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# 1AC

### 1AC – Market Fundamentalism

#### The current configuration of antitrust law represents a political choice regarding the proper relationship between the government and the economy – it’s sutured by a neoliberal orthodoxy of market fundamentalism.

Vaheesan 18 – Policy Counsel at the Open Markets Institute. Former regulations counsel at the Consumer Financial Protections Bureau

Sandeep Vaheesan, “The Twilight of the Technocrats’ Monopoly on Antitrust?,” The Yale Law Journal Forum, 6/4/18, <https://www.yalelawjournal.org/pdf/Vaheesan_ir9dchg8.pdf>.

Antitrust law is unavoidably political. Of course, the enforcement of antitrust law should not be political in the popular sense: the President and the heads of the Department of Justice Antitrust Division and Federal Trade Commission should not employ the antitrust laws to reward their friends and punish their enemies.22 Rather, antitrust is political in its content. In designing a body of law, Congress, federal agencies, and the courts must answer the basic questions of whom the law benefits and to what end. Answering these questions inherently requires moral and political judgments. These fundamental questions do not have a single “correct” answer and cannot be resolved through “neutral” methods or decided with an “apolitical” answer.23

Antitrust regulates state-enabled markets, which cannot be separated from politics. The history of antitrust law shows competing visions of both the law’s aims and its methods, suggesting there is no “apolitical,” universal concept of antitrust. Rather than aspire for an impossible utopia of “apolitical” antitrust, we must decide who should determine the political content of the field—democratically-elected representatives or unelected executive branch officials and judges.

A. Markets Cannot Be Divorced from Politics

A market economy is the product of extensive state action and so is inevitably political. The conception of the market as a “spontaneous order” is a useful construct for defenders of the status quo because it lends legitimacy to the current order and suggests that intervention is futile.24 This model, however, is a myth and bears no correspondence to actual markets. Most fundamentally, state action supports a market economy through the creation and protection of property rights25 and the enforcement of contracts.26 As sociologist Greta Krippner writes, “there can be no such excavation of politics from the economy, as this is the sub- stratum on which all market activity—even ‘free’ markets—rests.”27 In addition to property and contract law, examples of state action necessary for the contemporary U.S. economy to function include corporate and tort law (typically established and enforced by state governments), intellectual property, protection of interstate commerce, banking regulation, and monetary policy (generally con- ducted at the federal level).

Antitrust law, therefore, is a governmental action that shapes the power of state-chartered corporations and the scope of their state-enforced property and contractual rights. This regulation of state-enabled markets makes antitrust inherently political. Moreover, in formulating antitrust rules, lawmakers must determine whom the law seeks to protect. Antitrust law could conceivably protect consumers, small businesses, retailers, producers, citizens, or large businesses. But even identifying the protected group or groups does not fully resolve the question. For instance, if consumers are antitrust law’s sole protected group, how should the law protect consumers? Antitrust could protect consumers’ short- term interest in low prices or their long-term interests in product innovation or product variety, just to name a few possibilities.28

Given the foundational role of state action—and therefore politics—in a market economy, the choice of objective in antitrust law is not between intervention and nonintervention. Rather, antitrust law must choose between different con- figurations of state action and different sets of beneficiaries.29 More concretely, we must decide, openly or otherwise, whose interests antitrust law should protect.

B. The History of Antitrust Law Reveals the Unavoidability of Politics

The history of antitrust law further demonstrates the political nature of the field. Although Congress has not modified the antitrust statutes significantly since 1950,30 the content of antitrust has changed dramatically since then. Even the consumer welfare model has not banished political values from the field. While the range of debate within the community of antitrust specialists is narrow, the continuing disagreement over the interpretation of consumer welfare reveals the inescapability of political judgment.

Antitrust law today is qualitatively different from antitrust law fifty years ago. In the 1950s and 1960s, the courts and agencies interpreted antitrust law to advance a variety of objectives. The Supreme Court held that the antitrust laws promoted consumers’ interest in competitively-priced goods,31 freedom for small proprietors,32 and dispersal of private power.33 The Court held that business conduct injurious to competitors could give rise to antitrust violations, irrespective of the effects on consumers.34 It also interpreted congressional intent to be that a decentralized industrial structure should override possible economies of scale gained from greater consolidation of economic power.35 Recognizing this goal of decentralization, the federal judiciary adopted strict limits on business conduct with anticompetitive potential, including mergers36 and exclusionary practices.37

Since the late 1970s, however, the Supreme Court, along with the Department of Justice and Federal Trade Commission, has reduced the scope of the antitrust laws. With a rightward shift in the composition of the Supreme Court under the Nixon Administration and in the leadership at the federal antitrust agencies under the Reagan Administration,38 these institutions curtailed the reach of antitrust law, scaling back its objectives39 and rewriting legal doctrine to preserve the autonomy of powerful businesses—all in the name of protecting consumers.40

Even the adoption of the consumer welfare model has not somehow banished politics from antitrust. Instead, it has underscored the unavoidability of politics in the field. Despite being the prevailing goal of antitrust for nearly four decades now, the meaning of consumer welfare is still not settled. The two primary schools of thought on consumer welfare disagree on a fundamental question—who are the beneficiaries of antitrust law? One holds that actual consumers, as understood in the popular sense, should be the principal beneficiaries of antitrust law.41 The rival camp holds that both consumers and businesses should be the beneficiaries of antitrust law, and that whether a dollar of economic sur- plus goes to a consumer or a monopolistic business should be of no concern to the federal antitrust agencies and courts.42 C. Who Should Decide the Political Content of Antitrust?

Because the objective of antitrust law is thus bound up with political judgments and values, seeking an “apolitical” antitrust jurisprudence is futile at best and a cynical effort to conceal political choices at worst. The choice is not be- tween “apolitical” antitrust and “political” antitrust; rather, lawmakers must decide between different political objectives. Once the inevitably political valence of antitrust law has been acknowledged, we can turn to the key question of whether unelected officials at the antitrust agencies and federal judges (collectively “the technocrats”) or democratically-elected members of Congress should decide this political content.43

Over the past forty years, technocrats have dominated antitrust law.44 Leadership at the Department of Justice and Federal Trade Commission as well as Supreme Court Justices have rewritten much of antitrust law.45 They have ignored or distorted the legislative histories of the antitrust laws and have even overridden Congress’s legislative judgments.46 By restricting private antitrust enforcement, the Supreme Court has also limited the ability of ordinary Ameri- cans to influence the content of antitrust law.47

While the antitrust technocrats have been on the march, Congress has been dormant. Its antitrust activities have been confined to secondary issues.48 This combination of technocratic hyperactivism and legislative lethargy has created, in the words of Harry First and Spencer Waller, “an antitrust system captured by lawyers and economists advancing their own self-referential goals, free of political control and economic accountability.”49 Although proponents of technocratic antitrust may characterize it as “pure” or “scientific,” the reality is quite different as big business interests and their representatives dominate debate within this cloistered enterprise.50

This congressional indifference to antitrust is not inevitable. Despite pro- longed quietude, Congress could become an active player in antitrust again. Some members of Congress are showing a renewed awareness of the field and an interest in reasserting control over the content of the antitrust statutes.51 The most democratically accountable branch of the federal government may be poised to take the lead on antitrust in the coming years, reclaiming authority over a technocracy that has not answered to the public in decades.

iii. the consumer welfare model is not anchored in congressional intent and reflects a narrow conception of monopoly and oligopoly

Given that consumer welfare antitrust is a political choice, this model can be evaluated against alternatives on a level playing field. Consumer welfare is not “above politics.” It is a political construct that features at least two serious deficiencies. First, the consumer welfare model contradicts the legislative histories of the principal antitrust statutes; the courts and federal antitrust agencies have instead substituted their own political judgments for those of Congress. Second, the consumer welfare model represents an impoverished understanding of corporate power. It focuses principally on one aspect of business power—power over consumers—and ignores other critical manifestations.

Congress’s original vision for the antitrust laws, one that recognizes both the economic and the political impacts of monopoly, is a superior alternative to the consumer welfare philosophy. As the enforcers and interpreters of statutory law in a democratic polity, federal antitrust officials and judges should follow the congressional intent underlying the antitrust laws. Furthermore, commentators, legislators, and policymakers should recognize that controlling the power of large businesses over not only consumers but also competitors, workers, producers, and citizens is essential for preserving at least a modicum of economic and political equality in a democratic society.

A. In Passing the Antitrust Laws, Congress Expressed Aims Much Broader than Consumer Welfare

The consumer welfare model of antitrust is not true to the intent of Congress. An extensive body of careful research has shown that Congress had several objectives when it passed the Sherman, Clayton, and Federal Trade Commission Acts.52 The Congresses that passed these landmark statutes recognized that eco- nomics and politics are inseparable. Congress originally sought to structure markets to advance the interests of ordinary Americans in multiple capacities, not just as consumers. Consumer welfare antitrust reflects, at best, a selective reading of this legislative history and, at worst, an intentional distortion of this historical record. Contrary to Robert Bork’s historical analysis, the legislative histories show no congressional awareness, let alone support, for interpreting consumer welfare as the economic efficiency model of antitrust, one nominally indifferent toward distributional effects.53

In passing the antitrust statutes, Congress aimed to protect consumers and sellers from monopolies, oligopolies, and cartels, as well as defend businesses against the exclusionary practices of powerful rivals.54 Key members of the House and Senate condemned the prices that powerful corporations charged consumers as “robbery”55 and “extortion.”56 The debates reveal similar solicitude for farmers and other producers who received lower prices for their products thanks to powerful corporate buyers.57 In addition to consumers and producers, Congress aimed to protect another important group of market participants: competitors. In enacting the antitrust statutes, Congress sought to restrain large businesses from using their power to exclude rivals.58 Congress recognized the political power of large corporations and aimed to curtail it through strong federal restraints. Indeed, the political power of these corporations represents a running theme in the legislative histories of the anti- trust laws. A number of speakers in the course of the debates pointed to the power wielded by these big businesses over government at all levels.59 In the debate over the Clayton Act, one Congressman declared that the trusts were commandeering ostensibly democratic political institutions.60 Senator John Sherman warned his colleagues that “[i]f we will not endure a king as a political power[,] we should not endure a king over the production, transportation, and sale of any of the necessaries of life.”61

B. The Consumer Welfare Model Reflects an Impoverished Understanding of Corporate Power

Focusing solely on harms to consumers and sellers, the consumer welfare model embodies an emaciated conception of corporate power. With its foundation in neoclassical economics, the consumer welfare model privileges short- term consumer interests. The neoclassical representation of the market—commonly known through supply-and-demand diagrams—presents a static picture of a market and does not account for long-term dynamics. As the default analytical guide for consumer welfare antitrust, the neoclassical model, with its focus on quantification, prizes short-term price harms to consumers and sellers and discounts longer-term injuries.62

Furthermore, the consumer welfare model legitimizes the existing distribution of resources by focusing on change to the status quo. Current antitrust law measures consumer welfare by changes in prices paid; what a person can pay, though, depends on both her willingness-to-pay for goods and services and her existing wealth. By this definition, a rich person who pays more for a luxury good due to a cartel suffers an antitrust harm, but a poor person who has no income and is unable to afford necessities cannot suffer antitrust harm from a monopoly. A wealthy consumer commands power in the market; a poor consumer, in comparison, has little or no clout in the market.63

The consumer welfare model, moreover, affords little or no importance to corporations’ ability to dictate the development of entire markets. Antitrust practitioners and scholars are wont to remind each other and critics that the antitrust laws “protect[] competition, not competitors.”64 Although the expression is arguably empty,65 it is taken to mean that harm to actual and prospective competitors alone is of no import to the antitrust laws. This doctrinal cornerstone is a political choice,66 which gives monopolists and oligopolists the power to dictate who participates in a market and on what terms.67 Under consumer welfare antitrust, businesses can use their muscle to exclude rivals and strangle economic opportunity so long as this exclusion is not likely to injure consumers. In practical terms, consumer welfare antitrust grants big businesses broad latitude to engage in private industrial planning. 68

For the consumer welfare school, the hegemonic power of large corporations is also of no consequence. Monopolistic and oligopolistic businesses across the economy use their power to seek and win favorable political and regulatory de- cisions.69 The ongoing—and frenzied—contest between states and cities to at- tract Amazon’s second headquarters is indicative of a giant business’s weight. In recent years, the concentrated financial sector has offered a vivid example of corporate political power in action.71 Leading banks helped trigger a worldwide economic crisis through their fraud and reckless speculation, and yet they defeated subsequent political efforts to control their size and structure and man- aged to preserve their institutional power.72 An influential analysis of congressional decision making suggests that the United States today is closer to an oligarchy than a democracy—the wealthy and large businesses wield tremendous political clout, whereas most ordinary people have little or no influence.73 Large businesses also set the parameters of political debate through control of the me- dia,74 sponsorship of supportive figures and organizations,75 and marginalization of critical voices.76 Consumer welfare antitrust itself is, at least in part, a product of big business’s reaction against the relatively vigorous antitrust pro- gram of the postwar decades.77

With its narrow analytical frame, the consumer welfare model of antitrust accepts and legitimizes many forms of state-supported corporate power. Under consumer welfare antitrust, large corporations have the freedom to enhance their power through mergers and monopolistic practices that hurt competitors and citizens. Viewed as part of the overall landscape of state-enabled markets, consumer welfare antitrust is not an apolitical choice, but a charter of liberty for dominant businesses.

#### That ideology is rooted in the ideas that markets work and governments don’t – guarantees massive crises unless we provide a coherent alternative model in academic spaces

Sawhill 19 – Senior Fellow & Director of Economic Studies, Brookings

Isabel Sawhill, former Vice President of Brookings, Capitalism and the Future of Democracy, The Brookings Institution, 2019, <https://www.brookings.edu/wp-content/uploads/2019/07/Sawhill_Capitalism-and-the-Future-of-Democracy-.pdf>

America is a mess. So are many other Western nations. Populism is on the rise because our existing system of a market-based liberal democracy is falling short of producing what citizens need and want.1 The argument made by Francis Fukayama in 1993 that liberal democracy has won in the competition for ideas now seems quaint. History has by no means ended. Its next phase is, to many people, extremely worrying. Some of the problems are economic: rising inequality, stagnant wages, lack of employment, lower intergenerational mobility, disappointing levels of health and education in the U.S. despite their large costs, rising levels of public and private debt, growing place-based disparities. Some are political: hyper partisanship, influence-buying and corruption at the highest levels, paralysis, and declining trust in government. Some are cultural: resentment of migrants and growing tensions over race and gender in America. These problems are interrelated. We can no longer address them in isolation from one another. A failure in one domain creates failures in the others. Economic and cultural anxieties elected Trump. Trump and his ilk in other countries are using these anxieties to gain and maintain power and further erode confidence in our institutions. Government paralysis is undermining efforts to deal with economic disparities and those left behind. Underlying these discontents at a deeper level is a mindset that has treated markets as the ultimate arbiter of human worth – a mindset I will label “capitalism” or “market fundamentalism” for short. The basic idea is that markets work, governments don’t. This ideology has been especially strong in the U.S. in recent decades. This essay argues that this mindset has led to ever-rising inequality and a government that has been captured by business interests and the wealthy. It is creating a spiral that can only end in crisis unless the intellectual foundations of the current system are better understood and challenged. 2 Three Types of Societies Most modern societies are made up of three sectors: the state, the market, and civil society. Most political philosophies contain an implicit bias toward one of these three sectors. Socialists tilt toward the state. They believe that government bears primary responsibility for improving the lives of its citizens. To this end, state ownership of the means of production is favored. A softer version of this model, which I will call democratic socialism, sees some role for markets given the past failure of planned economies, but a bigger role for government than currently exists in many European countries and especially in the U.S. The Nordic countries come closest to embodying this philosophy and left-leaning politicians in other countries point to their example as one that is worth copying. Capitalists believe that free markets are the best way to organize a society. Markets, they argue, are not only the most efficient way to allocate resources but also preserve individual freedom in the process. Markets produce good outcomes precisely because, when unfettered, they optimize growth, efficiency, and a distribution of income that is acceptable because it is assumed to reflect each person’s contributions to the economy. 2 A softer version of capitalism, that we might call liberal democracy or the mixed-economy model, accepts the importance of markets but recognizes the need for government to correct market failures and address distributional questions. This type of a “mixed economy” prevailed in the three decades following World War II in the U.S. and was championed in a weaker way by Third Way leaders such as Tony Blair and Bill Clinton in the 1990s and Obama in the 2000’s. Social capitalists believe that the good society is built on a foundation of respect for tradition and authority, and for the civic virtues or morals that enable us to fulfill various responsibilities to one another. That society is based on private property but also on “the little platoons” of family, church, and voluntary associations. It celebrates virtuous social norms and habits that shape how people behave. I call this social capitalism, not because of its emphasis on private property (although that institution is celebrated) but because of its emphasis on the little platoons that in the aggregate create “social capital.” These three models are archetypes. In most societies all three of these sectors – the state, the market, and civil society – play a role. The question is not whether there is a role for each. The question is what’s the right balance or mix. If we got the mix right we might have a Goldilocks economy and a well-woven society – one in which all three sectors play a prominent role but in which they complement each other and provide a kind of checks and balances against the weaknesses of each. Right now, the predominant paradigm in the U.S. is market fundamentalism. But it is being challenged on both the left and the right, by both left-leaning Democrats (e.g., Elizabeth Warren and Bernie Sanders) and some conservative intellectuals (e.g. David Brooks and Yuval Levin). 3 How Market Fundamentalism Became an Ideology3 [Footnote 3] 3 In an earlier version of this essay, I used the term “neoliberalism” as a synonym for market fundamentalism. But the term is used to mean different things to different people, so I abandoned it. [End Footnote] Advocates of the mixed economy model argue that we don’t need to disparage the market; we just need a more capacious understanding of its strengths and weaknesses, of where government needs to intervene to improve overall welfare. As taught in most upper-level university courses, we can rely on markets to allocate resources, but that won’t resolve distributional questions or a variety of market failures. As Paul Collier puts it, “capitalism needs to be managed, not defeated.” 4 In practice, most ordinary citizens are never exposed to this more sophisticated and nuanced version of capitalism. Instead, conservatives have transformed it into a caricature of its academic self. 5 They have created a narrative about markets that supports tax cuts, deregulation, and limited government. They argue that safety nets create hammocks when what we need is trampolines. They have celebrated free trade with little concern for its adverse effects on local workers and communities. I will argue that the ideological mindset that the capitalist model has engendered, the attitudes it has fostered among well-intentioned leaders and citizens, and the kind of policy regimes it supports have damaged the social fabric, and with it, the strength of democracy – especially in the U.S. The free market model has had an outsized influence on the policy debate and has produced such progeny as supply-side economics that has dominated policymaking at least since the Reagan-Thatcher years. Supply-side economics has spawned supply-side (donor-dominated) politics with very troubling consequences for the survival of democracy. I am not the first or only person to voice these concerns. Larry Kramer, the President of the Hewlett Foundation, has called for a longer-term effort to create a new paradigm to replace what he calls neoliberalism.6 The Niskanen Center has been thinking creatively about these issues, 7 along with Eric Liu and Nick Hanauer on the left and Oren Cass and Abby McCloskey on the right.8 My colleagues, Homi Karas, Geoff Gertz, and Kemal Dervis are rethinking the so-called Washington Consensus.9 The Economist magazine celebrated its 175th anniversary by reviewing the history of liberalism (in the classical British sense) and called for newer and much bolder thinking.10 Economists, as members of the discipline most associated with capitalism and market primacy, are branching out to form groups such as the Center for Equitable Growth, the Institute for New Economic Thinking, and Economics for Inclusive Prosperity. They are becoming more empirical, less wedded to abstract models with no institutional detail, and more willing to join with those from other disciplines to study economic and social behavior. Political scientists have also tackled the issue. In their comprehensive and impassioned book, American Amnesia, Jacob Hacker and Paul Pierson tell the story of how a marketbased ideology – what they call Randianism (after author, Ayn Rand) – led to the undermining of the earlier mixed economy model in the U.S.11 The mixed economy had married the nimble fingers of the market with the powerful, but much clumsier thumb of 4 government to produce widespread prosperity from the early 1940s to the mid-1970s. 12 Capitalism played a major role but democratic government added the key ingredients that enabled its success. Starting earlier in the twentieth century, we saw the creation of the Federal Reserve, the income tax, antitrust laws, the regulation of food and drugs, social insurance, collective bargaining rights, the GI bill, the interstate highway system, and the 1960s War on Poverty. All of these added the guiding hand of government to the dynamism of the market during this period. After about 1980, according to Hacker and Pierson, this “constructive balance shattered under the pressure of an increasingly conservative Republican party and an increasingly insular, parochial, and extreme business leadership,” – the latter exemplified by the Business Roundtable, the Chamber of Congress, and the Koch brothers. By starving the public sector of the resources and support it needed to be effective, the market purists have created a self-fulfilling prophecy. Government has become less effective in meeting a variety of challenges, new and old, and this, in turn, has sowed public distrust and loss of confidence in public institutions, creating a vicious circle. Business leaders went from recognizing the need to partner with government and to take constructive positions on a broad array of policy concerns, as exemplified by the Committee for Economic Development during the 1950s and 1960s, to later opposing almost all government intervention and focusing only on their own narrow interests. The shift wasn’t all about partisanship either. After all, it was President Eisenhower who created the interstate highway system and President Nixon who called for a guaranteed income while President Clinton talked about “ending welfare as we know it” and went on to say, “the era of big government is over.” Government went from being seen as good to being seen as bad. Liberal became a pejorative word. At the same time, markets grew in esteem and began to be celebrated as having almost magical powers. In the words of Hacker and Pierson, “the siren song of ‘free markets’ is simple and catchy. The anthem of market failure is not so hummable, made up of a series of rich but complicated themes.”13 As I will argue below, the siren song was seductive, its intellectual pedigree strong, and its composers and populizers all too powerful. Or as Hacker and Pierson put it, “Ideas were crucial [and] they intersected with and guided powerful economic interests.” 14 Warren Buffet put it even more succinctly: “There’s a class war and my class is winning.” In the U.S. political context, we are hearing a lot of talk now about a revival of socialism. Some politicians, such as Bernie Sanders and Alexandria Ocasio Cortez, are self-described socialists, and President Trump and many Republicans are having a field day trashing ideas such as the Green New Deal, Medicare for All, or a national jobs guarantee program. Whatever one thinks of these ideas, they do not fit the usual definition of socialism, which entails government ownership of the means of production. Still, they have moved the discourse way to the left and are challenging the more moderate “mixed-economy” version of capitalism that calls for markets and governments to work together to achieve a variety of goals. The good news is that this wide-ranging discussion about alternatives to capitalism has paved the way for new understandings and possibly new politics, making it a good time to 5 debate their intellectual foundations. Between market fundamentalism on one end of the spectrum to a Nordic-style welfare state on the other, there are many choices. Challenges to the Market Paradigm Old paradigms give way to new ones when some combination of actual events and new ways of understanding those events appear on the scene. Then the ice begins to crack. More and more people question the status quo and come to embrace new ways of thinking and new directions for policy. Right now, cracks in the ice are appearing for three reasons: 1) the disruptive effects of trade and technology on individual lives and communities, 2) virtually unprecedented levels of inequality and the possibility that ever-rising inequality is baked into a market economy, and 3) the failure of supply-side economics to deliver on its promises along with some deeper questioning of its goals.15

Effects of Trade and Technology Free trade and technology are believed by many to have led to a loss of jobs and stagnant wages among less-skilled Americans. In the academic version of capitalism, the overall benefits of trade and technology far exceed the costs, but many people and places are hurt in the process. It is assumed that the winners can and will compensate the losers. It’s assumed that those living in declining communities can and will move to areas that are thriving.16 But that’s like assuming a can opener and it hasn’t happened. The winners are riding high and the losers have seen their jobs disappear, their communities decline, their neighbors die from opioids or suicide, and their trust in government and in elites plummet. They handed an electoral victory to President Trump in 2016 because he promised to fix both trade and immigration, not with the kind of adjustment assistance called for by most economists, but with tariffs and a wall. To be sure, there was a large element of cultural alienation or status anxiety mixed in with the economics. These grievances have produced a populist moment with all of its attendant effects on political norms, respect for the truth, and other democratic values. But in crisis lies opportunity. The reaction to Trumpism is now leading to a counter-reaction, most decidedly on the left but spreading to thoughtful people on the right as well. 6 Ever-rising Inequality Inequality has been increasing now for many decades. It partly reflects technological advances that have raised the wages of skilled workers, but that can’t explain most of the trend, especially at the top. And even if it does reflect the fact that the demand for skills has outpaced the supply, it doesn’t explain why the supply has not adjusted to meet that demand over many decades. In the neoclassical economic model, such adjustments are expected to happen more rapidly than that. Even more troubling is the prospect of a never-ending trend of rising inequality. Inequality, unless counteracted by government policy or other extra-market forces, tends to feed on itself. The rich save more than the poor, causing an accumulation of capital at the top, and that accumulation automatically produces more inequality as the rich reap unearned gains from an ever-growing stock of financial assets. That prospect was the essence of Thomas Piketty’s book, Capital, 17 as he argued when the rate of return to capital, r, is higher than the growth rate of the economy, g, asset holders will amass ever more income to add to their existing assets, and capital’s share of national income will grow.1 Since most of the people with significant amounts of capital are in the upper ranks, those ranks will grow as well. Piketty explains that the period from about 1950 to 1980 when inequality declined in the U.S. was an anomaly caused by the destruction of capital, or lower rates of return on that capital, as the result of war and depression along with government policies that recognized the importance of unions, minimum wages, and social insurance. What we are seeing now, he argues, is a reassertion of the inherent contradiction in a capitalist society, which is its tendency to produce ever-rising inequality and to spawn political tensions and a threat to democracy in the process. Consistent with his thesis were declines in inequality in the early post World War II decades, followed by huge increases since then, especially at the very top of the distribution. That, in turn, has arguably led to the torqueing of the rules of the game to favor capital – everything from less antitrust enforcement, financial deregulation, excessive patent protection, and other anticompetitive measures. Piketty ends up calling for a very high tax on top incomes (80 percent) and a global tax on capital. Elizabeth Warren is calling for something similar, a 2 percent tax on wealth over $50 million and 3 percent on wealth over $1 billion. While the political feasibility of such proposals is slim, the fact that they are even being discussed makes the point that we may be near a tipping point in the battle between market capitalism as philosophy and its alternatives. If one buys the Piketty story, there is no alternative to government intervention to ensure that incomes at the top don’t get even more out of line. Distributional outcomes of the sort we have been experiencing in recent decades are not self-correcting, nor can they be addressed by modest tweaks in current polices as I document in my book, the Forgotten Americans. 7 The Failure of Supply-side Economics Despite rising inequality, economic growth continues to motivate much policy making on both right and left. On the left, the agenda has included a call for more investment in education, research, and infrastructure. On the right it has included such supply-side policies as lower taxes, less regulation, and more fiscal responsibility (granted that adherence to the latter goal is now in tatters). While right and left may have disagreed about the means of achieving more growth and how it should be distributed, they have shared a belief in the ability of growth to improve people’s lives. Economic growth has many benefits. It makes it easier to tackle a host of social and environmental problems. If broadly distributed, it makes everyone better off and it has been the single most important reason for the reduction in global poverty and improvements in health and longevity. But here again, the ice is cracking. And it is cracking for two reasons: first, because supplyside policies have mostly failed to deliver more growth; and second, because the objective itself is under greater scrutiny. Given a choice, for example, between more growth and a healthier environment, many people would choose the latter. With the purported aim of raising the growth rate, supply-side policies were implemented under Reagan, under George W. Bush, and under Trump. There is little evidence that they have produced the promised increase in long-run growth. Tax cuts can lead to a sugar-high for the usual Keynesian reasons, but they have not necessarily put the economy on a higher long-term growth path. Indeed, because most of these tax cuts have been financed by adding to the national debt, many economists believe that in the long-run, growth may be impaired. Rising debt eventually leads to higher borrowing costs for both the public and the private sector and since much of the money is being borrowed from foreigners, any increase in U.S production and incomes will need to be earmarked in large part to repay foreign lenders with interest.18 While the new 2017 tax law could have a small effect, no serious economist predicts it will raise long-term growth rates by the one percentage point predicted by President Trump. Credible estimates from both liberal and conservative economists suggest an increase one-tenth as large at best.19 This underscores Charles Schultze’s statement that there is nothing wrong with supply-side economics that dividing by ten doesn’t solve. But it is not just the failure of supply side economics that is causing increased doubts about economic growth. The objective itself is being questioned – and not just on the left. The Manhattan Institute’s Oren Cass argues in his book, The Once and Future Worker, that the focus on economic growth has led us down the wrong path. He likens GDP to a pie and the ideology surrounding growth as “economic piety.” That piety has not produced the kind of jobs and wages that support strong families and communities. 20 8 Another articulation of this theme from a center-right intellectual can be found in a National Affairs essay by Abby McCloskey entitled “Beyond Growth.” She argues that growth alone has left too many workers behind, frayed our social fabric, and caused people to lose a sense of purpose, dignity, and connection to one another. 21 Former Fed Chair Ben Bernanke has also chimed in. In a speech called “When Growth is Not Enough,” he notes that “the credibility of economists has been damaged by our insufficient attention, over the years, to the problems of economic adjustment and by our proclivity toward top-down, rather than bottom-up, policies.” Stagnant wages, declining mobility, social dysfunction, and political alienation have been the result.22 In my own book, The Forgotten Americans, I make a similar argument. Everyone likes to promise more growth but actual understanding of what fuels the growth process is quite limited. My metaphor for growth is that it is like a car. It’s engine – or what moves it forward – remains something of a mystery. Its speedometer (the GDP) is a flawed measure of welfare. Finally, and most importantly, even when we get to our destination, we may not be much happier. More material prosperity in an advanced country like the U.S. has not led to greater life satisfaction.23 In fact, when it is accompanied by rising inequality, deteriorating communities, a lack of decent jobs, and environmental degradation, it may lead to dysfunction and even so-called “deaths of despair.” New efforts by the United Nations, the World Bank, and others to create broader measures of national welfare are showing little correlation between GDP and other metrics of well-being. The problem with making economic growth a priority is that it makes it far harder to achieve other goals. For example, if one’s goal is to provide a safety net for the poor but that undermines their willingness to work and thus grow, we will end up being stingy. If we think raising the minimum wage reduces hiring of the most disadvantaged even though it makes the vast majority of workers better off, we may opt not to raise it. Too much contemporary debate is about the costs in lower efficiency or less growth caused by policies aimed at achieving other goals. Of course, policies should be designed to mitigate such costs but not necessarily to avoid them entirely. As the former French Prime Minister Lionel Jospin put it, we can “say yes to a market economy but say no to a market society”. Another way to think about economic growth is as a by-product of a healthy society, not the other way around. Political stability and responsiveness, a well-educated population, new scientific advances and access to knowledge, lack of corruption, and the rule of law establish a platform for growth which then happens spontaneously once the conditions are right. Bill Gates and Mark Zuckerberg weren’t thinking about marginal tax rates or regulatory barriers when they began activities that have transformed our society. Declining marginal utility further reduces the value of growth. At an every-day level, we are all aware of the many things we buy that we don’t really need. Some of my favorite examples are an egg tray that syncs with your phone to alert you to buy more eggs, a snow sauna that creates artificial snow for those pining for a winter wonderland in Florida, prepeeled bananas in plastic wrap, and neuticals (artificial testicles) for dogs whose owners are worried about their self-esteem (really! I didn’t make this up). 24 Granted what seems like a luxury in one generation becomes a necessity in another but most people don’t miss what 9 they don’t have, especially if they can’t even imagine having it because it doesn’t yet exist. I don’t think the baby boom generation that grew up without cell phones felt deprived as a result.

In sum, these three developments – stagnant wages and employment for a large portion of the population, rising income inequality, and new skepticism about the overriding importance of economic growth – may finally be creating a counter-reaction to the market fundamentalism that has dominated policy making in recent decades. At the same time, new ideas have been bubbling up from below – ideas that strike at the intellectual foundations of a pure market economy and further widen the cracks in the ice. I turn now to those ideas. Intellectual Challenges to the Neoclassical Model Economics students are taught that markets are, under certain assumptions, the most efficient way to allocate scarce resources. But the story is highly stylized and the assumptions too rarely hold. We must assume that there is perfect competition, that economies of scale are rare, that information is costless and equally available to all, that individuals are rational, far-seeing, and know how to maximize their own well-being, that one person’s well-being doesn’t depend on the well-being of others, that individual behavior doesn’t impose costs or provide benefits to others (no “externalities”), that wages and prices are flexible – responding to any changes in demand or supply almost immediately, thereby assuring that markets clear and that full employment will be achieved. There is nothing wrong with this stylized picture except that it doesn’t exist in the real world. Its logic and its elegance, including its mathematical precision, are extraordinarily seductive. Despite its simplifying assumptions (or because of them), it has influenced countless generations of students, produced thousands of articles in peer-reviewed journals, and arguably had more influence on public policy than almost any other discipline. As Keynes famously wrote “Practical men who believe themselves to be quite exempt from any intellectual influence, are usually the slaves of some defunct economist. Madmen in authority, who hear voices in the air, are distilling their frenzy from some academic scribbler of a few years back.”25 Professional economists are well aware of the shortcomings of the basic model. The problem is not so much with the “academic scribblers” as it is with the way the “Madmen in authority” have used these scribblings to create a market-based ethic that is not always consistent with human welfare. Here I briefly discuss three key weaknesses in the neoclassical paradigm: neglect of the business cycle, neglect of the institutional determinants of wages, and the challenge posed by behavioral economics.

#### Neoclassical economics hinges on the idea of the natural and self-regulating market – that’s a ruse because the state constructed “free” markets, and it can readily construct alternative institutional arrangements

Hathaway 20 – Professor of Globalization & Pedagogy, University of York

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The slipperiness and contradictions of neoliberalism has been reflected in the practice-informed accounts of ‘actually-existing neoliberalism’ (Hardin, 2014: 210). Foundational to this practice-based literature is a critique of what has been termed the idealist, or ideational, view of neoliberalism. In its ideational form, neoliberalism can be summed as a faith in market provision and a lack of faith in state provision. Intellectually, it relies on a (odd) mixture of neoclassical and Austrian economic thought, and the widely-promoted view of economics as a scientific, technical and value-free discipline (Chang, 2010: 32). Rhetorically, it is advanced through claims to freedom and liberty – that the freer the market, the freer the society. In the hands of its most skilled rhetoricians, neoliberalism becomes synonymous with freedom of the individual, cosmopolitan globalism, and a dynamic meritocratic society. These ideas have successfully been advanced around the world, and now neoliberal concepts represent ‘the ruling ideas of the time’ (Harvey, 2005: 36).

In terms of stated policy goals on a national level, neoliberalism has advanced deregulation, non-intervention, privatization, lower taxes, and a reduction in the size of the state. These policies have been implemented around the world, starting first in Chile under Pinochet and garnering more attention when they were applied to the UK and USA under Thatcher and Reagan respectively – with these two latter countries often considered as being the most neoliberalized states around the world (Connell and Dados, 2014: 122). In addition, on an international level the neoliberal agenda has been forwarded through the promotion of greater interconnectedness through trade facilitated by a reduction of barriers to trade. It is these policy areas – deregulation, non-intervention, privatization, lower taxes, smaller states, and free trade – that can be seen as a definitive core of neoliberalism. However, the ideational view of neoliberalism has, and the discourse around these core polices have, been deeply misleading for both proponents and critics alike, as Cahill (2014: viii) writes

Many commentators mistakenly believed the capitalist world economy had come to resemble the free market, small government laissez-faire vision of such neoliberal thinkers and think tanks... . Such an understanding reflects an idealist, or ideas-centred, conception of reality ... [that offers] an unhelpful portrayal of the dynamics of neoliberalism in practice.

Similarly, as Bruff (2017) notes, because critics have tended to take the rhetoric of neoliberalism too seriously ‘the unspoken assumption is that the fight against neoliberalism is synonymous with the fight against free markets.’ Taking the rhetoric of neoliberalism literally has obscured key features of the politico-economic transformation that has occurred over the last 40 years. In particular, the demise of small, entrepreneurial firms and the concurrent rise of oligopolistic transnational corporations are difficult to discuss in the same breath as free, competitive markets (Cahill and Konings, 2017: 98).

Even when ideas-centred scholars have not been seduced by the rhetoric of neoliberalism, their accounts have paid insufficient attention to the translation and implementation of neoliberal ideas. For example, in the work of Mirowski (2013) – the foremost historian of neoliberal thought – ideas were generated in the ‘neoliberal thought collective’ (which had the Mont Pelerin Society at its core) and then transmitted down into society. The relationship presented is hierarchical and works with an implicit assumption that the author of an idea maintains some control over the idea as it spreads out into society. Such an account underplays the significance, or even possibility, of interest-based transformation of ideas during the process of translation of ideas into practice, and the subsequent capability of this transformation of practice to inform later understandings of an idea: that is to say, that while ideas influence practice, practice also influences ideas, and powerful interests within society will work to influence both.

Neoliberalism in practice, then, is an entirely different beast to how it is portrayed. This point is not new, and there have been various responses to neoliberalism’s contradictory character. Gill (1995: 405) uses the term ‘oligopolistic neoliberalism’, which for him involves ‘oligopoly and protection for the strong and a socialisation of their risks, market discipline for the weak.’ Similarly, more recently Bruff (2017) has termed it ‘authoritarian neoliberalism’, which is about the ‘about the coercive, non-democratic and unequal reorganization of societies’. These understandings of the contradictory character of neoliberalism are grappling with the central problem of neoliberalism, which is that between its discourse and its practice, as Peck (2010: 65) notes, ‘it can live neither with, nor without, the state.’ The core contradiction of neoliberalism is that its project of removing the state from the economic sphere is simply impossible, because the economic sphere is created by the state. The state creates the market through, for example, the provision of private property rights, of company law, and of contract law, and through using the coercive power of the state to enforce such rights and laws.

This point is generally societally obscured due to the dominance of neoclassical economic thought, which operates with an idea that the market is natural and eternal (Chang, 2002). Neoliberal practitioners have echoed this naturalist view of the market, holding to ‘the idea that the market has a nature of its own, has its own laws and mechanisms, and constitutes an autonomous reality which left to its own has the capability to provide for the wellbeing of its people’ (Zuidhof, 2014: 161). Yet, at the same time, neoliberalism has been about the construction of markets; alongside market naturalistic rhetoric, there is competing practical logic of market constructivism. Neoliberal market constructivism is about the extension of the economic sphere and the imposition of a ‘market logic’ to a greater range of activities. As Zuidhof (2014: 162–163) notes, neoliberalism ‘turns the market into a norm for government action, dictating market-like forms of government ... [whereby] social problems are best governed by creating markets or market-like institutions.’ Hence, traditionally non-economic institutions – such as prisons, schools, and even the military – have faced privatization, outsourcing, and the attempted creation of quasi-market structures during the neoliberal period (Schnyder and Siems, 2013).

There is thus a dual approach to markets whereby intellectually and rhetorically a naturalist view prevails, while practically markets are being constructed. The power of this layered thinking between rhetoric and practice is that it shuts down debate within society about political economy, about market institutional arrangements, and about a whole range of basic yet important questions such as ‘what is a market?’, ‘what is competition?’ ‘where does the economic sphere end?’, while society is transformed. If it was recognized that a market can take a variety of institutional forms, then the market constructivist logic is revealed and ‘there is no alternative’ collapses. In such a situation the neoliberal project of ‘depoliticization through economization’ (Madra and Adaman, 2014) would fail.

Neoliberalism, then, is at first glance easily-recognizable, with a clear set of core policies. However, the central contradiction of neoliberalism’s relationship to the state, the impossibility of a free market, and its dual constructivist-naturalist understanding of the market reveals neoliberalism more as a bricolage of ideas and practices (Ferguson, 2010: 183), rather than a unified, coherent and consistent political ideology that informs a uniform set of practices which can be rolled out across the world to produce cookie-cutter neoliberal states. As is demonstrated below within this bricolage of practices and ideas the general construction of neoliberal regimes, and the practice of neoliberal global governance, has empowered corporations.

#### The left urgently requires a new framework of economic thought, and a concrete plan to actualize it. Anything short of an economic Apollo program structurally guarantees horrific inequality, alienation, and eco-collapse.

Monbiot 16

George Monbiot, political & environmental activist, recipient of the U.N. Global 500 Award for outstanding environmental achievement, author of several award-winning books on environmental crises and corporate capture in politics, reporter for The Guardian Neoliberalism – the ideology at the root of all our problems, 2016, <https://www.theguardian.com/books/2016/apr/15/neoliberalism-ideology-problem-george-monbiot>

Imagine if the people of the Soviet Union had never heard of communism. The ideology that dominates our lives has, for most of us, no name. Mention it in conversation and you’ll be rewarded with a shrug. Even if your listeners have heard the term before, they will struggle to define it. Neoliberalism: do you know what it is?

Its anonymity is both a symptom and cause of its power. It has played a major role in a remarkable variety of crises: the financial meltdown of 2007‑8, the offshoring of wealth and power, of which the Panama Papers offer us merely a glimpse, the slow collapse of public health and education, resurgent child poverty, the epidemic of loneliness, the collapse of ecosystems, the rise of Donald Trump. But we respond to these crises as if they emerge in isolation, apparently unaware that they have all been either catalysed or exacerbated by the same coherent philosophy; a philosophy that has – or had – a name. What greater power can there be than to operate namelessly?

So pervasive has neoliberalism become that we seldom even recognise it as an ideology. We appear to accept the proposition that this utopian, millenarian faith describes a neutral force; a kind of biological law, like Darwin’s theory of evolution. But the philosophy arose as a conscious attempt to reshape human life and shift the locus of power.

Neoliberalism sees competition as the defining characteristic of human relations. It redefines citizens as consumers, whose democratic choices are best exercised by buying and selling, a process that rewards merit and punishes inefficiency. It maintains that “the market” delivers benefits that could never be achieved by planning.

Attempts to limit competition are treated as inimical to liberty. Tax and regulation should be minimised, public services should be privatised. The organisation of labour and collective bargaining by trade unions are portrayed as market distortions that impede the formation of a natural hierarchy of winners and losers. Inequality is recast as virtuous: a reward for utility and a generator of wealth, which trickles down to enrich everyone. Efforts to create a more equal society are both counterproductive and morally corrosive. The market ensures that everyone gets what they deserve.

We internalise and reproduce its creeds. The rich persuade themselves that they acquired their wealth through merit, ignoring the advantages – such as education, inheritance and class – that may have helped to secure it. The poor begin to blame themselves for their failures, even when they can do little to change their circumstances.

Never mind structural unemployment: if you don’t have a job it’s because you are unenterprising. Never mind the impossible costs of housing: if your credit card is maxed out, you’re feckless and improvident. Never mind that your children no longer have a school playing field: if they get fat, it’s your fault. In a world governed by competition, those who fall behind become defined and self-defined as losers.

Among the results, as Paul Verhaeghe documents in his book What About Me? are epidemics of self-harm, eating disorders, depression, loneliness, performance anxiety and social phobia. Perhaps it’s unsurprising that Britain, in which neoliberal ideology has been most rigorously applied, is the loneliness capital of Europe. We are all neoliberals now.

The term neoliberalism was coined at a meeting in Paris in 1938. Among the delegates were two men who came to define the ideology, Ludwig von Mises and Friedrich Hayek. Both exiles from Austria, they saw social democracy, exemplified by Franklin Roosevelt’s New Deal and the gradual development of Britain’s welfare state, as manifestations of a collectivism that occupied the same spectrum as nazism and communism.

In The Road to Serfdom, published in 1944, Hayek argued that government planning, by crushing individualism, would lead inexorably to totalitarian control. Like Mises’s book Bureaucracy, The Road to Serfdom was widely read. It came to the attention of some very wealthy people, who saw in the philosophy an opportunity to free themselves from regulation and tax. When, in 1947, Hayek founded the first organisation that would spread the doctrine of neoliberalism – the Mont Pelerin Society – it was supported financially by millionaires and their foundations.

With their help, he began to create what Daniel Stedman Jones describes in Masters of the Universe as “a kind of neoliberal international”: a transatlantic network of academics, businessmen, journalists and activists. The movement’s rich backers funded a series of thinktanks which would refine and promote the ideology. Among them were the American Enterprise Institute, the Heritage Foundation, the Cato Institute, the Institute of Economic Affairs, the Centre for Policy Studies and the Adam Smith Institute. They also financed academic positions and departments, particularly at the universities of Chicago and Virginia.

As it evolved, neoliberalism became more strident. Hayek’s view that governments should regulate competition to prevent monopolies from forming gave way – among American apostles such as Milton Friedman – to the belief that monopoly power could be seen as a reward for efficiency.

Something else happened during this transition: the movement lost its name. In 1951, Friedman was happy to describe himself as a neoliberal. But soon after that, the term began to disappear. Stranger still, even as the ideology became crisper and the movement more coherent, the lost name was not replaced by any common alternative.

At first, despite its lavish funding, neoliberalism remained at the margins. The postwar consensus was almost universal: John Maynard Keynes’s economic prescriptions were widely applied, full employment and the relief of poverty were common goals in the US and much of western Europe, top rates of tax were high and governments sought social outcomes without embarrassment, developing new public services and safety nets.

But in the 1970s, when Keynesian policies began to fall apart and economic crises struck on both sides of the Atlantic, neoliberal ideas began to enter the mainstream. As Friedman remarked, “when the time came that you had to change ... there was an alternative ready there to be picked up”. With the help of sympathetic journalists and political advisers, elements of neoliberalism, especially its prescriptions for monetary policy, were adopted by Jimmy Carter’s administration in the US and Jim Callaghan’s government in Britain.

After Margaret Thatcher and Ronald Reagan took power, the rest of the package soon followed: massive tax cuts for the rich, the crushing of trade unions, deregulation, privatisation, outsourcing and competition in public services. Through the IMF, the World Bank, the Maastricht treaty and the World Trade Organisation, neoliberal policies were imposed – often without democratic consent – on much of the world. Most remarkable was its adoption among parties that once belonged to the left: Labour and the Democrats, for example. As Stedman Jones notes, “it is hard to think of another utopia to have been as fully realised.”

It may seem strange that a doctrine promising choice and freedom should have been promoted with the slogan “there is no alternative”. But, as Hayek remarked on a visit to Pinochet’s Chile – one of the first nations in which the programme was comprehensively applied – “my personal preference leans toward a liberal dictatorship rather than toward a democratic government devoid of liberalism”. The freedom that neoliberalism offers, which sounds so beguiling when expressed in general terms, turns out to mean freedom for the pike, not for the minnows.

Freedom from trade unions and collective bargaining means the freedom to suppress wages. Freedom from regulation means the freedom to poison rivers, endanger workers, charge iniquitous rates of interest and design exotic financial instruments. Freedom from tax means freedom from the distribution of wealth that lifts people out of poverty.

As Naomi Klein documents in The Shock Doctrine, neoliberal theorists advocated the use of crises to impose unpopular policies while people were distracted: for example, in the aftermath of Pinochet’s coup, the Iraq war and Hurricane Katrina, which Friedman described as “an opportunity to radically reform the educational system” in New Orleans.

Where neoliberal policies cannot be imposed domestically, they are imposed internationally, through trade treaties incorporating “investor-state dispute settlement”: offshore tribunals in which corporations can press for the removal of social and environmental protections. When parliaments have voted to restrict sales of cigarettes, protect water supplies from mining companies, freeze energy bills or prevent pharmaceutical firms from ripping off the state, corporations have sued, often successfully. Democracy is reduced to theatre.

Another paradox of neoliberalism is that universal competition relies upon universal quantification and comparison. The result is that workers, job-seekers and public services of every kind are subject to a pettifogging, stifling regime of assessment and monitoring, designed to identify the winners and punish the losers. The doctrine that Von Mises proposed would free us from the bureaucratic nightmare of central planning has instead created one.

Neoliberalism was not conceived as a self-serving racket, but it rapidly became one. Economic growth has been markedly slower in the neoliberal era (since 1980 in Britain and the US) than it was in the preceding decades; but not for the very rich. Inequality in the distribution of both income and wealth, after 60 years of decline, rose rapidly in this era, due to the smashing of trade unions, tax reductions, rising rents, privatisation and deregulation.

The privatisation or marketisation of public services such as energy, water, trains, health, education, roads and prisons has enabled corporations to set up tollbooths in front of essential assets and charge rent, either to citizens or to government, for their use. Rent is another term for unearned income. When you pay an inflated price for a train ticket, only part of the fare compensates the operators for the money they spend on fuel, wages, rolling stock and other outlays. The rest reflects the fact that they have you over a barrel.

Those who own and run the UK’s privatised or semi-privatised services make stupendous fortunes by investing little and charging much. In Russia and India, oligarchs acquired state assets through firesales. In Mexico, Carlos Slim was granted control of almost all landline and mobile phone services and soon became the world’s richest man.

Financialisation, as Andrew Sayer notes in Why We Can’t Afford the Rich, has had a similar impact. “Like rent,” he argues, “interest is ... unearned income that accrues without any effort”. As the poor become poorer and the rich become richer, the rich acquire increasing control over another crucial asset: money. Interest payments, overwhelmingly, are a transfer of money from the poor to the rich. As property prices and the withdrawal of state funding load people with debt (think of the switch from student grants to student loans), the banks and their executives clean up.

Sayer argues that the past four decades have been characterised by a transfer of wealth not only from the poor to the rich, but within the ranks of the wealthy: from those who make their money by producing new goods or services to those who make their money by controlling existing assets and harvesting rent, interest or capital gains. Earned income has been supplanted by unearned income.

Neoliberal policies are everywhere beset by market failures. Not only are the banks too big to fail, but so are the corporations now charged with delivering public services. As Tony Judt pointed out in Ill Fares the Land, Hayek forgot that vital national services cannot be allowed to collapse, which means that competition cannot run its course. Business takes the profits, the state keeps the risk.

The greater the failure, the more extreme the ideology becomes. Governments use neoliberal crises as both excuse and opportunity to cut taxes, privatise remaining public services, rip holes in the social safety net, deregulate corporations and re-regulate citizens. The self-hating state now sinks its teeth into every organ of the public sector.

Perhaps the most dangerous impact of neoliberalism is not the economic crises it has caused, but the political crisis. As the domain of the state is reduced, our ability to change the course of our lives through voting also contracts. Instead, neoliberal theory asserts, people can exercise choice through spending. But some have more to spend than others: in the great consumer or shareholder democracy, votes are not equally distributed. The result is a disempowerment of the poor and middle. As parties of the right and former left adopt similar neoliberal policies, disempowerment turns to disenfranchisement. Large numbers of people have been shed from politics.

Chris Hedges remarks that “fascist movements build their base not from the politically active but the politically inactive, the ‘losers’ who feel, often correctly, they have no voice or role to play in the political establishment”. When political debate no longer speaks to us, people become responsive instead to slogans, symbols and sensation. To the admirers of Trump, for example, facts and arguments appear irrelevant.

Judt explained that when the thick mesh of interactions between people and the state has been reduced to nothing but authority and obedience, the only remaining force that binds us is state power. The totalitarianism Hayek feared is more likely to emerge when governments, having lost the moral authority that arises from the delivery of public services, are reduced to “cajoling, threatening and ultimately coercing people to obey them”.

Like communism, neoliberalism is the God that failed. But the zombie doctrine staggers on, and one of the reasons is its anonymity. Or rather, a cluster of anonymities.

The invisible doctrine of the invisible hand is promoted by invisible backers. Slowly, very slowly, we have begun to discover the names of a few of them. We find that the Institute of Economic Affairs, which has argued forcefully in the media against the further regulation of the tobacco industry, has been secretly funded by British American Tobacco since 1963. We discover that Charles and David Koch, two of the richest men in the world, founded the institute that set up the Tea Party movement. We find that Charles Koch, in establishing one of his thinktanks, noted that “in order to avoid undesirable criticism, how the organisation is controlled and directed should not be widely advertised”.

The words used by neoliberalism often conceal more than they elucidate. “The market” sounds like a natural system that might bear upon us equally, like gravity or atmospheric pressure. But it is fraught with power relations. What “the market wants” tends to mean what corporations and their bosses want. “Investment”, as Sayer notes, means two quite different things. One is the funding of productive and socially useful activities, the other is the purchase of existing assets to milk them for rent, interest, dividends and capital gains. Using the same word for different activities “camouflages the sources of wealth”, leading us to confuse wealth extraction with wealth creation.

A century ago, the nouveau riche were disparaged by those who had inherited their money. Entrepreneurs sought social acceptance by passing themselves off as rentiers. Today, the relationship has been reversed: the rentiers and inheritors style themselves entre preneurs. They claim to have earned their unearned income.

These anonymities and confusions mesh with the namelessness and placelessness of modern capitalism: the franchise model which ensures that workers do not know for whom they toil; the companies registered through a network of offshore secrecy regimes so complex that even the police cannot discover the beneficial owners; the tax arrangements that bamboozle governments; the financial products no one understands.

The anonymity of neoliberalism is fiercely guarded. Those who are influenced by Hayek, Mises and Friedman tend to reject the term, maintaining – with some justice – that it is used today only pejoratively. But they offer us no substitute. Some describe themselves as classical liberals or libertarians, but these descriptions are both misleading and curiously self-effacing, as they suggest that there is nothing novel about The Road to Serfdom, Bureaucracy or Friedman’s classic work, Capitalism and Freedom.

For all that, there is something admirable about the neoliberal project, at least in its early stages. It was a distinctive, innovative philosophy promoted by a coherent network of thinkers and activists with a clear plan of action. It was patient and persistent. The Road to Serfdom became the path to power.

Neoliberalism’s triumph also reflects the failure of the left. When laissez-faire economics led to catastrophe in 1929, Keynes devised a comprehensive economic theory to replace it. When Keynesian demand management hit the buffers in the 70s, there was an alternative ready. But when neoliberalism fell apart in 2008 there was ... nothing. This is why the zombie walks. The left and centre have produced no new general framework of economic thought for 80 years.

Every invocation of Lord Keynes is an admission of failure. To propose Keynesian solutions to the crises of the 21st century is to ignore three obvious problems. It is hard to mobilise people around old ideas; the flaws exposed in the 70s have not gone away; and, most importantly, they have nothing to say about our gravest predicament: the environmental crisis. Keynesianism works by stimulating consumer demand to promote economic growth. Consumer demand and economic growth are the motors of environmental destruction.

What the history of both Keynesianism and neoliberalism show is that it’s not enough to oppose a broken system. A coherent alternative has to be proposed. For Labour, the Democrats and the wider left, the central task should be to develop an economic Apollo programme, a conscious attempt to design a new system, tailored to the demands of the 21st century.

#### The system’s hurtling toward violent collapse, but we’re already living in the apocalypse. Accepting existing structures as immutable, or politics as individual, only serves to lock that in. Instead, we must directly consider how to radically restructure the economy and society.

Reich 20 – Professor of Public Policy, UC Berkeley

Robert B. Reich, also former U.S. Secretary of Labor, *The System: Who Rigged It, How We Fix It*, pub. 2020, Ch. 13, p. E-book

HISTORY SHOWS that oligarchies cannot hold on to power forever. Oligarchies are inherently unstable. This was as true in ancient Rome as it was in America’s antebellum South, where fewer than four thousand families owned about a quarter of America’s capital in the form of enslaved human beings. For a time, oligarchies maintain themselves through sheer brute force. They have a monopoly on militias and weapons. But when a vast majority of people come to view an oligarchy as illegitimate and an obstacle to its own well-being, oligarchies become vulnerable to subversion, social unrest, terrorism, wars, and revolutions.

This is why oligarchies depend on ways other than brute force to hold power. The three most common are: (1) systems of belief—religions, dogmas, and ideologies—intended to convince most people of the righteousness of the oligarchy’s claim to power; (2) bribes to the most influential people to gain their support and thereby legitimize the oligarchy; and (3) manufactured threats—supposed foreign enemies or “enemies within,” as well as immigrants and minority populations—to divert attention from the oligarchy so the diverse elements within the majority won’t join together against it.

Today’s American oligarchy deploys all three.

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Among the oldest methods to maintain control are belief systems that portray wealth and power in the hands of a few as natural and inevitable. King James I of England and France’s Louis XIV, among other monarchs, asserted that kings received their authority from God and were therefore not accountable to their earthly subjects. The doctrine of divine right of kings ended with England’s Glorious Revolution in the seventeenth century and the American and French revolutions in the eighteenth.

The modern equivalent of the divine right of kings might be termed “market fundamentalism,” a creed that has been promoted by the American oligarchy with no less zeal than the old aristocracy advanced divine right. It holds that if the free market has caused a few at the top to aggregate vast wealth and power, the result must be right and good because it is natural and inevitable. One of market fundamentalism’s founders was the philosopher Ayn Rand. Former Fed chair Alan Greenspan was a follower of Rand, and, as we’ve seen, his doctrinaire views almost sank the American economy. Today’s oligarchs are not as rigidly doctrinaire, but they still regard the economy as a holy grail.

As I’ve said, the oligarchy wants Americans to view the system as a neutral meritocracy in which anyone can make it with enough guts, gumption, and hard work. The standard platitudes of market fundamentalism are that people “pull themselves up by their bootstraps” and that America is a nation of “self-made men” (and women), both of which translate into a moral code: People deserve whatever they earn in the market. Income and wealth are measures of worth. If you amass a billion dollars, then you must deserve it because that’s what the market awarded you. If you barely scrape by, then you have only yourself to blame. It is assumed that the system, and how power is allocated within it, plays no role whatsoever.

Of course, the oligarchy doesn’t want Americans to see its mounting wealth as the engorged winnings of a game whose rules it has decided on. It wants everyone to believe the oligarchy deserves what it has accumulated, even as it denies much of the rest of society the opportunities it enjoys. As the theologian Reinhold Niebuhr has written, “The most common form of hypocrisy among the privileged classes is to assume that their privileges are the just payments with which society rewards specially useful or meritorious functions,” while accusing the underprivileged of “lacking what they have been denied the right to acquire.”

The truth is that in America today your life chances depend largely on where your parents fit in the system—how much they earn, how much education they have, who they know. The phrase “pulling yourself up by the bootstraps” dates back to an eighteenth-century fairy tale, a metaphor for an impossible feat of strength. In fact, it’s more difficult for poor and working-class kids in America to rise economically through their working careers than it is for poor and working-class kids to rise in any other advanced nation. Over 40 percent of American children born into poor families will be poor as adults. Roughly the same share of children who are born into the richest fifth of families will remain in the richest fifth as adults.

Consider the intensifying competition to get into elite colleges, largely because of potentially huge incomes awaiting their graduates. According to data from the Department of Education, ten years after starting college, the highest-earning 10 percent of graduates from all universities have a median salary of $68,000. The top 10 percent from the ten most prestigious universities are raking in $220,000. In 2019, the Justice Department indicted dozens of wealthy parents for using bribery and fraud to get their children admitted to elite colleges. Yet the real scandal is not bribery by a few wealthy parents but how commonplace it has become for almost all wealthy parents to shell out big bucks for essay tutors, testing tutors, admissions counselors, and “enrichment” courses designed to get their kids into the college of their choice.

Elite colleges are doing their part to accelerate the trend. At a time when the courts have all but ended affirmative action for black children seeking college admission, high-end universities provide preferential admission to the children of wealthy alumni—legacies, as they’re delicately called. Some prestigious colleges have even been known to make quiet deals with wealthy non-alums—admission for their kids with the expectation of a large donation to follow. Jared Kushner’s father reportedly pledged $2.5 million to Harvard just as Jared was applying. The young man gained admission despite rather mediocre grades.

The most brazen affirmative-action program for children of the wealthy is the preference baked into elite admissions for graduates from private prep schools. While only 2.2 percent of American students graduate from nonsectarian private high schools, preppies account for 26 percent of students at Harvard and 28 percent of students at Princeton. All told, about 40 percent of the children of the richest 0.1 percent of American families now attend an Ivy League or other elite university. At some upscale campuses—including Dartmouth, Princeton, Yale, Penn, and Brown—more students now come from the richest 1 percent of American families than from the bottom 60 percent put together. By contrast, less than one-half of 1 percent of children from the bottom fifth of American families attend an elite college. Fewer than half attend any college at all.

A worse scandal is K–12 education, where geographic segregation by income is leaving poor school districts—partly reliant on local property taxes, which don’t generate much revenue—with fewer resources per pupil than richer districts. Race is clearly involved. School districts that are predominantly white get $23 billion more funding each year than districts that serve predominantly students of color. When it comes to early childhood education—which experts agree is vital to the future life chances of the very young—the gap has become a chasm. Wealthy parents spare no expense stimulating infant and toddler brains with happy human interactions through words, music, poetry, games, and art. Yet all too often the offspring of poorer parents have little to do other than sit long hours in front of a television.

As I have noted, we now have an education system in which the oligarchy can effectively buy college admission for its children, a political system in which the oligarchy can buy Congress, a health-care system in which it can buy care others can’t, and a justice system in which the oligarchy can buy its way out of jail. Consider the Wall Street executives who defrauded America in the years leading up to the 2008 financial crisis, yet went unpunished. An even more flagrant example is Ethan Couch, a Texan teenager who killed four people and severely injured another while driving drunk in June 2016. Prosecutors sought a twenty-year prison sentence, but a psychologist who testified in Couch’s defense argued that the teenager suffered from “affluenza,” a psychological affliction said to result from growing up with wealth and privilege. Couch served a 720-day sentence. Most poor and working-class kids accused of committing a crime can’t afford a high-priced attorney. They often plead guilty in exchange for a shorter sentence than they’d get had they gone to trial and been represented by an overworked public defender. This means some end up serving far more than 720 days in prison for committing no crime at all.

In September 2019, actress Felicity Huffman was sentenced to fourteen days in jail for shelling out $15,000 to rig her daughter’s SAT scores so she could get into a top university. In 2011, Kelley Williams-Bolar, a single black mother living in public housing in Akron, Ohio, was charged with multiple felonies and sentenced to two five-year sentences for using her father’s address to enroll her daughters in a better public school. That same year, Tanya McDowell, a homeless black mother living in Bridgeport, Connecticut, was sentenced to five years in prison for enrolling her five-year-old son in a neighboring public school.

The myth of rugged individuals making it on their own has helped mask all of this. It has allowed the oligarchy to dismantle unions, unravel safety nets, and slash taxes on itself. And it has deterred average Americans from demanding what the citizens of every other advanced country receive—paid family and medical leave, access to child care, good schools for all, affordable health care and drugs, workable transportation and communications systems, and policies that lift every family out of poverty. As long as most Americans are convinced that they alone are responsible for their fates, they won’t call for basic systemic changes—making corporations responsible to all their stakeholders, breaking up monopolies, strengthening unions, and protecting the economy from financial plundering—that would empower them to receive all these things and more.

Like the divine right of kings, market fundamentalism relies on faith rather than experience. It pretends that power has nothing to do with who wins and who loses. It proselytizes beliefs that are belied by recent history—that everyone gains from boosts in productivity and efficiency even though the oligarchy has received the lion’s share; that national competitiveness increases American wages even though it has mainly increased the profits of global corporations headquartered in the United States; that the stock market is the best measure of progress even though the unbridled pursuit of profits is putting our democracy under siege and threatening the very existence of life on Earth, and most of the stock market gains since the late 1980s have come out of the paychecks of workers.

Just as with the divine right of kings whose power was thought to come from God, those who embrace market fundamentalism want Americans to ignore how a powerful few have shaped the system for their own benefit. The creed doesn’t acknowledge that the rules of the free market come from government officials whose jobs increasingly depend on an oligarchy that benefits from those decisions. It doesn’t accept that laws are routinely violated by corporations and CEOs that treat fines as a cost of doing business. Adherents to market fundamentalism don’t see the ruthless profit-seeking behind the smooth public relations con of corporate social responsibility. They reject “socialism” without acknowledging how the oligarchy has cushioned itself against downside losses and insulated itself from personal accountability. They even view climate change as a problem of costs and inefficiencies rather than what it is—an existential threat to the future of humanity. A report issued in March 2019 by Morgan Stanley tallied $650 billion in climate-related disasters over the past three years, and predicted $54 trillion in damages worldwide by 2040. “We expect the physical risks of climate change to become an increasingly important part of the investment debate for 2019,” the bank’s strategists dryly write.

Market fundamentalism is as self-deluding and self-perpetuating as the divine right of kings, and with much the same result. “One of man’s oldest exercises in moral philosophy,” observed economist John Kenneth Galbraith, “is the search for a superior moral justification for selfishness. It is an exercise which always involves a certain number of internal contradictions and even a few absurdities. The conspicuously wealthy turn up urging the character-building value of privation for the poor.”

#### The elite capture underpinned by market fundamentalism will make rapid societal transformation impossible. Only radical democratic reclamation of the instrumentalities of governance can avert inevitable, impending extinction.

MacKay 18 – Professor of Sociology, Mohawk College

Kevin MacKay, also a union activist & executive director of a sustainable community development cooperative, The Ecological Crisis is a Political Crisis, 2018, https://www.resilience.org/stories/2018-09-25/the-ecological-crisis-is-a-political-crisis/

With each passing day, reports on global climate change become increasingly bleak. Recent research has affirmed that the glaciers are melting faster than anticipated1, and that acidification, with its catastrophic effect on ocean ecosystems, is also proceeding faster than feared2. As the concentration of atmospheric carbon continues to rise, so does the likelihood we’ve passed the tipping point for irreversible climate change.3

When one looks at other critical earth ecosystems, the danger is equally apparent. Soil is being destroyed.4 Fresh water shortages are wracking several continents and leaving billions of people without reliable access to clean drinking water.5 Fish stocks are plummeting.6 Oceans are clogged with plastic garbage.7 Biodiversity is disappearing at an alarming rate.8 In the face of this full-spectrum ecological assault, a growing number of scientists have been saying that the collapse of civilization is now unavoidable.9

Stopping the destructive effects of industrial, capitalist civilization has now become the defining challenge of our age. If we don’t radically change our society’s course within the next 30 years, then a deep collapse and protracted Dark Age are all but assured. In order to confront this challenge, we need to understand what is causing civilization’s crisis, and most importantly, how the crisis can be resolved. At stake is nothing less than a viable future on this planet.

The Five Horsemen of the Modern Day Apocalypse

In my book, Radical Transformation: Oligarchy, Collapse, and the Crisis of Civilization, I argue that industrial civilization is being driven toward collapse by five key forces – related to terminal dysfunction within its ecological, economic, socio-cultural, and political sub-systems:

Dissociation: globalized production and distribution systems disrupt people’s ability to put their own actions, and the actions of elites, into a coherent causal and ethical framework. Actions by individuals, institutions, and systems of governance are therefore disconnected from their effect on the natural world and on other peoples. Without this critical feedback, even well-intentioned actors can’t make rational and ethical choices regarding their behaviour.

Complexity: the world-spanning nature of industrial capitalist civilization, and the massive number of interrelationships it represents, make predicting the effect of any given change on the system as a whole devilishly difficult. Disastrous tipping points loom in several of civilization’s systems – from the collapse of ocean ecology to the threat of nuclear war. In addition, because the crisis cannot be contained in one part of the globe, the dysfunctions can’t be dealt with in isolation.

Stratification: a profoundly unequal distribution of wealth – both globally and within nations – leads to mass human poverty, displacement, and to premature death through disease and continuous warfare. Stratification also leads to political instability, eroding a society’s social cohesion and undermining decision-making structures.

Overshoot: the economic practices of industrial capitalism are exceeding ecological limits. Our civilization is critically degrading the biosphere, burning through non-renewable energy sources, and shifting the entire climatic balance.

Oligarchy: in states worldwide, political decision-making is controlled by a numerically small, wealthy elite. This form of government serves to lock in patterns of conflict, oppression, and ecological destruction.

Societies as Decision-Making Systems

Each of the horsemen presents a significant threat to civilization’s viability. However, oligarchy is particularly important as it deals with a society’s decision-making systems. In his 2005 book Collapse: How Societies Choose to Fail or to Succeed, geographer Jared Diamond argued that many past civilizations have collapsed due to their inability to make correct decisions in the face of existential threats.10 Diamond drew on the work of archaeologist Joseph Tainter, who in his 1998 book The Collapse of Complex Societies, argued that civilizations fail due to a constellation of factors.11

To Tainter, the ultimate mistake failed civilizations made was to continually solve problems by adding social complexity, and as a result, increasing the society’s energy needs. Eventually, Tainter argued that civilizations encounter a “thermodynamic crisis” in which they are unable to sustain an energy-intensive level of complexity. The result is collapse – ecological devastation, political upheaval, and mass population die-off.

The tendency for societies to collapse under excessive energy demands is an important insight. However, what Tainter and Diamond failed to appreciate is how oligarchy is an even more fundamental cause of civilization collapse.

Oligarchic control compromises a society’s ability to make correct decisions in the face of existential threats. This explains a seeming paradox in which past civilizations have collapsed despite possessing the cultural and technological know-how needed to resolve their crises. The problem wasn’t that they didn’t understand the source of the threat or the way to avert it. The problem was that societal elites benefitted from the system’s dysfunctions and prevented available solutions.

Oligarchic Control in “Democratic” States

Citizens in countries such as Canada, the United States, Australia, or the Eurozone members, would generally consider themselves to be living in democratic societies. However, when the political systems of Western democracies are scrutinized, clear and pervasive signs of oligarchy emerge.

A 2014 study by American political scientists Martin Gilens and Benjamin Page revealed that the great majority of political decisions made in the United States reflect the interests of elites. After studying nearly 1,800 policy decisions passed between 1981 and 2002, the researchers argued that “both individual economic elites and organized interest groups (including corporations, largely owned and controlled by wealthy elites) play a substantial part in affecting public policy, but the general public has little or no independent influence.”12

Today, oligarchic control over decision-making, and its catastrophic ecological effects, have never been clearer. In the U.S., Donald Trump and his billionaire-dominated cabinet are seeking to dismantle the Environmental Protection Agency13, to question climate science14, and to pursue a policy of “American energy dominance” that will dramatically expand production of fossil fuels.15

U.S. energy companies are also having a profound impact on domestic energy policy by accelerating the development of hard-to-access fuel sources through hydraulic fracturing, deep-sea oil drilling, and mountain-top removal coal mining.16 At the same time, fossil fuel oligarchs are working overtime to dismantle green energy initiatives, such as the Koch brothers’ war on the solar industry in Florida, and in other cities across the continent.17

In Canada, often thought of as more progressive than its southern neighbor, the situation hasn’t been much different. Under prime minister Stephen Harper’s two terms, the Canadian state became an unapologetic cheerleader for extracting some of the world’s dirtiest oil –Tar Sands bitumen. Harper accelerated Tar Sands production, leading to the clear-cutting of thousands of acres of boreal forest, the diversion of millions of gallons of freshwater, and the creation of miles of toxic tailings ponds, filled with water contaminated by the bitumen extraction process.18

Like the Trump administration, the Harper government silenced federal climate scientists.19 The government also targeted environmental charities and non-profits, using funding cuts and the threat of audits to undermine climate advocacy.20 When a movement of national outrage swept Harper from power in 2015, Canadians were hopeful that climate change would once more be taken seriously. However, the new government of Justin Trudeau, while embracing the international discourse on global warming, has shown a continued allegiance to the fossil-fuel oligarchy by committing over $7 billion in federal funds to purchase the failing Kinder-Morgan Trans Mountain pipeline.21

What is To Be Done?

To create a sustainable future, we must first learn the lessons of the past, and what archaeological research shows is that throughout history, civilizations that have been captive to the interests of an oligarchic elite have all collapsed.22 Today’s industrial, capitalist civilization is trapped in this same deadly cycle.

As long as a self-interested elite controls decision-making in modern states, we will be far too late to avoid the effects of steadily contracting ecological limits. In addition, we will be unable to avert the downward spiral of economic crisis, conflict, and warfare that will result as oligarchs scramble to maintain their wealth and power in the face of dwindling resources and mounting crisis.23

Breaking free from this destructive pattern will require us to take political and economic power back from the 1% and return it to the hands of citizens. This means that advocates for ecological sustainability must move far beyond individual actions, lobbying, or reform of existing political and economic institutions. If we are to have a chance, we must ensure that governments make decisions based on the public good, not on private profit.

Radically transforming industrial, capitalist civilization won’t be easy. It will require movements for environmental sustainability, social justice, and economic fairness to come together, and to realize their common interest in dismantling the system of oligarchy and building a democratic, eco-socialist society.24 This “movement of movements” must put aside sectarian squabbles, and finally realize that the goals of economic justice, human rights, and ecological sustainability are all intrinsically linked.

Such changes may seem like a tall order, but hope can be found in the deepening struggle being waged to protect our fragile ecosystems. First Nations groups are leading this charge and beginning to win some important victories. The inspiring Water Protectors of Standing Rock were able to disrupt the Dakota Access Pipeline in the face of intense government oppression.25 In Canada, Several British Columbia First Nations recently won an impressive court victory in their opposition to the Trans Mountain pipeline.26

If successful grassroots struggles can be linked with equally hopeful movements for real political change, then there is hope for the future. However, if we continue on with “business as usual” – hoping that change will come from lifestyle choices and the interchangeable representatives of elite political parties, then the future looks grim indeed.

#### Broad scientific consensus both that climate change will cause extinction if we stay on present course, and that it’s not too late to dramatically limit the scale of harm.

Bradshaw et al 21 – Matthew Flinders Professor of Global Ecology at Flinders University, where he leads the Global Ecology Laboratory. He is joined in this paper by 16 other climate scientists.

Corey J. A. Bradshaw, Paul R. Ehrlich, Andrew Beattie, Gerardo Ceballos, Eileen Crist, Joan Diamond, Rodolfo Dirzo, Anne H. Ehrlich, John Harte, Mary Ellen Harte, Graham Pyke, Peter H. Raven, William J. Ripple, Frédérik Saltré, Christine Turnbull, Mathis Wackernagel, and Daniel T. Blumstein, “Underestimating the Challenges of Avoiding a Ghastly Future,” *Frontiers in Conservation Science*, 13 January 2021, https://www.frontiersin.org/articles/10.3389/fcosc.2020.615419/full.

We report three major and confronting environmental issues that have received little attention and require urgent action. First, we review the evidence that future environmental conditions will be far more dangerous than currently believed. The scale of the threats to the biosphere and all its lifeforms—including humanity—is in fact so great that it is difficult to grasp for even well-informed experts. Second, we ask what political or economic system, or leadership, is prepared to handle the predicted disasters, or even capable of such action. Third, this dire situation places an extraordinary responsibility on scientists to speak out candidly and accurately when engaging with government, business, and the public. We especially draw attention to the lack of appreciation of the enormous challenges to creating a sustainable future. The added stresses to human health, wealth, and well-being will perversely diminish our political capacity to mitigate the erosion of ecosystem services on which society depends. The science underlying these issues is strong, but awareness is weak. Without fully appreciating and broadcasting the scale of the problems and the enormity of the solutions required, society will fail to achieve even modest sustainability goals.

Introduction

Humanity is causing a rapid loss of biodiversity and, with it, Earth's ability to support complex life. But the mainstream is having difficulty grasping the magnitude of this loss, despite the steady erosion of the fabric of human civilization (Ceballos et al., 2015; IPBES, 2019; Convention on Biological Diversity, 2020; WWF, 2020). While suggested solutions abound (Díaz et al., 2019), the current scale of their implementation does not match the relentless progression of biodiversity loss (Cumming et al., 2006) and other existential threats tied to the continuous expansion of the human enterprise (Rees, 2020). Time delays between ecological deterioration and socio-economic penalties, as with climate disruption for example (IPCC, 2014), impede recognition of the magnitude of the challenge and timely counteraction needed. In addition, disciplinary specialization and insularity encourage unfamiliarity with the complex adaptive systems (Levin, 1999) in which problems and their potential solutions are embedded (Selby, 2006; Brand and Karvonen, 2007). Widespread ignorance of human behavior (Van Bavel et al., 2020) and the incremental nature of socio-political processes that plan and implement solutions further delay effective action (Shanley and López, 2009; King, 2016).

We summarize the state of the natural world in stark form here to help clarify the gravity of the human predicament. We also outline likely future trends in biodiversity decline (Díaz et al., 2019), climate disruption (Ripple et al., 2020), and human consumption and population growth to demonstrate the near certainty that these problems will worsen over the coming decades, with negative impacts for centuries to come. Finally, we discuss the ineffectiveness of current and planned actions that are attempting to address the ominous erosion of Earth's life-support system. Ours is not a call to surrender—we aim to provide leaders with a realistic “cold shower” of the state of the planet that is essential for planning to avoid a ghastly future.

Biodiversity Loss

Major changes in the biosphere are directly linked to the growth of human systems (summarized in Figure 1). While the rapid loss of species and populations differs regionally in intensity (Ceballos et al., 2015, 2017, 2020; Díaz et al., 2019), and most species have not been adequately assessed for extinction risk (Webb and Mindel, 2015), certain global trends are obvious. Since the start of agriculture around 11,000 years ago, the biomass of terrestrial vegetation has been halved (Erb et al., 2018), with a corresponding loss of >20% of its original biodiversity (Díaz et al., 2019), together denoting that >70% of the Earth's land surface has been altered by Homo sapiens (IPBES, 2019). There have been >700 documented vertebrate (Díaz et al., 2019) and ~600 plant (Humphreys et al., 2019) species extinctions over the past 500 years, with many more species clearly having gone extinct unrecorded (Tedesco et al., 2014). Population sizes of vertebrate species that have been monitored across years have declined by an average of 68% over the last five decades (WWF, 2020), with certain population clusters in extreme decline (Leung et al., 2020), thus presaging the imminent extinction of their species (Ceballos et al., 2020). Overall, perhaps 1 million species are threatened with extinction in the near future out of an estimated 7–10 million eukaryotic species on the planet (Mora et al., 2011), with around 40% of plants alone considered endangered (Antonelli et al., 2020). Today, the global biomass of wild mammals is <25% of that estimated for the Late Pleistocene (Bar-On et al., 2018), while insects are also disappearing rapidly in many regions (Wagner, 2020; reviews in van Klink et al., 2020).

Freshwater and marine environments have also been severely damaged. Today there is <15% of the original wetland area globally than was present 300 years ago (Davidson, 2014), and >75% of rivers >1,000 km long no longer flow freely along their entire course (Grill et al., 2019). More than two-thirds of the oceans have been compromised to some extent by human activities (Halpern et al., 2015), live coral cover on reefs has halved in <200 years (Frieler et al., 2013), seagrass extent has been decreasing by 10% per decade over the last century (Waycott et al., 2009; Díaz et al., 2019), kelp forests have declined by ~40% (Krumhansl et al., 2016), and the biomass of large predatory fishes is now <33% of what it was last century (Christensen et al., 2014).

With such a rapid, catastrophic loss of biodiversity, the ecosystem services it provides have also declined. These include inter alia reduced carbon sequestration (Heath et al., 2005; Lal, 2008), reduced pollination (Potts et al., 2016), soil degradation (Lal, 2015), poorer water and air quality (Smith et al., 2013), more frequent and intense flooding (Bradshaw et al., 2007; Hinkel et al., 2014) and fires (Boer et al., 2020; Bowman et al., 2020), and compromised human health (Díaz et al., 2006; Bradshaw et al., 2019). As telling indicators of how much biomass humanity has transferred from natural ecosystems to our own use, of the estimated 0.17 Gt of living biomass of terrestrial vertebrates on Earth today, most is represented by livestock (59%) and human beings (36%)—only ~5% of this total biomass is made up by wild mammals, birds, reptiles, and amphibians (Bar-On et al., 2018). As of 2020, the overall material output of human endeavor exceeds the sum of all living biomass on Earth (Elhacham et al., 2020).

Sixth Mass Extinction

A mass extinction is defined as a loss of ~75% of all species on the planet over a geologically short interval—generally anything <3 million years (Jablonski et al., 1994; Barnosky et al., 2011). At least five major extinction events have occurred since the Cambrian (Sodhi et al., 2009), the most recent of them 66 million years ago at the close of the Cretaceous period. The background rate of extinction since then has been 0.1 extinctions million species−1 year−1 (Ceballos et al., 2015), while estimates of today's extinction rate are orders of magnitude greater (Lamkin and Miller, 2016). Recorded vertebrate extinctions since the 16th century—the mere tip of the true extinction iceberg—give a rate of extinction of 1.3 species year−1, which is conservatively >15 times the background rate (Ceballos et al., 2015). The IUCN estimates that some 20% of all species are in danger of extinction over the next few decades, which greatly exceeds the background rate. That we are already on the path of a sixth major extinction is now scientifically undeniable (Barnosky et al., 2011; Ceballos et al., 2015, 2017).

Ecological Overshoot: Population Size and Overconsumption

The global human population has approximately doubled since 1970, reaching nearly 7.8 billion people today (prb.org). While some countries have stopped growing and even declined in size, world average fertility continues to be above replacement (2.3 children woman−1), with an average of 4.8 children woman−1 in Sub-Saharan Africa and fertilities >4 children woman−1 in many other countries (e.g., Afghanistan, Yemen, Timor-Leste). The 1.1 billion people today in Sub-Saharan Africa—a region expected to experience particularly harsh repercussions from climate change (Serdeczny et al., 2017)—is projected to double over the next 30 years. By 2050, the world population will likely grow to ~9.9 billion (prb.org), with growth projected by many to continue until well into the next century (Bradshaw and Brook, 2014; Gerland et al., 2014), although more recent estimates predict a peak toward the end of this century (Vollset et al., 2020).

Large population size and continued growth are implicated in many societal problems. The impact of population growth, combined with an imperfect distribution of resources, leads to massive food insecurity. By some estimates, 700–800 million people are starving and 1–2 billion are micronutrient-malnourished and unable to function fully, with prospects of many more food problems in the near future (Ehrlich and Harte, 2015a,b). Large populations and their continued growth are also drivers of soil degradation and biodiversity loss (Pimm et al., 2014). More people means that more synthetic compounds and dangerous throw-away plastics (Vethaak and Leslie, 2016) are manufactured, many of which add to the growing toxification of the Earth (Cribb, 2014). It also increases chances of pandemics (Daily and Ehrlich, 1996b) that fuel ever-more desperate hunts for scarce resources (Klare, 2012). Population growth is also a factor in many social ills, from crowding and joblessness, to deteriorating infrastructure and bad governance (Harte, 2007). There is mounting evidence that when populations are large and growing fast, they can be the sparks for both internal and international conflicts that lead to war (Klare, 2001; Toon et al., 2007). The multiple, interacting causes of civil war in particular are varied, including poverty, inequality, weak institutions, political grievance, ethnic divisions, and environmental stressors such as drought, deforestation, and land degradation (Homer-Dixon, 1991, 1999; Collier and Hoeer, 1998; Hauge and llingsen, 1998; Fearon and Laitin, 2003; Brückner, 2010; Acemoglu et al., 2017). Population growth itself can even increase the probability of military involvement in conflicts (Tir and Diehl, 1998). Countries with higher population growth rates experienced more social conflict since the Second World War (Acemoglu et al., 2017). In that study, an approximate doubling of a country's population caused about four additional years of full-blown civil war or low-intensity conflict in the 1980s relative to the 1940–1950s, even after controlling for a country's income-level, independence, and age structure.

Simultaneous with population growth, humanity's consumption as a fraction of Earth's regenerative capacity has grown from ~ 73% in 1960 to 170% in 2016 (Lin et al., 2018), with substantially greater per-person consumption in countries with highest income. With COVID-19, this overshoot dropped to 56% above Earth's regenerative capacity, which means that between January and August 2020, humanity consumed as much as Earth can renew in the entire year (overshootday.org). While inequality among people and countries remains staggering, the global middle class has grown rapidly and exceeded half the human population by 2018 (Kharas and Hamel, 2018). Over 70% of all people currently live in countries that run a biocapacity deficit while also having less than world-average income, excluding them from compensating their biocapacity deficit through purchases (Wackernagel et al., 2019) and eroding future resilience via reduced food security (Ehrlich and Harte, 2015b). The consumption rates of high-income countries continue to be substantially higher than low-income countries, with many of the latter even experiencing declines in per-capita footprint (Dasgupta and Ehrlich, 2013; Wackernagel et al., 2019).

This massive ecological overshoot is largely enabled by the increasing use of fossil fuels. These convenient fuels have allowed us to decouple human demand from biological regeneration: 85% of commercial energy, 65% of fibers, and most plastics are now produced from fossil fuels. Also, food production depends on fossil-fuel input, with every unit of food energy produced requiring a multiple in fossil-fuel energy (e.g., 3 × for high-consuming countries like Canada, Australia, USA, and China; overshootday.org). This, coupled with increasing consumption of carbon-intensive meat (Ripple et al., 2014) congruent with the rising middle class, has exploded the global carbon footprint of agriculture. While climate change demands a full exit from fossil-fuel use well before 2050, pressures on the biosphere are likely to mount prior to decarbonization as humanity brings energy alternatives online. Consumption and biodiversity challenges will also be amplified by the enormous physical inertia of all large “stocks” that shape current trends: built infrastructure, energy systems, and human populations.

It is therefore also inevitable that aggregate consumption will increase at least into the near future, especially as affluence and population continue to grow in tandem (Wiedmann et al., 2020). Even if major catastrophes occur during this interval, they would unlikely affect the population trajectory until well into the 22nd Century (Bradshaw and Brook, 2014). Although population-connected climate change (Wynes and Nicholas, 2017) will worsen human mortality (Mora et al., 2017; Parks et al., 2020), morbidity (Patz et al., 2005; Díaz et al., 2006; Peng et al., 2011), development (Barreca and Schaller, 2020), cognition (Jacobson et al., 2019), agricultural yields (Verdin et al., 2005; Schmidhuber and Tubiello, 2007; Brown and Funk, 2008; Gaupp et al., 2020), and conflicts (Boas, 2015), there is no way—ethically or otherwise (barring extreme and unprecedented increases in human mortality)—to avoid rising human numbers and the accompanying overconsumption. That said, instituting human-rights policies to lower fertility and reining in consumption patterns could diminish the impacts of these phenomena (Rees, 2020).

Failed International Goals and Prospects for the Future

Stopping biodiversity loss is nowhere close to the top of any country's priorities, trailing far behind other concerns such as employment, healthcare, economic growth, or currency stability. It is therefore no surprise that none of the Aichi Biodiversity Targets for 2020 set at the Convention on Biological Diversity's (CBD.int) 2010 conference was met (Secretariat of the Convention on Biological Diversity, 2020). Even had they been met, they would have still fallen short of realizing any substantive reductions in extinction rate. More broadly, most of the nature-related United Nations Sustainable Development Goals (SDGs) (e.g., SDGs 6, 13–15) are also on track for failure (Wackernagel et al., 2017; Díaz et al., 2019; Messerli et al., 2019), largely because most SDGs have not adequately incorporated their interdependencies with other socio-economic factors (Bradshaw and Di Minin, 2019; Bradshaw et al., 2019; Messerli et al., 2019). Therefore, the apparent paradox of high and rising average standard of living despite a mounting environmental toll has come at a great cost to the stability of humanity's medium- and long-term life-support system. In other words, humanity is running an ecological Ponzi scheme in which society robs nature and future generations to pay for boosting incomes in the short term (Ehrlich et al., 2012). Even the World Economic Forum, which is captive of dangerous greenwashing propaganda (Bakan, 2020), now recognizes biodiversity loss as one of the top threats to the global economy (World Economic Forum, 2020).

The emergence of a long-predicted pandemic (Daily and Ehrlich, 1996a), likely related to biodiversity loss, poignantly exemplifies how that imbalance is degrading both human health and wealth (Austin, 2020; Dobson et al., 2020; Roe et al., 2020). With three-quarters of new infectious diseases resulting from human-animal interactions, environmental degradation via climate change, deforestation, intensive farming, bushmeat hunting, and an exploding wildlife trade mean that the opportunities for pathogen-transferring interactions are high (Austin, 2020; Daszak et al., 2020). That much of this degradation is occurring in Biodiversity Hotspots where pathogen diversity is also highest (Keesing et al., 2010), but where institutional capacity is weakest, further increases the risk of pathogen release and spread (Austin, 2020; Schmeller et al., 2020).

Climate Disruption

The dangerous effects of climate change are much more evident to people than those of biodiversity loss (Legagneux et al., 2018), but society is still finding it difficult to deal with them effectively. Civilization has already exceeded a global warming of ~ 1.0°C above pre-industrial conditions, and is on track to cause at least a 1.5°C warming between 2030 and 2052 (IPCC, 2018). In fact, today's greenhouse-gas concentration is >500 ppm CO2-e (Butler and Montzka, 2020), while according to the IPCC, 450 ppm CO2-e would give Earth a mere 66% chance of not exceeding a 2°C warming (IPCC, 2014). Greenhouse-gas concentration will continue to increase (via positive feedbacks such as melting permafrost and the release of stored methane) (Burke et al., 2018), resulting in further delay of temperature-reducing responses even if humanity stops using fossil fuels entirely well before 2030 (Steffen et al., 2018).

Human alteration of the climate has become globally detectable in any single day's weather (Sippel et al., 2020). In fact, the world's climate has matched or exceeded previous predictions (Brysse et al., 2013), possibly because of the IPCC's reliance on averages from several models (Herger et al., 2018) and the language of political conservativeness inherent in policy recommendations seeking multinational consensus (Herrando-Pérez et al., 2019). However, the latest climate models (CMIP6) show greater future warming than previously predicted (Forster et al., 2020), even if society tracks the needed lower-emissions pathway over the coming decades. Nations have in general not met the goals of the 5 year-old Paris Agreement (United Nations, 2016), and while global awareness and concern have risen, and scientists have proposed major transformative change (in energy production, pollution reduction, custodianship of nature, food production, economics, population policies, etc.), an effective international response has yet to emerge (Ripple et al., 2020). Even assuming that all signatories do, in fact, manage to ratify their commitments (a doubtful prospect), expected warming would still reach 2.6–3.1°C by 2100 (Rogelj et al., 2016) unless large, additional commitments are made and fulfilled. Without such commitments, the projected rise of Earth's temperature will be catastrophic for biodiversity (Urban, 2015; Steffen et al., 2018; Strona and Bradshaw, 2018) and humanity (Smith et al., 2016).

Regarding international climate-change accords, the Paris Agreement (United Nations, 2016) set the 1.5–2°C target unanimously. But since then, progress to propose, let alone follow, (voluntary) “intended national determined contributions” for post-2020 climate action have been utterly inadequate.

Political Impotence

If most of the world's population truly understood and appreciated the magnitude of the crises we summarize here, and the inevitability of worsening conditions, one could logically expect positive changes in politics and policies to match the gravity of the existential threats. But the opposite is unfolding. The rise of right-wing populist leaders is associated with anti-environment agendas as seen recently for example in Brazil (Nature, 2018), the USA (Hejny, 2018), and Australia (Burck et al., 2019). Large differences in income, wealth, and consumption among people and even among countries render it difficult to make any policy global in its execution or effect.

A central concept in ecology is density feedback (Herrando-Pérez et al., 2012)—as a population approaches its environmental carrying capacity, average individual fitness declines (Brook and Bradshaw, 2006). This tends to push populations toward an instantaneous expression of carrying capacity that slows or reverses population growth. But for most of history, human ingenuity has inflated the natural environment's carrying capacity for us by developing new ways to increase food production (Hopfenberg, 2003), expand wildlife exploitation, and enhance the availability of other resources. This inflation has involved modifying temperature via shelter, clothing, and microclimate control, transporting goods from remote locations, and generally reducing the probability of death or injury through community infrastructure and services (Cohen, 1995). But with the availability of fossil fuels, our species has pushed its consumption of nature's goods and services much farther beyond long-term carrying capacity (or more precisely, the planet's biocapacity), making the readjustment from overshoot that is inevitable far more catastrophic if not managed carefully (Nyström et al., 2019). A growing human population will only exacerbate this, leading to greater competition for an ever-dwindling resource pool. The corollaries are many: continued reduction of environmental intactness (Bradshaw et al., 2010; Bradshaw and Di Minin, 2019), reduced child health (especially in low-income nations) (Bradshaw et al., 2019), increased food demand exacerbating environmental degradation via agro-intensification (Crist et al., 2017), vaster and possibly catastrophic effects of global toxification (Cribb, 2014; Swan and Colino, 2021), greater expression of social pathologies (Levy and Herzog, 1974) including violence exacerbated by climate change and environmental degradation itself (Agnew, 2013; White, 2017, 2019), more terrorism (Coccia, 2018), and an economic system even more prone to sequester the remaining wealth among fewer individuals (Kus, 2016; Piketty, 2020) much like how cropland expansion since the early 1990s has disproportionately concentrated wealth among the super-rich (Ceddia, 2020). The predominant paradigm is still one of pegging “environment” against “economy”; yet in reality, the choice is between exiting overshoot by design or disaster—because exiting overshoot is inevitable one way or another.

Given these misconceptions and entrenched interests, the continued rise of extreme ideologies is likely, which in turn limits the capacity of making prudent, long-term decisions, thus potentially accelerating a vicious cycle of global ecological deterioration and its penalties. Even the USA's much-touted New Green Deal (U. S. House of Representatives, 2019) has in fact exacerbated the country's political polarization (Gustafson et al., 2019), mainly because of the weaponization of ‘environmentalism' as a political ideology rather than being viewed as a universal mode of self-preservation and planetary protection that ought to transcend political tribalism. Indeed, environmental protest groups are being labeled as “terrorists” in many countries (Hudson, 2020). Further, the severity of the commitments required for any country to achieve meaningful reductions in consumption and emissions will inevitably lead to public backlash and further ideological entrenchments, mainly because the threat of potential short-term sacrifices is seen as politically inopportune. Even though climate change alone will incur a vast economic burden (Burke et al., 2015; Carleton and Hsiang, 2016; Auffhammer, 2018) possibly leading to war (nuclear, or otherwise) at a global scale (Klare, 2020), most of the world's economies are predicated on the political idea that meaningful counteraction now is too costly to be politically palatable. Combined with financed disinformation campaigns in a bid to protect short-term profits (Oreskes and Conway, 2010; Mayer, 2016; Bakan, 2020), it is doubtful that any needed shift in economic investments of sufficient scale will be made in time.

While uncertain and prone to fluctuate according to unpredictable social and policy trends (Boas et al., 2019; McLeman, 2019; Nature Climate Change, 2019), climate change and other environmental pressures will trigger more mass migration over the coming decades (McLeman, 2019), with an estimated 25 million to 1 billion environmental migrants expected by 2050 (Brown, 2008). Because international law does not yet legally recognize such “environmental migrants” as refugees (United Nations University, 2015) (although this is likely to change) (Lyons, 2020), we fear that a rising tide of refugees will reduce, not increase, international cooperation in ways that will further weaken our capacity to mitigate the crisis.

Changing the Rules of the Game

While it is neither our intention nor capacity in this short Perspective to delve into the complexities and details of possible solutions to the human predicament, there is no shortage of evidence-based literature proposing ways to change human behavior for the benefit of all extant life. The remaining questions are less about what to do, and more about how, stimulating the genesis of many organizations devoted to these pursuits (e.g., ipbes.org, goodanthropocenes.net, overshootday.org, mahb.stanford.edu, populationmatters.org, clubofrome.org, steadystate.org, to name a few). The gravity of the situation requires fundamental changes to global capitalism, education, and equality, which include inter alia the abolition of perpetual economic growth, properly pricing externalities, a rapid exit from fossil-fuel use, strict regulation of markets and property acquisition, reigning in corporate lobbying, and the empowerment of women. These choices will necessarily entail difficult conversations about population growth and the necessity of dwindling but more equitable standards of living.

Conclusions

We have summarized predictions of a ghastly future of mass extinction, declining health, and climate-disruption upheavals (including looming massive migrations) and resource conflicts this century. Yet, our goal is not to present a fatalist perspective, because there are many examples of successful interventions to prevent extinctions, restore ecosystems, and encourage more sustainable economic activity at both local and regional scales. Instead, we contend that only a realistic appreciation of the colossal challenges facing the international community might allow it to chart a less-ravaged future. While there have been more recent calls for the scientific community in particular to be more vocal about their warnings to humanity (Ripple et al., 2017; Cavicchioli et al., 2019; Gardner and Wordley, 2019), these have been insufficiently foreboding to match the scale of the crisis. Given the existence of a human “optimism bias” that triggers some to underestimate the severity of a crisis and ignore expert warnings, a good communication strategy must ideally undercut this bias without inducing disproportionate feelings of fear and despair (Pyke, 2017; Van Bavel et al., 2020). It is therefore incumbent on experts in any discipline that deals with the future of the biosphere and human well-being to eschew reticence, avoid sugar-coating the overwhelming challenges ahead and “tell it like it is.” Anything else is misleading at best, or negligent and potentially lethal for the human enterprise at worst.

#### Immense structural suffering and crackdowns on ability to effectively mobilize are inevitable so long as economic and political power remains concentrated.

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

Jeremie Greer and Solana Rice, “Anti-Monopoly Activism: Reclaiming Power Through Racial Justice,” *Liberation in a Generation*, March 2021, pp. 3-14, https://www.liberationinageneration.org/wp-content/uploads/2021/03/Anti-Monopoly-Activism\_032021.pdf.

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

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

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

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

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

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

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

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

SECTION 1 Monopoly Power Is Corporate Power Magnified and Maximized

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

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

Grassroots leaders of color are highly experienced and uniquely skilled at challenging corporate power, and these capacities can and should be used to curb monopoly power. For example,8 the Athena Coalition has successfully leveraged grassroots power to challenge the monopoly power of Amazon, and Color of Change9 has effectively used grassroots digital organizing to challenge the monopoly power of social media platforms such as Facebook. Putting monopolies in the crosshairs of organizers is critical because they best understand the real human and structural devastation caused by monopoly power, which is otherwise all too easily neglected.

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

How Corporate Monopolies Show Up in Today’s World

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

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

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

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

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

Big Tech

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

Big Pharma

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

Big Agriculture

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

Big Banks

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

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

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

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

#### The government’s guiding telos should be to counter domination – our politics reclaims the lost promise of Reconstruction by rejecting negative, libertarian conceptions of freedom in favor of a positive guarantee of substantive freedom.

Rahman 16 – Associate professor of law at Brooklyn Law School and former visiting professor of law at Harvard Law School.

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

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

A. The Problem of Economic Domination

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

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

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

B. Democratic Agency and Popular Sovereignty

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

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

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

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

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

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

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

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

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

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

III. Antidomination as a Political Economic Reform Agenda

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

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

A. Reconstituting Economic Structures to Curb Domination

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

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

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

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

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

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

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

B. Political Agency and Democratic Institutions

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

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

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

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

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

#### Giving effect to that vision specifically requires using the federal government to crack down on trusts.

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

Jeremie Greer and Solana Rice, “Anti-Monopoly Activism: Reclaiming Power Through Racial Justice,” *Liberation in a Generation*, March 2021, pp. 39-56, https://www.liberationinageneration.org/wp-content/uploads/2021/03/Anti-Monopoly-Activism\_032021.pdf.

Fans of literature and movies will recognize a popular character in American storytelling: the villain turned hero. The villain-turned-hero storyline is attractive because it allows for the villain’s influential power to be redirected away from causing harm and toward healing pain. In our fight to rein in monopoly power, the government—particularly the federal government—could be our stories’ reformed hero. Grassroots leaders of color are uniquely positioned to convert government power, which has largely been complicit in the expansion of monopoly power, into a force for good that reins in the devastation caused by corporate monopolies.

Similar to organizers, our government has a distinct role to play to directly challenge monopoly power. This is especially true of the federal government. The federal government has the constitutional authority to set the rules that govern our entire economy, including the rules that govern monopolies. In fact, the federal government is the entity with the greatest amount of money and authority to match monopoly power. Through what can and should be democractic systems of government, it is also the principal entity, directly accountable to workers, consumers, and communities instead of shareholders and CEOs. The question, then, is not if our government can curb monopoly power, but if it is willing to fulfill its responsibility to do so.

As discussed in the introduction, the federal government took strong and decisive action against monopoly power in the late 19th and early 20th century. During this time, Congress passed the Sherman Act, Clayton Act, and the Federal Trade Commission Act. The Federal Trade Commission (FTC) was formed in 1914, and the federal courts took decisive action to break up the massive monopolies that dominated critical industries, such as railroad and oil industries. However, in the second half of the 20th century, the federal government (and thus the federal courts) not only rolled back its actions against monopoly power, but it actually empowered corporate monopolies to grow larger and more powerful.

#### Therefore, Ethan and I affirm the following demand:

#### The United States federal government should substantially increase prohibitions on private sector business practices harmful to substantive political equality, at least expanding the scope of the core antitrust laws to crack down on concentrations of political and economic power.

#### Ensuring substantive political equality is the proper telos for the federal government.

Jackson 21 – DeOlazarra Fellow at the Program in Political Philosophy, Policy & Law at the University of Virginia. She received her Ph.D. with distinction in political theory at Columbia University.

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

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

Pushing an anti-administravist10 agenda, libertarians continue their “long war”11 against government agencies by insisting that they are an unconstitutional fourth branch of government. For them, administration is a kind of “absolutism”12 that violates the separation of powers and defies the principle of limited government.13 They contend that agencies’ discretionary rulemaking offends the liberal commitment to the rule of law. 14 Accordingly, they would punt agencies’ responsibility for social, economic, and environmental problems to courts and legislatures. 15 Regulation would thus be placed at the mercy of an undemocratic judiciary who increasingly “weaponizes” the First Amendment in favor of big business16 – or of a Congress whose already inefficient decision-making is crippled by hyperpolarization17 and distorted by the kind of material inequalities that the welfare state is meant to ameliorate. 18

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

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

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

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

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

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

#### Specifically, the plan reclaims a radically progressive reading of the core antitrust laws, tearing up the structure of U.S. political economy root and branch.

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 by 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

#### That constitutes a repudiation of the technocratic, legalist register that eviscerated the emancipatory potential of governance—in antitrust, but also in the civil rights movement, and in the administrative state generally.

Bagley 19 – Professor of Law, UMich

Nicholas Bagley, Professor of Law, University of Michigan Law School, ARTICLE: THE PROCEDURE FETISH, 118 Mich. L. Rev. 345 (December, 2019)

Administrative law comprises a set of procedural rules that affect the pace and composition of government action. That same government action--whether it involves dispensing public benefits or regulating private conduct--allocates resources, risk, and power within the United States. The manner in which administrative law operates will thus favor some interests over others. That's not an indictment: any set of rules has the same character. Increasing the stringency of judicial review for new agency regulations, for example, will tend to aid those who have the most to lose from government action. By the same token, curbing judicial review will help those who stand to gain. There is no neutral, value-free way to calibrate the stringency of judicial review, and the point holds for administrative procedure more generally. The distribution of resources, risk, and power in the United States is partly a function of an administrative law that is supposed to be agnostic as to that distribution.

With increasing urgency over the past two decades, congressional Republicans have advanced proposals to discipline a regulatory state that, in their view, does too much and with too little care. These proposals travel under an array of names and acronyms, but they embrace a common tactic: they pile procedure on procedure in an effort to create a thicket so dense that agencies will either struggle to act or give up before they start. 1 The Regulatory Accountability Act (RAA), for example, would subject high-impact rules to an oral hearing, complete with cross-examination and a formal record; ban agencies from engaging in public outreach to advocate for their rules; stitch centralized executive oversight and rigorous cost-benefit analysis into law; impose onerous new rules on the issuance of guidance documents; and make adherence to all of these procedures subject to judicial review. 2 By tilting the scales against agency action, Republicans hope to end "job-killing regulations" and invigorate the free market. Not coincidentally, that means favoring industry over environmentalists, banks over consumer advocates, and management over labor.

The point is not that these are bad priorities. The point is that they are political priorities. Democrats understand as much. "By hamstringing the dedicated public servants charged with ensuring everything from safe infant [\*347] formula to clean drinking water to a fair day's pay for a fair day's work," writes Sam Berger, a former official in the Obama White House, "this bill would put corporate profits before people's lives and livelihoods." 3 William Funk notes that the RAA will "slow down, if not make impossible, the development of regulations that have major effects on the economy. It does not matter how many lives the regulation might save." 4 But the opposition from the left presents a puzzle. If adding new administrative procedures will so obviously advance conservative priorities, might not relaxing existing administrative constraints advance liberal ones? What if dedicated public servants are already hamstrung? What if it already does not matter how many lives a regulation might save?

Yet there is no Democratic version of the RAA, and little organized energy behind the idea that relaxing administrative procedures will be good for the environment, consumers, and workers. The game is strictly defensive: to protect administrative law, not to transform and rethink it. Actually, matters are worse than that. Some liberals are so enchanted with administrative procedures that they are calling for more. Democrats Heidi Heitkamp and Joe Manchin were Senate cosponsors of the RAA, arguing that it would make regulations "smarter." 5 Cass Sunstein also supports the bill, though not without reservation, and in so doing has thrown his support behind the imposition of the same procedures that Republicans hope will frustrate agency action. 6 Even those who are especially sensitive to the deficiencies of modern administrative law--Jon Michaels comes to mind--endorse court-centered proceduralism as part of their cure. 7

[\*348] Why aren't progressives clamoring to loosen administrative law's constraints? It's not for want of targets. Administrative law is shot through with arguably counterproductive procedural rules. In past work, for example, I have argued that the Office of Information and Regulatory Affairs imposes a drag on regulation without adequate justification; 8 that the presumption in favor of judicial review of agency action, and particularly the presumption in favor of preenforcement review, should be reevaluated; 9 and that the reflexive invalidation of defective agency action is wasteful and unnecessary. 10 But the list goes on. The judicially imposed rigors of notice-and-comment rulemaking, the practice of invalidating guidance documents that are "really" legislative rules, the Information Quality Act, the logical outgrowth doctrine, nationwide injunctions against invalid rules--all could and perhaps should be reconsidered.

In today's political landscape, however, "regulatory reform" is strictly the province of Republican policymakers, so much so that the anodyne phrase has acquired an antiregulatory connotation. Republicans have a reform agenda. Democrats don't. 11 What's more, the left's hesitation is not a response to Republican control of the federal government. When Democrats held both Congress and the White House in 2009 and 2010, they didn't press to streamline or rethink administrative law.

Liberal quiescence can be traced, instead, to two stories about the administrative state that have become deeply embedded in our legal culture. Fidelity to procedures, one story runs, is essential to sustain the fragile legitimacy of a powerful and constitutionally suspect administrative state. 12 On the other story, procedures assure public accountability by shaping the decisions of an executive branch that might otherwise be beholden to factional [\*349] interests. 13 Taken together, these stories suggest we should be thankful for the procedures we have and nervous about their elimination.

But this legitimacy-and-capture narrative is overdrawn--indeed, it is largely a myth. Proceduralism has a role to play in preserving legitimacy and discouraging capture, but it advances those goals more obliquely than is commonly assumed and may exacerbate the very problems it aims to address. In building this argument, I hope to call into question the administrative lawyer's instinctive faith in procedure, to reorient discussion to the trade-offs at the heart of any system designed to structure government action, and to soften resistance to the relaxation of unduly burdensome procedural rules. Notwithstanding academic claims that the Administrative Procedure Act (APA) has attained a kind of quasi-constitutional status, 14 administrative law remains very much an object of political contestation. Any convention that Congress can't tinker with the APA is quickly eroding, if indeed any such convention ever existed. We should acknowledge that fact even if we lament its loss.

In this, I hope to bring the practice of administrative law into conversation with a line of revisionist academic work that questions the left's embrace of court-centric legalism. That work, among other things, recovers how Progressive and New Deal state-builders embraced a results-oriented, nonlegalistic approach to administrative power. They understood--more clearly than we do now--that strict procedural rules and vigorous judicial oversight could be mobilized to frustrate their efforts to curb market exploitation, protect workers, and press for a fairer distribution of resources. 15 "Substantial justice," declared President Franklin Roosevelt in vetoing a predecessor bill to the APA, "remains a higher aim for our civilization than technical legalism." 16

The left's antiproceduralist orientation shifted in the wake of Brown v Board of Education, when the fight for civil rights moved into a legalistic register--a shift that, in the revisionist telling, both narrowed the scope of the civil rights movement's ambitions and hampered its efforts to address yawning racial inequalities. 17 Progressive reformers in the 1960s and the 1970s [\*350] drew inspiration from the civil rights example, and adopted the tools of adversarial legalism (to use Robert Kagan's phrase) 18 in an effort to spur the vigorous enforcement of new environmental and consumer protection laws. 19 That legalism, which opponents of state action avidly supported, 20 is our inheritance from that era. 21

Along the way, a positive vision of the administrative state--one in which its legitimacy is measured not by the stringency of the constraints under which it labors, but by how well it advances our collective goals--has been shoved to the side. 22 [FN22] See Kessler, supra note 15, at 733 (recalling the views of progressive reformers who "believed that an autonomous administrative state was necessary to achieve a more just distribution of the nation's resources, and that the achievement of this political economic goal, along with democratic support and expert guidance, were the sufficient conditions of the state's legitimacy"). [End FN] I recognize that now may not be the most auspicious time to press the point, when liberals have seized on administrative law as a means to resist the Trump Administration. But President Trump is temporary; administrative law is not. And an administrative law oriented around fears of a pathological presidency may itself be pathological--a cure worse than the disease. A decade after a financial crisis roiled the financial markets, in a century when climate change threatens environmental catastrophe, and in an era of growing income and wealth inequality, the wisdom of allowing procedural rules to hobble federal agencies is very much open to question. Administrative law may be about good governance, but it is also about power: the power to maintain the existing state of affairs, and the power to change it. It's well past time for more skepticism about procedure.

# 2AC

## 2AC – Case

### AT: Impact D

#### Pester so clearly flows aff – says both climate change causes conflict AND even if it doesn’t cause extinction we should still try to stop it

Pester 21, Patrick Pester, 8-30-21, PP- writer for Live Science. background in wildlife conservation and has worked with endangered species around the world. holds a master's degree in international journalism from Cardiff University in the U.K. and is finishing second master's degree in biodiversity, evolution and conservation in action at Middlesex University London. "Immersive Reader," Live Science, read://https\_www.livescience.com/?url=https%3A%2F%2Fwww.livescience.com%2Fclimate-change-humans-extinct.htm // wwu ljh

Could climate change make humans go extinct?¶ A 3D illustration of a woman watching a climate change simulation of Earth.¶ A digital illustration of someone watching a climate change simulation. (Image credit: boscorelli/Shutterstock.com)¶ The impacts of climate change are here with soaring temperatures, stronger hurricanes, intensified floods and a longer and more severe wildfire season. Scientists warn that ignoring climate change will yield "untold suffering" for humanity. But if things are going to get that much worse, could climate change make humans go extinct?¶ Scientists predict a range of devastating scenarios if climate change is not kept under control, but if we just consider the direct impacts, then there's some good news; it's unlikely to cause our mass extinction. ¶ **"There is no evidence of climate change scenarios that would render human beings extinct**," Michael Mann, a distinguished professor of atmospheric science at Penn State and author of "The New Climate War: The Fight to Take Back Our Planet" (PublicAffairs, 2021), told Live Science in an email.¶ However, it's possible that climate change will still threaten the lives of hundreds of millions of people, such as by leading to food and water scarcity, which has the potential to trigger a societal collapse and set the stage for global conflict, research finds. ¶ Too hot to handle?¶ Humans are increasing the amount of greenhouse gases, such as carbon dioxide and methane, in the atmosphere through the burning of fossil fuels and other activities. These gases trap and hold heat from the sun, causing global temperatures to rise and the climate to change much faster than it otherwise would, putting humanity on a dangerous path. ¶ A runaway greenhouse effect is probably the only way climate change impacts could directly cause human extinction, according to Luke Kemp, a research associate at the Centre for the Study of Existential Risk at the University of Cambridge in the United Kingdom. This effect happens when a planet is caught in an unstoppable, positive feedback loop of warming and absorbs more heat than it loses, until the planet's oceans evaporate and it can no longer sustain life. ¶ Fortunately, the runaway greenhouse effect is not a plausible climate change scenario on Earth. For the effect to occur, a planet needs carbon dioxide levels of a couple of thousand parts per million (Earth has a little over 400 parts per million) or a huge release of methane, and there isn't evidence for that at this time, Brian Kahn, a research scientist at NASA’s Jet Propulsion Laboratory, told NASA in 2018. ¶ Venus has the runaway greenhouse effect, but it is much closer to the sun and has a much thicker, carbon dioxide-rich atmosphere that traps more heat than Earth's, Live Science previously reported. The science doesn’t support the notion of runaway warming scenarios, although climate doomists often make such claims, Mann said. "There’s no reason to exaggerate the climate threat. The truth is bad enough, and reason enough to take dramatic action."¶ According to Mann, a global temperature increase of 5.4 degrees Fahrenheit (3 degrees Celsius) or more could lead to a collapse of our societal infrastructure and massive unrest and conflict, which, in turn, could lead to a future that resembles some Hollywood dystopian films. ¶ One way climate change could trigger a societal collapse is by creating food insecurity. Warming the planet has a range of negative impacts on food production, including increasing the water deficit and thereby reducing food harvests, Live Science previously reported. Food production losses can increase human deaths and drive economic loss and socio-political instability, among other factors, that may trigger a breakdown of our institutions and increase the risk of a societal collapse, according to a study published Feb. 21 in the journal Climatic Change. ¶ Related: Has the Earth ever been this hot before?¶ Past extinctions and collapses ¶ Kemp studies previous civilization collapses and the risk of climate change. Extinctions and catastrophes almost always involve multiple factors, he said, but he thinks if humans were to go extinct, climate change would likely be the main culprit. ¶ "If I'm to say, what do I think is the biggest contributor to the potential for human extinction going towards the future? Then climate change, no doubt," Kemp told Live Science. ¶ All of the major mass-extinction events in Earth's history have involved some kind of climatic change, according to Kemp. These events include cooling during the Ordovician-Silurian extinction about 440 million years ago that wiped out 85% of species, and warming during the Triassic-Jurassic extinction about 200 million years ago that killed 80% of species, Live Science previously reported. And more recently, climate change affected the fate of early human relatives. ¶ While Homo sapiens are obviously not extinct, "we do have a track record of other hominid species going extinct, such as Neanderthals," Kemp said. "And in each of these cases, it appears that again, climatic change plays some kind of role." ¶ Scientists don't know why Neanderthals went extinct about 40,000 years ago, but climatic fluctuations seem to have broken their population up into smaller, fragmented groups, and severe changes in temperature affected the plants and animals they relied on for food, according to the Natural History Museum in London. Food loss, driven by climate change, may have also led to a tiny drop in Neanderthal fertility rates, contributing to their extinction, Live Science previously reported.¶ Climate change has also played a role in the collapse of past human civilizations. A 300-year-long drought, for example, contributed to the downfall of ancient Greece about 3,200 years ago. But Neanderthals disappearing and civilizations collapsing do not equal human extinction. After all, humans have survived climate fluctuations in the past and currently live all over the world despite the rise and fall of numerous civilizations. ¶ Homo sapiens have proven themselves to be highly adaptable and able to cope with many different climates, be they hot, cold, dry or wet. We can use resources from many different plants and animals and share those resources, along with information, to help us survive in a changing world, according to the Smithsonian’s National Museum of Natural History.¶ ¶ Today, we live in a global, interconnected civilization, but there's reason to believe our species could survive its collapse. A study published on July 21 in the journal Sustainability identified countries most likely to survive a global societal collapse and maintain their complex way of life. Five island countries, including New Zealand and Ireland, were chosen as they could remain habitable through agriculture, thanks to their relatively cool temperatures, low weather variability and other factors that make them more resilient to climate change. ¶ New Zealand would be expected to hold up the best with other favorable conditions, including a low population, large amounts of good quality agricultural land and reliable, domestic energy. So, even if climate change triggers a global civilization collapse, humans will likely be able to keep going, at least in some areas. ¶

### AT: Extinction Narratives Bad

#### The 1ac’s narrative of environmental risk is motivating and drives individual activism

Veldman 12 – PhD Candidate Religion and Nature at U of Florida

(Robin- National Foundation Fellow at the Integrative Graduate Education and Research Traineeship, Spring, “Narrating the Environmental Apocalypse: How Imagining the End Facilitates Moral Reasoning Among Environmental Activists” Ethics and the Environment, Vol 17 No 1, ProjectMuse)

Environmental Apocalypticism and Activism As we saw in the introduction, critics often argue that apocalyptic rhetoric induces feelings of hopelessness or fatalism. While it certainly does for some people, in this section I will present evidence that apocalypticism also often goes hand in hand with activism.¶ Some of the strongest evidence of a connection between environmental apocalypticism and activism comes from a national survey that examined whether Americans perceived climate change to be dangerous. As part of his analysis, Anthony Leiserowitz identified several “interpretive communities,” which had consistent demographic characteristics but varied in their levels of risk perception. The group who perceived the risk to be the greatest, which he labeled “alarmists,” described climate change [End Page 5] using apocalyptic language, such as “Bad…bad…bad…like after nuclear war…no vegetation,” “Heat waves, it’s gonna kill the world,” and “Death of the planet” (2005, 1440). Given such language, this would seem to be a reasonable way to operationalize environmental apocalypticism. If such apocalypticism encouraged fatalism, we would expect alarmists to be less likely to have engaged in environmental behavior compared to groups with moderate or low levels of concern. To the contrary, however, Leiserowitz found that alarmists “were significantly more likely to have taken personal action to reduce greenhouse gas emissions” (ibid.) than respondents who perceived climate change to pose less of a threat. Interestingly, while one might expect such radical views to appeal only to a tiny minority, Leiserowitz found that a respectable eleven percent of Americans fell into this group (ibid).¶ Further supporting Leiserowitz’s findings, in a separate national survey conducted in 2008, Maibach, Roser-Renouf, and Leiserowitz found that a group they labeled “the Alarmed” (again, due to their high levels of concern about climate change) “are the segment most engaged in the issue of global warming. They are very convinced it is happening, human-caused, and a serious and urgent threat. The Alarmed are already making changes in their own lives and support an aggressive national response” (2009, 3, emphasis added). This group was far more likely than people with lower levels of concern over climate change to have engaged in consumer activism (by rewarding companies that support action to reduce global warming with their business, for example) or to have contacted elected officials to express their concern. Additionally, the authors found that “[w]hen asked which reason for action was most important to them personally, the Alarmed were most likely to select preventing the destruction of most life on the planet (31%)” (2009, 31)—a finding suggesting that for many in this group it is specifically the desire to avert catastrophe, rather than some other motivation, that encourages pro-environmental behavior. Taken together, these and other studies (cf. Semenza et al. 2008 and DerKarabetia, Stephenson, and Poggi 1996) provide important evidence that many of those who think environmental problems pose a severe threat practice some form of activism, rather than giving way to fatalistic resignation.¶ National surveys give a good overview of the association between apocalypticism and activism among the general public, but they do not [End Page 6] provide sufficient ethnographic detail. To complement this broader picture I now turn to case studies, which provide greater insight into how adherents themselves understand what motivates their environmental behavior.¶ When seeking a subset of environmentalists with apocalyptic beliefs, the radical wing is an obvious place to look. For example, many Earth First!ers believe that the collapse of industrial society is inevitable (Taylor 1994). At the same time, the majority are actively committed to preventing ecological disaster. As Earth First! co-founder Howie Wolke acknowledged, the two are directly connected: “As ecological calamity unravels the living fabric of the Earth, environmental radicalism has become both common and necessary” (1989, 29).3 This logic underlies efforts to preserve wilderness areas, which many radical environmentalists believe will serve as reservoirs of genetic diversity, helping to restore the planet after industrial society collapses (Taylor 1994). In addition to encouraging activism to preserve wilderness, apocalyptic beliefs also motivate practices such as “monkeywrenching,” or ecological sabotage, civil disobedience, and the more conventional “paper monkeywrenching” (lobbying, engaging in public information campaigns to shift legislative priorities, or using lawsuits when these tactics fail). Ultimately, while there are disagreements over what strategies will best achieve their desired goals, for most radical environmentalists, apocalypticism and activism are bound closely together.¶ The connection between belief in impending disaster and environmental activism holds true for Wiccans as well. During fieldwork in the southeastern United States, for example, Shawn Arthur reported meeting “dozens of Wiccans who professed their apocalyptic millenarian beliefs to anyone who expressed interest, yet many others only quietly agreed with them without any further elaboration” (2008, 201). For this group, the coming disaster was understood as divine retribution, the result of an angry Earth Goddess preparing to punish humans for squandering her ecological gifts (Arthur 2008, 203). In light of Gaia’s impending revenge, Arthur found that Wiccans advocated both spiritual and material forms of activism. For example, practices such as Goddess worship, the use of herbal remedies for healing, and awareness of the body and its energies were considered important for initiating a more harmonious relationship with the earth (Arthur 2008, 207). As for material activism, Arthur notes [End Page 7] that the notion of environmental apocalypse played a key role in encouraging pro-environmental behavior:¶ images of immanent [sic] ecological crisis and apocalyptic change often were utilized as motivating factors for developing an environmentally and ecologically conscious worldview; for stressing the importance of working for the Earth through a variety of practices, including environmental activism, garbage collecting, recycling, composting, and religious rituals; for learning sustainable living skills; and for developing a special relationship with the world as a divine entity. (2008, 212)¶ What these studies and my own experiences in the environmentalist milieu4 suggest is that people who make a serious commitment to engaging in environmentally friendly behavior, people who move beyond making superficial changes to making substantial and permanent ones, are quite likely to subscribe to some form of the apocalyptic narrative.¶ All this is not to say that apocalypticism directly or inevitably causes activism, or that believing catastrophe is imminent is the only reason people become activists. However, it is to say that activism and apocalypticism are associated for some people, and that this association is not arbitrary, for there is something uniquely powerful and compelling about the apocalyptic narrative. Plenty of people will hear it and ignore it, or find it implausible, or simply decide that if the situation really is so dire there is nothing they can do to prevent it from continuing to deteriorate. Yet to focus only on the ability of apocalyptic rhetoric to induce apathy, indifference or reactance is to ignore the evidence that it also fuels quite the opposite—grave concern, activism, and sometimes even outrage. It is also to ignore the movement’s history. From Silent Spring (Carson [1962] 2002) to The Limits to Growth (Meadows et al 1972) to The End of Nature (McKibben 1989), apocalyptic arguments have held a prominent place within environmental literature, topping best-seller lists and spreading the message far and wide that protecting the environment should be a societal priority. Thus, while it is not a style of argument that will be effective in convincing everyone to commit to the environmental cause (see Feinberg and Willer 2011), there does appear to be a close relationship between apocalyptic belief and activism among a certain minority. The next section explores the implications of that relationship further. [End Page 8]¶ The Apocalyptic Narrative as a Framework for Moral Deliberation¶ In discussing how apocalypticism functions within the environmental community, it will be helpful to analyze it as a type of narrative. I do so because the domain of narrative includes both the stories that people read and write, as well as those they tell and live by. By using narratives as data, scholars can analyze experiential and textual sources simultaneously (Polkinghorne 1988; Riessman 2000).¶ To analyze environmental apocalypticism as a type of narrative is not to suggest that apocalyptics’ claims about the future are fictional. Rather, it is to highlight that the facts to which environmentalists appeal have been organized with particular goals in mind, goals which have necessarily shaped the selection and presentation of those facts. Compelling environmental writers do not simply list every known fact pertaining to the natural world, but instead select certain findings and place them within a larger interpretive framework. Alone, each fact has little meaning, but when woven into a larger narrative, a message emerges. This process of narrativization is essential if a message is to be persuasive (Killingsworth and Palmer 2000, 197), and has occurred not only in the rapidly expanding genre of environmental nonfiction, but in much scientific writing about the environment as well (Harré, Brockmeier, and Mühlhäusler 1999, 69).¶ What defines narratives as such is their beginning-middle-end structure, their ability to “describe an action that begins, continues over a well-defined period of time, and finally draws to a definite close” (Cronon 1992, 1367). Here I will focus on the last of these elements, the ending, because anything we can learn about how endings function within narratives in general will be applicable to the apocalypse, the most final ending of all.¶ An ending is essential in order for a story to be complete, but there is more to it than this. Endings are also key because they establish a story’s moral, the lesson it is supposed to impart upon the reader. In other words, to know the moral of the story, auditors must know the consequences of the actions depicted therein, so there can be no moral without an ending. To take a simple example, when we hear the story of the shepherd boy who falsely claims that a wolf is attacking his flock of sheep in order to entertain himself at his community’s expense, what makes the lesson clear is that when a wolf does attack his flock, the disenchanted town members refuse to come to his aid. By clearly illustrating how telling lies can have [End Page 9] unpleasant consequences for the perpetrator, the ending reveals the moral that lying is wrong. As Cronon explains, it is “[t]he difference between beginning and end [that] gives us our chance to extract a moral from the rhetorical landscape” (1992, 1370).¶ Endings play a similar role in environmental stories. In Al Gore’s book Earth in the Balance (1992), for example, he devotes over a third of the book’s pages to presenting scientific evidence that disaster is imminent.5 As he sums it up, “Modern industrial civilization…is colliding violently with our planet’s ecological system. The ferocity of its assault on the earth is breathtaking, and the horrific consequences are occurring so quickly as to defy our capacity to recognize them” (1992, 269). He builds this argument so carefully precisely because if the ending does not seem credible, the moral he wants readers to draw from the story will not be compelling. If his readers are not convinced that the ending to this story of ecological misbehavior will be a debacle of colossal proportions, they will not become convinced that they need to dramatically alter their ecological behavior. Thus the vision of future catastrophe that Gore presents provides a crucial vantage point from which the present environmental situation can be understood as the result of a grand moral failure, and Gore’s readers are made aware of their obligations in light of it. Gore himself appreciates the importance of this recognition, arguing that “whether we realize it or not, we are now engaged in an epic battle to right the balance of our earth, and the tide of this battle will turn only when the majority of people in the world become sufficiently aroused by a shared sense of urgent danger to join an all-out effort” (1992, 269, emphasis added). Here, as in so many other stories, the ending must be in place for the moral to become clear.¶ To say that endings are essential in order for stories to have morals is already to hint that stories alter behavior, that they can encourage action in the real world even as they invoke an imaginary one. This much is clear from Earth in the Balance (1992): Gore does not just want people to grasp a moral, to perceive some ethic in the abstract—he wants them change their behavior in the here and now. In constructing a narrative with this goal in mind, he is banking on the ability of powerful stories to motivate social change, to be, as Cronon puts it, “our chief moral compass in the world” (1992, 1375).¶ Mark Johnson’s insightful synthesis of cognitive science and philosophy helps explain further how this process of moral guidance occurs. For [End Page 10] Johnson, narrative is fundamental to our experience of reality, “the most comprehensive means we have for constructing temporal syntheses that bind together and unify our past, present, and future into more or less meaningful patterns” (1993, 174). Narratives are also critical to our ability to reason morally, an activity which Johnson asserts is fundamentally imaginative. In this view, we use stories to imagine ourselves in different scenarios, exploring and evaluating the consequences of different possible actions in order to determine the right one. Moral deliberation is thus¶ …an imaginative exploration of the possibilities for constructive action within a present situation. We have a problem to solve here and now (e.g., ‘What am I to do?’…. ‘How should I treat others?’), and we must try out various possible continuations of our narrative in search of the one that seems best to resolve the indeterminacy of our present situation. (1993, 180)¶ Put another way, what cognitive science has revealed is that from an empirical perspective the process of moral deliberation entails constructing narratives rooted in our unique history and circumstances, rather than applying universal principles (such as Kant’s categorical imperative) to particular cases. That we use narratives to reason morally is not a result of conscious choice but of how human cognition works. That is, insofar as we experience ourselves as temporal beings, a narrative framework is necessary to organize, explain, and ultimately justify the many individual decisions that over time become a life. Formal principles may be useful in unambiguous textbook cases, but in real life “we can almost never decide (reflectively) how to act without considering the ways in which we can continue our narrative construction of our situation” (Johnson 1993, 160). Empirically speaking, “our moral reasoning is situated within our narrative understanding” (Johnson 1993, 180, italics in original).¶ The observation that people use narratives to reason morally may help explain the association between environmental apocalypticism and activism. The function of the apocalyptic narrative may be that it helps adherents determine how to act by providing a storyline from which they can imaginatively sample, enabling them to assess the consequences of their actions. In order to answer the question, “Should I drive or walk to the store?” for example, they can reason, “If I walk, that will reduce my carbon footprint, which will help keep the ice caps from melting, saving humans and other species.” It is their access to this narrative of impending [End Page 11] disaster that makes such reasoning possible, for it provides a simple framework within which people can consider and eventually arrive at some conclusion about their moral obligations.6 More broadly, it can guide entire lives by providing a narrative frame of reference that imbues the individual’s experiences with meaning. For example, it is the context of looming anthropogenic apocalypse which suggests that dedicating one’s life to achieving a healthier relationship with the natural world is a worthwhile endeavor. Absent the apocalypse, choices such as limiting one’s travel to reduce greenhouse gas emissions, becoming vegetarian, working in the environmental sector (often for less compensation), or growing one’s own food could seem to be meaningless sacrifices. Within this context, on the other hand, such choices become essential features of the quest to live a moral life.¶ The apocalyptic narrative is but one of many ways to tell the environmental story, yet it is one that seems particularly well-suited to encouraging pro-environmental behavior. First, the apocalyptic ending discloses certain everyday decisions as moral decisions. Without the narrative context of impending disaster, decisions such as whether to drive or walk to the store would be merely matters of convenience or preference. In the context of potentially disastrous consequences for valued places, people, and organisms, by contrast, such decisions become matters of right and wrong. Second, putting information about the environment into narrative form enables apocalyptics to link complex global environmental processes to their own lives, a perceptual technique Thomashow describes as “bringing the biosphere home” (2002). Developing this skill is essential because without that felt sense of connection to their own lived experience, people are much less likely to become convinced that it is incumbent upon them to act (2002, 2). Finally, the sheer magnitude of the impending disaster increases the feeling of responsibility to make good on one’s moral intuitions. By locating individuals within a drama of ultimate concern, the narrative frames their choices as cosmically important, and this feeling of urgency then helps to convert moral deliberation into action. With this conceptual overview in place, we can now examine more closely what the relationship between apocalypticism and moral reasoning looks like in practice. [End Page 12]

## 2AC – T

#### Affirmatives only need to prohibit a pattern of conduct like concentrated power

Lucas 88 – Judge, California Supreme Court

Malcolm Millar Lucas, Cal. ex rel. Van De Kamp v. Texaco, 46 Cal. 3d 1147, Supreme Court of California, October 1988, LexisNexis

\*\* Italics in original.

The statute defines "unfair competition" to mean, as relevant here, "unlawful, unfair or fraudulent *business practice* . . . ." ( Bus. & Prof. Code, § 17200, italics added.) In so doing it effectively requires what the court variously described in the leading case of Barquis v. Merchants Collection Assn. (1972) 7 Cal.3d 94 [101 Cal.Rptr. 745, 496 P.2d 817], as "a 'pattern' . . . of conduct" ( id. at p. 108), "ongoing . . . conduct" ( id. at p. 111), "a pattern of behavior" ( id. at p. 113), and, "a course of conduct" (ibid.).

## 2AC – K

### 2AC – Alt

#### Alt is the same logic as Reaganomics, which says disabled people shouldn’t expect handouts and should just pull themselves up by their bootstraps

Brunila and Siivonen 14 – Kriistina Brunila is an Associate Professor at the University of Helsinki, teaching classes on social justice and equality in education. Päivi Siivonen is a senior researcher at the University of Eastern Finland, studying educational science.

Kriistina Brunila and Päivi Siivonen, “Preoccupied with the self: towards self-responsible, enterprising, flexible and self-centred subjectivity in education,” *Discourse: Studies in the Cultural Politics of Education*, vol. 37, no. 1, pp. 66-67, https://sci-hub.tw/https://www.tandfonline.com/doi/abs/10.1080/01596306.2014.927721

Adult education as a survival game?

I have had emotional problems and all kinds of problems, but this project has taught me how to survive. (Pasi)

Some time ago I did not know if I would survive but I have learned to get rid of old survival models and to use new ones, better ones. (Teppo)

During their interviews, Pasi and Teppo positioned themselves as students who had become in touch with their real selves, free from previous emotional and psychological chains by becoming survivors. Davies (2005) has argued that the neoliberal discourse has shifted in a significant way towards survival being seen as an individual responsibility. This is a crucial element of the neoliberal order – the removal of dependence on the social combined with the dream of wealth and possessions for each individual who gets it ‘right’. According to Davies, vulnerability is closely tied to individual responsibility. Workers are disposable and there is no obligation on the part of the ‘social fabric’ to take care of the disposed. As well as success, the individual remains responsible for any failure and its negative effects.

Kenneth McLaughlin (2011) has written how political claims today are being increasingly made on the basis of experienced trauma and inherent vulnerability while the previous political demand for recognition has resulted in therapeutic solutions. In his view, the survival discourse is a consequence of the therapeutic ethos (McLaughlin, 2011). Moreover, in several educational programmes the discourse of survival is already central (Brunila, 2014) in the way that the therapeutic discourse of vulnerabilities and emotional problems is able to find a powerful expression in the position of the victim, and the solution is to become a survivor.

In the therapeutic and enterprising discourses above, students such as Pasi and Teppo comply with such demands in order to be recognised as ‘properly’ flexible, active, self-disciplined and responsible. The ideal subjectivity is built on ideas of what is desirable, what is possible, and how to be heard. These extracts describe how young adults’ existence is shaped, and how as a consequence they begin to position themselves as survivors (see, also, Brunila, 2014; McLaughlin, 2011). The position of a survivor appears to be seductive. The survivor concept allows for a flattering representation of the emotional self, for it suggests that despite intense pain and suffering, these individuals have survived. This makes survivor status all the more authoritative and remarkable, as Furedi (2004) has written. The problem here is that in order to be heard, the young person must play the role of a victim. The position from which people are heard is established through recognising their vulnerabilities, injuries and emotional problems including low self-esteem, anxiety and stress. The assumed identity is one of victimhood or traumatisation; it is the therapeutic identity required for recognition (see, also, McLaughlin, 2011). This risks depoliticising the problems people face in society such as unemployment, lack of education and poverty.

Conclusion

We have argued that therapisation including both the therapeutic and enterprising discourses is effective in linking political rhetoric and regulatory programmes to the ‘selfsteering’ capacities of the subjects themselves (cf. Rose, 1998). The removal of dependence on the social is combined with the dream of empowerment, wealth and possessions for anyone who gets it ‘right’. However, instead of autonomous and rational individuals, what therapisation actually produces is vulnerable and fragile as well as imperfect and incapable subjectivities. When vulnerability is tied to individual responsibility, there is no obligation on the part of the ‘social fabric’ to take care of the disposed. Failure as well as success is up to each individual to bear.

In an era of individualisation and the decline of wider collective identities (Furedi, 2004), people are forced to rely on their own resources. Understanding one’s self becomes crucial. The vocabulary of both enterprising and therapeutic discourses offers a means to self-discovery. The ideal therapeutic discourses offer to free each of us from our psychic and emotional chains so that we can become enterprising and take control of ourselves and our lives. In practice, the result seems to be a ‘vicious circle’ where the individual is constantly obliged to improve his/her ever fragile and vulnerable self in perpetual competition with others. The risk of not achieving what is expected is therefore ever present. This shows how choice stems from the condition of possibility.

### AT: Transition

#### ONLY the aff has a sustainable strategy of countering concentrated power – anarchism’s refusal to engage with the state ensures their revolution gets crushed

**Wainer and Bienenfeld 19** – Kit Wainer is a member of the United Federation of Teachers and is active in the opposition caucus, the Movement of Rank and File Educators. Mel Bienenfeld is a longtime socialist activist and recently retired president of a higher-education teachers local union.

(Kate Griffiths, 7-21-2019, "Problems with an Electoral Road to Socialism in the United States," New Politics, https://newpol.org/issue\_post/problems-with-an-electoral-road-to-socialism-in-the-united-states/)

Governors control the National Guard and state police. Local governments control local police forces, although the Constitution allows states full discretion to limit the autonomy of localities. While the president may federalize the guard for a period of time, it is easy to imagine guard generals refusing to obey presidential authority when asked to enforce decisions the courts have ruled unconstitutional. Of course a president can send the army into states, thus violating the Posse Comitatus Act of 1878, but it is similarly easy to envision generals refusing to execute orders on solid constitutional grounds, or the officer corps dividing amongst itself, in that scenario. In short there would be no way of overcoming state recalcitrance to implement socialist legislation without destroying the legitimacy of the constitutional order.

In fact, not only can state authorities resist, they can also repress. Partial socialist victories in the electoral arena would inevitably yield a fractured state, with critical parts still in the hands of pro-capitalist officials. The latter would be constitutionally authorized to arrest and terrorize mass movement activists who threaten their rule. They have, after all, done so numerous times in U.S. history. Even today, federal and state authorities are far more likely to arrest someone for the crime of being an immigrant or person of color than for marching with an armed fascist gang threatening the annihilation of the Jews. Mass movements that are not prepared to physically confront and defeat armed authorities would stand little chance.

Bureaucracy, the Regulatory Process, and Unelected Authority

While the legislative and executive branches make law and the judicial branch reviews laws, unelected regulatory bodies determine how they are actually interpreted and implemented. Currently, these bodies are staffed by skilled bureaucrats through a combination of patronage, political favoritism, and civil service promotion. Regulatory agencies are typically staffed by and managed by the industries they are designed to regulate. Even lower-level bureaucratic posts often enable employees to audition for far more lucrative private-sector employment. This creates enormous incentives to defer to corporate prerogative, even if the elected authorities have a different agenda. And these regulatory agencies decide what the law means in day-to-day situations that lawmakers can never predict when writing bills.

Bureaucratic and regulatory agencies govern at the local, state, and federal levels. They set zoning policies that largely determine whether housing is affordable and safe for working-class habitation. Their rules indirectly affect how much of their lives working people spend commuting to and from work because where tall buildings are built often determines which neighborhoods are clogged with traffic. As with regulatory agencies, building departments are typically instruments of real estate developers, even if they do protect occupants’ safety to some extent. Unelected bodies, such as public authorities in New York and New Jersey, typically control public transportation and critical infrastructure, and an army of bureaucrats runs the education systems all over the United States. All of these bureaucratic agencies are susceptible to intense pressure from highly paid lobbyists. Conditions of housing, transportation, public health, and education are some of the most powerful forces shaping workers’ daily lives, and it is difficult to imagine how working people would maintain confidence in and enthusiasm for a workers’ government that could not demonstrably improve those aspects of their lives. It is also difficult to see how a government could make significant headway in those areas without breaking apart the relevant bureaucracies and busting up the private-sector lobbying firms that influence them. In short, the very precondition for sustained radical electoral success would require the demolition of most regulatory organizations and their replacement with democratic and accountable bodies.

Unelected bureaucracy also reigns in the area of foreign policy. While major decisions such as going to or avoiding war, or negotiating trade agreements, are in the hands of elected officials, many of the day-to-day details of foreign relations are decided and implemented by career officials who are similarly subjected to substantial corporate lobbying and use foreign service careers as springboards into highly paid private-sector employment. The State Department routinely approves international trade licenses, contacts foreign bureaucrats on behalf of U.S. firms, and utilizes personal relationships with international counterparts to smooth those processes. In a world in which several major capitalist states still rule and the U.S. state is fractured, these bureaucrats could become key links between global and domestic counter-revolution.

While bureaucracy takes different forms in different countries, career civil servants staff the state apparatus in most capitalist states today. They tend to be ideologically committed to the survival of the state. Their career ambitions also depend on the patronage of higher ups in each department and alliances with private capitalists who hold the key to their promotion both inside and outside the public sector.

Can bureaucracy be subordinated to a workers’ government? Yes. In fact the soviet state had no choice but to rely on sectors of the tsarist bureaucracy both to win the civil war and for government administration in the 1920s. In a scenario in which the capitalist class has been fully defeated, disempowered bureaucrats might well decide, one by one, that cooperation with the new workers’ regime represents the only hope for maintaining their careers. However, the “democratic,” or, more accurately, the electoral, road to socialism leads inevitably along a different path. It does not deliver a sudden, decisive defeat to the state or to the ruling class. Quite the contrary, it leads to what might be termed “dual power,” in which socialists rule over substantial sectors of the government but capitalist politicians dominate others and much of the capitalist state bureaucracy remains intact. The police, fearing that their careers are in jeopardy, would likely continue to repress mass movements and fight at all costs to preserve their positions. These institutions of the capitalist state would also have powerful allies in the judiciary, not to mention support from capitalists around the world. Under that scenario it is highly unlikely that the administrative bureaucracies would place themselves at the service of workers’ regimes who have far less to offer them and from whom they have far less to fear.

Throughout U.S. history the labor movement and other radical reform movements have had to contend with ferocious and violent counterattacks. After World War I, socialists, anarchists, and labor activists of various stripes faced intense state repression. The survival of U.S. capitalism was not in question at this time. Yet, the federal government responded with mass arrests, deportations, frame-ups, and violence. After World War II, federal and state governments effectively repressed the radical wings of the labor movement with witch hunts and blacklists, while tolerating rampant racist violence. It is important to note that the Communist Party not only, at this point, could not have threatened revolution, its orientation was heavily electoral. But the mere prospect of a more militant labor movement and a radical electoral alternative was something both Democrats and Republicans were determined to repress. In the 1960s the FBI’s Cointelpro program targeted movement activists and even murdered Black Panther leader Fred Hampton.

A workers movement in the United States must prepare for severe state repression or it will succumb to it. At times this may involve operating clandestinely. It may also require active self-defense against legal authorities or fascist paramilitaries. Most importantly, preparation means educating a generation of socialist and labor activists about how and why the state protects capitalist profitability both through its own constitutional mechanisms and often with repressive measures that violate its own legality.

# 1AR

## Case

### AT: Impact D

#### Impact should be framed through reducing risk - complete climate certainty is impossible and cuts both ways – possibility exists we reach eight-degree warming by mid-century due to fat-tail risk

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(Veerabhadran Ramanathan is Victor Alderson Professor of Applied Ocean Sciences and director of the Center for Atmospheric Sciences at the Scripps Institution of Oceanography, University of California, San Diego, Dr. William Collins is an internationally recognized expert in climate modeling and climate change science. He is the Director of the Climate and Ecosystem Sciences Division (CESD) for the Earth and Environmental Sciences Area (EESA) at the Lawrence Berkeley National Laboratory (LBNL), Prof. Dr Mark Lawrence, Ph.D. is scientific director at the Institute for Advanced Sustainability Studies (IASS) in Potsdam, Örjan Gustafsson is a Professor in the Department of Environmental Science and Analytic Chemistry at Stockholm University, Shichang Kang is Professor, Cold and Arid Regions Environmental and Engineering Research Institute, Chinese Academy of Sciences (CAS); CAS Center for Excellence in Tibetan Plateau Earth Sciences, and Molina, M.J., Zaelke, D., Borgford-Parnell, N., Xu, Y., Alex, K., Auffhammer, M., Bledsoe, P., Croes, B., Forman, F., Haines, A., Harnish, R., Jacobson, M.Z., Lawrence, M., Leloup, D., Lenton, T., Morehouse, T., Munk, W., Picolotti, R., Prather, K., Raga, G., Rignot, E., Shindell, D., Singh, A.K., Steiner, A., Thiemens, M., Titley, D.W., Tucker, M.E., Tripathi, S., & Victor, D., authors come from the following 9 countries - US, Switzerland, Sweden, UK, China, Germany, Australia, Mexico, India, “Well Under 2 Degrees Celsius: Fast Action Policies to Protect People and the Planet from Extreme Climate Change,” Report of the Committee to Prevent Extreme Climate Change, the CPECC is a global think tank made up of scientists, policy makers, and military experts, September 2017, http://www.igsd.org/wp-content/uploads/2017/09/Well-Under-2-Degrees-Celsius-Report-2017.pdf)

Climate change projections are quantifed on their likelihoods of occurrence. Our understanding of the climate system is more refned in some areas than in others, but this does not detract from the overall assessments and projections for future changes to the climate. Climate models will continue to improve their treatment of many physical, dynamical, and chemical processes, particularly those dealing with clouds, aerosols, ice sheet dynamics, and the carbon cycle. But the complexity and interconnectedness of climate and human systems means that humanity will never fully dispel all uncertainties about the exact rate, magnitude, or implications of the changes we are affecting on our world through climate change.

Despite these uncertainties, the observed changes in our climate system and the ability of the climate models to simulate these changes and even predict the changes in many instances give us more than enough certainty to act. As warned by a team of retired admirals and generals from the U.S. in a report on climate change:

“Speaking as a soldier, we never have 100 percent certainty. If you wait until you have 100 percent certainty, something bad is going to happen on the battlefield.” (CNA, 2014)

However, the uncertainties cut both ways, and there is one type of climate uncertainly that should inspire us to act with incredible urgency: the uncertainty of the “fat tail.” The feedbacks mentioned in the above section, and others not discussed here, give rise to a wide spread probability distribution of warming for a given forcing from increased CO2 and other climate pollutants. For example, a doubling of CO2 has a projected central value of warming of 3°C (IPCC, 2013). The 90% probability distribution, however, includes warming as low as 2°C and as large as 4.5°C. On the lower side, there is a less than 1% chance that the warming seen under a doubling of CO2 will be less than 1.5°C. However, on the upper limit, there is a 1% to 5% probability the warming could be as large as 6°C to 8ºC (Figure 3) (Ramanathan and Feng, 2008). Such low probability and high-risk probability distribution is referred to as “fat tail” (Weitzman, 2011). Warming magnitudes of 6°C or more would pose an existential threat to most of the global population and expose nearly 90% of the species to extinction (Mora et al., 2017; Barnosky, 2014).

In the context of warming and greenhouse gases, the “fat tail” indicates there exists a larger range of possible temperatures far warmer than 2°C compared to the range of possible temperatures cooler than 2°C. With each incremental increase in temperature, this central value gets shifted farther towards the warmer temperature range, and with it the “fat tail” shifts in the same manner, which means that even greater temperatures exist within the realm of possibility, even if it is a small chance.

Put in perspective, how many people would choose to buckle into an airplane seat if they knew there was as much as a 1 in 20 chance, or even a 1 in 100 chance, of the plane crashing? Most of us would undoubtedly stay home. The calculated odds of dying in a plane crash are closer to 1 in 11 million, which is why it is such a popular and safe form of transportation. If a 1 in 100 chance of dying in a plane crash would be enough to end air travel shouldn’t it also be enough to end the use of fossil fuels and slow climate change?

### 1AR – State Key

#### Counter-revolutionaries would splinter the resistance

**Wainer and Bienenfeld 19** – Kit Wainer is a member of the United Federation of Teachers and is active in the opposition caucus, the Movement of Rank and File Educators. Mel Bienenfeld is a longtime socialist activist and recently retired president of a higher-education teachers local union.

(Kate Griffiths, 7-21-2019, "Problems with an Electoral Road to Socialism in the United States," New Politics, https://newpol.org/issue\_post/problems-with-an-electoral-road-to-socialism-in-the-united-states/)

Any program of democratizing the existing state would of necessity involve purging its bureaucracies. Such a move would not be perceived as—and in actuality would not be—a mere replacement of one group of officials by another. It would entail a fierce battle on all fronts—in the courts and in the streets. Its success would not be achievable via the actions of the workers’ legislature or executive alone.

Further, the historical conditions we are discussing will involve the need for immediate solutions to critical problems. Workers will expect their government to encroach widely on capitalist property rights in order to produce meaningful reforms. They will need to check the power of the repressive apparatus mobilized against them and begin taking the measures necessary to pull society out of the depths of its crisis. Then they will have to impose their own repressive force against the capitalists and other counter-revolutionaries fighting to prevent the success of the revolution and overturn its gains.

It is likely that institutions like workers councils will arise in a period of intense struggle. Among the roles they will play will be to defend workers’ social movements against the force of the state and to defend democratic rights. Blanc suggests, reasonably, that workers may need to defend an elected government against a coup. Yet, this alone would be a revolutionary step and likely provoke violent reaction. A parliamentary regime presiding over the current constitutional order would not be in a position to continue the revolution. For better or worse, only if and when workers councils are able to cohere a force with both the physical power and firm intent to break through legal and constitutional limits in order to complete the revolution can the transition to socialism be carried out.