# D7 Round 8 Wiki

## 1NC

### T USfg

#### Our interpretation is that the affirmative must demonstrate the desirability of the resolution either in totality or in a particular instance to meet the necessary win condition of being topical.

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

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

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

#### Increase means to make greater.

Merriam-Webster ND

“increase,” Merriam-Webster Dictionary, https://www.merriam-webster.com/dictionary/increase

transitive verb

1: to make greater : AUGMENT

2obsolete : ENRICH

#### Interpretation: The core antitrust laws are only sections 1 and 2 of the Sherman Act and section 7 of the Clayton Act.

The Antitrust Division 07 – Law enforcement agency that enforces the U.S. antitrust laws

“Antitrust Division Statement Regarding the Release of the Antitrust Modernization Commission Report,” The Antitrust Division, Department of Justice, April 2007, https://www.justice.gov/archive/atr/public/press\_releases/2007/222344.htm

The AMC has made many specific recommendations in its report, and the Division is in the process of reviewing all of them. The Division commends the AMC for its three primary conclusions:

Free-market competition should remain the touchstone of United States' economic policy. The Commission's conclusion in this regard is a fundamental starting point for policy makers. Over a century of experience has shown that robust competition among businesses, each striving to be increasingly successful, leads to better quality products and services, lower prices, and higher levels of innovation.

The core antitrust laws—Sherman Act sections 1 and 2 and Clayton Act section 7—and their application by the courts and federal enforcement agencies are sound and appropriately safeguard the competitiveness of the U.S. economy.

New or different rules are not needed for industries in which innovation, intellectual property, and technological innovation are central features. Unlike some other areas of the law, the core antitrust laws are general in nature and have been applied to many different industries to protect free-market competition successfully over a long period of time despite changes in the economy and the increasing pace of technological advancement. One of the great benefits of the Sherman and Clayton Acts is their adaptability to new economic conditions without sacrificing their ability to protect competition.

#### “business practices” are a repeated pattern of conduct

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.).

#### Prohibit means Affirmative teams must completely ban a type of anticompetitive business practices – they don’t

Feldman 86 – Member of Procopio's Native American Law practice

Glenn M. Feldman, On Appeal from the United States Court of Appeals for the Ninth Circuit, California v. Cabazon Band of Mission Indians, 1986 U.S. S. Ct. Briefs LEXIS 1221, Supreme Court of the United States, 1986, LexisNexis

In arguing that California's bingo laws are prohibitory rat ther than regulatory, the appeallants have simply misunderstood the fundamental distinction between "prohibition" and "regulation" of conduct. As succinctly put by the Supreme Court of Washington more than 50 years ago, after noting that the prohibition and regulation of the sale of liquor are entirely different things: "To prohibit the liquor traffic implies the putting a stop to its sale as a beverage, to end it fully, completely, and indefinitely." In contrast, regulation "implies that the sale of intoxicating liquor shall go on within the bounds of certain prescribed rules, restrictions, and limitations." Ajax v. Gregory, 32 P.2d 560, 563 (Wash. 1934). Because regulation of conduct involves prescribing limitations, regulation, by definition, necessarily involves some degree of prohibition. Blumenthal v. City of Cheyenne, 186 P.2d 556, 566 (Wyo. 1947). The two concepts, however, are analytically distinct. Therefore, when courts have been faced with statutory schemes similar to California's bingo laws, they have consistently held them to be regulatory and not prohibitory.

#### We have three impacts

#### Fairness – The resolution is the only predictable stasis point to determine both affirmative and negative ground, severing the affirmative requirement to defend it denigrates the distribution of burdens that structure the way debate function, making impossible this activity we all seem to enjoy in the first place.

#### Research – forcing teams to defend and negate the resolution creates incentives for in depth research into the scope and content of antitrust. This both makes debaters more reflexive about their assumptions, allows them to better understand a topic that’s core to how our economy functions, and gives debaters valuable skills in understanding and grasping complex topics

#### That outweighs --- we’re cognitively biased to cling to preexisting beliefs, which breeds epistemic arrogance that culminates in Trumpism --- only submitting beliefs for reexamination by others and taking a risk of being wrong cultivates scrutiny.

Resnick 19

Brian Resnick, Science Writer for Vox, “Intellectual humility: the importance of knowing you might be wrong,” Vox. January 4, 2019. <https://www.vox.com/science-and-health/2019/1/4/17989224/intellectual-humility-explained-psychology-replication>

\*\*\*Modified with a strikethrough – Raffi

It’s been fascinating to watch scientists struggle to make their institutions more humble. And I believe there’s an important and underappreciated virtue embedded in this process.

For the past few months, I’ve been talking to many scholars about intellectual humility, the characteristic that allows for admission of wrongness.

I’ve come to appreciate what a crucial tool it is for learning, especially in an increasingly interconnected and complicated world. As technology makes it easier [**to lie**](https://www.vox.com/science-and-health/2018/4/20/17109764/deepfake-ai-false-memory-psychology-mandela-effect) and spread false information [incredibly quickly](https://www.vox.com/science-and-health/2018/3/8/17085928/fake-news-study-mit-science), we need intellectually humble, curious people.

I’ve also realized how difficult it is to foster intellectual humility. In my reporting on this, I’ve learned there are three main challenges on the path to humility:

In order for us to acquire more intellectual humility, we all, even the smartest among us, need to better appreciate our cognitive ~~blind~~ [limitations] spots. Our minds are more imperfect and imprecise than we’d often like to admit. Our ignorance can be invisible.

Even when we overcome that immense challenge and figure out our errors, we need to remember we won’t necessarily be punished for saying, “I was wrong.” And we need to be braver about saying it. We need a culture that celebrates those words.

We’ll never achieve perfect intellectual humility. So we need to choose our convictions thoughtfully.

This is all to say: Intellectual humility isn’t easy. But damn, it’s a virtue worth striving for, and failing for, in this new year.

Intellectual humility is simply “the recognition that the things you believe in might in fact be wrong,” as [Mark Leary](http://people.duke.edu/~leary/), a social and personality psychologist at Duke University, tells me.

But don’t confuse it with overall humility or bashfulness. It’s not about being a pushover; it’s not about lacking confidence, or self-esteem. The intellectually humble don’t cave every time their thoughts are challenged.

Instead, it’s a method of thinking. It’s about entertaining the possibility that you may be wrong and being open to learning from the experience of others. Intellectual humility is about being actively curious about your blind spots. One illustration is in the ideal of the scientific method, where a scientist actively works against her own hypothesis, attempting to rule out any other alternative explanations for a phenomenon before settling on a conclusion. It’s about asking: What am I missing here?

It doesn’t require a high IQ or a particular skill set. It does, however, require making a habit of thinking about your limits, which can be painful. “It’s a process of monitoring your own confidence,” Leary says.

This idea is older than social psychology. Philosophers from the earliest days have [grappled](https://philosophynow.org/issues/53/Socratic_Humility) with the limits of human knowledge. Michel de Montaigne, the 16th-century French philosopher credited with inventing the essay, wrote that “the plague of man is boasting of his knowledge.”

Social psychologists have learned that humility is associated with other valuable character traits: People who score higher on intellectual humility questionnaires are more open to [hearing opposing views](https://www.tandfonline.com/doi/abs/10.1080/15298868.2017.1361861). They more readily seek out information that conflicts with their worldview. They pay [**more attention to evidence**](https://www.templeton.org/wp-content/uploads/2018/11/Intellectual-Humility-Leary-FullLength-Final.pdf) and have a stronger self-awareness when they answer a question incorrectly.

When you ask the intellectually arrogant if they’ve heard of bogus historical events like “Hamrick’s Rebellion,” they’ll say, “Sure.” The intellectually humble are less likely to do so. Studies have found that cognitive reflection — i.e., analytic thinking — is [correlated](https://static1.squarespace.com/static/51ed234ae4b0867e2385d879/t/5b43b48b03ce6471753c78ba/1531163796071/2018+Pennycook+Rand+-+Cognition.pdf) with being better able to discern fake news stories from real ones. These studies haven’t looked at intellectual humility per se, but it’s plausible there’s an overlap.

Most important of all, the intellectually humble are more likely to admit it when they are wrong. When we admit we’re wrong, we can grow closer to the truth.

One reason I’ve been thinking about the virtue of humility recently is because our president, Donald Trump, is one of the least humble people on the planet.

It was Trump who said on the night of his nomination, “I alone can fix it,” with the “it” being our entire political system. It was Trump who once said, “[I have one of the great memories of all time](http://digg.com/2017/trump-great-memories-of-all-time).” More recently, Trump told the Associated Press, “I have a natural instinct for science,” in [dodging](http://nymag.com/intelligencer/2018/10/trump-i-have-a-natural-instinct-for-science.html) a question on climate change.

A frustration I feel about Trump and the era of history he represents is that his pride and his success — he is among the most powerful people on earth — seem to be related. He exemplifies how our society rewards confidence and bluster, not truthfulness.

Yet we’ve also seen some very high-profile examples lately of how overconfident leadership can be ruinous for companies. Look at what happened to Theranos, a company that promised to change the way blood samples are drawn. It was all hype, all bluster, and it collapsed. Or consider Enron’s overconfident executives, who were often hailed for [their intellectual brilliance](https://awealthofcommonsense.com/2018/05/when-intelligence-fails-miserably/) — they ran the company into the ground with risky, suspect financial decisions.

The problem with arrogance is that the truth always catches up. Trump may be president and confident in his denials of climate change, but the changes to our environment will still ruin so many things in the future.

As I’ve been reading the psychological research on intellectual humility and the character traits it correlates with, I can’t help but fume: Why can’t more people be like this?

We need more intellectual humility for two reasons. One is that our culture promotes and rewards overconfidence and arrogance (think Trump and Theranos, or the advice your career counselor gave you when going into job interviews). At the same time, when we are wrong — out of ignorance or error — and realize it, our culture doesn’t make it easy to admit it. Humbling moments too easily can turn into moments of humiliation.

So how can we promote intellectual humility for both of these conditions?

In asking that question of researchers and scholars, I’ve learned to appreciate how hard a challenge it is to foster intellectual humility.

First off, I think it’s helpful to remember how flawed the human brain can be and how prone we all are to intellectual blind spots. When you learn about how the brain actually works, how it actually perceives the world, it’s hard not to be a bit horrified, and a bit humbled.

We often can’t see — or even sense — what we don’t know. It helps to realize that it’s normal and human to be wrong.

It’s rare that a viral meme also provides a surprisingly deep lesson on the imperfect nature of the human mind. But believe it or not, the great [“Yanny or Laurel” debate](https://www.vox.com/2018/5/16/17358774/yanny-laurel-explained) of 2018 fits the bill.

For the very few of you who didn’t catch it — I hope you’re recovering nicely from that coma — here’s what happened.

An audio clip (you can hear it below) says the name “Laurel” in a robotic voice. Or does it? Some people hear the clip and immediately hear “Yanny.” And both sets of people — Team Yanny and Team Laurel — are indeed hearing the

Hearing, the perception of sound, ought to be a simple thing for our brains to do. That so many people can listen to the same clip and hear such different things should give us humbling pause. Hearing “Yanny” or “Laurel” in any given moment ultimately depends on a whole host of factors: the quality of the speakers you’re using, whether you have hearing loss, your expectations.

Here’s the deep lesson to draw from all of this: Much as we might tell ourselves our experience of the world is the truth, our reality will always be an interpretation. Light enters our eyes, sound waves enter our ears, chemicals waft into our noses, and it’s up to our brains to make a guess about what it all is.

“THE FIRST RULE OF THE DUNNING-KRUGER CLUB IS YOU DON’T KNOW YOU’RE A MEMBER OF THE DUNNING-KRUGER CLUB”

Perceptual tricks like this ([“the dress”](https://www.vox.com/2015/2/27/8119901/explain-color-dress) is another one) reveal that our perceptions are not the absolute truth, that the physical phenomena of the universe are indifferent to whether our feeble sensory organs can perceive them correctly. We’re just guessing. Yet these phenomena leave us indignant: How could it be that our perception of the world isn’t the only one?

That sense of indignation is called naive realism: the feeling that our perception of the world is the truth. “I think we sometimes confuse effortlessness with accuracy,” [Chris Chabris](http://www.chabris.com/), a psychological researcher who co-authored a book on the [challenges of human perception, tells me](https://go.redirectingat.com/?id=66960X1516588&xs=1&url=https%3A%2F%2Fwww.amazon.com%2FInvisible-Gorilla-How-Intuitions-Deceive%2Fdp%2F0307459667%2Fref%3Dsr_1_1%3Fie%3DUTF8%26qid%3D1545250306%26sr%3D8-1%26keywords%3Dinvisible%2Bgorilla%2Bbook). When something is so immediate and effortless to us — hearing the sound of “Yanny” — it just [feels true](https://www.vox.com/science-and-health/2017/10/5/16410912/illusory-truth-fake-news-las-vegas-google-facebook). (Similarly, psychologists find when a lie is repeated, it’s more likely to be [misremembered as being true](https://www.vox.com/science-and-health/2017/10/5/16410912/illusory-truth-fake-news-las-vegas-google-facebook), and for a similar reason: When you’re hearing something for the second or third time, your brain becomes faster to respond to it. And that fluency is confused with truth.)

Our interpretations of reality are often arbitrary, but we’re still [**stubborn**](https://jov.arvojournals.org/article.aspx?articleid=2613309) about them. Nonetheless, the same observations can lead to wildly different conclusions.

For every sense and every component of human judgment, there are illusions and ambiguities we interpret arbitrarily.

Some are gravely serious. White people often perceive black men to be bigger, taller, and more muscular (and therefore [more threatening](https://www.vox.com/science-and-health/2018/4/19/17251752/philadelphia-starbucks-arrest-racial-bias-training)) than they really are. That’s racial bias — but it’s also a socially constructed illusion. When we’re taught or learn to fear other people, our brains distort their potential threat. They seem more menacing, and we want to build walls around them. When we learn or are taught that other people [are less than human](https://www.vox.com/science-and-health/2017/3/7/14456154/dehumanization-psychology-explained), we’re less likely to look upon them kindly and more likely to be okay when violence is committed against them.

Not only are our interpretations of the world often arbitrary, but we’re often overconfident in them. “Our ignorance is invisible to us,” David Dunning, an expert on human blind spots, says.

You might recognize his name as half of the psychological phenomenon that bears his name: the Dunning-Kruger effect. That’s where people of low ability — let’s say, those who fail to understand logic puzzles — tend to unduly overestimate their abilities. Inexperience masquerades as expertise.

An irony of the Dunning-Kruger effect is that so many people misinterpret it, are overconfident in their understanding of it, [and get it wrong.](https://www.talyarkoni.org/blog/2010/07/07/what-the-dunning-kruger-effect-is-and-isnt/)

When people talk or write about the Dunning-Kruger effect, it’s almost always in reference to other people. “The fact is this is a phenomenon that visits all of us sooner or later,” Dunning says. We’re all overconfident in our ignorance from time to time. (Perhaps related: Some 65 percent of Americans [believe](https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0200103) they’re more intelligent than average, which is wishful thinking.)

Similarly, we’re overconfident in our ability to remember. Human memory is extremely malleable, prone to small changes. When we remember, we don’t wind back our minds to a certain time and relive that exact moment, yet many [of us think](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3149610/) our memories work like a videotape.

Dunning hopes his work helps people understand that “not knowing the scope of your own ignorance is part of the human condition,” he says. “But the problem with it is we see it in other people, and we don’t see it in ourselves. The first rule of the Dunning-Kruger club is you don’t know you’re a member of the Dunning-Kruger club.”

In 2012, psychologist Will Gervais scored an honor any PhD science student would covet: a [co-authored paper](http://science.sciencemag.org/content/336/6080/493) in the journal Science, one of the top interdisciplinary scientific journals in the world. Publishing in Science doesn’t just help a researcher rise up in academic circles; it often gets them a lot of media attention too.

One of the experiments in the paper tried to see if getting people to think more rationally would make them less willing to report religious beliefs. They had people look at a picture of Rodin’s [The Thinker](https://en.wikipedia.org/wiki/The_Thinker) or another statue. They thought The Thinker would nudge people to think harder, more analytically. In this more rational frame of mind, then, the participants would be less likely to endorse believing in something as faith-based and invisible as religion, and that’s what the study found. It was [catnip](https://www.scientificamerican.com/article/how-critical-thinkers-lose-faith-god/) for science journalists: one small trick to change the way we think.

“HOW WOULD I KNOW IF I WAS WRONG?” IS ACTUALLY A REALLY, REALLY HARD QUESTION TO ANSWER

But it was a tiny, small-sample study, the exact type that is prone to yielding false positives. Several years later, another lab attempted to replicate the findings with a [much larger sample size](https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0172636), and failed to find any evidence for the effect.

And while Gervais knew that the original study wasn’t rigorous, he couldn’t help but feel a twinge of discomfort.

“Intellectually, I could say the original data weren’t strong,” he says. “That’s very different from the human, personal reaction to it. Which is like, ‘Oh, shit, there’s going to be a published failure to replicate my most cited finding that’s gotten the most [media attention](https://www.scientificamerican.com/article/losing-your-religion-analytic-thinking-can-undermine-belief/).’ You start worrying about stuff like, ‘Are there going to be career repercussions? Are people going to think less of my other work and stuff I’ve done?’”

Gervais’s story is familiar: Many of us fear we’ll be seen as less competent, less trustworthy, if we admit wrongness. Even when we can see our own errors — which, as outlined above, is not easy to do — we’re hesitant to admit it.

But turns out this assumption is [false](https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0143723). As [Adam Fetterman](https://www.utep.edu/liberalarts/psychology/people/adam-k-fetterman.html), a social psychologist at the University of Texas El Paso, has found in a [few](https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0143723) [studies](https://www.sciencedirect.com/science/article/pii/S0191886918305336), wrongness admission isn’t usually judged harshly. “When we do see someone admit that they are wrong, the wrongness admitter is seen as more communal, more friendly,” he says. It’s almost never the case, in his studies, “that when you admit you’re wrong, people think you are less competent.”

Sure, there might be some people who will troll you for your mistakes. There might be [a mob on Twitter that converges in order to shame you](https://www.vox.com/2016/2/29/11133822/internet-outrage-explained). Some moments of humility could be humiliating. But this fear must be vanquished if we are to become less intellectually arrogant and more intellectually humble.

Humility can’t just come from within — we need environments where it can thrive

But even if you’re motivated to be more intellectually humble, our culture doesn’t always reward it.

The field of psychology, overall, has been reckoning with a “[replication crisis](https://www.vox.com/science-and-health/2018/8/27/17761466/psychology-replication-crisis-nature-social-science)” where many classic findings in the science don’t hold up under rigorous scrutiny. Incredibly influential textbook findings in psychology — like the “[ego depletion”](https://www.vox.com/2016/3/14/11219446/psychology-replication-crisis) theory of willpower or the “[marshmallow test](https://www.vox.com/science-and-health/2018/6/6/17413000/marshmallow-test-replication-mischel-psychology)” — have been bending or breaking.

I’ve found it fascinating to watch the field of psychology deal with this. For some researchers, the reckoning has been personally unsettling. “I’m in a dark place,” Michael Inzlicht, a University of Toronto psychologist, [wrote](http://michaelinzlicht.com/getting-better/2016/2/29/reckoning-with-the-past) in a 2016 blog post after seeing the theory of ego depletion crumble before his eyes. “Have I been chasing puffs of smoke for all these years?”

“IT’S BAD TO THINK OF PROBLEMS LIKE THIS LIKE A RUBIK’S CUBE: A PUZZLE THAT HAS A NEAT AND SATISFYING SOLUTION THAT YOU CAN PUT ON YOUR DESK”

What I’ve learned from reporting on the “replication crisis” is that intellectual humility requires support from peers and institutions. And that environment is hard to build.

“What we teach undergrads is that scientists want to prove themselves wrong,” says [Simine Vazire](https://www.simine.com/), a psychologist and journal editor who often writes and speaks about replication issues. “But, ‘How would I know if I was wrong?’ is actually a really, really hard question to answer. It involves things like having critics yell at you and telling you that you did things wrong and reanalyze your data.”

And that’s not fun. Again: Even among scientists — people who ought to question everything — intellectual humility is hard. In some cases, researchers have refused to concede their original conclusions despite the [unveiling of new evidence](https://www.vox.com/science-and-health/2018/6/28/17509470/stanford-prison-experiment-zimbardo-interview). (One famous psychologist under fire recently told me [angrily](https://www.vox.com/science-and-health/2018/6/28/17509470/stanford-prison-experiment-zimbardo-interview), “I will stand by that conclusion for the rest of my life, no matter what anyone says.”)

Psychologists are human. When they reach a conclusion, it becomes hard to see things another way. Plus, the incentives for a successful career in science push researchers to publish as many positive findings as possible.

There are two solutions — among many — to make psychological science more humble, and I think we can learn from them.

One is that humility needs to be built into the standard practices of the science. And that happens through transparency. It’s becoming more commonplace for scientists to preregister — i.e., commit to — a study design before even embarking on an experiment. That way, it’s harder for them to deviate from the plan and cherry-pick results. It also makes sure all data is open and accessible to anyone who wants to conduct a reanalysis.

That “sort of builds humility into the structure of the scientific enterprise,” Chabris says. “We’re not all-knowing and all-seeing and perfect at our jobs, so we put [the data] out there for other people to check out, to improve upon it, come up with new ideas from and so on.” To be more intellectually humble, we need to be more transparent about our knowledge. We need to show others what we know and what we don’t.

And two, there needs to be more celebration of failure, and a culture that accepts it. That includes building safe places for people to admit they were wrong, like the [Loss of Confidence Project](https://lossofconfidence.com/).

But it’s clear this cultural change won’t come easily.

“In the end,” Rohrer says, after getting a lot of positive feedback on the project, “we ended up with just a handful of statements.”

We need a balance between convictions and humility

There’s a personal cost to an intellectually humble outlook. For me, at least, it’s anxiety.

When I open myself up to the vastness of my own ignorance, I can’t help but feel a sudden suffocating feeling. I have just one small mind, a tiny, leaky boat upon which to go exploring knowledge in a vast and knotty sea of which I carry no clear map.

Why is it that some people never seem to wrestle with those waters? That they stand on the shore, squint their eyes, and transform that sea into a puddle in their minds and then get awarded for their false certainty? “I don’t know if I can tell you that humility will get you farther than arrogance,” says [Tenelle Porter,](https://greatergood.berkeley.edu/profile/tenelle_porter) a University of California Davis psychologist who has [studied](https://www.tandfonline.com/doi/abs/10.1080/15298868.2017.1361861) intellectual humility.

Of course, following humility to an extreme end isn’t enough. You don’t need to be humble about your belief that the world is round. I just think more humility, sprinkled here and there, would be quite nice.

“It’s bad to think of problems like this like a Rubik’s cube: a puzzle that has a neat and satisfying solution that you can put on your desk,” says [Michael Lynch](https://michael-lynch.philosophy.uconn.edu/), a University of Connecticut philosophy professor. Instead, it’s a problem “you can make progress at a moment in time, and make things better. And that we can do — that we can definitely do.”

For a democracy to flourish, Lynch argues, we need a balance between convictions — our firmly held beliefs — and humility. We need convictions, because “an apathetic electorate is no electorate at all,” he says. And we need humility because we need to listen to one another. Those two things will always be in tension.

The Trump presidency suggests there’s too much conviction and not enough humility in our current culture.

“The personal question, the existential question that faces you and I and every thinking human being, is, ‘How do you maintain an open mind toward others and yet, at the same time, keep your strong moral convictions?’” Lynch says. “That’s an issue for all of us.”

To be intellectually humble doesn’t mean giving up on the ideas we love and believe in. It just means we need to be thoughtful in choosing our convictions, be open to adjusting them, seek out their flaws, and never stop being curious about why we believe what we believe.

### CP Hacking

#### We endorse the entirety of the 1NC minus its endorsement of hacking.

#### It’s competitive – their solvency advocate says that hacking is an example of their advocacy statement

**Springer 16** [Simon, Professor of Human Geography at The University of Newcastle and Director of the Centre for Urban and Regional Studies at the UON, “Returning To Geography’s Radical Roots”, *The Anarchist Roots of Geography: Toward Spatial Emancipation,* p.72-73 SJ]

We must radically flip our mind-sets, as anarchist organization does not replace top-down state mechanisms in the sense of standing in for them. They abolish them by people instead building what they need for themselves, free from coercion or imposed authority. Throughout human history, people have organized themselves collectively to satisfy their own needs. Organization under anarchism is no different in this regard. As Colin Ward ([1973] 2001, 28) contends, “given a common need, a collection of people will, by trial and error, by improvisation and experiment, evolve order out of the situation—this order being more durable and more closely related to their needs than any kind of order external authority could provide.” This insight is derived from Kropotkin’s ([1902] 2008) observations of the history of human society, where he documented the centrality of cooperation linked to everyday life and described it as **mutual aid**. Although differentiated across space and time, mutual aid was and still is continuously present in human societies, even if its development is not uniform and the forms it takes are contextually specific. At certain times, in particular places, mutual aid has been central to social life, while at other times, the geographies of mutual aid have been all but hidden beneath domination, violence, and competition. Yet irrespective of adversarial conditions, mutual aid is always present, and “the moment we stop insisting on viewing all forms of action only by their function in reproducing larger, total, forms of inequality of power, we will also be able to see that anarchist social relations and non-alienated forms of action are all around us”(Graeber 2004, 76). The provision of social welfare did not originate with the state; it “evolved from the vast network of friendly societies and mutual aid organizations that had sprung up through working-class self-help in the 19th century” (Ward 1994, 27). Thus mutual aid is not a hypothetical model for how society might be shaped; it is already happening, providing ongoing opportunities for togetherness and emancipation. Unlike Marxists, who view history in utilitarian terms, anarchists recognize that means and ends cannot be separated (Baldelli 1971).The anarchist project, then, is one that aligns with feminism insofar as it is an attempt to promote the feminization of society through extending cooperation, equality, compassion, and sharing, which constitute mutual aid relations and contrast with the aggression, racism, exploitation, misogyny, homophobia, classism, and rivalry of our male-dominated, modern society 8 to a strategy of breaking the bonds of coercion and the chains of exploitation by encompassing an infinite number of everyday acts of resistance and cooperation .Childcare co-ops, street parties, gardening clinics, **learning networks**, flash mobs, community kitchens, unschooling groups, independent media collectives, rooftop occupations, freecycling activities, direct action organizations, radical samba, **peer-to-peer file sharing**, sewing workshops, tree sitting, monkey wrenching, spontaneous disaster relief, culture jamming, book fairs, microradio, building coalitions, collective hacking, dumpster diving, wildcat strikes, neighborhood tool sharing, tenants’ associations, workplace organizing, and squatting are all anarchism in action, each with decidedly spatial implications, and this is just the tip of the proverbial iceberg. So what forms of action does anarchism take? “All forms,” Kropotkin ([1880] 2005,39) answered, indeed, the most varied forms, dictated by circumstances, temperament, and the means at disposal. Sometimes tragic, sometimes humorous, but always daring; sometimes collective, sometimes purely individual, this policy of action will neglect none of the means at hand, no event of public life, in order to keep the spirit alive, to propagate and **find expression for dissatisfaction**, to excite hatred against exploiters, to ridicule the government and expose its weakness, and above all and always, by actual example, to awaken courage and fan the spirit of revolt. It should be clear, then, that the practice of mutual aid, which rests at the very core of anarchism, is as much a critique of capitalism, imperialism, and patriarchy as it is of the authority claimed by the state. The problematic alignment of anarchism to nothing more than antistate modes of thought and practice serves to marginalize this particular trajectory of socialist thought, making it seem less viable or desirable among those who might otherwise be sympathetic to anarchist leanings.

#### Hacks collapse society

Matz 18, Sandra is an Assistant Professor of Business at Columbia Business School, 2018, Guy Rolnik is a Clinical Associate Professor for Strategic Management at the University of Chicago Booth school of Business, and an editor of ProMarket.org, Moran Cerf is a Professor of Neuroscience and Business at the Kellogg School of Management at Northwestern University, Solutions to the Threats of Digital Monopolies, <https://promarket.org/2018/04/10/solutions-threats-digital-monopolies/>

1. Risk of data breaches. A security breach of any of the digital monopolies could result in Exabytes of users’ most vulnerable information being publicly exposed (7). Besides the risk of irreparable damage to people’s reputation, private lives, and identity (as in, e.g., the “Ashley Madison” case (8)), such a breach could result in unprecedented damage to our economy (as in, e.g., the “Sony Pictures” case (9)) and our political standing (as in, e.g., “Wikileaks Cablegate” (10)). Importantly, a security collapse of that nature might only be the start of a series of follow-up breaches. A hack of Google’s Gmail, for example, could allow the perpetrators to obtain a user’s bank account password through the “forgot password” functionality, and ultimately lead to a collapse of businesses and industries (e.g. banking, taxation, weapon silos, etc.). Compared to what was deemed a “too big to fail” state when a handful of banks collapsed in 2008, such a crisis could be unparalleled. Although the digital monopolies employ talented security teams to prevent such hacks, the public has no guarantee that a skillfully deployed attack (e.g., by another nation-state, powerful underground organization, or simply a disgruntled employee) would not be successful. Even with the best efforts of the digital monopolies—which often heavily depend on the priorities of high-ranking leaders in the organization—societies should hence operate under the assumption that the data held by the digital monopolies could be leaked at any point in time.

#### Ensures cyberattacks go nuclear

Sagan and Weiner ’21 – Stanford Professors [Scott D.; Caroline S.G. Monroe professor of political science and senior fellow at the Center for International Security and the Freeman Spogli Institute at Stanford University; Allen S.; senior lecturer in law and director of the program in international and comparative law at Stanford Law School; 7-9-2021; "The U.S. says it can answer cyberattacks with nuclear weapons. That’s lunacy."; The Washington Post; https://www.washingtonpost.com/outlook/2021/07/09/cyberattack-ransomware-nuclear-war/; accessed 8-15-2021]

Over the July 4 weekend, the Russian-based cybercriminal organization REvil claimed credit for hacking into as many as 1,500 companies in what has been called the largest ransomware attack to date. In May, another cybercriminal group, DarkSide, also apparently located mainly in Russia, shut down most of the operations of Colonial Pipeline, which supplies nearly half the diesel, gasoline and other fuels used on the East Coast — setting off a round of panic buying that ended only when the company handed over a ransom. These incidents were bad enough. But imagine a much worse cyberattack, one that not only disabled pipelines but turned off the power at hundreds of U.S. hospitals, wreaked havoc on air-traffic-control systems and shut down the electrical grid in major cities in the dead of winter. The grisly cost might be counted not just in lost dollars but in the deaths of many thousands of people.

Under current U.S. nuclear doctrine, developed during the Trump administration, the president would be given the military option to launch nuclear weapons at Russia, China or North Korea if that country was determined to be behind such an attack.

That’s because in 2018, the Trump administration expanded the role of nuclear weapons by declaring for the first time that the United States would consider nuclear retaliation in the case of “significant non-nuclear strategic attacks,” including “attacks on the U.S., allied, or partner civilian population or infrastructure.” The same principle could also be used to justify a nuclear response to a devastating biological weapons strike.

But our analysis suggests that using nuclear weapons in response to biological or cyberattacks would be illegal under international law in virtually all circumstances. Threatening an illegal nuclear response weakens deterrence because the threat lacks inherent credibility. Perversely, this policy could also wind up committing a president to a nuclear attack if deterrence fails. While the American public would indeed be likely to want vengeance after a destructive enemy assault, the law of armed conflict requires that some military options be taken off the table. Nuclear retaliation for “significant non-nuclear strategic attacks” is one of them.

The Biden administration is now conducting its own review of the U.S. nuclear posture. The 2018 Trump change is an urgent candidate for reevaluation, but people have generally ignored it up to now. As officials work on this process, they have the chance to take full account of what could be called the “nuclear law revolution” — a growing recognition that international-law restrictions on warfare, and especially those that protect civilians, apply even to nuclear war.

### K Antidomination

#### The affirmative’s “break with the given law” causes movements against neoliberalism to fail because they offer no alternative – a new form of economic thought is essential to stop the neoliberal elite from destroying the globe

Monbiot 16 – Political & environmental activist, recipient of the UN 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.

George Monbiot, “Neoliberalism – the ideology at the root of all our problems,” *The Guardian*, 15 April 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.

#### Climate change is existential and absent a massive overhaul of our government to make it democratically accountable we will lack the tools to combat the crisis

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.

#### The alternative is a radical endorsement of the administrative state – via direct engagement in political institutions we can counter political hierarchies and forces institutions to operate in the public interest

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K. Sabeel Rahman, “Book Review: Reconstructing the Administrative State in an Era of Economic and Democratic Crisis,” *Harvard Law Review*, vol. 131, 2018, pp. 1682-1689, https://harvardlawreview.org/wp-content/uploads/2018/04/1671-1712\_Online.pdf.

A. Privatization and the Challenge of Contesting Economic and Social Structure

The regulatory state did not simply come into being because of the complexity of modern governance; rather, in its key moments of institutional innovation and development, the rise of modern administration has always been closely tied to substantive aspirations to counteract inequalities, hierarchies, and disparities of power generated by a changing social and economic order. As Michaels writes, the socioeconomic upheavals of industrialization led an "increasingly inclusive and mobilized public" to demand "greater protection from the vagaries, deceptions, and dangers of the marketplace" (p. 41). As a result, a "State newly tasked with these weighty and extensive responsibilities (and newly attuned to the disciplining effects of a more demanding, empowered, and diverse electorate) could no longer get away with being small or amateurish" (p. 41). The outcome of these demands was a burst of institutional innovation and state formation that created the explosion of new administrative bodies, commissions, and bureaucrats in the Progressive Era, accelerating with President Roosevelt's New Deal. While Michaels is certainly right to highlight the ways in which the professionalization and proceduralization of these new administrative powers were central to their legitimation, the rise of the modern regulatory state -- and its political and normative valence -- has to be understood in context of these substantive aspirations and concerns arising from the industrial economy.

The upheavals of industrialization generated more than simple economic dislocation; they provoked a deep political crisis. 26 Late nineteenth-century thinkers, lawyers, and reformers saw industrial capitalism as a fundamental threat to existing institutions and political ideals. Industrialization produced widespread immiseration, dislocation, and precarity. 27 But it also produced very clear and threatening new forms of economic power: the power of managers over workers and the rise of new corporate titans like J.P. Morgan, the Vanderbilts, and the Rockefellers, whose corporate control over finance, rail, oil, and other foundational goods and services placed whole towns and business sectors at their mercy. 28 At the same time, political institutions themselves were already viewed as captured, corrupt, or otherwise incapable of meeting these challenges: legislative corruption was a widespread concern, and a conservative judiciary posed a threat to basic state police powers aimed at protecting workers, health, and safety -- and curbing these new forms of corporate power. 29 This context generated social movements across the country, from the Farmers' Alliance (which would become the widespread Populist movement), to the largely urban, middle-class Progressive movement, to the growing organized labor movement. 30

While these movements were themselves highly diverse and heterogeneous in their members and demands, they shared a common set of ideas: that the industrial economy was a highly unequal one shaped by new forms of domination and power, and that for economic and political liberty to survive industrialization, new institutions would have to be created to empower the public and check the excesses of industrialization. First, the problem of industrial capitalism was not just one of income inequality or maldistribution. More critically, it was a problem of economic power. 31 For antitrusters and crusaders like Louis Brandeis, a key problem was that a variety of private actors, from monopolies and trusts, to finance, to corporations more broadly, had accumulated a degree of quasi-sovereign control over the economic vitality and well-being of individuals and communities -- yet were not subject to the kinds of checks and balances and norms of public justification that would have accompanied equivalent exercises of public power. 32 This problem of economic power also appeared in Progressive Era critiques of the market system itself. On this view, as thinkers like Robert Hale and John Dewey suggested, what might appear as impersonal "market forces" that, for example, drove wages down or prices up, were in fact the cumulative result of thousands of microscale transactions and bargains, each of which took place under (legally determined) disparities of power. Law constructed markets -- and thus shaped market forces themselves. 33

Second, if the problem of capitalism was really a problem of power, then the remedy required the construction of new forms of civic capacity empowered to contest such private and market power. Thus, for Progressive Era reformers, a key challenge was the challenge of action-ability. 34 As Dewey put it in his influential book, The Public and Its Problems, the problem of the modern public was that it was too scattered, diffuse, and disorganized, incapable of asserting its interests in the face of the pressures of the industrial economy. 35 By its very nature, economic inequality in an industrializing economy could not be counteracted at an individual level; the background disparities of power were systemic and could be altered only by equally systemic changes to the background rules of the marketplace itself. Indeed, this was one of the central insights of legal realist scholars and progressive economists like John Commons, Robert Hale, Richard Ely, and others, who saw the prospects for economic equity as requiring expansive efforts to restructure the background rules of the market itself. 36 By creating new institutions like regulatory bodies, reformers made it more possible to act on these seemingly powerful and diffuse forces; by situating these bodies in a larger context of public-oriented, democratic politics, these agencies could fairly be seen as agents of the public good. Thus, private power would be made contestable and governable by democracy. 37

These are the kinds of aspirations that fueled the experimentation with the expansion of the administrative state: starting at the state and local level with the efforts by cities to municipalize private utility companies and by state governments to create railroad oversight commissions and agencies to address labor, poverty, and public health, and then reaching the federal level as the Progressive Era Administrations of Presidents Theodore Roosevelt and Woodrow Wilson began to experiment with antitrust and economic regulatory oversight. 38 As Professor William Novak has convincingly argued, this proliferation of state and local regulatory experiments shaped a generation of legal scholars and policymakers, giving rise to the modern techniques of administrative governance and making the later New Deal creation of the modern administrative state possible. 39 The rise of administration, then, was inextricably related to the rise of democracy, in two related senses: first, the building of state regulatory capacity provided the democratic public as a whole with new tools through which to make a vision of socioeconomic order possible; second, these tools were at the outset oriented, at least in part, toward a substantive vision of democratic accountability and equality, not just of governmental actors, but perhaps even more importantly, of private economic actors whose unchecked private and market power posed a threat to democratic opportunity.

This relationship between democratic political agency and capacity, substantive ideals of democratic equality, and the administrative state also animated important episodes of regulatory institutional development and innovation in the mid- and late twentieth century. As the growing literature on "administrative constitutionalism" suggests, the frontline battles for economic, racial, and gender equality often involved the building and deploying of bureaucratic capacity, and internal battles between social movements and bureaucrats. 40 It was through the creation of regulatory institutions that labor rights, nondiscrimination protections, and access to federal welfare programs from Medicare to poverty assistance were made possible. Furthermore, it was through the pressures exerted on these bureaucracies by social movements that these regulatory tools were gradually repurposed toward enforcing and implementing equity- and inclusion-enhancing programs.

Consider, for example, Professor Karen Tani's recent work on the administration of welfare rights. As Tani documents, the development of a modern welfare rights regime involved a hard-fought shift away from a view of welfare as charitable support for the needy to welfare as a right that was an entitlement owed to members of the polity. 41 This shift had to be negotiated and was driven in large part by bureaucrats within the Social Security Administration, who asserted their specific vision of welfare as entitlement over the resistance of local welfare system administrators. To make the idea of welfare rights a reality, these bureaucrats experimented with implementing greater process protections for claimants. 42 These federal officers also developed new approaches to training and hiring bureaucrats, socializing them into a way of doing their day-to-day work that took as an axiom this more robust commitment to welfare as entitlement. 43 The success or failure of this effort turned not so much on the role of judicial interpretations of constitutional doctrine or presidential directives, but rather on more bureaucratic concerns: jurisdictional turf battles between local and state administrators more hostile to expanded welfare benefits and federal agencies seeking to expand access, difficulties of sourcing enough trained personnel who shared this larger mission, and the like. 44

A similar story can be told about the construction of equal access to Medicare. As Professor David Smith details in his historical account, it was the politics of regulation that constructed the reality of equal access to Medicare as a universal entitlement. 45 This outcome was neither obvious, nor predetermined. Rather, it was the contingent result of a complex interplay of bureaucratic innovation, social movement pressure, and regulatory policymaking. As Smith argues, in the early days of Medicare, there was a very real threat that the program would be administered in racially discriminatory and exclusionary ways. 46 The health system emerging in the mid-twentieth century reflected the legacy of racial exclusion and hierarchy in the Jim Crow South, marked by segregated and geographically concentrated hospital systems, and driving vastly divergent health outcomes and mortality rates between whites and African Americans. 47 Civil rights movement groups like the NAACP, Southern Christian Leadership Conference, Student Nonviolent Coordinating Committee, and Congress of Racial Equality, made the integration of hospitals and the healthcare system a key focal point -- taking the lead from African American health professionals who drove these campaigns. 48 Pressure from civil rights leaders led to a major shift in Department of Health, Education, and Welfare leadership and culture. By December 1965, the agency issued a new internal memo that declared its mission to include the compliance with an enforcement of civil rights goals, through the administering of Medicare funding for hospital systems. 49 The agency created an Office of Equal Health Opportunity in February 1966 to enforce Title VI compliance for any hospital receiving Medicare payments. 50 This new office in turn hired teams of investigators, coordinating with civil rights groups to train them and to identify hospitals that might be violating civil rights requirements. 51

The rise of the administrative state was thus not a politically neutral endeavor. The checks and balances that legitimate administrative authority in essence make possible (but do not guarantee) the contestation of deep forms of economic and social inequality, subordination, or hierarchy. This is not to say that administrative authority is always equality or inclusion promoting -- hardly. But in a reality where background economic, social, and historical conditions already encode structural disparities of wealth, opportunity, power, and influence, eliminating regulatory agencies and tools that are potentially capable of addressing these disparities (even if they are not always deployed in these ways) precludes much of equality- or inclusion-promoting public policy from getting off the ground in the first place. The dismantling of administrative institutions, then, is similarly nonneutral. Scholars of the administrative process have long warned of the dangers of special interest capture of regulatory agencies, which would cause administrative authority to be redirected to serve some interests over others. 53 But agencies can also be captured and neutered through inaction -- through what political scientists call "drift," where highly resourced and sophisticated players are able to produce substantive policy change simply by holding existing rules in place in the face of changing external conditions. 54 Dismantling agencies altogether would be an even more extreme form of opposition to these potential uses: rather than trying to capture or simply neuter the agency, more radical efforts to deconstruct regulatory institutions cut off the very possibility by eliminating the regulatory capacity itself, a kind of complete and total capture through deconstruction.

This substantive valence of administrative power and its potential deconstruction adds an important layer to Michaels's critique of privatization. Michaels alludes to the ways in which privatization risks permanently dismantling institutional tools and capacities that are difficult to rebuild. As Michaels warns, under privatization, "we will have hollowed out the government sector to such an extent that we may well lack the capacity, infrastructure, and know-how to reclaim that which has increasingly been outsourced or marketized" (p. 12). He rightly notes that privatization emerged as a "pivot[]" strategy in the Reagan era, a "second-best" to dismantling regulatory bodies themselves (p. 97). This is a problem in particular because "the Market, at least in its pure, idealized state, is not democratic, deliberative, or juridical. . . . It is the world of Schumpeter and Coase, not Montesquieu or Madison" (p. 5). Private corporate governance, meanwhile, cannot replicate the kinds of checks and balances that the separation of powers principles require (p. 164).

Dismantling administration and returning to private ordering is therefore troubling for democracy in three senses. First, given prior background structural patterns of exclusion and disparities of wealth, power, and opportunity, a return to private economic and social ordering is by definition a return to economic inequality, social hierarchy, and exclusion. Second, the dynamics of market competition or of corporate governance cannot replicate or replace public institutions of democracy or of checks and balances. They operate fundamentally differently and are not substitutes. Third, a dismantling of regulatory institutions removes some of the most vital and effective mechanisms through which we as a democratic public seek to contest and reshape these background structural inequities and exclusions: without tools of general administrative policymaking and enforcement, these structural inequities are harder to overcome and reshape.

### Case

#### Approaches that center mutual aid aren’t sustainable and fuel an individualistic fantasy where we fail to make durable changes to institutions

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Joanna Wuest, December 16 2020, “Mutual Aid Can’t Do It Alone,” The Nation, https://www.thenation.com/article/society/mutual-aid-pandemic-covid/

As the United States went into lockdown last spring, the country entered a pandemic-induced recession with scant social protections. Faced with a hollowed-out welfare state and inadequate relief from the federal government’s initial stimulus, Americans had no choice but to rely on the generosity of their neighbors, friends, and colleagues. Since March, people from weekend volunteers to full-time anarchists have done extraordinary things to distribute food staples and provide shelter for those who found themselves hungry and homeless. Still, given that nearly a quarter of American households with children are carrying rental debt and that a permanent exodus of the poor and working class from major urban hubs is underway, such efforts are confined mainly to the margins.

Weathering the current crisis requires nurturing useful hope while avoiding palliative delusions. That means ditching our magical thinking about the sustainability of those mass mobilizations of goodwill that make the nightly news and pepper the pages of left-wing periodicals (both of which neglect the fact that charitable giving actually plummets during recessions). It also means recognizing that crises are excellent opportunities for revanchist right-wing forces to further raze state institutions and slam the lid on cries for justice. When labor-left movements were strong and could afford to go on the offense, the Great Depression created an opening for reform. If there is a lesson from mutual aid’s role in these past triumphs, it is that such community work was subordinated to the tasks of invigorating trade unions and pushing the state to enact universal programs.

Kropotkin was not wrong about our natural inclination to cooperate. But how we organize and nurture that cooperative instinct is crucial. A crisis can bring us together to rebuild durable structures for the collective good. It can also exacerbate the dog-eat-dog mentality that neoliberalism has cultivated for decades. Our country is coming to resemble a long-sought libertarian fantasy, with only atomized acts of compassion for those left out. We would do well to guard against this despotic individualism—the natural condition of the social without the state—and to be sober about what spurred this renaissance of mutual aid and what it portends.

#### Legal demands are not reformist – it doesn’t conflate change with progress nor validate legal institutions – rather, it’s a contingent intervention that materially reduces violence

Spade 13

Dean Spade, associate professor of law @ Seattle University, “Intersectional Resistance and Law Reform” *Signs* Vol. 38, No. 4, Summer 2013

These critical perspectives suggest a very different method for analyzing American law, one that departs from the questions that lawyers and legal scholars, who are often engaged in single-axis thinking about systems of subjection, might ask. Those inquiries often identify the realm of “equality law” as centered in antidiscrimination and hate crime laws. They often look for places in law where particular groups are named for exclusion or could be named as protected and assume that achieving justice means focusing on reforming those laws. The critical scholars and movements I have been describing instead examine not what the law says about itself but how its operations distribute life chances. They are suspicious of formal declarations of equality and of the idea that legal governmental protections are remedies for violence rather than sources of it. They are vigilant about co-optation, asking whether such declarations have had the material impact promised. Administrative operations occurring in welfare departments, immigration agencies, the Bureau of Indian Affairs, bodies overseeing environmental regulations, departments of corrections, child protective services, and education and taxation systems have been the focus of those who refuse to accept formal legal equality or facial neutrality as the resolution of their claims. Their interventions have asked how these systems are experienced from the perspective of marginalized populations rather than from the perspective of white lawmakers who declare legal systems to be neutral or natural while in reality they center a white propertied male subject. Narrow interventions that purportedly deliver equality have not passed the test when measured against the experiences of people living on the losing end of the distribution of life chances administered by these systems. These critics reject the focus on declarations of equality that often turn out to be mere window dressing for perpetual violence.¶ Genealogies of violence¶ In analyzing purportedly neutral systems to reveal their targeted violence, critics often expose continuities of violence where dominant narratives have declared key historical breaks. National narratives of US history articulate that prior egregious state violences have been resolved, often by civil rights law or other legal reforms. The implicationn is that any existing differences in living conditions among subpopulations in the United States must be a result of merit or lack thereof. Critics contest this story, arguing that while the operations of systems of meaning and control have changed, and while certain technologies of violence have been altered or replaced, the declared breaks are fictions. For example, reproductive justice activists and others have analyzed the child welfare system’s targeting of Black families as an extension of chattel slavery, a system under which family ties between enslaved Black people were violently broken and Black motherhood was constituted as fundamentally different from the valorized white motherhood seen as central to reproducing the nation (Roberts 1993b). Prison abolitionists have argued that the US criminal punishment system is an extension of the racial control of slavery (Hartman 1997; Davis 2003). Their refutation of the purported historical break between slavery and freedom for Black people allows antiprison scholars to analyze criminal punishment very differently than if they saw the problems of the system as utterly separate from the foundational violences of chattel slavery. This viewpoint has fostered recognition that efforts to reform prisons have consistently resulted in the expansion of imprisonment. Often carried out in the name of making prisons more humane, reform results in more and more people—especially Black people, as well as other people of color and poor people—spending more time in prisons overall. The demand for prison abolition is seen as an extension of the unfinished project of abolishing slavery, and the racialized-gendered operations of policing and criminalization are analyzed in relation to their predecessors under slavery.¶ Tracing genealogies of racialized-gendered control and exploitation allows critics to look at purportedly neutral administrative governance in ways that foster very different demands than any single-axis analysis would produce. Such critiques reject the narrative that the US immigration system shed its racism when it abolished Asian-exclusion laws and racial quotas. Instead, immigration enforcement remains racially targeted, is justified through the mobilization of racist images, and perpetuates racialized-gendered nation-making goals: cultivating the life of a white European settler population and maintaining people of color as maximally exploitable and disposable by casting them as threats to that life. Indigenous scholars’ and activists’ refusal to adopt the narrative of the settler state, which seeks to portray the process of genocide and displacement as over or complete, and their constant resistance to ongoing land theft, occupation, attempts at forced assimilation, and erasure all expose the continuity between the supposed bad old days and today. Rejection of civil rights strategies, which seek recognition from and protection of US law, is a necessary element of this analysis, since indigenous scholars and activists have shown that the US government and its legal system are the most significant sources of violence and harm against indigenous people, not forces of protection (Smith 2005; Sharma and Wright 2008–9).¶ These critical inquiries and demands, and their rejection of legal-equality strategies, bring up significant questions about the US nation-state and the role of legal reform in remedying the violences of white supremacy, settler colonialism, heteropatriarchy, and ableism. The methodologies used by the critical traditions I have cited lead to a focus on the targeted violences of purportedly neutral administrative systems and an analysis of how those violences are contiguous with the racialized-gendered property relations that are foundational to the United States (Harris 1996). By invoking the term “population control,” these critical traditions allow us to recognize that the conditions they resist stem from a variety of administrative practices and governing logics that are often mistakenly analyzed separately when single-axis thinking dominates. When those logics and practices are viewed through the genealogies of foundational violences, formal legal change that is primarily symbolic, removing only explicit exclusions or targeting individuals acting with bad intentions, appears severely limited, and deeper questions and demands about fundamental structures of governance emerge.¶ Critical race studies scholarship has described the United States as a racial project (Omi and Winant 1986). The creation of the nation was accomplished through racialization, and racial categories and the United States are mutually constitutive (Harris 1996; Gómez 2007; Willse 2011). The governing capacity of the United States was established through racializing legal mechanisms, including the legal enforcement of a system of chattel slavery; the theft of land and the imposition of legal regimes that established the possibility of ownership for settlers while targeting indigenous people for death and forced assimilation; the establishment of an immigration enforcement system that used racial categories to determine who could become part of the nation; and the establishment of a broad range of social welfare programs that aimed to cultivate white life and distribute education, land, home ownership, and health care in racially targeted ways.9 While immigration, property, social welfare, education, and other programs are no longer allowed to include codified, explicit racial exclusions, their operations are still racialized and racializing.10 Women-of-color feminism, queer-of-color critique, and other critical work on gender and sexuality has helped us understand that the racialization processes that formed the United States and continue to operate under new guises are also always processes that produce, manage, and deploy gender categories and sexuality and family norms.11 The nation-state form itself is produced by the project of gendered-racialized population management.¶ Michel Foucault described this way of thinking about governance by suggesting that what he called “state racism” (2003, 61) is inherent to the project of cultivating the life of the national population. Foucault argued that the most prevalent form of power operating today is power that takes the population as its target, that endeavors, through a variety of means, to cultivate the life of the population and to identify and eliminate threats to and drains on that population. These threats and drains are the subpopulations that must be banished, killed, caged, or abandoned in order to promote the life of the national population (Foucault 2003; Valverde 2007). Perhaps this framework of saving or promoting the life of the national population through the exploitation or death of others is particularly visible in the example of racialized-gendered medical experimentation. Whether we look at the work of the Nazi doctors, the Tuskegee experiment, the intentional spread of infectious diseases to indigenous populations in North America, the widespread practices of medical experimentation on US prisoners, or the long history of forced sterilization of people of color and people with disabilities in the United States, we see the logic that aims to protect and improve the lives of some through exploiting, controlling, or extinguishing the lives of others (Durazo Rojas 2006). This kind of power is operating when state capacities are mobilized to ensure that borders are closed, prisons are locked down, identity documents are checked, and countless other security operations are enforced.¶ In the United States, recent decades have seen internal enemies cast as racialized-gendered figures—drug dealers, criminals, terrorists, illegals, gang members, and welfare queens. The white, propertied settler population must be protected from whatever racialized others are being targeted at the time, and images related to racial classifications, to ideas of foreignness, and to body, ability, gender, and sexuality norms are mobilized to produce these targets. Considering subjection intersectionally, examining purportedly neutral administrative systems to see their targeted violences, and tracing genealogies of racialized population control forces critical scholars and activists dedicated to transforming violent conditions to think broadly about the US legal system and the nation-state form.¶ What intersectional politics demands¶ Social movements using critical intersectional tools are making demands that are often difficult for legal scholars to comprehend because of the ways that they throw US law and the nation-state form into crisis. Because they recognize the fact that legal equality contains and neutralizes resistance and perpetuates intersectional violence and because they identify purportedly neutral administrative systems as key vectors of that violence, critical scholars and activists are making demands that include ending immigration enforcement and abolishing policing and prisons. These demands suggest that the technologies of gendered racialization that form the nation cannot be reformed into fair and neutral systems. These systems are technologies of racialized-gendered population control that cannot operate otherwise—they are built to extinguish perceived threats and drains in order to protect and enhance the livelihood of the national population. These kinds of demands and the analysis they represent produce a different relation to law reform strategies than the national narrative about law reform suggests, and different than what is often assumed by legal scholars interested in the field of “equality law.” Because legal equality “victories” are being exposed as primarily symbolic declarations that stabilize the status quo of violence, declarations from courts or legislatures become undesirable goals. Instead, law reform, in this view, might be used as a tactic of transformation focused on interventions that materially reduce violence or maldistribution without inadvertently expanding harmful systems in the name of reform. One recent example is the campaign against gang injunctions in Oakland, California. A broad coalition—comprising organizations focused on police violence, economic justice, imprisonment, youth development, immigration, gentrification, and violence against queer and trans people—succeeded in recent years in bringing significant attention to the efforts of John Russo, Oakland’s city attorney, to introduce gang injunctions (Critical Resistance 2011). The organizationsin this coalition are prioritizing anticriminalization work that might usually be cast as irrelevant or marginal to organizations focused on the single axis of women’s or LGBT equality. The campaign has a law reform target in that it seeks to prevent the enactment of certain law enforcement mechanisms that are harmful to vulnerable communities. However, it is not a legal-equality campaign. Rather than aiming to change a law or policy that explicitly excludes a category of people, it aims to expose the fact that a facially neutral policy is administered in a racially targeted manner (Davis 2011; Stop the Injunctions 2011).¶ Furthermore, the coalition frames its campaign within a larger set of demands not limited to what can be won within the current structure of American law but focused on population-level conditions of maldistribution. The demands of the coalition include stopping all gang injunctions and police violence; putting resources toward reentry support and services for people returning from prison, including fully funded and immediate access to identity documents, housing, job training, drug and alcohol treatment, and education; banning employers from asking about prior convictions on job applications; ending curfews for people on parole and probation; repealing California’s three-strikes law; reallocating funds from prison construction to education; ending all collaborations between Oakland’s government and Immigration and Customs Enforcement (ICE); providing affordable and low-income housing; making Oakland’s Planning Commission accountable regarding environmental impacts of development; ending gentrification; and increasing the accountability of Oakland’s city government while augmenting decision-making power for Oakland residents (Stop the Injunctions 2011). These demands evince an analysis of conditions facing vulnerable communities in Oakland (and beyond) that cannot be resolved solely through legal reform since they include the significant harm inflicted when administrative bodies like ICE and the Planning Commission implement violent programs under the guise of neutral rationales. These demands also demonstrate an intersectional analysis of harm and refuse logics of deservingness that have pushed many social movements to distance themselves from criminalized populations. Instead, people caught up in criminal and immigration systems are portrayed as those in need of resources and support, and the national fervor for law and order that has gripped the country for decades, emptying public coffers and expanding imprisonment, is criticized.¶ Another example of intersectional activism utilizing law reform without falling into the traps of legal equality is activism against the immigration enforcement program Secure Communities. Secure Communities is a federal program in which participating jurisdictions submit the fingerprints of arrestees to federal databases for an immigration check. As of October 2010, 686 jurisdictions in thirty-three states were participating.12 Diverse coalitions of activists and organizations around the United States launched organizing campaigns to push their jurisdictions to refuse to participate. Organizations focused on domestic violence, trans and queer issues, racial and economic justice, and police accountability, along with many others, have joined this effort and committed resources to stopping the devolution of criminal and immigration enforcement. Their advocacy has rejected deservingness narratives that push the conversation toward reform for “good, noncriminal” immigrants. These advocates have won significant victories, convincing certain jurisdictions to refuse to participate and increasing understanding of the intersecting violences of criminal punishment and immigration enforcement.13 This work also avoids the danger of expanding and legitimizing harmful systems that other legal reform work can present. It is focused on reducing, dismantling, and preventing the expansion of harmful systems.14¶ I offer these examples not because they are perfect—certainly a significant range of tactics and strategies are part of each of these campaigns, and, with detailed analysis, we might find instances of co-optation, deservingness divides, and other dangers of legal reform work occurring even as some are avoided and rejected. However, these examples are indicative of resistance to limitations of legal equality or rights strategies. These demands exceed what the law recognizes as viable claims. These campaigns suggest that those who argue that a politics based on intersectional analysis is too broad, idealistic, complex, or impossible—or that it eliminates effective immediate avenues for resistance—are mistaken. Critical political engagements are resisting the pitfalls of rights discourse and seeking to build broad-based resistance formations made up of constituencies that come from a variety of vulnerable subpopulations but find common cause in concerns about criminalization, immigration, poverty, colonialism, militarism, and other urgent conditions. Their targets are administrative systems and law enforcement mechanisms that are nodes of distribution for racialized-gendered harm and violence, and their tactics seek material change in the lives of vulnerable populations rather than recognition and formal inclusion. Their organizing methods mobilize directly affected communities and value horizontal structures, leadership development, mutual aid, democratic participation, and community solutions rather than top-down, elite-imposed approaches to political transformation. These analytical and practical methods owe a great deal to women-of-color feminist formations that have innovated and continue to lead inquiry and experimentation into transformative social justice theory and practice.15

#### Antitrust reform has the power to reverse massive economic and political injustice – it needs to be folded into an agenda to reduce inequalities

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

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

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

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

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

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

A. Confronting the Power of Capital

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

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

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

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

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

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

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

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

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

#### Antitrust combats problematic concentrations of political and economic power that cause oppression – the idea antitrust can’t address these issues assumes it must be oriented towards competition which is not the case

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 state will absolutely destroy any mass movement against capitalism – triggers mass violence

**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.

#### Hartman is too quick to reject manipulating the state to progressive ends – rejection is worse because it sacrifices fragile protections in the name of deterministic pessimism

Harvey Neptune 8, Associate Professor of History at Temple, Loving Through Loss: Reading Saidiya Hartman’s History of Black Hurt, Anthurium 6:1

While there are tragically just reasons to recognize the limits of government as an instrument of emancipation, championing statelessness (as Hartman does) is not without great peril. Nation-states, as blacks all over can attest, continue to be shamefully unscrupulous guarantors of rights and privileges. Still, to exist outside of that global system can be fatally precarious**.** To be stateless at present is to be naked before government agencies possessed of a cold faith in documents and to be defenseless before armies empowered to detain and torture with immunity. Perhaps, Hartman meant to be metaphoric in employing the term “stateless,” for, although she includes herself in that category, the ironic truth is that the genuinely stateless tend to find themselves stuck**.** For non-citizens, the mobility Hartman boastsis nearly impossible or dearly dangerous. However weary of America, the author of Lose Your Mother, as a US citizen, could apply for a passport and with relative ease secure entry into scores of countries around the world. For the vast majority of the world, such trips belong to the realm of the wishful imagination. The very movement endorsed in Lose Your Mother, in other words, rests upon the author’s access to the sanctions of a powerful state.4 Might Hartman in the end be too quick to dismiss the state as a fruitful arena of freedom-centered politics? And might that be because her own biography allows her to take its protective and enabling aspects for granted? The author’s doubts about the cost of citizenship are not unthinking; in fact, they are deeply considered and are of a part with a mood putatively endemic to a generation. This cohort, goes the conventional wisdom, has been paralyzed by pessimism with regard to the potential for collectively transforming society. Having come of age too late for the idealism of civil rights and decolonization movements and having witnessed their reversals, corruptions and demises, they sit resigned, like belated guests to the party that promise to make the world anew.5 This generational paradigm should not go unquestioned**.** Its acceptance facilitates a fudging that allows individual thinkers to avoid dealing with the ambiguities and nuances of the political present and making tough contingent choices about appropriate courses of action. Lose Your Mother, insofar as it is framed as an offspring of a postcolonial melancholia or post civil rights despair, resurrects my wariness about this brand of soft demographic determinism. Hartman, of course, is too thoughtful to attribute her political disposition to some simple generational inheritance. Indeed, she explicitly acknowledges the possibility of adopting politics in a radically different key through her running engagement with another book, Robin Kelley’s Freedom Dreams: The Black Radical Imagination. A kind of foil for Lose Your Mother, this series of essays by a scholar roughly of Hartman’s generation mines a rich past of lesser-known black liberation struggles toward inspiring present-day radicals. And although Hartman confesses to harboring a secret wish to share Kelley’s optimism, her writing stops far short of the kind of hope that invigorates Freedom’s Dreams. This invocation of Kelley is pertinent; it is an admission that there is no necessary link between a post-sixties maturation and a political temperament resistant to hope. Indeed, one can only wonder how she regards another intellectual peer who has also written thoughtfully about self-making, politics and the black diaspora and whose rhetoric of hopes and dreams just might land him in the White House. The phenomenal ascendance of Barack Obama ought to serve as a cautionary tale for those who feel comfortable framing the present. Ours might not quite be the romantic age of black radicalism, but neither does it quite look like one of tragic defeat. If recent epochal political changes cannot explain straightforwardly the grimness that haunts Lose Your Mother, what does? Aware of this lurking question, Hartman responds by owning up to the book’s personal investments. The text’s discouraging darkness, she accepts, is deeply indicative of her stalking despair. Early, in fact, Hartman discloses that her interest in slavery is partially motivated by a belief that it has shaped the person she has become. The sad fates of those millions stolen, bought, sold, and killed, she is convinced, somehow find expression in her soul. Their death sentences compose her life’s story. As she concedes at one point, a grave in Africa marks the proper beginning for her autobiography. Yet this take on the connection between the author’s affective life and her writing on slavery is not the only valid one, perhaps not even the immediately obvious one. The logic might just as easily be reversed; in other words, it is no less credible to view the history Hartman has chosen to write as the product of the person she has become. Both forms of reasoning are legitimate and ultimately inseparable, belonging to a circle of causation. Still, each implies a different emphasis. The second approach, importantly, suspends the presumption about the appropriate point of entry for Hartman’s autobiography. It does not make slavery the self-evident start, leaving open the possibility of a story with a different timeline. This perspective could endorse training attention on Hartman’s lived experiences rather than on “history.” To what extent, for example, might her Brooklyn upbringing—and not the plight of fugitive slaves— better account for the melancholy that pervades her worldview. Lose Your Mother, however, does not entertain this kind of query. As autobiography, it tends to tease, remaining mostly guarded about the signal turns, eddies, erosions and falls that shaped the course of the author’s life. Saidiya, the text lets on, is a loner and can be argumentative, short-tempered and stubborn. We are at a loss, however, as to how she became that way.

## 2NC

### Case

#### Previous antitrust advocacy proves our point – it has led to landmark returns like taking millions from the KKK, BUT failure to utilize those institutions allow the right to capture antitrust to be used against laborers

Newman, Associate Professor, University of Miami School of Law, ‘21

(John, “Racist Antitrust, Antiracist Antitrust,” The Antitrust Bulletin, Sagepub)

But a change in goals does not always yield an immediate change in implementation-put another way, choice of an end does not necessarily dictate the choice of means. The pair of cases discussed below frame the 1980s, a decade in which antitrust's end was fairly static, yet its means were still in flux. The first, Knights of the Ku Klux Klan ("KKK"), stands as one of the clearest, most admirable examples of antiracist antitrust in U.S. history. The second, Superior Court Trial Lawyers Association ("SCTLA"), is its opposite: the Sherman Act being deployed against an attempt to ensure adequate legal representation for indigent defendants, most of them being people of color.

Taken together, these two cases represent divergent paths. Which has the contemporary antitrust enterprise chosen to follow? The Supreme Court's most recent substantive decision, Ohio v. American Express ("AmEx"), suggests both room for hope and reason for concern. With the latter in mind, the essay concludes by offering four recommendations for how antitrust can retake the high road. By avoiding overemphasis on categorical labels or particular types of effects, and by recentering a focus on power, the antitrust enterprise can play a vital part in addressing-and avoid exacerbating-structural inequality.

A. Knights of the KKK: Antiracist Antitrust

After the U.S. military exited Vietnam in 1975, millions of Vietnamese, Laotian, and Cambodian people fled the region. 12 Rapid congressional action facilitated emigration to the United States for many of these displaced persons. 13 Many settled in coastal Texas, a designated resettlement site that offered a familiar opportunity for sustenance: fishing and shrimping. 14 Unsurprisingly, the refugees' integration into the local economy was met with hostility on the part of incumbents. One antiimmigrant tactic was political: at the behest of the Texas Shrimp Association, the state legislature passed a bill in early 1981 that imposed a 2-year ban on issuing new shrimping licenses. 15

But in the towns and cities along the Gulf coast, nativist locals were unsatisfied with what they perceived to be a half-measure by the state legislature. Boat merchants began charging premium prices to Vietnamese immigrants. 16 Bait shops refused to sell to them. 17 Rumors flew, with some locals suggesting the new shrimpers were being subsidized by the U.S. Government. 18 Incumbents suggested the new entrants were overfishing and underpricing. 19 A shaky cease-fire agreement was drawn up but quickly fell apart after the Federal Trade Commission warned that it violated the Sherman Act. 20 In January 1981, one of the nativist locals met with Louis Beam, a Grand Dragon of the Knights of the KKK, 21 to present the concerns of"a group of American fishermen." 22 The Klan moved swiftly. At a rally held on Valentine's Day in Santa Fe, Beam warned the crowd that it "may become necessary to take laws into our own hands." 23 The Grand Dragon went on to invite attendees to train at Klanorganized "military camps," inveighing that it would be necessary to "fight, fight, fight" and see "blood, blood, blood" for the salvation of the country. 24 Beam vowed to give the newcomers "a lot better fight here than they got from the Viet Cong. "25 The crowd watched a demonstration of how to bum a boat and later a cross.2 6 On a clear day in March, a shrimp boat owned by one of the long-term residents was seen carrying men garbed in the traditional white robes and pointed hats of the KKK. Most were visibly armed, and the boat had been fitted with-and was firing-a cannon. 27 Locals reported receiving threats that those who did business with Vietnamese immigrants would be viewed as "enemies." 28 A woman who had allowed an immigrant-owned fishing boat to use her docks was issued a warning: "You have been paid a 'friendly visit' do you want the next one to be a 'real one. "' 29 Klansmen burned crosses in the yards of immigrant shrimpers, 30 set their fishing boats ablaze, and firebombed a home. 31

Meanwhile, in Alabama, the cofounders of the Southern Poverty Law Center had been closely monitoring the Klan's activities. 32 In April 1981, Morris Dees and Joseph Levin filed a wide-ranging lawsuit in federal court, seeking to enjoin the Klan's reign of terror. Judge Gabrielle l(jrk McDonald, the first African American judge in the state of Texas, was assigned to hear the case. 33 The defendants called for her disqualification, referring to her supposed prejudice against the Klan. Beam publicly called her a racial slur. 34 Throughout the entire proceedings, Judge McDonald and her family received death threats and one-way tickets to Africa. 35

Among the fourteen counts pleaded were violations of Sherman Act   1 and   2. 36 The   1 claim formed the core of the antitrust case: plaintiffs alleged that the defendants-the Knights of the KKK, Beam, various anonymous members of the Klan, the "American Fishermen's Coalition," and several individual fishermen-had conspired "to force the Vietnamese fishermen class to terminate or at the very least curtail their commercial fishing business in the Galveston Bay area" and to try to "intimidate them into selling off sixty percent of their shrimping boats." 37 The conspiracy's goal, per the complaint, was to "eliminate or reduce competition" for incumbent fisherman in the area. 38 After granting class certification, Judge McDonald issued a preliminary injunction ordering the defendants to cease their campaign of violence, threats, and intimidation. The imbalance of societal and material power was subtly-and effectively---emphasized throughout Judge McDonald's opinion. Facts were presented without embellishment; they spoke for themselves. The reader learns, for example, of a Vietnamese shrimp seller who testified that "six weeks ago two American men drove up in a truck and pointed a gun at her" and that "her husband will not take out their shrimp boat on May 15, 1981 because she is afraid that he will be killed." 39

The antitrust analysis is notable for its clarity and brevity-indeed, to the contemporary observer, it is perhaps most remarkable for what it does *not* say. Although Judge McDonald began by stating that "the anti-trust laws" forbid a "lessening of competitive conditions in the relevant market," she went on to explain that plaintiffs could prove such a "lessening" by demonstrating an actual marketplace effect. 40 No formal market definition was required. Nor did the opinion engage in a protracted attempt to fit the defendants' conduct into a particular analytical category before deciding on the appropriate legal treatrnent. 41 Again, proof of actual harmful effects was sufficient, at least to receive a preliminary injunction. In August, the court made the injunction permanent

and ordered it to be posted publicly in the Gulf Coast area. 42

B. FTC v. SCTL.A

SCTLA was another antitrust lawsuit targeting coordinated activity, but the similarities began-and ended-there. While Knights of the KKK was championed by civil-rights attorneys, SCTLA was the brainchild of a hard-right-wing economist. 43 In fact, the latter was filed against a group of publicinterest attorneys. Knights of the KKK exemplifies antitrust being used to counter coordinated power on behalf of displaced persons enduring personal and structural racism. SCTLA, on the other hand, exemplifies an antitrust enterprise oblivious to power imbalances and structural racism. James C. Miller III, President Reagan's first appointee to chair the Federal Trade Commission, was the first nonlawyer ever to hold that position. 44 Miller's doctoral studies were completed at the University of Virginia's economics department under James Buchanan, dubbed by some "the Architect of the Radical Right." 45 Buchanan had a controversial track record on racial issues-his academic center, formed amid Virginia's "Massive Resistance" to federally mandated school desegregation in the 1950s, was pitched as a means for preserving the state's "social order" and stymieing the "increasing role of government in economic and social life." 46

Buchanan was, according to Miller, one of his chief intellectual influences in the field of economics. 4 7 One of Miller's first actions as FTC chairman was to request a budget cut and a 10% reduction in personnel. 48 Unsurprisingly, the Agency's enforcement activity also plummeted. In just two years, antitrust actions dropped by nearly one-third, and consumer protection actions by more than onehalf. 49 But one particular type of litigation bucked the downward trend. Miller spearheaded an enforcement initiative aimed at professional associations-and he "particularly liked the idea of bringing some cases against lawyers." 50 The District of Columbia in the 1970s was a majority-minority city; over 70% of residents identified as Black. 51 More than 100,000 D.C. residents fell below the poverty line, with poverty rates exceeding 30% in some census tracts. 52 In a 1963 decision, the U.S. Supreme Court had held indigent defendants in criminal cases are constitutionally entitled to adequate representation. 53 D.C., like many jurisdictions, complied with this mandate via a dual system comprising a government-funded public defender's office and court-appointed private lawyers. 54 The District's public defenders handled just 8%-10% of indigent defendants, leaving court-appointed lawyers to take up the considerable slack, a situation "unique among major urban jurisdictions." 55 Despite the pressing need for quality representation-and despite runaway inflation rates throughout much of the 1970s-statutory rates for court-appointed work in the District stayed flat for more than sixteen years. 56 The D.C. Bar and the Judicial Conference of the D.C. Circuit released two reports finding that low compensation rates forced existing courtappointed lawyers to take on too many cases and dissuaded other attorneys from taking on any cases. 57 As the first report explained, "[A] system which is heavily weighed against the indigent defendant in terms of the compensation that [their] attorney will receive raises serious questions of equal protection. The indigent's rights under the Constitution are no less than the rights of the well-to-do." 58 Fed up with the situation, a group of court-appointed lawyers formed the SCTLA as a means of exerting political pressure. After initially casting about for the right tactical strategy, the Association was inspired to launch a strike by a suggestion from the dean of Howard University Law School: "[Y]ou will have to raise hell about this to attract somebody's attention." 59 The D.C. Governmentostensibly the intended "victim" of the planned stoppage-was supportive. At a meeting with Association lawyers, Mayor Marion Barry tacitly encouraged the strike, as he was "very sympathetic" to the cause. 60 And, once launched, the strike yielded rapid results: the City Council voted to increase

funding, thereby improving the "quantity and quality of representation received by ... indigent

clients. "61

Meanwhile, the Miller-helmed FTC had also been busy, opening an investigation into the Trial Lawyers Association before the strike had even begun. 62 On December 16, months after the strike had concluded, the Commission proceeded with a complaint against the lawyers' association and its four individual leaders. No practicable remedy was sought. 63 The local government had already voted to increase funding and, despite being the ostensible "victim," had neither asked the FTC to intervene nor sought to enjoin the boycotters under its own local antitrust authority. 64 Rather strikingly, FTC staff internally recognized that the Association's lawyers could not possibly have wielded market power. The Superior Court had the legal authority to order any member of the D.C. Bar to represent indigent defendants. 65 In fact, it had done just that during a prior strike in 1974. 66 Thus, the target of the strike could have simply ordered the attorneys to resume representation, ordered nonstriking attorneys to take on indigent clients, or both. The "victim" wielded all of the power. 67 Nonetheless, the FTC pursued the case all the way to the U.S. Supreme Court, which roundly censured the strike. (Justice Marshall, the only Black member of the Court, joined Justice Brennan in dissenting from much of the majority opinion. 68 ) The majority's reasoning was formalistic: categorize, then condemn. To the majority, the strike was a "price-fixing agreement, a 'naked restraint' on price and output." 69 Once categorized as such, the strike was deemed, ipso facto, illegal per se. 70 The fact that the boycotters clearly wielded no market power was irrelevant. The fact that the supposed "victim" had actively encouraged the strike was irrelevant. The fact that the strike benefited indigent defendants, many of whom were people of color who had endured decades of structural racism, was irrelevant. This was not antitrust's finest hour.

C. Which Path Have We Taken? The Promise and Pitfalls of Ohio v. Arn Ex These bookends of the 1980s-Knights of the KKK and Superior Court Trial La Jlers-suggest divergent approaches to the question of how to administer the antitrust laws. Which path has the contemporary antitrust enterprise pursued? The highest profile case of the past decade, Ohio v. AmEx, suggests both room for hope and reason for concern. AmEx began as a suit by the U.S. Department of Justice Antitrust Division against the three largest creditcard companies, Visa, AmEx, and MasterCard. 71 The suit sought to enjoin "no-steering" rules contractually imposed by networks on all card-accepting merchants. 72 In general, the challenged rules forbid merchants from presenting any particular credit network in a unique or differentiated way to their customers. Thus, for example, merchants cannot offer discounts for using a particular brand of card, tell customers "We prefer" a certain card, or inform customers of the costs associated with each brand. 73 Visa and MasterCard quickly settled, but AmEx-which charged the highest merchant fees-fought to keep its rules in place. 74 At trial, the Antitrust Division proved that AmEx's no-steering rules had stifled competition and increased card acceptance prices across all networks. 75 Merchants, in turn, passed along whatever costs they could to their customers via across-the-board retail price increases. 76 To its credit, the Division brought to the trial court's attention one of the most unusual-and most pernicious-effects of AmEx's rules. Because merchants cannot treat higher-cost cards differently, they must raise retail prices to all of their customers, including those who pay with cash, checks, money orders, and food stamps. 77 Such customers tend to be far less wealthy than credit-cardholders, especially AmEx cardholders. 78 AmEx passes some, though not all, of its supracompetitive merchant fees through to its own cardholders in the form of cardmember rewards. In other words, AmEx' s rules force the least wealthy members of society to fund lavish travel points and perks for the most affluent. 79 In a careful, well-reasoned decision, the trial court held that AmEx's rules were unreasonable restraints of trade. Judge Garaufis's opinion resisted easy formalizing and conclusory reasoning. The agreements at issue were between trading partners, not direct competitors. Yet, as Garaufis explained, AmEx 's rules did not "fit neatly into the standard taxonomy" of vertical versus horizontal restraints. 80 The challenged agreements themselves may have been "vertical," but the effects on competition were horizontal. 81 AmEx' s rules prevented its rivals from attracting additional business by offering lower prices or higher quality, as Discover learned in the 1990s. 82 As to effects, the court did not insist on a showing of any particular type of harm. Instead, it found that AmEx's rules cause a wide variety of harms, including higher card acceptance costs for merchants, higher retail prices for consumers, and stifled innovation. The court also found the regressive forcedsubsidization effect to be anticompetitive: [A] lower-income shopper who pays for his or her groceries with cash or through Electronic Benefit Transfer ... is subsidizing, for example, the cost of the premium rewards conferred by American Express on its relatively small, affluent cardholder base in the form of higher retail prices. The court views this extemality as another anticompetitive effect of Defendants' [rules]. 83 This particular effect technically occurred outside the relevant market ("general-purpose credit and charge card network services"). Again, however, the court refused to allow an artificial constructmarket definition-to distract from actual analysis of real-world effects.

The AmEx litigation thus yielded two bright spots: the Antitrust Division's decision to bring the case and Judge Garaufis's sophisticated decision. Both closely attended to structural power and inequity. Like Knights of the KKK, these were examples of antitrust directly confronting a power imbalance and seeking to redress its harmful effects.

But that success was short-lived. On appeal, the Second Circuit issued a sloppily reasoned decision for the defendant. (During oral arguments, one of the judges implied that the relevant market must also include cardholders because he personally received frequent credit card applications in the mail. 84 ) A disappointed Antitrust Division decided not to pursue the case further. A group of states led by Ohio, however, proceeded to appeal to the U.S. Supreme Court.

The majority opinion in Ohio v. AmEx carries all of the hallmarks of bad antitrust analysis, and poor-quality appellate review more generally. 85 It placed enormous weight on the "vertical vs. horizontal" dichotomy without appearing to recognize the horizontal nature of the restraints' effects. 86 Instead of analyzing the factual record before it, the majority simply ignored-and sometimes outright changed-inconvenient truths. 87 Instead of evaluating the relevant effects, the majority insisted on proof of one particular type of effect: an output reduction. 88 As to the regressive forced-subsidization effect-which was, again, part of the factual record-the majority opinion was silent. Instead, the majority conjured up a novel effect, positing without support the idea that AmEx's restraints were actually beneficial for "low-income customers. " 89

Today, the widely felt and regressive effects of AmEx's rules continue unabated. Given the racialized nature of wealth and income inequality in the United States, 90 those effects contribute to historically rooted structural inequity. A case that had begun so promisingly ended in ignominy-after something of a zenith at the trial-court level, AmEx now stands as a nadir of modem antitrust.

D. A Path Forward

As bookends for the turbulent 1980s, Knights of the KKK and SCTLA represent two paths for antitrust. AmEx offers a contemporary view of what traveling each of those paths can look like. The antitrust enterprise might take a flexible approach, cognizant of real-world power structures, always seeking to protect the relatively powerless against the more powerful. On the other hand, antitrust might ossify, placing more weight on assigning categorical labels than on assessing actual effects and narrowing the analytical lens until concentrated power-antitrust law's raison d'etre 91-becomes largely irrelevant.

Cases like SCTLA and *AmEx*, though troubling, may nonetheless offer useful insights. Set upon the right path, antitrust can serve as a useful tool in moving toward a more just society. Toward that end, four normative suggestions follow.

First, do not place undue weight on the "horizontal versus vertical" distinction. Some horizontal restraints are harmful, but not every horizontal agreement deserves hasty condemnation. The SCTLA majority allowed a label ("horizontal") to obscure a lack of power. Similarly, Justice Thomas's defendant-friendly reasoning in AmEx hinged in part on his statement that "vertical restraints are different" from horizontal ones. 92 But such broad pronouncements elide the fact that vertical restraints-like the ones at issue in AmEx-can cause effects identical to those caused by harmful horizontal restraints. 93

Second, do not place undue weight on categorizing conduct as "price-fixing," "a restraint on output," and the like. A classification system can offer value. But, like any other tool, it can be pushed far beyond its usefulness. Labeling the lawyers' strike "price-fixing" ( or, alternatively, a "naked restraint on output") was essentially the beginning and end of the SCTLA Court's analysis. Yet not all price-setting agreements are equally likely to cause harm, as most of those very same Justices had previously recognized. 94 A strike functions by temporarily disrupting the internal workings of a specific buyer of labor, 95 whereas the archetypical price-fixing cartel agreement functions by indefinitely controlling the market for a product. 96 From an economic perspective, it makes little sense to treat the two as analytically identical. Classification systems can obscure important nuance, in addition to posing the obvious risk of misclassification. 97

Third, do not artificially narrow the analytical lens by insisting on proof of a particular type of effect. Leading treatises, 98 law-school casebooks, 99 amicus briefs, 100 and journal articles 101 suggest that all of antitrust can be boiled down to simple analysis of output effects. 102 As Bork put it, "The task of antitrust is to identify and prohibit those forms of behavior whose net effect is output restricting and hence detrimental. " 103 Antitrust law's output obsession may well have played a role in the SCTLA decision-recall the majority's characterization of the strike as a "naked restraint on price and output." The AmEx majority clearly fell into this trap, insisting that the plaintiffs demonstrate an output reduction despite abundant evidence of actual anticompetitive effects. This makes little analytical sense. Output reductions can be harmful or beneficial to consumers. Conduct can simultaneously push the output of multiple products in different directions. And anticompetitive conduct can be harmful without affecting output levels at all. 104 All of this counsels against overreliance on a single type of effect.

Like most disciplines, antitrust has developed a variety of labels and heuristics. But when analytical tools begin to consume the analysis, antitrust can sight of its target. An analytical tool is just that: a tool, to be used when it is helpful and set aside when it is not. To be clear, this is not a call for the abandonment of economic methodology. It is instead a call for better economics, tailored to suit the task at hand. And what is that?

Fourth, antitrust analysis must center the overarching purpose of the law itself: countering concentrated power. 105 Amid the complexity of contemporary markets, it can be easy to lose sight of that goal. This may help to explain the SCTLA and AmEx opinions, both of which were regressive in nature. It may also help to explain the federal enforcement agencies' otherwise-puzzling decisions to weigh in against efforts by rideshare drivers-disproportionately people ofcolor 106 -to organize. 107 Through a narrow lens, collective organizing by workers can be viewed as "horizontal price-fixing" or "outputreducing," as it was in SCTLA. 108 But, stepping back for a moment, is there any reason to worry that rideshare drivers will exercise dominance over Uber and Lyft, even if they receive limited collective bargaining rights? Keeping antitrust's goal in view is appropriate not only on deontological grounds but also on utilitarian ones: It allows scarce enforcement resources to be more helpfully allocated.

Divergent paths lay open. The first leads to ossification and erroneous outcomes. 109 When antitrust analysis is overly constricted, it risks exacerbating systemic inequality and becomes prone to harming those whom the laws were meant to protect. The alternative is a more flexible, robust approach attuned to economic realities, one that allows enforcers and judges to maintain focus on furthering the law's fundamental purpose. If-but only if-the antitrust enterprise does so, it can play a vital role in helping to correct structural imbalances of power.

#### The narrative of the aff has been peddled by Heritage hacks for decades – Left wingers and conservatives may approach mutual aid with different endpoints but both use the strategy as a means to trade off with state reform

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Joanna Wuest, December 16 2020, “Mutual Aid Can’t Do It Alone,” The Nation, https://www.thenation.com/article/society/mutual-aid-pandemic-covid/

But members of our crowd aren’t the only ones extolling the virtues of mutual aid. For decades now—and especially since the pandemic started—libertarians and conservatives from organizations like the [Heritage Foundation](https://www.heritage.org/civil-society/commentary/time-rekindle-the-tradition-mutual-support) and writers for [National Review](https://www.nationalreview.com/2020/09/case-for-private-education-co-operatives/) have commended care provided by those other than the state. Like their counterparts on the left, these groups have advanced an understanding of mutual aid not as a tactic alone but as a vision for remaking society.

Though ideologically distinct, many on the left and the right now share a hope that mutual aid can overcome poverty and rigid class divisions through spontaneous, organic relationships rather than beginning from plans for serious structural reform. For instance, Brooklyn-based efforts have been [lauded](https://www.npr.org/sections/health-shots/2020/07/26/895115149/love-and-solidarity-amid-coronavirus-mutual-aid-groups-resurge-in-new-york-city) for the cross-class mingling among people like tech workers and out-of-work restaurant workers that has come to define care networks in gentrified neighborhoods. And while the characterization of mutual aid as solidarity, not charity, stands in stark contrast with the conservative faith in tax havens that masquerade as philanthropy, the two converge on critiques of the government’s capacity to provide for the many.

It may sound churlish to be skeptical about this rekindled spirit of social generosity. But its anti-statist outlook ought to make mutual aid’s progressive advocates wary. After all, most on the left likely do not want to replace what remains of our welfare state with a gift economy, despite the romanticism attached to that more primitive condition of collaboration. Before we get too attached to mutual aid’s promise, it is worth looking back to the origins of its prominence in the United States, a time before voluntary associations were replaced by the care of the state.

## 1NR

### Case

#### The New Deal – before FDR, mutual aid projects were heavily supported by laborers but failed to prevent exploitation. The New Deal resolved this issues and led to far greater access to resources for the working class

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Despite their best efforts, mutual aid societies were not enough to stave off the worst of these crises. Slowly, as veterans’ organizations, federations of women’s clubs, and labor unions put pressure on the federal and state governments, early social welfare policies, including mothers’ and veterans’ pensions and state-guaranteed workers’ compensation, began to overtake the friendly societies.

By the time of the Wall Street crash of 1929, the inadequacy of mutual aid was becoming painfully apparent. In a rejection of small-scale efforts to tackle a colossus, the New Deal agenda of Franklin D. Roosevelt’s administration began an unprecedented expansion of social spending. In pairing pro-labor legislation like the National Labor Relations Act with social programs, the New Deal allowed unions to provide support for their members while shaping the state for progressive ends. Whereas in the past the American Federation of Labor turned its back on legislative reform for fear of undermining union power and accepting less than could be won at the bargaining table, the trade union movement began to play an essential role in constructing the welfare state. Labor advocates welcomed the relative inclusivity of New Deal reforms, happily ditching the old fraternal societies, which often raised dues rates on or barred entirely those employed in hazard-prone professions.

By the start of FDR’s Second New Deal in 1935, the mutual aid society had been superseded by a new nexus of state and social institutions more capable, protective, and widespread than any voluntarist variant that came before it.

#### Even the most successful examples of mutual aid in the 20th century were a drop in the bucket compared to state led efforts to reduce hunger

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If the New Deal rendered mutual aid obsolete, the welfare state’s subsequent fissuring and rollback have been largely responsible for the rebirth of the private-sphere social safety net. The tenuous nature of the New Deal coalition is partly to blame. Though federal social spending soon far eclipsed mutual aid coverage, Southern Democrats were successful in exempting massive numbers of Black and white agricultural workers from government largesse. Women were also excluded from programs like old age insurance, consigned instead to the far less generous benefits administered by states.

The situation of labor changed drastically, too, in the immediate post–New Deal era. Whereas the 1930s had been hospitable to a two-front fight aimed at both bosses and the state, the anti-labor Taft-Hartley Act in 1947 and the dawn of McCarthyism deterred many trade unionists from pursuing further such battles. While labor was forced into a defensive crouch, the liberal stewards of the New Deal order increasingly abandoned pro-worker policies for market-friendly ones. Turning their attention from full employment and single-payer health care, John F. Kennedy and Lyndon B. Johnson spent the 1960s implementing monetary and trade policies that laid the groundwork for our current wage stagnation and tariff wars.

This all set the stage for the New Left’s intense suspicions of the state—and a pivot to practices of community care. The Black Panther Party for Self-Defense was an exemplar of this tradition. Cofounders Huey P. Newton and Bobby Seale grounded the party’s work in nearly two dozen service-to-the-people survival programs, the corollary of a broader agenda to educate, organize, and foment revolutionary activity. As Newton recounted, such programs were meant to illuminate capitalism’s inability to fulfill the people’s daily needs.

One of the most effective of these projects was the Free for Children breakfast program. Within a year of its launch in 1969, the Panthers had fed over 20,000 youths in 19 cities. The program was so successful that it was mimicked by California Governor Ronald Reagan, who expanded the state’s nutrition assistance programs to counter the Black Panthers’ influence.

The Panthers’ free breakfast brigade is still remembered fondly; this year Representative Alexandria Ocasio-Cortez of New York [recalled](https://twitter.com/aoc/status/1313911581802102785?lang=en) its legacy, comparing her office’s Covid-19 relief outreach to the breakfast program. But admirers of the Panthers often overstate the impact of their undeniably noble work. Despite her claim that the Panthers pressured the federal government to authorize a free breakfast program in 1975, the Department of Agriculture’s Food and Nutrition Service rolled out the first of several pilot programs three years before the Panthers’. (It was made permanent in the year Ocasio-Cortez cited.) Since [1946](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5149064/), the department has been offering its free and reduced-price National School Lunch program, a replacement for a patchwork array of volunteer ventures.

Still, much more important than debates over which came first are the issues of scale and routes toward systemic reform. While the Panthers fed an astounding number of children across an impressive geographic range, their 1969 record was dwarfed by the more than 500,000 kids the federal government served free and reduced-price breakfasts the following year. (The program [currently](https://www.ers.usda.gov/topics/food-nutrition-assistance/child-nutrition-programs/school-breakfast-program/) feeds 14 million children.) Compared with the suite of aid programs launched by the Great Society and the War on Poverty, the Panthers’ service-to-the-people projects were a drop in the bucket.

### PIC Hackers

#### Biological death outweighs

Paterson 3 - Department of Philosophy, Providence College, Rhode Island

Craig, “A Life Not Worth Living?”, Studies in Christian Ethics, SAGE

Contrary to those accounts, I would argue that it is death per se that is really the objective evil for us, not because it deprives us of a prospective future of overall good judged better than the alternative of non-being. It cannot be about harm to a former person who has ceased to exist, for no person actually suffers from the sub-sequent non-participation. Rather, death in itself is an evil to us because it ontologically destroys the current existent subject — it is the ultimate in metaphysical lightening strikes. 80 The evil of death is truly an ontological evil borne by the person who already exists, independently of calculations about better or worse possible lives. Such an evil need not be consciously experienced in order to be an evil for the kind of being a human person is. Death is an evil because of the change in kind it brings about, a change that is destructive of the type of entity that we essentially are. Anything, whether caused naturally or caused by human intervention (intentional or unintentional) that drastically interferes in the process of maintaining the person in existence is an objective evil for the person. What is crucially at stake here, and is dialectically supportive of the self-evidency of the basic good of human life, is that death is a radical interference with the current life process of the kind of being that we are. In consequence, death itself can be credibly thought of as a ‘primitive evil’ for all persons, regardless of the extent to which they are currently or prospectively capable of participating in a full array of the goods of life. 81 In conclusion, concerning willed human actions, it is justifiable to state that any intentional rejection of human life itself cannot therefore be warranted since it is an expression of an ultimate disvalue for the subject, namely, the destruction of the present person; a radical ontological good that we cannot begin to weigh objectively against the travails of life in a rational manner. To deal with the sources of disvalue (pain, suffering, etc.) we should not seek to irrationally destroy the person, the very source and condition of all human possibility.

### K Antidomination

#### But tons of historical examples disprove the idea that exploitation of black women was foundational to capital, capital itself runs far deeper.

Haider 18

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We will set aside what appears to be a lack of familiarity with the history of American popular music. What is significant is the equation of skin color, the category of “race,” and discrete groupings of human beings. With this equation, white guilt reproduces the founding fiction of race: that there is a biological foundation, expressed in physical phenotypes, for separate groups of human beings who have separate cultures and forms of life. The “white race” as a specific historical formation is obscured by the metaphor of the knapsack. McIntosh writes: “White privilege is like an invisible weightless knapsack of special provisions, maps, passports, codebooks, visas, clothes, tools and blank checks.”3 The knapsack is carried by an individual navigating an entirely open social field. It contains tools that enable the individual to navigate this field with greater effectiveness than those whose knapsacks are comparatively empty. The resources contained in the knapsack constitute whiteness as privilege, because the knapsack is carried by an individual who belongs to the white identity. If the knapsack of privileges is carried by an individual already identifiable as white, then whiteness must necessarily be understood as a biological trait. The falseness of this notion is evident: the people who are currently described as white have a wide and complex range of genetic lineages, many of which were previously considered to be separate “races” of their own. As Nell Irvin Painter points out in her revelatory The History of White People, “For most of the past centuries—when race really came down to matters of law—educated Americans firmly believed in the existence of more than one European race.”4 We might conclude that there has only been a minor error of description: in reality, whiteness itself is constituted by the contents of the knapsack. The constitution of whiteness as identity and its constitution as privilege are simultaneous: the knapsack’s provisions confer not only advantages but also identity upon its bearer. But how do we know, then, that the content of the identity conferred has something to do with “whiteness”? Surely, in addition to the specific items conferring a privilege, one would find in any knapsack of identity an infinity of arbitrary details: hair length, gait, dietary preference, computer skills, etc. That is, in order to describe an individual’s identity, the knapsack would have to contain everything constituting the this-ness of that particular individual. It would offer us no insight as to the organizing principle that constitutes these traits as something which can be called “white.” There would be no way to distinguish “white” characteristics from human ones, Pennsylvanian ones, or heavy-metal ones. This is the failure of liberal thought. A political formation such as whiteness cannot be explained by starting with an individual’s identity—the reduction of politics to the psychology of the self. The starting point will have to be the social structure and its constitutive relations, within which individuals are composed. And it is too often forgotten that decades before McIntosh’s knapsack, the term white privilege originated with such a theory. The theory of “white-skin privilege” was advanced by members of an early antirevisionist split-off from the Communist Party USA (the Provisional Organizing Committee), and would come to have an enormous influence on the New Left and the New Communist Movement. A series of essays by Theodore Allen and Noel Ignatiev, collected as the pamphlet White Blindspot, offered the initial formulation. Ignatiev and Allen’s argument was that the legacy of slavery was the imposition of white supremacy by the ruling class as an instrument of class division and social control. But this was a political theory, not a cultural or moral one, and it held that “white chauvinism” was actually detrimental to white workers, preventing unity with black workers. So fighting against white supremacy was in fact a central part of a political program that favored the self-organization of all workers. Ignatiev argued vehemently that “the ending of white supremacy is not solely a demand of the Negro people, separate from the class demands of the entire working class.” It could not be left to black workers to fight against white supremacy as their own “special” issue, while white workers did little more than express sympathy and “fight for their ‘own’ demands.” The fight against white supremacy was central to the class struggle at a fundamental level: The ideology of white chauvinism is bourgeois poison aimed primarily at the white workers, utilized as a weapon by the ruling class to subjugate black and white workers. It has its material base in the practice of white supremacy, which is a crime not merely against non-whites but against the entire proletariat. Therefore, its elimination certainly qualifies as one of the class demands of the entire working class. In fact, considering the role that this vile practice has historically played in holding back the struggle of the American working class, the fight against white supremacy becomes the central immediate task of the entire working class.5 As this language was taken up by the New Left, however, it went through considerable ideological transformations. The manifesto, “You Don’t Need a Weatherman to Know Which Way the Wind Blows,” circulated at the turbulent Students for a Democratic Society conference of 1969, proposed a politics centered on white guilt rather than proletarian unity. The Weather Underground used the language of “privilege” to reject the working class as a force for revolutionary change, writing, “Virtually all of the white working class also has short-range privileges from imperialism, which are not false privileges but very real ones which give them an edge of vested interest and tie them to a certain extent to the imperialists.”6 In practice, this meant that the Weather Underground equated political struggle with vanguard groups like itself, who attacked their own privilege by adopting a revolutionary lifestyle. What this amounted to was the self-flagellation (with explosives) of white radicals, who substituted themselves for the masses and narcissistically centered attention on themselves instead of the black and Third World movements they claimed to be supporting—reducing those movements to a romantic fantasy of violent insurrection. In other words, the project of black autonomy and self-liberation—which implied the overall self-liberation of the poor and the working class—was effectively ignored by the Weather Underground’s race thinking. Ignatiev ruthlessly attacked the Weatherman problematic in a paper called “Without a Science of Navigation We Cannot Sail in Stormy Seas,” which is today a jarring discovery: White supremacy is the real secret of the rule of the bourgeoisie and the hidden cause behind the failure of the labor movement in this country. White-skin privileges serve only the bourgeoisie, and precisely for that reason they will not let us escape them, but instead pursue us with them through every hour of our life, no matter where we go. They are poison bait. This view of white supremacy entailed a very different conception of the politics of white privilege, as Ignatiev elaborated: To suggest that the acceptance of white-skin privilege is in the interests of white workers is equivalent to suggesting that swallowing the worm with the hook in it is in the interests of the fish. To argue that repudiating these privileges is a “sacrifice” is to argue that the fish is making a sacrifice when it leaps from the water, flips its tail, shakes its head furiously in every direction and throws the barbed offering.7 Today’s privilege politics cannot possibly permit a position of this kind. We are instead left with endless variations on the Weatherman position, though without the appeals to armed struggle, bank robberies, and Lenin’s theory of imperialism. When contemporary white liberals adapt the Weatherman position, they often end up claiming that a new wave of “pro-white” socialists has arisen to defend the “white working class.” But their caricature obscures the important point, made by black revolutionaries throughout American history, that the project of emancipation requires overcoming the ideology of race. Although he characterized the material advantages of whiteness as a “psychological wage,” W.E.B. Du Bois did not reduce whiteness to an effect of individual psychology. In fact, immediately preceding the passage on the psychological wage, Du Bois wrote: The theory of race was supplemented by a carefully planned and slowly evolved method, which drove such a wedge between the white and black workers that there probably are not today in the world two groups of workers with practically identical interests who hate and fear each other so deeply and persistently and who are kept so far apart that neither sees anything of common interest.8 When Du Bois suggested that white and black workers have “practically identical interests,” he was not making an appeal to some mythical “white working class.” Still less was he guilty of some kind of “class reductionism,” which decides in the abstract that class is more fundamental than race. Of course, some people really do make this argument—and they play right into the hands of identitarian liberals, who ask how the young woman seeking an abortion and the evangelical protester, the undocumented immigrant and the salaried worker, can possibly have the same “interests.” But this challenge is afflicted by the same condition it claims to diagnose. It mistakes the casual description of a shared trait for a claim about identity. We all have numerous interests that are related to our identities but also to where we work and where we live. To say that these different spheres of life interact and intersect is a banal truism which explains neither how our society is structured and reproduced nor how we might formulate a strategy to change this structure. Du Bois was recognizing the lived reality of the working class, which contains white people and people of color, people of all genders and sexualities, the employed and the unemployed—a multitude of people irreducible to any single description. A meaningful common interest between them does not somehow exist by default. We cannot reduce any group of people and the multitudes they contain to a single common interest, as though we were reducing a fraction. A common interest is constituted by the composition of these multitudes into a group. This is a process of political practice. White supremacy is the phenomenon whereby the plurality of interests of a group of people is reorganized into the fiction of a white race whose very existence is predicated on the violent and genocidal history of the oppression of people of color. The self-organized struggles of oppressed people against white supremacy have managed to significantly undermine, though by no means eliminate, this kind of organization. It was no accident that these struggles ultimately put forward the insight that it was necessary to constitute a common interest through class organization, which extends to an opposition to the whole capitalist system—because it is the structure of the capitalist system that prevents all people who are dispossessed of the means of production, regardless of their identities, from having control over their own lives and thus from pursuing whatever interests they may have, in all their particularity. This does not mean, however, that a “class reductionist” argument is a viable position. As long as racial solidarity among whites is more powerful than class solidarity across races, both capitalism and whiteness will continue to exist. In the context of American history, the rhetoric of the “white working class” and positivist arguments that class matters more than race reinforce one of the main obstacles to building socialism. Allen and Ignatiev turned to this question in their further research, inspired by the insights of Du Bois. In the process they presented an exemplary model of a materialist investigation into the ideology of race, one that went from the abstract to the concrete. This work emerged alongside that of Barbara Fields and Karen Fields, David Roediger, and many others as a body of thought devoted to exposing race as a social construct. All of this research, in varying ways, has examined the history of the “white race” in its specificity. The guiding insight that must be drawn from it is that this racial phenomenon is not simply a biological or even cultural attribute of certain “white people”: it was produced by white supremacy in a concrete and objective historical process. As Allen put it on the back cover of his extraordinary vernacular history The Invention of the White Race: “When the first Africans arrived in Virginia in 1619, there were no white people there.” At the most immediate level, Allen was pointing to the fact that the word white didn’t appear in Virginia colonial law until 1691. Of course, this doesn’t mean that there was no racism before 1691. Allen’s argument was to show that racism was not attached to a concept of the white race. There were ideas of the superiority of European civilization, but this did not correspond to differences in skin color. The clearest example is that of the Irish, whose racial oppression by the English precedes their racial oppression of Africans by several centuries. Today white nationalists distort this history, attempting to use the racial oppression of the Irish to try to dismiss the history of white supremacy. Yet this example actually demolishes their entire framework. What the example of the Irish illustrates is a form of racial oppression that is not based on skin color and that in fact precedes the very category of whiteness. Indeed, the early forms of English racial ideology represented the Irish as inferior and subhuman, and this ideology was later repeated word for word to justify both the genocide of Indigenous people in the Americas and the enslavement of Africans. Nor was it only a matter of words: the very practices of settler colonialism, land seizures, and plantation production were established in Ireland. Allen demonstrates this with reference to specific laws: If under Anglo-American slavery, “the rape of a female slave was not a crime, but a mere trespass on the master’s property,” so, in 1278, two Anglo-Normans, brought into court and charged with raping Margaret O’Rorke were found not guilty because “the said Margaret is an Irishwoman.” If a law enacted in Virginia in 1723, provided that, “manslaughter of a slave is not punishable,” so under Anglo-Norman law it sufficed for acquittal to show that the victim in a slaying was Irish. Anglo-Norman priests granted absolution on the grounds that it was “no more sin to kill an Irishman than a dog or any other brute.”9 So racial oppression arises in the Irish case without skin color as its basis. We are forced to ask how we end up with a racial ideology revolving around skin color that represents African people as subhuman and that considers both Irish and English to be part of a unitary “white race.” The historical record quite clearly demonstrates that white supremacy and thus the white race are formed within the American transition to capitalism, specifically because of the centrality of racial slavery. However, we have to resist the temptation, imposed on us by racial ideology, to explain slavery through race. Slavery is not always racial. It existed in ancient Greece and Rome and also in Africa, and was not attached specifically to a racial ideology. Slavery is a form of forced labor characterized by the market exchange of the laborer. But there are various forms of forced labor, and its first form in Virginia was indentured labor, in which a laborer is forced to work for a limited period of time to work off a debt, often with some incentive like land ownership after the end of the term. The first Africans to arrive in Virginia 1619 were put to work as indentured servants, within the same legal category as European indentured servants. In fact, until 1660 all African American laborers, like their European American counterparts, were indentured servants who had limited terms of servitude. There was no legal differentiation based on racial ideology: free African Americans owned property, land, and sometimes indentured servants of their own. There were examples of intermarriage between Europeans and Africans. It was only in the late seventeenth century that the labor force of the American colonies shifted decisively to African slaves who did not have limits on their terms of servitude. As Painter points out in The History of White People, these forms of labor and their transformations are fundamental in understanding how racial ideology comes about: Work plays a central part in race talk, because the people who do the work are likely to be figured as inherently deserving the toil and poverty of laboring status. It is still assumed, wrongly, that slavery anywhere in the world must rest on a foundation of racial difference. Time and again, the better classes have concluded that those people deserve their lot; it must be something within them that puts them at the bottom. In modern times, we recognize this kind of reasoning as it relates to black race, but in other times the same logic was applied to people who were white, especially when they were impoverished immigrants seeking work.10 “In sum,” Painter writes, “before an eighteenth-century boom in the African slave trade, between one-half and two-thirds of all early white immigrants to the British colonies in the Western Hemisphere came as unfree laborers, some 300,000 to 400,000 people.”11 The definitions of whiteness as freedom and blackness as slavery did not yet exist. It turns out that defining race involves answering some unexpected historical questions: How did some indentured servants come to be forced into bondage for their entire lives rather than a limited term? How did this category of forced labor come to be represented in terms of race? Why did the colonial ruling class come to rely on racial slavery when various other regimes of labor were available? The first economic boom of the American colonies was in Virginia tobacco production in the 1620s, and it was based on the labor of primarily European indentured servants. African Americans were only about a fifth of the labor force: most forced labor was initially European, and the colonial planter class relied on this forced labor for its economic growth. But they couldn’t just rely on European indentured labor because it was based on voluntary migration, and the incentive to participate in a life of brutal labor and die early was not sufficient to generate a consistently growing workforce. As Barbara Fields puts it, “Neither white skin nor English nationality protected servants from the grossest forms of brutality and exploitation. The only degradation they were spared was perpetual enslavement along with their issue in perpetuity, the fate that eventually befell the descendants of Africans.”12 African Americans, on the other hand, had been forcibly removed from their homelands. So the ruling class began to alter its laws to be able to deny some laborers an end to their terms of servitude, which they were only able to accomplish in the case of African laborers. What really changed everything was Bacon’s Rebellion in 1676. This began as a conflict within the elite planter class, directed toward a brutal attack on the Indigenous population. But it also gave rise to a rebellious mob of European and African laborers, who burned down the capital city of Jamestown and forced the governor to flee. The insurrectionary alliance of European and African laborers was a fundamental existential threat to the colonial ruling class, and the possibility of such an alliance among exploited peoples had to be prevented forever. Here we see a watershed moment in the long and complex process of the invention of the white race as a form of social control. The ruling class shifted its labor force decisively toward African slaves, and thus avoided dealing with the demand of indentured servants for eventual freedom and landownership. It fortified whiteness as a legal category, the basis for denying an end to the term of servitude for African forced labor. By the eighteenth century the Euro-American planter class had entered into a bargain with the Euro-American laboring classes, who were mostly independent subsistence farmers: it exchanged certain social privileges for a cross-class alliance of Euro-Americans to preserve a superexploited African labor force. This Euro-American racial alliance was the best defense of the ruling class against the possibility of a Euro-American and African American working-class alliance. It is at this point, Nell Painter concludes, that we see the “now familiar equation that converts race to black and black to slave.”13 The invention of the white race further accelerated when the Euro-American ruling class encountered a new problem in the eighteenth century. As the colonial ruling class began to demand its independence from the divinely ordained executives and landed wealth of the English nobility, they made claims for the intrinsic equality of all people and the idea of natural rights. As Barbara Fields puts it: Racial ideology supplied the means of explaining slavery to people whose terrain was a republic founded on radical doctrines of liberty and natural rights, and, more important, a republic in which those doctrines seemed to represent accurately the world in which all but a minority lived. Only when the denial of liberty became an anomaly apparent even to the least observant and reflective members of Euro-American society did ideology systematically explain the anomaly.14 In other words, the Euro-American ruling class had to advance an ideology of the inferiority of Africans in order to rationalize forced labor, and they had to incorporate European populations into the category of the white race, despite the fact that many of these populations had previously been considered inferior. This racial ideology developed further as the new American nation encountered the phenomenon of the voluntary migration of free laborers from Europe, many of whom came from populations that were viewed as distinct European races: the Italians, Eastern Europeans, and Jews, but especially the exemplary case of the Irish, whose emigration to the US spiked with the famines of the mid-nineteenth century produced by English colonialism. The Irish, among the most oppressed and rebellious groups in Europe, were offered the bargain that had protected the American ruling class. Frederick Douglass pointed this out very clearly in 1853, at the anniversary meeting of the American and Foreign Anti-Slavery Society in New York: The Irish, who, at home, readily sympathize with the oppressed everywhere, are instantly taught when they step upon our soil to hate and despise the Negro. They are taught to believe that he eats the bread that belongs to them. The cruel lie is told them, that we deprive them of labor and receive the money which would otherwise make its way into their pockets. Sir, the Irish-American will find out his mistake one day.15 Douglass had gone to Ireland to avoid being returned to slavery and said he was for the first time in his life treated as an ordinary person, exclaiming in a letter to the abolitionist William Lloyd Garrison, “I breathe, and lo! the chattel becomes a man … I meet nothing to remind me of my complexion.”16 Of course, this was not because of some intrinsic kindness of the Irish. It was rather because, at this stage in history, there were no white people there. This was clear to Douglass because he arrived during the Great Famine. Writing in his memoirs of the songs sung by slaves on the American plantations, he added: “Nowhere outside of dear old Ireland, in the days of want and famine, have I heard sounds so mournful.”17 But what Irish immigrants realized after immigrating to the United States is that they could ameliorate their subjugation by joining the club of the white race, as Ignatiev has recounted.18 They could become members of a “white race” with higher status if they actively supported the continuing enslavement and oppression of African Americans. So the process of becoming white meant that these previous racial categories were abolished and racialized groups like the Irish were progressively incorporated into the white race as a means of fortifying and intensifying the exploitation of black laborers. It was the great insight of Frederick Douglass to describe this as the Irish-American’s mistake. Douglass clearly emphasized the novelty of the very description of people as white: “The word white is a modern term in the legislation of this country. It was never used in the better days of the Republic, but has sprung up within the period of our national degeneracy.”19 Let us be clear on what the invention of the white race meant. It meant that Euro-American laborers were prevented from joining with African American laborers in rebellion, through the form of social control imposed by the Euro-American ruling class. In exchange for white-skin privilege, the Euro-American workers accepted white identity and became active agents in the brutal oppression of African American laborers. But they also fundamentally degraded their own conditions of existence. As a consequence of this bargain with their exploiters, they allowed the conditions of the Southern white laborer to become the most impoverished in the nation, and they generated conditions that blocked the development of a viable mass workers’ movement. This is why the struggle against white supremacy has in fact been a struggle for universal emancipation—something that was apparent to African American insurgents. As Barbara Fields points out, these insurgents did not use a notion of race as an explanation for their oppression or their struggles for liberation: It was not Afro-Americans … who needed a racial explanation; it was not they who invented themselves as a race. Euro-Americans resolved the contradiction between slavery and liberty by defining Afro-Americans as a race; Afro-Americans resolved the contradiction more straightforwardly by calling for the abolition of slavery. From the era of the American, French and Haitian revolutions on, they claimed liberty as theirs by natural right.20 However, this was not always recognized by socialist movements. Early American socialists in the late nineteenth and early twentieth centuries sometimes failed to recognize that the division between white and black workers prevented all workers from successfully emancipating themselves. We should not oversimplify this point or use it to discredit the whole history of the labor movement. The early socialist parties were largely composed of immigrants who were often not yet fully incorporated into the white race, and there were very significant black socialists—including, for example, Hubert Harrison, who played an important role in connecting black nationalism to socialism at the beginning of the twentieth century. The majority of the early American socialists were not racists, and in fact openly and vigorously opposed racism. However, most of these early socialist organizations failed to recognize that there was anything unique about the demands of black workers. They were also willing to work with craft unions that discriminated against black workers, and they did not attempt to recruit black members. Without an analysis of white supremacy, these socialist organizations did not address the fact that black workers were often excluded from jobs available to whites, that they were subjected to racist violence beyond the workplace, and that they could not expect racist employers to extend increasing wages to them. The cost of this indifference to race was that socialism was always competing for recruitment with whiteness. New European immigrants were often very radical and prepared to join militant labor struggles. But they were also being invited to join the white race. Once again, in the case of the Irish, this meant finally leaving behind the racial oppression that had become familiar to them in Europe. This began to change with the reconfiguration of American socialists into the Communist Party in 1919. By the 1920s the CP had incorporated not only many immigrant socialists but also the clandestine organization called the African Blood Brotherhood, which included many important black Communists, such as Cyril Briggs, Claude McKay, and Harry Haywood. These black Communists were absolutely central to Communist organizing, because they argued that the party would have to directly attack whiteness if it wanted to build a labor movement. As a result of their work, the CP threw itself into antiracist organizing in the late 1920s and early 1930s. This meant, first of all, placing a heavy emphasis on educating white members to reject white chauvinism, and organizing some of the only interracial social events that were held in the segregated US. The party worked to eliminate the influence of whiteness from the ranks of the party itself. But it also sent its organizers down South and into the black neighborhoods of Northern cities to work on political projects. These included unions for sharecroppers, tenant farmers, miners, and steelworkers; armed defense against lynching; legal defense for black victims of the racist justice system; and movements against unemployment, evictions, and utility shut-offs. Robin D.G. Kelley describes some of these initiatives in Hammer and Hoe: Representatives of the unemployed councils often dissuaded landlords from evicting their tenants by describing the potential devastation that could occur once an abandoned house became a free-for-all for firewood. When a family’s electricity was shut off for nonpayment, activists from the unemployed council frequently used heavy-gauge copper wires as “jumpers” to appropriate electricity from public outlets or other homes. Council members also found ways to reactivate water mains after they had been turned off, though the process was more complicated than pilfering electricity. And in at least one instance, a group of black women used verbal threats to stop a city employee from turning off one family’s water supply.21 Unfortunately, the complicated history of political disputes within the CP, along with the state repression of the Communist movement, led to this work being cut short. As an increasingly conservative party leadership distanced itself from the project of black liberation, white chauvinism was on the rise in the CP. It had previously been most effectively combated through mass antiracist organizing: by joining different people and disparate demands in a common struggle. But now that this practice had been abandoned, the party launched what Harry Haywood called a “phony war against white chauvinism.” In Haywood’s analysis, this phony war only ended up strengthening the material foundations of white chauvinism, now uprooted from its structural foundations and seen as a free-floating set of ideas. Instead of mass organizing, opposing white chauvinism was now seen as a matter of policing the language of those who were ostensibly comrades, thus strengthening the party bureaucracy and introducing a climate of paranoia and distrust among members. As Haywood wrote: It was an atmosphere which was conducive to the development of a particularly paternalistic and patronizing form of white chauvinism, as well as to a rise in petty-bourgeois narrow nationalism among blacks. The growth of the nationalist side of this distortion was directly linked to the breakdown of the basic division of labor among communists in relation to the national question. This division of labor, long ago established in our party and the international communist movement, places main responsibility for combating white chauvinism on the white comrades, with Blacks having main responsibility for combating narrow nationalist deviations.22 In other words, in the absence of mass organizing, racial ideology rushes to the fill the vacuum. And without the political division of labor that Haywood describes, the struggle against racism is reduced to the redress of individual injuries. Of course, this is why reactions to the critique of identity politics can be so abrasive. When there is no other practical organizational effort to combat racism, any questioning of the framework of identity seems like an attempt to deny the validity of the antiracist struggle. In fact, it goes even deeper than this—questioning racial ideology itself seems to be a denial of the agency of the oppressed. In his landmark book Against Race, Paul Gilroy describes how this defensive reaction emerges from the ambivalent relationship oppressed people form with their identities: People who have been subordinated by race-thinking and its distinctive social structures (not all of which come tidily color-coded) have for centuries employed the concepts and categories of their rulers, owners, and persecutors to resist the destiny that “race” has allocated to them and to dissent from the lowly value it placed upon their lives. Under the most difficult of conditions and from imperfect materials that they surely would not have selected if they had been able to choose, these oppressed groups have built complex traditions of politics, ethics, identity, and culture. By classifying these traditions within the categories of “race,” their role in the formation of our global modernity has been marginalized, relegated “to the backwaters of the primitive and prepolitical.” Claiming and defending these traditions reinforces racial ideology but also provides a form of defense and protection. The experiences of “insult, brutality, and contempt” are “unexpectedly turned into important sources of solidarity, joy, and collective strength.” This reversal, as Gilroy goes on to explain, is a powerful factor in the tenacity of racial ideology: “When ideas of racial particularity are inverted in this defensive manner so that they provide sources of pride rather than shame and humiliation, they become difficult to relinquish. For many racialized populations, ‘race’ and the hard-won, oppositional identities it supports are not to be lightly or prematurely given up.”23 But this dynamic is not only a matter of the conscious self-defense of the oppressed. It is rooted in the unconscious, as ideology always is, and it takes us back to the paradoxical relation between subjectivation and subjection that Judith Butler has shown is so central to ideology and the modern forms of politics. A fundamental aspect of this paradox of the subject, Butler argues, is that it is tied up with a “passionate attachment” to power. This is the kind of attachment that children display toward their parents, who are an arbitrary repressive authority but also the models of selfhood and the first sources of recognition, and therefore the objects of love. We are constituted as subjects within the individualization that is characteristic of state power; we are activated as political agents through the injuries that are constitutive of our identity. Consequently, our identities attach us to this power in a basic and foundational way. This complicated and unconscious aspect of our political experience is what Butler tries to capture: Called by an injurious name, I come into social being, and because I have a certain inevitable attachment to my existence, because a certain narcissism takes hold of any term that confers existence, I am led to embrace the terms that injure me because they constitute me socially. The self-colonizing trajectory of certain forms of identity politics are symptomatic of this paradoxical embrace of the injurious term.24 As we try to understand the specific form of passionate attachment to racial identity, we have to pass into the nebulous terrain of the unconscious—the terrain of poetry, fantasy, and illusion.

#### And, they reject the state! That guarantees they can’t resolve our impacts – guarantees existential climate change and right-wing violence

Monbiot 8 – Political & environmental activist, recipient of the UN 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.

George Monbiot, August 22 2008, “Climate change is not anarchy's football,” The Guardian, https://www.theguardian.com/commentisfree/2008/aug/22/climatechange.kingsnorthclimatecamp

If you want a glimpse of how the movement against climate change could crumble faster than a summer snowflake, read Ewa Jasiewicz's article, published yesterday on Comment is free. It is a fine example of the identity politics that plagued direct action movements during the 1990s, and from which the new generation of activists has so far been mercifully free.

Jasiewicz rightly celebrates the leaderless, autonomous model of organising that has made this movement so effective. The two climate camps I have attended – this year and last – were among the most inspiring events I've ever witnessed. I am awed by the people who organised them, who managed to create, under extraordinary pressure, safe, functioning, delightful spaces in which we could debate the issues and plan the actions which thrust Heathrow and Kingsnorth into the public eye. Climate camp is a tribute to the anarchist politics that Jasiewicz supports.

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But in seeking to extrapolate from this experience to a wider social plan, she makes two grave errors. The first is to confuse ends and means. She claims to want to stop global warming, but she makes that task 100 times harder by rejecting all state and corporate solutions. It seems to me that what she really wants to do is to create an anarchist utopia, and to use climate change as an excuse to engineer it.

Stopping runaway climate change must take precedence over every other aim. Everyone in this movement knows that there is very little time: the window of opportunity in which we can prevent two degrees of warming is closing fast. We have to use all the resources we can lay hands on, and these must include both governments and corporations. Or perhaps she intends to build the installations required to turn the energy economy around – wind farms, wave machines, solar thermal plants in the Sahara, new grid connections and public transport systems – herself?

Her article is a terrifying example of the ability some people have to put politics first and facts second when confronting the greatest challenge humanity now faces. The facts are as follows. Runaway climate change is bearing down on us fast. We require a massive political and economic response to prevent it. Governments and corporations, whether we like it or not, currently control both money and power. Unless we manage to mobilise them, we stand a snowball's chance in climate hell of stopping the collapse of the biosphere. Jasiewicz would ignore all these inconvenient truths because they conflict with her politics.

"Changing our sources of energy without changing our sources of economic and political power", she asserts, "will not make a difference. Neither coal nor nuclear are the 'solution', we need a revolution." So before we are allowed to begin cutting greenhouse gas emissions, we must first overthrow all governments and corporations and replace them with autonomous communities of happy campers. All this must take place within a couple of months, as there is so little time in which we could prevent two degrees of warming. This is magical thinking of the most desperate kind. If I were an executive of E.ON or Exxon, I would be delighted by this political posturing, as it provides a marvellous distraction from our real aims.

To support her argument, Jasiewicz misrepresents what I said at climate camp. She claims that I "confessed not knowing where to turn next to solve the issues of how to generate the changes necessary to shift our sources of energy, production and consumption". I confessed nothing of the kind. In my book Heat, I spell out what is required to bring about a 90% cut in emissions by 2030. Instead I confessed that I don't know how to solve the problem of capitalism without resorting to totalitarianism.

The issue is that capitalism involves lending money at interest. If you lend at 5%, then one of two things must happen. Either the money supply must increase by 5%, or the velocity of circulation must increase by 5%. In either case, if this growth is not met by a concomitant increase in the supply of goods and services, it becomes inflationary and the system collapses. But a perpetual increase in the supply of goods and services will eventually destroy the biosphere. So how do we stall this process? Even when usurers were put to death and condemned to perpetual damnation, the practice couldn't be stamped out. Only the communist states managed it, through the extreme use of the state control Jasiewicz professes to hate. I don't yet have an answer to this conundrum. Does she?

Yes, let us fight both corporate power and the undemocratic tendencies of the state. Yes, let us try to crack the problem of capitalism and then fight for a different system. But let us not confuse this task with the immediate need to stop two degrees of warming, or allow it to interfere with the carbon cuts that have to begin now.

Jasiewicz's second grave error is to imagine that society could be turned into a giant climate camp. Anarchism is a great means of organising a self-elected community of like-minded people. It is a disastrous means of organising a planet. Most anarchists envisage their system as the means by which the oppressed can free themselves from persecution. But if everyone is to be free from the coercive power of the state, this must apply to the oppressors as well as the oppressed. The richest and most powerful communities on earth – be they geographical communities or communities of interest – will be as unrestrained by external forces as the poorest and weakest. As a friend of mine put it, "when the anarchist utopia arrives, the first thing that will happen is that every Daily Mail reader in the country will pick up a gun and go and kill the nearest hippy".

This is why, though both sides furiously deny it, the outcome of both market fundamentalism and anarchism, if applied universally, is identical. The anarchists' associate with the oppressed, the market fundamentalists with the oppressors. But by eliminating the state, both remove such restraints as prevent the strong from crushing the weak. Ours is not a choice between government and no government. It is a choice between government and the mafia.

Over the past year I have been working with groups of climate protesters who have changed my view of what could be achieved. Most of them are under 30, and they bring to this issue a clear-headedness and pragmatism that I have never encountered in direct action movements before. They are prepared to take extraordinary risks to try to defend the biosphere from the corporations, governments and social trends which threaten to make it uninhabitable. They do so for one reason only: that they love the world and fear for its future. It would be a tragedy if, through the efforts of people like Jasiewicz, they were to be diverted from this urgent task into the identity politics that have wrecked so many movements.