envisages Chamberlain earning $250,000; his contemporary equivalent—LeBron James—earned more than $50,000,000 in 2015). But the players’ wealth is not simply the cumulative consequence of the unfettered choice of large numbers of people to hand over small amounts of money to watch them play. Any such relationship—between fans and performers—is mediated by vast institutional structures of commodification and exchange, which make it very hard to follow the money from individual consumers to the pockets of the superstars. It passes through the hands of many others—broadcasters, agents, advertisers, and administrators—such that the path of justice may be at best obscured and more likely undermined (recent revelations about how FIFA operates do not inspire confidence that this is a transparently just business). A further iteration of the realist response would indicate that an example drawn from the world of sports is itself a misleading one. Though polling evidence suggests that in our increasingly unequal societies it is sporting celebrities and their like who are widely believed to be reaping the most outsize rewards—on the assumption that there is at least some correlation between reward and measurable talent—most of the superrich in fact come from the financial services industry, where visible talent is much harder to identify.15 Tracing the just transfer of money in Nozick's terms from individual consumers to the pockets of bankers would be a thoroughly thankless task. In that sense, the Wilt Chamberlain example appears designed to play into our unwarranted presuppositions about the workings of the free market. It serves as a smokescreen. So realists can respond to Nozick's argument about contingency with some contingencies of their own. But so too can Rawlsians. It is possible to turn Nozick's argument on its head. He purports to grant Rawls his ideal society in order to show that no political ideal can survive eventualities for which it was not designed. But what if Nozick is granted his ideal society—his utopia—in which there is no political eventuality that cannot be justified in terms of the underlying individual rights that must remain un-breached for any social arrangement to count as just. That society will also be subject to unforeseen contingencies, including emergent monopolies and other market failures. Correcting for those failures will require breaches of rights in Nozick's terms; but sitting back and doing nothing will make the preservation of the conditions of justice—which includes the ability to track the distribution of wealth through a series of free exchanges—much more difficult. There is a real world variant of this argument that illustrates what can be at stake. Critics of the most urgent demands to address the threat of climate change tend to argue that pre-emptive responses will preclude the sort of market innovation that offers the best chance of finding a solution.16 In other words, patterned state intervention forecloses the opportunities provided by being open to unforeseen contingencies. But equally, openness to contingency can be its own form of limitation, if it forecloses the opportunities provided by state intervention in the face of failure. Putting one's faith in an unforeseen future to generate outcomes that will in due course solve the problems of the present rules out the possibility of an unforeseen future that requires action in the present to solve its looming problems. Those whose convictions blindly favour contingency and the free exchange of ideas can be as self-deceived in Weber's sense as those who want to intervene in the name of a better politics. All convictions, however adaptable, have an edge of fatalism to them.17

### 1NC – Noys

#### A plan of no plan is circular – you need defined policy orientation

Benjamin Noys, Reader in English at the University of Chichester, Through a Glass Darkly: Alain Badiou’s critique of anarchism, ‘8 <https://www.academia.edu/216175/Through_a_glass_darkly_Alain_Badiou_s_critique_of_anarchism>

Badiou’s critique of anarchism operates indirectly; it attacks what Daniel Bensaïd describes as ‘[a] neo-libertarian current, more diffuse but more influential than the direct heirs of anarchism …[which] constitutes a state of mind, a ‘mood’, rather than a well-defined orientation.’ (Bensaïd 2005: 170). One of Badiou’s examples of this tendency, targeted while he was still a Maoist, is Gilles Deleuze and Félix Guattari’s book Anti-Oedipus (1972). This book, with its vision of a flux of desire that can escape the constraints of both capitalism and the ‘prison’ of the Freudian Oedipus complex, not only had a significant influence on the libertarians of the movements after May 68 but also on later anarchists and postanarchists. Where anarchists have tended to celebrate their theories of the uncontrollable fluxes of desire Badiou sarcastically comments: ‘Unforeseeable, desiring, irrational: follow your drift, my son, and you will make the Revolution.’ (2004: 76). This point summarises Badiou’s general scepticism towards what he regards as the anarchist faith in the ‘pure’ movement of resistance, a movement that seems to operate without the need for aim or direction but will somehow still result in revolution.¶ Badiou refines this general scepticism in making a series of more precise criticisms of the ‘libertarian current’. He argues that the central problem of this current is that it sets up a simple-minded opposition between power and resistance (or revolt, or rebellion). The result is a sterile set of ‘static dualisms’, from which is derived ‘the catechism of the System and the Flux, the Despot and the Nomad, the Paranoiac, and the Schizo’ (Badiou 2004: 80). In this case Badiou is explicitly referring to a number of oppositions that structure the text of Deleuze and Guattari’s Anti-Oedipus , in which the second term is valorised at the expense of the first. The problem with such dualisms is that they fail to grasp the actual way politics operates: ‘power’ is not one monolithic whole, and neither is ‘resistance’. Instead the task of ‘doing politics’ involves a closer analysis of different forces and contradictions as well as, for Badiou, the formation of the party as a form to handle and organise these contradictions. Whatever we might think of the second point we can, I think, accept the first is well made. While there may be a polemically or motivational gain in presenting politics in terms of a grand opposition, and there may well be times where struggle operates in this form, more often matters are considerably more complex.¶ For Badiou these kind of oppositions are reflective of the limits of the French political scene of the 1970s: namely the opposition between the structuralist Marxism of Louis Althusser, which finds its model in the French Communist Party, and the philosophy of desire of Deleuze and Guattari that gave voice to, and which finds its model in the dispersion of the little groups of libertarians (‘groupuscules’). In the first we find the relentless and paralysing insistence on the power of structure and, in the second, the celebration of ‘pure’ revolt. We can see here the origin of Badiou’s later contention that the anarchist model mirrors the communist party model. Anarchists oppose their small groups to the supposedly ‘monolithic’ style of the communist party. What they fail to recognise are the fissures and contradictions that run through both power and resistance. In this period Badiou, and the UCFML, are groping towards a new party-form that would be able to negotiate a dialectical reading of politics that could engage with force and place, disruption and structure, without reifying one of the terms against the other.¶ The irony is that defenders of Deleuze and Guattari, or Michel Foucault, whom Badiou also attacks, will argue that they present a model of power and resistance as multiple, fluid, and unstable – precisely not a binary. Badiou, however, is correct to note a tendency to re-constitute new binaries in these modes of thinking: ‘Schizo vs. Paranoid’ (Deleuze and Guattari), ‘Pleb vs. Power’ (Foucault), or ‘Multitude vs. Empire’ (Negri and Hardt). In each case the attempts at anti-dialectical thinking risk becoming merely un-dialectical. Badiou himself certainly changes the terms of his own thinking, but he retains the mistrust of what he regards as this fundamental libertarian or anarchist schema. So, in the later Being and Event (2005) Badiou will critique what he calls ‘speculative leftism’, which believes in the ‘pure’ event of revolt – the miracle of revolt appearing out of nothing.2 Again his point here is there is a faith in the emergence of a force of revolt posed against a static sense of power, without any real attempt to analyse the possibilities and limits the forces that would compose this ‘revolt’. This faith in the miracle of the event of revolt is coupled, Badiou argues, with a sense of the inevitable defeat of such revolts by power. The result is that we are left in the situation of fighting an endless (losing) war – alternating between the eruption of revolt out of nothing and then its inevitable return to nothing.¶ More recently Badiou has focused his criticisms on the thinking of Antonio Negri (author, with Michael Hardt, of Empire (2000)), and his influence on the ‘movement of movements’. Badiou tends to conflate Negri with the ‘movement of movements’, and while it is true that the language and thinking of Negri has had considerable influence it has by no means passed uncontested. Badiou modulates his earlier general criticisms of anarchism / libertarian positions but stays within the same general frame: Negri is not truly opposed to capitalist ‘Empire’ but instead romanticises the power of capitalism:¶ As is well known, for Negri, the Spinozist, there is only one historic substance, so that the capitalist empire is also the scene of an unprecedented communist deployment. This surely has the advantage of authorizing the belief that the worse it gets, the better it gets; or of getting you to (mis)take those demonstrations – fruitlessly convened to meet wherever the powerful re-unite – for the ‘creation’ and the ‘multiform invention’ of new petit-bourgeois proletarians. (Badiou 2006: 45)¶ Therefore Negri cuts the ground from under any truly anti-capitalist politics by being overly fascinated with the mobile power of capital. At the same time he is overly hopeful about the powers of resistance on this ground, offering only a ‘dreamy hallucination’ (Badiou 2003: 126) of the power of the ‘multitude’, which lacks the discipline to properly detach itself from the state.¶ Badiou’s critique of anarchism ranges across a number of repeated and modulated criticisms. At the fundamental level it involves a constrained sense of the possibilities of politics that remains in a dualism of resistance versus power. This monolithic conception prevents a properly political assessment of the complex arrangements of political power and the means by which capitalist and state power might not only be resisted but also overthrown. This static dualism often leaves the origin of revolt unexplained or undetermined. It seems to come from nowhere and also to go nowhere; the ‘miracle’ of revolt is always doomed to defeat or recuperation. Also, this dualism leads to a structure of mirroring between anarchism and state or capitalist power. The invocations of drift and liberation found in the libertarian current are dangerously close to the ideological forms of capitalism itself. For Badiou, this means that anarchism lacks the ability to ‘construct new forms of discipline to replace the discipline of political parties’ (Badiou 2003: 126). Of course anyone knowledgeable of the history of anarchism will recognise these kinds of criticism, particularly as it has often been advanced by Marxists. But it is the vehemence with which Badiou poses these questions in the present context, and his choice of theoretical targets that make them worth considering as critical questions – especially since, as we will see, some voices within the movement have arrived at similar conclusions.

# Block

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### 2NC – impact

#### Learning about antitrust law is key to making contingent changes—domination is not inevitable.

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.

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.

#### Legal education---topical debate centers engagement over particular government policy, which is valuable even if the law is terminally unethical---even the most radical opposition to the law requires knowledge for subversion

--Engagement with law inevitable – when activists are jailed or need to change structures, it’s always mediated by law – law imposes hierarchy on people and must be contested

--Radical change is not overnight – requires intermediate steps that use law

--Absence of laws guarantees failure – Occupy proves – just shouted and let Wall Street maintain control

--Law is not a monolith but contestable – laws are created by individuals which makes them necessarily incomplete – interests of groups shift and can converge

--Liberalism contains seeds of its own salvation and can be used against itself – liberal principles of rights have been invoked for LGBTQ rights, BLM, immigration rights, indigenous sovereignty, living wages, healthcare, housing, etc

McCann and Lovell, 18

Michael McCann and George I. Lovell. Michael McCann is Gordon Hirabayashi Professor for the Advancement of Citizenship at the University of Washington. George Lovell is Professor and Chair of Political Science, Harry Bridges Endowed Chair in Labor Studies, and Adjunct Professor in Law, Societies, and Justice at the University of Washington. “Toward a Radical Politics of Rights: Lessons about Legal Leveraging and Its Limitations,” Chapter 7 of “From the Streets to the State,” SUNY Press (2018)

In our aspirations for progressive change, engaging with the law is not a free choice among tactics. It is a necessity. Egalitarian activists are routinely forced into legal engagement by the omnipresence of law as a violent force imposing hierarchical order and harsh punitive constraints on oppressed populations. Although activists are often motivated by the quest for legal recognition of rights claims, offensively mobilizing law to support egalitarian struggles is only a small part of movement appeals to law. Defensive actions to evade law’s repressive force or to protect previous gains are often much more significant. In our view, there is surprisingly little rigorous theorizing about the different types of struggles on the terrain of law, the most useful indicators of effective legal action, and especially the measures of egalitarian

or inclusionary change.1

Law is an enduring site for progressive democratic contestation. Although official law is often a tool of repression, legal norms and institutions can also be resources for egalitarian rights claims, and, at certain historical moments, even social transformation. No matter how radical one’s political aspirations, the necessarily long-run character of revolutionary social transformation requires a series of intermediate steps, including those on the terrain of law. As the British socialist E. P. Thompson (1975) asserts

Most [people] have a strong sense of justice, at least with regard to their own interests. If the law is evidently partial and unjust, then it will mask nothing, legitimize nothing, contribute nothing to any class’s hegemony. The essential precondition for the effectiveness of law, in its function as ideology, is that it shall display an independence from gross manipulation and shall seem to be just. . . . The rhetoric and the rules of a society are something a great deal more than sham. In the same moment they may modify, in profound ways, the behavior of the powerful, and mystify the powerless. They may disguise the true realities of power, but, at the same time, they may curb that power and check its intrusions. . . . And it is often from within that very rhetoric that a radical critique of the practice of the society is developed. (436–39)

In this chapter, we describe legal mobilization as the articulation of a social interest, general policy, or a societal vision in terms of legal entitlement. As Frances Kahn Zemans (1983) famously put it, legal mobilization entails that “a desire or want . . . is translated into a demand as an assertion of one’s rights” (3). Since legal language is indeterminate and polyvalent, it is contestable. Dominant legal norms are incomplete and rife with tensions, and they adapt as the perceived interests of dominant groups respond to, or occasionally converge with, the demands of oppressed groups (Bell 1980). Although much legal contestation occurs between recognized rights-bearing subjects over the authoritative meaning of clashing liberal legal principles, legal mobilization also involves oppressed groups mobilizing liberal principles against illiberal, repressive modes of social control. These contests over ascribed race, gender, sexual, immigrant, and other marginalized identities often expand the rule of liberal legalism (Smith 1997; Orren 1992). More importantly,

struggles by progressive activists can use the liberal principle of equal citizenship to counter the property- and contract-based principles of capitalism, thereby challenging unequal resource distribution and class exploitation (Brown 2003; Smith 1997).

As Stuart Scheingold (1974) argues, “law cuts both ways,” both for and against egalitarian social justice (91; see also McCann 1994). When, how, and to what degree legal discourse and institutions provide resources for oppressed groups depends largely on the mix of legal and especially extralegal factors in a given historical context. Our research devotes considerable attention to the changing features of the cultural and institutional terrain that delimit the possibilities and forms of contestation within and against law. Of course, fighting for control of legal institutions and principles does not guarantee radical social change. But succumbing to anti-legalism cedes control over the terms of institutional organization, instrumental rule, and regime legitimation to dominant forces propelling capitalism and other hierarchies.

We recognize that our approach is at odds with some important recent movements and their interpreters. Arguably, the Occupy movements in and beyond the United States expressed a notable disdain for legal rights claiming, litigation strategies, and general appeals to legal strategies (Almog and Barzilai 2014). This disenchantment with law, legal processes, and lawyers is understandable in the post-civil rights era and the immediate post-recession moment. Indeed, wariness about law is always sound. Moreover, Occupy did profoundly reorient the dominant agenda in many parts of the global North. It put “deficit and debt hawks” on the defense and elevated concerns about economic fairness and the political accountability of private financial managers. At the same time, Occupy espoused and enacted little in the way of institutional changes within government and capitalist society. By shedding any reliance on discourses of rights, Occupy arguably limited its use of important ideological resources in the neoliberal context (Brown 2003; Obando 2014).

It is noteworthy that many movements inspired by the Occupy movement— especially among low-wage workers and advocates for corporate accountability— have recovered and prominently invoked rights claims and legal resources. Indeed, there has been a recent convergence around rights-based claims by campaigns for a minimum wage and sick pay, for immigrant rights and support, for LBGTQ rights, for the Black Lives Matter movement, and for other progressive and radical causes in the United States. Their reliance on lawyers and litigation has varied widely, but none of these movements discount them as much as did the earlier Occupy movement. Furthermore, many grassroots struggles in both the global North and South—against apartheid; for indigenous people’s sovereignty; for socioeconomic entitlements to housing, health-care, education, and minimum income—also appeal to legal or human rights and rely in part on national or transnational courts (Haglund and Stryker 2015; Rodriguez-Garavito 2011).

### 2NC – AT: W/M

#### Should denotes an expectation the aff will be enacted

**American Heritage Dictionary 2K**

Used to express probability or expectation

#### Means the USFG should take action

Steinberg and Freeley ‘8

David Director of Debate at U Miami, Former President of CEDA, officer, American Forensic Association and National Communication Association. Lecturer in Communication studies and rhetoric. Advisor to Miami Urban Debate League, Masters in Communication, and Austin, JD, Suffolk University, attorney who focuses on criminal, personal injury and civil rights law, Argumentation and Debate Critical Thinking for Reasoned Decision Making, TWELFTH EDITION

Most propositions on matters of policy contain the word should (or ought)—for example, “Resolved: That such-and-such should be done.” In a debate on a policy proposition, should means that intelligent self-interest, social welfare, or the national interest prompts this action **and that it is both desirable and workable. When the affirmative claims a policy “should” be adopted, it must show that the policy is practical—but it is under no obligation to show that it would be adopted**. The affirmative must give enough detail to show that if implemented, it would work. It may be impossible, within the time limitations of the debate, for the affirmative to give all the details, but it must at least show the outline of its policy and indicate how the details could be worked out. For example, in a debate on federal funding for education, the affirmative could not reasonably be expected to indicate how much money each state would receive under its plan, but it would be obliged to indicate the method by which the amount of the grants would be determined. It would be pointless for the negative to seek to show that the affirmative’s plan could not be adopted by demonstrating that public opinion is against it or that the supporters of the plan lack sufficient voting strength in Congress.

### 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.

#### These proposals solve and are topical.

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

#### it exemplifies the uselessness of their political strategy – that’s BOTH offense against their theory AND a reason to vote neg on presumption

Smulewicz-Zucker, Editor of Logos and adjunct professor of Philosophy at Baruch College, CUNY, and Thompson, Associate Professor of Political Science at William Paterson University, ‘15

(Gregory and Michael J., “The Treason of Intellectual Radicalism and the Collapse of Leftist Politics,” <http://logosjournal.com/2015/thompson-zucker/>)

But this is merely one fringe expression of what we see as a corrupted, simplified and de-politicized “new” radicalism. Once grounded in the Enlightenment impulse for progress, equality, rationalism, and the critical confrontation with asymmetrical power relations, the dominant trends of radical political thought now evade the concrete nature of these concerns. The battles that raged in the 1980s and 1990s between postmodernists and defenders of modernity – while serving as a harbinger of the contemporary split between the radical theorists divorced from reality and those who seek to establish anti-foundationalist conceptions of democratic discourse – were attached to a strong sense that the future of rationalism and radical politics hung in the balance. Today’s radical intellectuals **do not feel compelled to** defend their arguments **or respond to their critics.** Their purported radicalism becomes all the more opaque when the coherence of their claims is called into question. A concern for an exaggerated subjectivity, **identity politics**, **anti-empirical theories of power**, an **obsession with “difference**” – all serve to deplete the radical tradition of its potency. Radical intellectuals now formulate new vocabularies, **invent new forms of “subjectivity**,” and concoct new languages of discourse that only serve to splinter forms of political resistance, **consigning radicalism to the** depths of incoherence and (academic success notwithstanding) political irrelevance.

Indeed, the disintegration of the great radical movements of the nineteenth and twentieth centuries – from the labor movement to the Civil Rights movement – has detached philosophical thinking **from the mechanisms of power and political reality more broadly**. The result has been – despite the ironic new turn toward “anti-philosophy” – the conquest of politics by poorly constructed philosophy. **Abstraction has been the result**, as well as a panoply of shibboleths that have only served to sever “radical” thought from its relevance to contemporary politics and society. It seems to us that the survival of the tradition of rational, radical political and social criticism pivots on a confrontation with these new academic trends and fads.

#### They’re the opposite of useful theory – they work to make it harder to analyze the world

Sanbonmatsu, Associate Professor, Humanities & Arts, Worcester Polytechnic Institute, ‘15

(John, “Postmodernism and the Corruption of the Critical Intelligentsia,” in *Radical Intellectuals and the Subversion of Progressive Politics*, ed. Gregory Smulewicz-Zucker and Michael J. Thompson, Chapter 3)

But theory is on the contrary at its best when it serves as a paradigm of knowing, in the Kuhnian sense of a perceptual framework providing the scientist or observer with a means to discern patterns of meaning or order amid the chaos. As Kuhn argued, “Neither scientists nor laymen learn to see the world piece-meal or item by item . . . [Rather] both scientists and laymen sort out whole areas together from the flux of experience.”95 What paradigmatic theories do, then, is to provide the engaged observer with a means for discriminating between useful and unuseful data. As Antonio Gramsci wrote in his prison notebooks:

Reality is teeming with the most bizarre coincidences, and it is the theoretician’s task to find in this bizarreness new evidence for his theory, to “translate” the elements of historical life into theoretical language, but not vice versa, making reality conform to an abstract schema. (Leonardo knew how to discover number in all the manifestations of cosmic life, even when the eyes of the ignorant saw only change and disorder.)96

In Gramsci’s view, then, the proper role of the “critical” intellectual, the revolutionary, is to discern patterns of significance in history and culture, to identify more or less promising lines of action, and to build the basis for an alternative form of popular consent. Effective political knowledge must be rooted in perception of the totality or Gestalt of historical probabilities—in the complex interplay of economic and cultural factors, class interests, and human passion and will, through time. Only by inquiring closely into the empirical determinations of power, are we also able to perceive active historical possibilities—lines of force, strategic openings and opportunities, and areas of contradiction in the system. It is not a question of our being able to predict the future “scientifically,” but of comprehending as best we can the subtle combination of forces that structure the field of meaning and give rise to social phenomena. It is meanwhile the normative commitments of the critical intellectual—the subjective will to know the world in order to change it—that enable this way of seeing. It is this ability to see the world properly, in order to transform it,

that post-structuralism has stripped us of. What we need, and urgently, is not merely a repudiation of the post-structuralist canon, but a bold new theoretical project—a paradigmatic theory of action that yokes materialist analysis to an unabashedly moral, utopian, ecological vision. Such a project, closely interwoven with practice, would both take up and go well beyond the lost thread of Marxist–humanist and socialist–feminist thought. The work of our combined intellects must be to map the totality of oppression and liberation—not by seeking the Holy Grail of a scientific theory of everything, but by establishing an ethical horizon for liberatory practice as such. Only by returning, in this way, to holism in theory and practice might we begin to undo the terrible damage inflicted by nihilism on our praxis, and on truth

#### It turns the aff – their separation of theory from practice guarantees WORSE domination

Frum 17

David Frum, Senior Editor at The Atlantic, “How to Build an Autocracy,” The Atlantic. March 2017. <https://www.theatlantic.com/magazine/archive/2017/03/how-to-build-an-autocracy/513872/?utm_source=fbb>

In an 1888 lecture, James Russell Lowell, a founder of this magazine, challenged the happy assumption that the Constitution was a “machine that would go of itself.” Lowell was right. Checks and balances is a metaphor, not a mechanism.

Everything imagined above—and everything described below—is possible only if many people other than Donald Trump agree to permit it. It can all be stopped, if individual citizens and public officials make the right choices. The story told here, like that told by Charles Dickens’s Ghost of Christmas Yet to Come, is a story not of things that will be, but of things that may be. Other paths remain open. It is up to Americans to decide which one the country will follow.

No society, not even one as rich and fortunate as the United States has been, is guaranteed a successful future. When early Americans wrote things like “Eternal vigilance is the price of liberty,” they did not do so to provide bromides for future bumper stickers. They lived in a world in which authoritarian rule was the norm, in which rulers habitually claimed the powers and assets of the state as their own personal property.

The exercise of political power is different today than it was then—but perhaps not so different as we might imagine. Larry Diamond, a sociologist at Stanford, has described the past decade as a period of “democratic recession.” Worldwide, the number of democratic states has diminished. Within many of the remaining democracies, the quality of governance has deteriorated.

What has happened in Hungary since 2010 offers an example—and a blueprint for would-be strongmen. Hungary is a member state of the European Union and a signatory of the European Convention on Human Rights. It has elections and uncensored internet. Yet Hungary is ceasing to be a free country.

The transition has been nonviolent, often not even very dramatic. Opponents of the regime are not murdered or imprisoned, although many are harassed with building inspections and tax audits. If they work for the government, or for a company susceptible to government pressure, they risk their jobs by speaking out. Nonetheless, they are free to emigrate anytime they like. Those with money can even take it with them. Day in and day out, the regime works more through inducements than through intimidation. The courts are packed, and forgiving of the regime’s allies. Friends of the government win state contracts at high prices and borrow on easy terms from the central bank. Those on the inside grow rich by favoritism; those on the outside suffer from the general deterioration of the economy. As one shrewd observer told me on a recent visit, “The benefit of controlling a modern state is less the power to persecute the innocent, more the power to protect the guilty.”

Prime Minister Viktor Orbán’s rule over Hungary does depend on elections. These remain open and more or less free—at least in the sense that ballots are counted accurately. Yet they are not quite fair. Electoral rules favor incumbent power-holders in ways both obvious and subtle. Independent media lose advertising under government pressure; government allies own more and more media outlets each year. The government sustains support even in the face of bad news by artfully generating an endless sequence of controversies that leave culturally conservative Hungarians feeling misunderstood and victimized by liberals, foreigners, and Jews.

If this were happening in Honduras, we’d know what to call it. It’s happening here instead, and so we are baffled.

You could tell a similar story of the slide away from democracy in South Africa under Nelson Mandela’s successors, in Venezuela under the thug-thief Hugo Chávez, or in the Philippines under the murderous Rodrigo Duterte. A comparable transformation has recently begun in Poland, and could come to France should Marine Le Pen, the National Front’s candidate, win the presidency.

Outside the Islamic world, the 21st century is not an era of ideology. The grand utopian visions of the 19th century have passed out of fashion. The nightmare totalitarian projects of the 20th have been overthrown or have disintegrated, leaving behind only outdated remnants: North Korea, Cuba. What is spreading today is repressive kleptocracy, led by rulers motivated by greed rather than by the deranged idealism of Hitler or Stalin or Mao. Such rulers rely less on terror and more on rule-twisting, the manipulation of information, and the co-optation of elites.

The United States is of course a very robust democracy. Yet no human contrivance is tamper-proof, a constitutional democracy least of all. Some features of the American system hugely inhibit the abuse of office: the separation of powers within the federal government; the division of responsibilities between the federal government and the states. Federal agencies pride themselves on their independence; the court system is huge, complex, and resistant to improper influence.

Yet the American system is also perforated by vulnerabilities no less dangerous for being so familiar. Supreme among those vulnerabilities is reliance on the personal qualities of the man or woman who wields the awesome powers of the presidency. A British prime minister can lose power in minutes if he or she forfeits the confidence of the majority in Parliament. The president of the United States, on the other hand, is restrained first and foremost by his own ethics and public spirit. What happens if somebody comes to the high office lacking those qualities?

Over the past generation, we have seen ominous indicators of a breakdown of the American political system: the willingness of congressional Republicans to push the United States to the brink of a default on its national obligations in 2013 in order to score a point in budget negotiations; Barack Obama’s assertion of a unilateral executive power to confer legal status upon millions of people illegally present in the United States—despite his own prior acknowledgment that no such power existed.

Donald Trump, however, represents something much more radical. A president who plausibly owes his office at least in part to a clandestine intervention by a hostile foreign intelligence service? Who uses the bully pulpit to target individual critics? Who creates blind trusts that are not blind, invites his children to commingle private and public business, and somehow gets the unhappy members of his own political party either to endorse his choices or shrug them off? If this were happening in Honduras, we’d know what to call it. It’s happening here instead, and so we are baffled.

“Ambition must be made to counteract ambition.” With those words, written more than 200 years ago, the authors of the Federalist Papers explained the most important safeguard of the American constitutional system. They then added this promise: “In republican government, the legislative authority necessarily predominates.” Congress enacts laws, appropriates funds, confirms the president’s appointees. Congress can subpoena records, question officials, and even impeach them. Congress can protect the American system from an overbearing president.

But will it?

As politics has become polarized, Congress has increasingly become a check only on presidents of the opposite party. Recent presidents enjoying a same-party majority in Congress—Barack Obama in 2009 and 2010, George W. Bush from 2003 through 2006—usually got their way. And congressional oversight might well be performed even less diligently during the Trump administration.

The first reason to fear weak diligence is the oddly inverse relationship between President Trump and the congressional Republicans. In the ordinary course of events, it’s the incoming president who burns with eager policy ideas. Consequently, it’s the president who must adapt to—and often overlook—the petty human weaknesses and vices of members of Congress in order to advance his agenda. This time, it will be Paul Ryan, the speaker of the House, doing the advancing—and consequently the overlooking.

Trump has scant interest in congressional Republicans’ ideas, does not share their ideology, and cares little for their fate. He can—and would—break faith with them in an instant to further his own interests. Yet here they are, on the verge of achieving everything they have hoped to achieve for years, if not decades. They owe this chance solely to Trump’s ability to deliver a crucial margin of votes in a handful of states—Wisconsin, Michigan, and Pennsylvania—which has provided a party that cannot win the national popular vote a fleeting opportunity to act as a decisive national majority. The greatest risk to all their projects and plans is the very same X factor that gave them their opportunity: Donald Trump, and his famously erratic personality. What excites Trump is his approval rating, his wealth, his power. The day could come when those ends would be better served by jettisoning the institutional Republican Party in favor of an ad hoc populist coalition, joining nationalism to generous social spending—a mix that’s worked well for authoritarians in places like Poland. Who doubts Trump would do it? Not Paul Ryan. Not Mitch McConnell, the Senate majority leader. For the first time since the administration of John Tyler in the 1840s, a majority in Congress must worry about their president defecting from them rather than the other way around.

A scandal involving the president could likewise wreck everything that Republican congressional leaders have waited years to accomplish. However deftly they manage everything else, they cannot prevent such a scandal. But there is one thing they can do: their utmost not to find out about it.

“Do you have any concerns about Steve Bannon being in the White House?,” CNN’s Jake Tapper asked Ryan in November. “I don’t know Steve Bannon, so I have no concerns,” answered the speaker. “I trust Donald’s judgment.”

Asked on 60 Minutes whether he believed Donald Trump’s claim that “millions” of illegal votes had been cast, Ryan answered: “I don’t know. I’m not really focused on these things.”

What about Trump’s conflicts of interest? “This is not what I’m concerned about in Congress,” Ryan said on CNBC. Trump should handle his conflicts “however he wants to.”

Ryan has learned his prudence the hard way. Following the airing of Trump’s past comments, caught on tape, about his forceful sexual advances on women, Ryan said he’d no longer campaign for Trump. Ryan’s net favorability rating among Republicans dropped by 28 points in less than 10 days. Once unassailable in the party, he suddenly found himself disliked by 45 percent of Republicans.

As Ryan’s cherished plans move closer and closer to presidential signature, Congress’s subservience to the president will likely intensify. Whether it’s allegations of Russian hacks of Democratic Party internal communications, or allegations of self-enrichment by the Trump family, or favorable treatment of Trump business associates, the Republican caucus in Congress will likely find itself conscripted into serving as Donald Trump’s ethical bodyguard.

The Senate historically has offered more scope to dissenters than the House. Yet even that institution will find itself under pressure. Two of the Senate’s most important Republican Trump skeptics will be up for reelection in 2018: Arizona’s Jeff Flake and Texas’s Ted Cruz. They will not want to provoke a same-party president—especially not in a year when the president’s party can afford to lose a seat or two in order to discipline dissenters. Mitch McConnell is an even more results-oriented politician than Paul Ryan—and his wife, Elaine Chao, has been offered a Cabinet position, which might tilt him further in Trump’s favor.

Ambition will counteract ambition only until ambition discovers that conformity serves its goals better. At that time, Congress, the body expected to check presidential power, may become the president’s most potent enabler.

Discipline within the congressional ranks will be strictly enforced not only by the party leadership and party donors, but also by the overwhelming influence of Fox News. Trump versus Clinton was not 2016’s only contest between an overbearing man and a restrained woman. Just such a contest was waged at Fox, between Sean Hannity and Megyn Kelly. In both cases, the early indicators seemed to favor the women. Yet in the end it was the men who won, Hannity even more decisively than Trump. Hannity’s show, which became an unapologetic infomercial for Trump, pulled into first place on the network in mid-October. Kelly’s show tumbled to fifth place, behind even The Five, a roundtable program that airs at 5 p.m. Kelly landed on her feet, of course, but Fox learned its lesson: Trump sells; critical coverage does not. Since the election, the network has awarded Kelly’s former 9 p.m. time slot to Tucker Carlson, who is positioning himself as a Trump enthusiast in the Hannity mold.

A president determined to thwart the law to protect himself and those in his circle has many means to do so.

From the point of view of the typical Republican member of Congress, Fox remains all-powerful: the single most important source of visibility and affirmation with the voters whom a Republican politician cares about. In 2009, in the run-up to the Tea Party insurgency, South Carolina’s Bob Inglis crossed Fox, criticizing Glenn Beck and telling people at a town-hall meeting that they should turn his show off. He was drowned out by booing, and the following year, he lost his primary with only 29 percent of the vote, a crushing repudiation for an incumbent untouched by any scandal.

Fox is reinforced by a carrier fleet of supplementary institutions: super pacs, think tanks, and conservative web and social-media presences, which now include such former pariahs as Breitbart and Alex Jones. So long as the carrier fleet coheres—and unless public opinion turns sharply against the president—oversight of Trump by the Republican congressional majority will very likely be cautious, conditional, and limited.

Donald trump will not set out to build an authoritarian state. His immediate priority seems likely to be to use the presidency to enrich himself. But as he does so, he will need to protect himself from legal risk. Being Trump, he will also inevitably wish to inflict payback on his critics. Construction of an apparatus of impunity and revenge will begin haphazardly and opportunistically. But it will accelerate. It will have to.

If Congress is quiescent, what can Trump do? A better question, perhaps, is what can’t he do?

Newt Gingrich, the former speaker of the House, who often articulates Trumpist ideas more candidly than Trump himself might think prudent, offered a sharp lesson in how difficult it will be to enforce laws against an uncooperative president. During a radio roundtable in December, on the topic of whether it would violate anti-nepotism laws to bring Trump’s daughter and son-in-law onto the White House staff, Gingrich said: The president “has, frankly, the power of the pardon. It is a totally open power, and he could simply say, ‘Look, I want them to be my advisers. I pardon them if anybody finds them to have behaved against the rules. Period.’ And technically, under the Constitution, he has that level of authority.”

That statement is true, and it points to a deeper truth: The United States may be a nation of laws, but the proper functioning of the law depends upon the competence and integrity of those charged with executing it. A president determined to thwart the law in order to protect himself and those in his circle has many means to do so.

The power of the pardon, deployed to defend not only family but also those who would protect the president’s interests, dealings, and indiscretions, is one such means. The powers of appointment and removal are another. The president appoints and can remove the commissioner of the IRS. He appoints and can remove the inspectors general who oversee the internal workings of the Cabinet departments and major agencies. He appoints and can remove the 93 U.S. attorneys, who have the power to initiate and to end federal prosecutions. He appoints and can remove the attorney general, the deputy attorney general, and the head of the criminal division at the Department of Justice.

There are hedges on these powers, both customary and constitutional, including the Senate’s power to confirm (or not) presidential appointees. Yet the hedges may not hold in the future as robustly as they have in the past.

Senators of the president’s party traditionally have expected to be consulted on the U.S.-attorney picks in their states, a highly coveted patronage plum. But the U.S. attorneys of most interest to Trump—above all the ones in New York and New Jersey, the locus of many of his businesses and bank dealings—come from states where there are no Republican senators to take into account. And while the U.S. attorneys in Florida, home to Mar-a-Lago and other Trump properties, surely concern him nearly as much, if there’s one Republican senator whom Trump would cheerfully disregard, it’s Marco Rubio.

The traditions of independence and professionalism that prevail within the federal law-enforcement apparatus, and within the civil service more generally, will tend to restrain a president’s power. Yet in the years ahead, these restraints may also prove less robust than they look. Republicans in Congress have long advocated reforms to expedite the firing of underperforming civil servants. In the abstract, there’s much to recommend this idea. If reform is dramatic and happens in the next two years, however, the balance of power between the political and the professional elements of the federal government will shift, decisively, at precisely the moment when the political elements are most aggressive. The intelligence agencies in particular would likely find themselves exposed to retribution from a president enraged at them for reporting on Russia’s aid to his election campaign. “As you know from his other career, Donald likes to fire people.” So New Jersey Governor Chris Christie joked to a roomful of Republican donors at the party’s national convention in July. It would be a mighty power—and highly useful.

The courts, though they might slowly be packed with judges inclined to hear the president’s arguments sympathetically, are also a check, of course. But it’s already difficult to hold a president to account for financial improprieties. As Donald Trump correctly told reporters and editors from The New York Times on November 22, presidents are not bound by the conflict-of-interest rules that govern everyone else in the executive branch.

Presidents from Jimmy Carter onward have balanced this unique exemption with a unique act of disclosure: the voluntary publication of their income-tax returns. At a press conference on January 11, Trump made clear that he will not follow that tradition. His attorney instead insisted that everything the public needs to know is captured by his annual financial-disclosure report, which is required by law for executive-branch employees and from which presidents are not exempt. But a glance at the reporting forms (you can [read them yourself](http://www.oge.gov/web/278eguide.nsf)) will show their inadequacy to Trump’s situation. They are written with stocks and bonds in mind, to capture mortgage liabilities and deferred executive compensation—not the labyrinthine deals of the Trump Organization and its ramifying networks of partners and brand-licensing affiliates. The truth is in the tax returns, and they will not be forthcoming.

Even outright bribe-taking by an elected official is surprisingly difficult to prosecute, and was made harder still by the Supreme Court in 2016, when it overturned, by an 8–0 vote, the conviction of former Virginia Governor Bob McDonnell. McDonnell and his wife had taken valuable gifts of cash and luxury goods from a favor seeker. McDonnell then set up meetings between the favor seeker and state officials who were in a position to help him. A jury had even accepted that the “quid” was indeed “pro” the “quo”—an evidentiary burden that has often protected accused bribe-takers in the past. The McDonnells had been convicted on a combined 20 counts.

The Supreme Court objected, however, that the lower courts had interpreted federal anticorruption law too broadly. The relevant statute applied only to “official acts.” The Court defined such acts very strictly, and held that “setting up a meeting, talking to another official, or organizing an event—without more—does not fit that definition of an ‘official act.’ ”

Trump is poised to mingle business and government with an audacity and on a scale more reminiscent of a leader in a post-Soviet republic than anything ever before seen in the United States. Glimpses of his family’s wealth-seeking activities will likely emerge during his presidency, as they did during the transition. Trump’s Indian business partners dropped by Trump Tower and posted pictures with the then-president-elect on Facebook, alerting folks back home that they were now powers to be reckoned with. The Argentine media reported that Trump had discussed the progress of a Trump-branded building in Buenos Aires during a congratulatory phone call from the country’s president. (A spokesman for the Argentine president denied that the two men had discussed the building on their call.) Trump’s daughter Ivanka sat in on a meeting with the Japanese prime minister—a useful meeting for her, since a government-owned bank has a large ownership stake in the Japanese company with which she was negotiating a licensing deal.

Suggestive. Disturbing. But illegal, post-McDonnell? How many presidentially removable officials would dare even initiate an inquiry?

You may hear much mention of the Emoluments Clause of the Constitution during Trump’s presidency: “No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.”

But as written, this seems to present a number of loopholes. First, the clause applies only to the president himself, not to his family members. Second, it seems to govern benefits only from foreign governments and state-owned enterprises, not from private business entities. Third, Trump’s lawyers have argued that the clause applies only to gifts and titles, not to business transactions. Fourth, what does “the Consent of Congress” mean? If Congress is apprised of an apparent emolument, and declines to do anything about it, does that qualify as consent? Finally, how is this clause enforced? Could someone take President Trump to court and demand some kind of injunction? Who? How? Will the courts grant standing? The clause seems to presume an active Congress and a vigilant public. What if those are lacking?

It is essential to recognize that Trump will use his position not only to enrich himself; he will enrich plenty of other people too, both the powerful and—sometimes, for public consumption—the relatively powerless. Venezuela, a stable democracy from the late 1950s through the 1990s, was corrupted by a politics of personal favoritism, as Hugo Chávez used state resources to bestow gifts on supporters. Venezuelan state TV even aired a regular program to showcase weeping recipients of new houses and free appliances. Americans recently got a preview of their own version of that show as grateful Carrier employees thanked then-President-elect Trump for keeping their jobs in Indiana.

“I just couldn’t believe that this guy … he’s not even president yet and he worked on this deal with the company,” T. J. Bray, a 32-year-old Carrier employee, told Fortune. “I’m just in shock. A lot of the workers are in shock. We can’t believe something good finally happened to us. It felt like a victory for the little people.”

Trump will try hard during his presidency to create an atmosphere of personal munificence, in which graft does not matter, because rules and institutions do not matter. He will want to associate economic benefit with personal favor. He will create personal constituencies, and implicate other people in his corruption. That, over time, is what truly subverts the institutions of democracy and the rule of law. If the public cannot be induced to care, the power of the investigators serving at Trump’s pleasure will be diminished all the more.

“The first task for our new administration will be to liberate our citizens from the crime and terrorism and lawlessness that threatens our communities.” Those were Donald Trump’s words at the Republican National Convention. The newly nominated presidential candidate then listed a series of outrages and attacks, especially against police officers.

America was shocked to its core when our police officers in Dallas were so brutally executed. Immediately after Dallas, we’ve seen continued threats and violence against our law-enforcement officials. Law officers have been shot or killed in recent days in Georgia, Missouri, Wisconsin, Kansas, Michigan, and Tennessee.  
  
On Sunday, more police were gunned down in Baton Rouge, Louisiana. Three were killed, and three were very, very badly injured. An attack on law enforcement is an attack on all Americans. I have a message to every last person threatening the peace on our streets and the safety of our police: When I take the oath of office next year, I will restore law and order to our country.

You would never know from Trump’s words that the average number of felonious killings of police during the Obama administration’s tenure was almost one-third lower than it was in the early 1990s, a decline that tracked with the general fall in violent crime that has so blessed American society. There had been a rise in killings of police in 2014 and 2015 from the all-time low in 2013—but only back to the 2012 level. Not every year will be the best on record.

A mistaken belief that crime is spiraling out of control—that terrorists roam at large in America and that police are regularly gunned down—represents a considerable political asset for Donald Trump. Seventy-eight percent of Trump voters believed that crime had worsened during the Obama years.

Civil unrest will not be a problem for the Trump presidency. It will be a resource. Trump will likely want to enflame more of it.

In true police states, surveillance and repression sustain the power of the authorities. But that’s not how power is gained and sustained in backsliding democracies. Polarization, not persecution, enables the modern illiberal regime.

By guile or by instinct, Trump understands this.

Whenever Trump stumbles into some kind of trouble, he reacts by picking a divisive fight. The morning after The Wall Street Journal published a story about the extraordinary conflicts of interest surrounding Trump’s son-in-law, Jared Kushner, Trump tweeted that flag burners should be imprisoned or stripped of their citizenship. That evening, as if on cue, a little posse of oddballs obligingly burned flags for the cameras in front of the Trump International Hotel in New York. Guess which story dominated that day’s news cycle?

Civil unrest will not be a problem for the Trump presidency. It will be a resource. Trump will likely want not to repress it, but to publicize it—and the conservative entertainment-outrage complex will eagerly assist him. Immigration protesters marching with Mexican flags; Black Lives Matter demonstrators bearing antipolice slogans—these are the images of the opposition that Trump will wish his supporters to see. The more offensively the protesters behave, the more pleased Trump will be.

Calculated outrage is an old political trick, but nobody in the history of American politics has deployed it as aggressively, as repeatedly, or with such success as Donald Trump. If there is harsh law enforcement by the Trump administration, it will benefit the president not to the extent that it quashes unrest, but to the extent that it enflames more of it, ratifying the apocalyptic vision that haunted his speech at the convention.

At a rally in Grand Rapids, Michigan, in December, Trump got to talking about Vladimir Putin. “And then they said, ‘You know he’s killed reporters,’ ” Trump told the audience. “And I don’t like that. I’m totally against that. By the way, I hate some of these people, but I’d never kill them. I hate them. No, I think, no—these people, honestly—I’ll be honest. I’ll be honest. I would never kill them. I would never do that. Ah, let’s see—nah, no, I wouldn’t. I would never kill them. But I do hate them.”

In the early days of the Trump transition, Nic Dawes, a journalist who has worked in South Africa, [delivered an ominous warning](http://www.cjr.org/the_feature/trump_journalism_press_freedom_global.php) to the American media about what to expect. “Get used to being stigmatized as ‘opposition,’ ” he wrote. “The basic idea is simple: to delegitimize accountability journalism by framing it as partisan.”

The rulers of backsliding democracies resent an independent press, but cannot extinguish it. They may curb the media’s appetite for critical coverage by intimidating unfriendly journalists, as President Jacob Zuma and members of his party have done in South Africa. Mostly, however, modern strongmen seek merely to discredit journalism as an institution, by denying that such a thing as independent judgment can exist. All reporting serves an agenda. There is no truth, only competing attempts to grab power.

By filling the media space with bizarre inventions and brazen denials, purveyors of fake news hope to mobilize potential supporters with righteous wrath—and to demoralize potential opponents by nurturing the idea that everybody lies and nothing matters. A would-be kleptocrat is actually better served by spreading cynicism than by deceiving followers with false beliefs: Believers can be disillusioned; people who expect to hear only lies can hardly complain when a lie is exposed. The inculcation of cynicism breaks down the distinction between those forms of media that try their imperfect best to report the truth, and those that purvey falsehoods for reasons of profit or ideology. The New York Timesbecomes the equivalent of Russia’s RT; The Washington Post of Breitbart; NPR of Infowars.

One story, still supremely disturbing, exemplifies the falsifying method. During November and December, the slow-moving California vote count gradually pushed Hillary Clinton’s lead over Donald Trump in the national popular vote further and further: past 1 million, past 1.5 million, past 2 million, past 2.5 million. Trump’s share of the vote would ultimately clock in below Richard Nixon’s in 1960, Al Gore’s in 2000, John Kerry’s in 2004, Gerald Ford’s in 1976, and Mitt Romney’s in 2012—and barely ahead of Michael Dukakis’s in 1988.

This outcome evidently gnawed at the president-elect. On November 27, Trump tweeted that he had in fact “won the popular vote if you deduct the millions of people who voted illegally.” He followed up that astonishing, and unsubstantiated, statement with an escalating series of tweets and retweets.

It’s hard to do justice to the breathtaking audacity of such a claim. If true, it would be so serious as to demand a criminal investigation at a minimum, presumably spanning many states. But of course the claim was not true. Trump had not a smidgen of evidence beyond his own bruised feelings and internet flotsam from flagrantly unreliable sources. Yet once the president-elect lent his prestige to the crazy claim, it became fact for many people. A survey by YouGov found that by December 1, 43 percent of Republicans accepted the claim that millions of people had voted illegally in 2016.

A clear untruth had suddenly become a contested possibility. When CNN’s Jeff Zeleny correctly reported on November 28 that Trump’s tweet was baseless, Fox’s Sean Hannity accused Zeleny of media bias—and then proceeded to urge the incoming Trump administration to take a new tack with the White House press corps, and to punish reporters like Zeleny. “I think it’s time to reevaluate the press and maybe change the traditional relationship with the press and the White House,” Hannity said. “My message tonight to the press is simple: You guys are done. You’ve been exposed as fake, as having an agenda, as colluding. You’re a fake news organization.”

This was no idiosyncratic brain wave of Hannity’s. The previous morning, Ari Fleischer, the former press secretary in George W. Bush’s administration, had advanced a similar idea in a Wall Street Journal op-ed, suggesting that the White House could withhold credentials for its press conferences from media outlets that are “too liberal or unfair.” Newt Gingrich recommended that Trump stop giving press conferences altogether.

Twitter, unmediated by the press, has proved an extremely effective communication tool for Trump. And the whipping-up of potentially violent Twitter mobs against media critics is already a standard method of Trump’s governance. Megyn Kelly blamed Trump and his campaign’s social-media director for inciting Trump’s fans against her to such a degree that she felt compelled to hire armed guards to protect her family. I’ve talked with well-funded Trump supporters who speak of recruiting a troll army explicitly modeled on those used by Turkey’s Recep Tayyip Erdoğan and Russia’s Putin to take control of the social-media space, intimidating some critics and overwhelming others through a blizzard of doubt-casting and misinformation. The WikiLeaks Task Force recently tweeted—then hastily deleted—a suggestion that it would build a database to track personal and financial information on all verified Twitter accounts, the kind of accounts typically used by journalists at major media organizations. It’s not hard to imagine how such compilations could be used to harass or intimidate.

Even so, it seems unlikely that President Trump will outright send the cameras away. He craves media attention too much. But he and his team are serving notice that a new era in government-media relations is coming, an era in which all criticism is by definition oppositional—and all critics are to be treated as enemies.

In an online article for The New York Review of Books, the Russian-born journalist Masha Gessen brilliantly noted a commonality between Donald Trump and the man Trump admires so much, Vladimir Putin. “Lying is the message,” she wrote. “It’s not just that both Putin and Trump lie, it is that they lie in the same way and for the same purpose: blatantly, to assert power over truth itself.”

The lurid mass movements of the 20th century—communist, fascist, and other—have bequeathed to our imaginations an outdated image of what 21st-century authoritarianism might look like.

Whatever else happens, Americans are not going to assemble in parade-ground formations, any more than they will crank a gramophone or dance the turkey trot. In a society where few people walk to work, why mobilize young men in matching shirts to command the streets? If you’re seeking to domineer and bully, you want your storm troopers to go online, where the more important traffic is. Demagogues need no longer stand erect for hours orating into a radio microphone. Tweet lies from a smartphone instead.

“Populist-fueled democratic backsliding is difficult to counter,” [wrote](https://www.foreignaffairs.com/articles/2016-12-05/how-democracies-fall-apart) the political scientists Andrea Kendall-Taylor and Erica Frantz late last year. “Because it is subtle and incremental, there is no single moment that triggers widespread resistance or creates a focal point around which an opposition can coalesce … Piecemeal democratic erosion, therefore, typically provokes only fragmented resistance.” Their observation was rooted in the experiences of countries ranging from the Philippines to Hungary. It could apply here too.

If people retreat into private life, if critics grow quieter, if cynicism becomes endemic, the corruption will slowly become more brazen, the intimidation of opponents stronger. Laws intended to ensure accountability or prevent graft or protect civil liberties will be weakened.

If the president uses his office to grab billions for himself and his family, his supporters will feel empowered to take millions. If he successfully exerts power to punish enemies, his successors will emulate his methods.

If citizens learn that success in business or in public service depends on the favor of the president and his ruling clique, then it’s not only American politics that will change. The economy will be corrupted too, and with it the larger culture. A culture that has accepted that graft is the norm, that rules don’t matter as much as relationships with those in power, and that people can be punished for speech and acts that remain theoretically legal—such a culture is not easily reoriented back to constitutionalism, freedom, and public integrity.

The oft-debated question “Is Donald Trump a fascist?” is not easy to answer. There are certainly fascistic elements to him: the subdivision of society into categories of friend and foe; the boastful virility and the delight in violence; the vision of life as a struggle for dominance that only some can win, and that others must lose.

Yet there’s also something incongruous and even absurd about applying the sinister label of fascist to Donald Trump. He is so pathetically needy, so shamelessly self-interested, so fitful and distracted. Fascism fetishizes hardihood, sacrifice, and struggle—concepts not often associated with Trump.

A would-be kleptocrat is better served by spreading cynicism than by deceiving followers.

Perhaps this is the wrong question. Perhaps the better question about Trump is not “What is he?” but “What will he do to us?”

By all early indications, the Trump presidency will corrode public integrity and the rule of law—and also do untold damage to American global leadership, the Western alliance, and democratic norms around the world. The damage has already begun, and it will not be soon or easily undone. Yet exactly how much damage is allowed to be done is an open question—the most important near-term question in American politics. It is also an intensely personal one, for its answer will be determined by the answer to another question: What will you do? And you? And you?

Of course we want to believe that everything will turn out all right. In this instance, however, that lovely and customary American assumption itself qualifies as one of the most serious impediments to everything turning out all right. If the story ends without too much harm to the republic, it won’t be because the dangers were imagined, but because citizens resisted.

The duty to resist should weigh most heavily upon those of us who—because of ideology or partisan affiliation or some other reason—are most predisposed to favor President Trump and his agenda. The years ahead will be years of temptation as well as danger: temptation to seize a rare political opportunity to cram through an agenda that the American majority would normally reject. Who knows when that chance will recur?

A constitutional regime is founded upon the shared belief that the most fundamental commitment of the political system is to the rules. The rules matter more than the outcomes. It’s because the rules matter most that Hillary Clinton conceded the presidency to Trump despite winning millions more votes. It’s because the rules matter most that the giant state of California will accept the supremacy of a federal government that its people rejected by an almost two-to-one margin.

Perhaps the words of a founding father of modern conservatism, Barry Goldwater, offer guidance. “If I should later be attacked for neglecting my constituents’ ‘interests,’ ” Goldwater wrote in The Conscience of a Conservative, “I shall reply that I was informed their main interest is liberty and that in that cause I am doing the very best I can.” These words should be kept in mind by those conservatives who think a tax cut or health-care reform a sufficient reward for enabling the slow rot of constitutional government.

Many of the worst and most subversive things Trump will do will be highly popular. Voters liked the threats and incentives that kept Carrier manufacturing jobs in Indiana. Since 1789, the wisest American leaders have invested great ingenuity in creating institutions to protect the electorate from its momentary impulses toward arbitrary action: the courts, the professional officer corps of the armed forces, the civil service, the Federal Reserve—and undergirding it all, the guarantees of the Constitution and especially the Bill of Rights. More than any president in U.S. history since at least the time of Andrew Jackson, Donald Trump seeks to subvert those institutions.

Trump and his team count on one thing above all others: public indifference. “I think people don’t care,” he said in September when asked whether voters wanted him to release his tax returns. “Nobody cares,” he reiterated to 60 Minutes in November. Conflicts of interest with foreign investments? Trump tweeted on November 21 that he didn’t believe voters cared about that either: “Prior to the election it was well known that I have interests in properties all over the world. Only the crooked media makes this a big deal!”

What happens in the next four years will depend heavily on whether Trump is right or wrong about how little Americans care about their democracy and the habits and conventions that sustain it. If they surprise him, they can restrain him.

Public opinion, public scrutiny, and public pressure still matter greatly in the U.S. political system. In January, an unexpected surge of voter outrage thwarted plans to neutralize the independent House ethics office. That kind of defense will need to be replicated many times. Elsewhere in this issue, [Jonathan Rauch describes](https://www.theatlantic.com/magazine/archive/2017/03/containing-trump/513854/)some of the networks of defense that Americans are creating.

Get into the habit of telephoning your senators and House member at their local offices, especially if you live in a red state. Press your senators to ensure that prosecutors and judges are chosen for their independence—and that their independence is protected. Support laws to require the Treasury to release presidential tax returns if the president fails to do so voluntarily. Urge new laws to clarify that the Emoluments Clause applies to the president’s immediate family, and that it refers not merely to direct gifts from governments but to payments from government-affiliated enterprises as well. Demand an independent investigation by qualified professionals of the role of foreign intelligence services in the 2016 election—and the contacts, if any, between those services and American citizens. Express your support and sympathy for journalists attacked by social-media trolls, especially women in journalism, so often the preferred targets. Honor civil servants who are fired or forced to resign because they defied improper orders. Keep close watch for signs of the rise of a culture of official impunity, in which friends and supporters of power-holders are allowed to flout rules that bind everyone else.

Those citizens who fantasize about defying tyranny from within fortified compounds have never understood how liberty is actually threatened in a modern bureaucratic state: not by diktat and violence, but by the slow, demoralizing process of corruption and deceit. And the way that liberty must be defended is not with amateur firearms, but with an unwearying insistence upon the honesty, integrity, and professionalism of American institutions and those who lead them. We are living through the most dangerous challenge to the free government of the United States that anyone alive has encountered. What happens next is up to you and me. Don’t be afraid. This moment of danger can also be your finest hour as a citizen and an American.

#### Just “being more ethical” does’t matter if it isn’t tied to action

Ruti, Professor of Critical Theory at the University of Toronto, ‘16

(Mari, “The Bad Habits of Critical Theory,” The Comparatist Volume 40, October)

Both Butler and Žižek therefore resort to normative ethics in a slapdash manner, whenever the situation happens to call for it. More specifically, their strategy is to explicitly disavow ethics of the “liberal-humanist” denomination while simultaneously keeping such ethics in their back pocket for times when their progressive alternative falters. It would consequently be easy to accuse both critics of theoretical opportunism. But a less sinister reason for their inconsistency is what I have argued all along, namely that an ethics without any normative content is ultimately unsustainable. It is of course entirely possible that some empirical situations profit from a Levinasian approach, others from a Lacanian one, and yet others are best dealt with Kantian normativity. I accept that there is room in critical analysis for more than one ethical paradigm. But when I see critics (implicitly) using a paradigm, such as Kantian normativity, that they have explicitly denounced, I sense that their thinking is frustrated by unresolved aporias. This is why I have argued that the knee-jerk rejection of normative ethics by progressive critical theory constitutes one of its worst habits: it leads to too many embarrassing theoretical contradictions for the simple reason that, at the end of the day, an ethics with no a priori judgments about right and wrong is impracticable.

A genuine relativist might not care. But a relativist with a heart of gold—the kind of relativist who, despite her relativism, wants social justice—cannot but care in the sense that behind her postnormativity (or antinormativity) lurk normative views about the good, fair, and just. In a way, the situation is almost humorous: progressive critical theory’s habit of slamming a priori norms as an unacceptable liberal-humanist habit of thought is so stubborn that it cannot allow itself the conceptual luxury of trying to figure out how it might be possible—to return to Huffer’s wording—to consider posthumanist antifoundationalism “together with the ethical dimensions of intersubjectivity.” In the same way that critical theory finds it difficult to admit that the demise of the autonomous and sovereign humanist subject does not deprive humans of all autonomy and sovereignty—and that there may be situations where a degree of autonomy and sovereignty is essential for psychic and affective survival—it finds it difficult to admit that a priori norms could be detached from their metaphysical origins; it finds it difficult to admit that normative judgments could be context-specific without thereby being worthless. In contrast, I agree with Amy Allen (2008), who remarks that the loss of metaphysical (rational) foundations for our normative systems does not automatically invalidate them but merely reveals their historicity. Any set of a priori norms, Allen explains, is by definition “our historical a priori,” yet rejecting such norms [End Page 21] wholesale “would mean surrendering intelligibility. We have no choice, after all, but to start from where we are” (35).

#### Focus on ethical orientation trades off with solving violence of the squo – we should focus on remedying concrete and ongoing forms of violence instead of attempting to first create a perfectly ethical form of politics

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(Gregory and Michael J., “Introduction,” in *Radical Intellectuals and the Subversion of Progressive Politics*, pg. 1-32)

These four elements of the new radical intellectuals and the movements they have influenced are in direct contradiction to the rational radicalism that we implicitly espouse here. On our reading, there is not only a theoretical but also a deeply political difference between what these theorists search for and the Enlightenment-inspired radical view **of a social order marked by solidarity** around common goods, civic virtue oriented toward the defense of the public welfare, well-ordered political institutions with public purpose as their aim, constitutionalism that secures individual rights, and the democratization of economic life as the criterion of social justice. The alternative move, marked by claims that have given shape to radical and critical thought since the Enlightenment, not to mention the common sense that the thinkers we address have sought to evade. We believe that the success of these thinkers and ideas marks a real and disturbing departure from the more rationalist, more realist **understanding of progressive and radical politics** that marked the more **successful movements** of the nineteenth century and much of the twentieth century.

The basic thesis that organizes the essays that follow is that these thinkers and their ideas have had a disintegrating effect on the nature of progressive politics, and each chapter in this book shows how this has taken place and, of equal importance, contrasts this with a more lucid, more compelling account of what progressive political and social criticism ought to be able to achieve. **Our purpose is to indict a** style **of theory** and thinking that has become so esoteric and self-referential that it has divorced itself from the historic concerns of progressive politics: from remedying inequality, confronting forces eroding our public goods, **or** challenging **the** entrenched power of political and economic elites. Whether it is a rampant irrationalism, a **rejection of any sense of realism** in politics, naive antistatism, theories of power and oppression that have no empirical basis, or simply an incoherent, confused set of texts upon which one can project and read whatever one wants, these thinkers have been able to seduce a generation **into an understanding of politics that privileges an** abstract, self-regarding “politics” **over the concrete analysis of power and a politics based on the public good.**

We believe that the appeal of these thinkers and ideas is symptomatic of a crisis in progressive politics—a crisis that cannot be simply solved. The essays collected here make no pretense to a comprehensive and systemic critique of the various trends in contemporary radical political theory. Nor do they seek to construct a new radicalism. What they do, however, seek to accomplish is to point to critical problems within the impulses of this new radical theory and to provide this from the point of view of a more rationally informed, more realistic account of the nature and import of real politics. Our fear is that the proliferation of these theories and the ideas that they make common **will penetrate so deeply that an effective, politically relevant Left** will all but collapse. To renew radical political theory along rational lines will require much work, but **we believe it** begins with critique.With this in mind, these essays are offered in the hope that those who encounter these new radical mandarins will reflect more critically on the false self-confidence of their ideas and political prescriptions and realize that another, more satisfying and productive, **tradition of radicalism once existed and is** once again possible.