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#### Strong American democracy key to prevent great power war

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(Matthew, 9/24. “The Democratic Advantage: America’s Edge over Russia and China.” <https://www.princeton.edu/politics/graduate/departmental-colloquia/international-relations/The-Democratic-Advantage-Americas-Edge-over-Russia-and-China.pdf>)

To answer these questions, we lack a crystal ball, but theory and history can serve as a guide they suggest a clear answer: democracies enjoy a built-in advantage in long-run geopolitical competitions.

The idea that democracies are better able to accumulate and maintain power in the international system has a distinguished pedigree. Polybius, Machiavelli, and Montesquieu are among the classical political theorists who argued that republican forms of government are best able to harness available domestic resources toward national greatness. And recent social science research concurs. For the past two decades, cutting-edge research in economics and political science has been obsessed with the issue of whether democracies are different and the consistent finding is that they perform a number of key functions better than their autocratic counterparts. They have higher long-run rates of economic growth.13 They are better able to raise debt in international capital markets and become international financial centers.14 They build stronger and more reliable alliances.15 They are more effective in international coercive diplomacy.16 They are less likely to fight wars (at least against other democracies).17 And they are more likely to win the wars that they fight.18

This book takes this line of argument a step further by aggregating these narrower findings into a broader theory about the relative fitness of democracy and autocracy in great power political competitions. The central argument of this book is that democracies do better in major power rivalries. After all, it is not much of a logical leap to assume that states that systematically perform better on these important economic, diplomatic, and military tasks will do better in long-run geopolitical competitions than those that do not.

This hunch is supported by the empirical record. As this book will show, autocrats often put up a good fight, but they fail to ultimately seize lasting global leadership. Napoleon, Hitler, and the Soviet Union are among the examples of authoritarian nations that launched campaigns for world domination, but came up short. On the other hand, states with relatively more open forms of government have often been able to establish themselves as the international system’s leading state, from Athens and the Roman Republic in the Ancient world to British Empire and the United States in more recent times. According to some scholars, the world’s leading state since the 1600s has also been among its most democratic.19 It is hard to argue with an undefeated record of four centuries and counting.

America’s greatest strength in its coming competition with Russia and China, therefore, is not its military might or economic strength, but its institutions. For all of its faults, America’s fundamentals are still better than Russia’s and China’s. There is good reason to believe, therefore, that the American era will endure and the autocratic challenges posed by China and Russia will run out of steam.

The idea that democracies dominate may seem counterintuitive. After all, throughout history many have argued that dictators have a foreign policy advantage.20 Autocrats can be ruthless when necessary, but democracies are constrained by public opinion and ethical and legal concerns. Autocrats take decisive action, but democracies dither in endless debate. Autocrats strategically plan for the long-term while democracies cannot see beyond a two or four-year election cycle. Many today laud Russia and China’s autocratic systems for precisely these reasons. Russians play chess and Chinese play go, but Americans play checkers, as the aphorism has it.

It is true that autocracies are better at taking swift and bold action, but impulsive decisions uninformed by vigorous public debate often result in spectacular failure. Hitler, for example, was able to harness new technology to create Blitzkrieg warfare and conquer much of Europe, but he also invaded Russia in winter and needlessly declared war on the United States. Unfortunately, for autocracies, this story is all too common. As Machiavelli wrote in his Discourses on Livy in the 16th century: “Fewer errors will be seen in the people than in the prince—and those lesser and having greater remedies.”21 “Hence it arises that a republic has greater life and has good fortune longer than a principality.”22

There is good reason to hope that this argument is true because continued American leadership would be beneficial to the United States and the rest of the free world. The decline of American power would certainly be unwelcome for the United States. Americans have certainly grown accustomed to the benefits that accrue to the world’s leading power. But billions of others also have a stake in America’s success. For all of its faults, the United States has been a fairly benevolent hegemon. While far from perfect, it has gone to extraordinary lengths to provide security, promote economic development, and nurture democracy and human rights. The world is certainly safer, richer, and more free today than it was before the dawn of the American era.

There is little reason to believe that Russia and China will be as kind. These autocratic powers long to establish spheres of influence in their near abroad and they have shown little concern for the sovereignty or personal freedoms of their own citizens or subjected populations. If readers doubt these claims, they can simply ask citizens of American allies in Eastern Europe or East Asia whether they desire continued American leadership, or whether they would prefer to live under the thumb of Moscow and Beijing, respectively.

Even more consequentially for the globe, however, the decline of the United States could very well result in **a major war**. As noted above, international relations theory maintains that the decline of one dominant power and the rise of another often results in great power war.23 According to this telling, World War I and World War II were primarily the result of the decline of the British empire and the rise of Imperial and then Nazi Germany as a major competitor on the European continent. Falling powers fight preventive wars in a bid to remain on top and rising powers launch conflicts to dislodge the reigning power and claim their “place in the sun.”24 Many fear that a power transition between Beijing and Washington would produce a similar catastrophic result.25 Continued American leadership, therefore, could forestall this transition and may be a necessary condition for continued world peace and stability among the great powers.

#### [A]---It severs---they fail to recognize that legal structures mean *antitrust is the market system*---corporate control does not exist sans antitrust, and neoliberalism will continue so long as antitrust defines the outer edge of governmental authority to be where corporate sovereignty begins

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Sandeep Vaheesan, “The Profound Nonsense of Consumer Welfare Antitrust,” The Antitrust Bulletin, 2019, https://journals.sagepub.com/doi/pdf/10.1177/0003603X19875036

Consumer welfare antitrust is built on three profound falsehoods. First, it is based on false history. Congress, in enacting the primary antitrust statutes, had broader aims than protecting “consumer welfare.” Second, it is based on a false conception of the market. The state constructs and structures the market through legal rules: The market is not a force of nature as the law and economics ideology underpinning antitrust presumes. Third, it is based on false economics. Extensive empirical research has shown, for example, that mergers do not promote consumer welfare and that predatory pricing is real. Despite this evidence, the federal antitrust agencies and courts continue to evaluate mergers and predatory pricing claims relying on simplistic toy models of the world.

These myths have freed corporations from antitrust rules and supercharged their power over the economy, politics, and society. First, antitrust enforcers and federal judges have rewritten legislative intent to focus exclusively on one manifestation of corporate power and downplay or outright ignore other aspects of it. Second, they have naturalized corporate prerogatives and omitted their foundation in law and policy. Third, they have developed and disseminated theories that depict the enhancement and exercise of corporate power as generally beneficial to consumers. Jointly, the three myths function as a potent punch for entrenching corporate privilege.

The present state of antitrust demands fundamental reconstruction. A project to strengthen antitrust rules based on empirical economics is worthwhile but wholly inadequate. It would not address the other foundational nonsense on which contemporary antitrust is based. A coherent antitrust requires deeper change and will be built on law and realism, not myths. Going forward, antitrust should be true to congressional intent, acknowledge the legal and political construction of the market, and informed by real-world evidence. Current-day antitrust is built on a bed of nonsense—false history, false concepts, and false economics—that have been useful to powerful corporate interests and deeply damaging for everyone else.

#### And, established firms use expanded antitrust liability to stall competitive threats

Dorsey et al., Associate at Wilson Sonsini Goodrich, ‘18

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Institute, Scalia Law School at George Mason University, Former FTC Commissioner, “Hipster Antitrust Meets Public Choice Economics: The Consumer Welfare Standard, Rule of Law, and Rent Seeking,” CPI Antitrust Chronicle, April)

Additionally, the incredibly costly nature of antitrust proceedings exacerbates its vulnerability to rent seeking.39 Antitrust cases and investigations can drag on for years, entail the collecting, processing, and production of millions of documents, and involve tremendous attorneys’ fees. Remedies (or consent terms) can be invasive, last for years, and impair a defendant’s ability to adapt to changing circumstances and thus to remain competitively viable. Looming in the background is the possibility of trebled damages at the end of the day. Consider that an unhappy competitor could embroil a rival in an antitrust quagmire via its own litigation, or by complaining to a government agency and potentially triggering an investigation, that would divert significant amounts of that rival’s resources for years — thereby crippling a rival and diminishing the amount of competition it faces. With so much at stake, conditions are ripe for actors to engage in just such rent-seeking activities in an attempt to appropriate some of this vast wealth for themselves. The empirical evidence and historical record of antitrust actions — particularly during the era when antitrust was explicitly governed by a vague, multi-faceted standard — provide ample support for public choice theory and the economic theory of regulation, while tending to reject the public interest account of regulatory behavior.40

Finally, given this reality, what can be done to mitigate rent seeking? Public choice economics instructs that rent seeking opportunities are diminished when agencies have less discretion (e.g. when rules are clearer) and when another body (e.g. the public, a court, Congress) can more easily hold them accountable for their actions — factors that tend to go hand-in-hand.41 The rule of law thus diminishes incentives for rent seeking and corruption. When these constraining factors are in place, agencies have lowered ability to depart from what is required of them or to otherwise manipulate outcomes to respond to rent-seeking incentives. As such, what antitrust enforcement craves is a clear, well-established standard by which the public and the courts can evaluate agency decisions and identify and correct any deviations that undermine consumer outcomes.

#### That turns case---the lawyers, economists, and judges necessary to execute the vision of the aff will inevitably warp the plan to instead further corporate domination over society---courts will come up with innumerable legal tests and hurdles that make practical applications impossible

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Sandeep Vaheesan, “Accommodating Capital and Policing Labor: Antitrust in the Two Gilded Ages,” Maryland Law Review, 2019, https://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=3832&context=mlr

Breaking with the mid-twentieth century approach to antitrust, the federal courts and antitrust enforcers, since the late 1970s, have once again interpreted—indeed reinterpreted—antitrust law to expand the autonomy of big capital and restrict the freedom of workers. The executive branch and judiciary have minimized concerns about the power of corporations. They have replaced congressional (and once-judicially validated) economic and political objectives with an “efficiency” or “consumer welfare” goal. In the area of mergers, the Court has taken a generally hands-off approach, meaning that the federal antitrust agencies have become the principal policymakers and used their power to handicap their own ability to stop mergers. 21 Except for horizontal mergers in highly concentrated markets that threaten to leave a market with four or fewer players, the DOJ and the Federal Trade Commission (“FTC”) today generally do not stop or even remedy most horizontal mergers.22 This lax approach to mergers has yielded multiple waves of consolidation across the economy and contributed to a highly concentrated industrial structure. Along with the agencies’ permissive approach to mergers, the Supreme Court has narrowed the scope of anti-monopoly law and restricted the ability of plaintiffs to challenge predatory pricing and refusals to deal.24 The federal antitrust agencies have done little to resist this doctrinal retrenchment and have not brought a significant anti-monopoly case arguably since the lawsuit against Microsoft in 1998.25

This general deference toward large businesses has been paired with vigilance toward collective action by labor. The federal antitrust agencies, especially the FTC, repeatedly challenged union-like organization by workers and professionals. The FTC also consistently called on states to scale back occupational licensing rules that can help consumers and workers. With this pro-capital, anti-labor orientation, the antitrust laws in the new Gilded Age resemble antitrust in the original Gilded Age.26 Laws intended to challenge the privileges of monopoly and preserve space for workers to organize are once again being used to preserve the existing power structure and under- mine attempts by labor to strike a more equitable bargain with capital.27

Through congressional, executive, and judicial action, the antitrust laws can be reinterpreted to honor their original legislative intent and to create a more just and equitable society. This reinterpretation and revival of antitrust law would neither be easy nor be immediate. It would require new legislation and a radical change in personnel both at the federal antitrust agencies and on the federal bench and the erasure of decades of accumulated pro-monopoly and pro-oligopoly precedent. Yet, the conservative coup against the historical understanding of the antitrust laws beginning in the 1970s28 reveals the malleability of these statutes. At a minimum, the antitrust agencies and courts should reorient the antitrust laws to advance the congressional intent expressed in the Sherman, Clayton, and FTC Acts. The Congresses that passed these statutes sought to limit the power of large-scale capital over consumers and producers, competitors, and citizens and, at the same time, were near-unanimous in stating that these laws should not interfere with the joint action of workers. The federal antitrust agencies and the courts should rediscover these legislative histories. In this current era of deep economic and political inequality, the policy objectives expressed by Congress in 1890 and 1914 remain as important as ever to ordinary Americans. Persisting with the current antitrust paradigm would only uphold an unjust and increasingly unpopular status quo.

#### [A]---Pedagogy---debate is an educational space where flawed assumptions should be rigorously tested on all accounts---failing to question the ideologies and assumptions that shape our antitrust doctrine makes market concentration inevitable and effective antitrust enforcement impossible

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Lina Khan, “The Ideological Roots of America's Market Power Problem,” The Yale Law Journal Forum, 6/4/18, https://heinonline.org/HOL/Page?collection=journals&handle=hein.journals/yljfor127&id=962&men\_tab=srchresults

As public recognition of this problem grows, increased attention is focusing on antitrust law. Politicians, advocacy groups, academics, and journalists have all questioned whether the failure of antitrust is to blame for declining competition, and whether the law must be reformed in order to tackle the monopoly problems of the twenty-first-century. For example, members of the House of Representative recently created an Antitrust Caucus, a forum for Congress to study and address monopoly issues. Democrats, meanwhile, last year identified renewed antitrust as a key pillar of their economic agenda, promising to "revisit our antitrust laws to ensure that the economic freedom of all Americans - consumers, workers, and small businesses - come before big corporations that are getting even bigger."' The interest is bipartisan: a Republican Attorney General, for example, is leading an antitrust investigation into Google, explaining, "We need to have a conversation in Missouri, and as a country, about the concentration of economic power." In recent months, The American Prospect, The Nation, and The New York Times Magazine have all devoted stories to America's monopoly problem." No longer the exclusive purview of a small group of lawyers and economists, antitrust is going mainstream.

The Yale Law journal's recent series on the future of antitrust, "Unlocking Antitrust Enforcement," offers potential solutions to our market power problem. Generally, the authors seek to map out paths for stronger enforcement under current law. They do so by identifying (1) areas where cases could fix past judicial errors;12 (2) areas where enforcers have not brought cases that they could;" and (3) areas requiring enforcers to recognize traditional harms in new settings.14

The commentary offered by many of these Features is timely and valuable. What is missing from these pieces, however, is any discussion of what philosophy should guide antitrust law and its enforcement. Some of the authors explicitly ratify the current "consumer welfare" approach, which holds that out- put maximization is the proper goal of antitrust." Others do not address the topic directly, but nonetheless offer recommendations embedded in the current frame.16 And for others, perhaps, this question falls beyond the scope of the project: because the goal is to identify opportunities for more enforcement under the current regime, debating the guiding framework of the law is to them merely academic.

But neglecting this question is misguided. The sweeping market power problem we confront today is a result of the current antitrust framework. The enfeebled state of antitrust enforcement traces directly to an intellectual movement that fundamentally rewrote antitrust law - redefining its purpose, its orientation, and the values that underlie it. Addressing the full scope of the market power problem requires grappling with the fact that the core of antitrust has been warped. To be sure, many of the ideas the Features authors introduce are worth pursuing. But they pick at the symptoms of an ideology rather than the ideology itself.

Engaging the issue, by contrast, will go to the heart of why the current regime is crippled, enabling us to tackle the underlying theories and assumptions that have defanged antitrust. It will help ensure that calls for reinvigorated enforcement are not misdirected or exploited, and help ensure that doctrine develops to promote - and not undercut- the proper values of antitrust. Doing so is also likely to reveal or illuminate additional areas of unused authority, underused doctrine, or contestable areas of both.

Moreover, politicians and public figures are debating the framework head-on: a Senate hearing last December asked whether "consumer welfare" is the right standard," while a cable TV host in January said our current approach to antitrust undermines key freedoms." Strikingly, critiques of the current philosophy have come from The American Conservative and The Nation alike." Ignoring the broader conversation risks reinforcing the latent sense that antitrust experts are blind to the society-wide impacts of their profession and dismissive - or even unwelcoming - of the public's interest.20

This Response explains why addressing America's market power problem requires recognizing its ideological roots. Part I describes the Chicago School's interventions in antitrust. Part II explains how this ideological intervention bears on enforcement. Part III considers how the recommendations offered in the Col- lection are useful but will likely prove inadequate to address the scope of the problem, and Part IV offers some concluding thoughts.

#### [C]---Impacts are incommensurable---neoliberal discourse acts shields elites from political consequences of their acts---examining how the aff reproduces that ideology is the only logical basis of engagement

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Matt Guardino, “Neoliberal populism as hegemony: a historical-ideological analysis of US economic policy discourse,” *Critical Discourse Studies*, 28 February 2018, [http://sci-hub.tw/https://www.tandfonline.com/doi/full/10.1080/17405904.2018.1442361](http://sci-hub.tw/https:/www.tandfonline.com/doi/full/10.1080/17405904.2018.1442361)

Concrete neoliberal tax, regulatory and social welfare policies in the USA have promoted and supported corporate prerogatives, economic inequality and, ultimately, capitalist class power (Harvey, 2005).While these policies have withdrawn or constrained the state in some contexts, and enabled and empowered the state in others, they have been publicly promoted and justified through a discursive formation generally emphasizing market individualism, personal freedom and self-interest. This distinction between policy and discursive dimensions is crucial. The neoliberal discursive formation, even in the limited US national context, is multifaceted and operates differently on different levels. Still, this formation in all its particular modes operates ideologically, in that it selectively depicts (thus, mystifies) complex policies that do not reduce to a straightforward withdrawal of the state from the market. While neoliberalism in policy and practice is not synonymous with the free market, public political actors have often justified neoliberal policies by associating them with the ‘free market.’ My central focus is a particular dimension of the neoliberal discursive formation, neoliberal populism, that has been positioned to accomplish this ideological work by cultivating consent for neoliberal policies among broad US public constituencies. Thus, neoliberalism is ‘a deeply political phenomenon’ (Venugopal, 2015, p. 174), but its political character is ideologically deflected through its discourses, including the discourse of neoliberal populism.

While it projects a stridently anti-statist and individualist public discourse, neoliberalism in practice has reserved a significant role for government coercion on behalf of corporate prerogatives and market norms that support those prerogatives. My textual analysis of Reaganite neoliberal populism tracks Peck and Tickell’s (2002) conceptualization of neoliberal policy, in which the early phase focused on a ‘rolling back’ of the state as a market regulator and social service provider, while the second phase (from the early 1990s) saw the state ‘rolled out’ to take a more explicit and active part in enforcing business imperatives. Still, because the neoliberal political-economic project in the United States has never been defined by a simple retreat of the state, I argue that the shift from ‘rolling back’ to ‘rolling out’ in the US context has marked a change in emphasis and degree, rather than a fundamental qualitative shift.

The intellectual and ideological rationale for many neoliberal policies holds strong affinities with the laissez-faire philosophy of the Republican Party from the Civil War through the 1920s. Consequently, the neoliberal project was first and more fully embraced by that party, although by the 1990s major Democratic Party figures had entered its orbit (Harvey, 2005, p. 51). At the same time, despite clear differences vis-à-vis the role of the state between neoliberal policy, on the one hand, and eighteenth-/nineteenth-century liberalism, on the other, neoliberal public discourse draws key elements from this classical liberalism associated with the American founding, whose notions of negative liberty, personal independence and suspicion of central government have long been reflected in political culture.

In the US tradition, populism may be broadly defined as an elevation of ‘ordinary people’ in opposition to oppressive political-economic elites. Populism historically has taken a wide variety of ideological forms in the United States, often with distinct or contradictory political programs (Grattan, 2016; Kazin, 1995). Populism as manifested in the USA and elsewhere has been conceived as a strategy of political mobilization, a style of leadership, a mode of governance, a series of substantive political movements, and much else (Grattan, 2016, pp. 8–9). My concern is with populism as a public discursive formation whose elements have been selectively appropriated to ideologically justify the neoliberal political-economic project.

Populist discourse entails several interrelated themes that transcend the ideological and political distinctions that have characterized US populism in its other historical manifestations (Kazin, 1995). These themes include elites vs. ordinary people, opposition to centralized authority, opposition to unfair economic arrangements, anti-intellectualism and appeals to tradition (Brewer, 2016, emphasis added). Such constructs are available to be ideologically adapted not only because they are culturally resonant, but because they are fluid, generalized and abstract. I argue that elements of this historically multivalent and multivocal populist discourse have been connected to elements of neoliberal discourse to publicly legitimize particular economic and social welfare policies.

Populism’s complex historical roots may be traced from the American Revolution through Jacksonian Democracy (Kazin, 1995, pp. 16–21), to late-nineteenth-/early-twentieth-century left-leaning agrarian/worker movements (Grattan, 2016, 47–90; Postel, 2007), to the 1960s and 1970s presidential campaigns of George Wallace (Kazin, 1995, pp. 221– 242). Even culturally exclusive and socially authoritarian variants of this tradition have often endorsed downwardly redistributive (and, sometimes, anti-corporate) economic policies. Moreover, when populism as a political movement or policy program has found a home in the US two-party system, historically it has been embraced by Democrats as much as by Republicans (Grattan, 2016, pp. 49–90).

These differing historical roots and political commitments reflect apparent ideological tensions between the embrace of national community and a collective ethos grounded in a moralized, emotionally laden construction of ‘ordinary Americans’ in populist discourse, on the one hand, and the valourization of ‘rational’ contractual relations between individual market actors, and defense of limited government in support of private property rights in neoliberal discourse, on the other. Populism and neoliberalism, then, would seem unlikely to merge into a new, culturally plausible and politically effective discourse. I argue, however, that neoliberal policy owes much of its striking political success in the USA precisely to its discursive ‘trans-coding’ (Hall, 2011, p. 711) with a form of right-leaning populism.

This trans-coding occurs through the distinctive answers neoliberal-populist discourse supplies to the two central questions posed in any form of populist politics: ‘Who are the people? And how should the people enact their power in politics?’ (Grattan, 2016, p. 10). Neoliberal-populist discourse constructs ‘the people’ as those who follow ‘traditional’ and ‘American’ norms and practices (including key market-centric norms and practices), and who demand ‘traditional’ and ‘American’ economic policies which are ideologically signified as laissez-faire. Defying conventional distinctions of economic class, these ‘people’ encompass anyone deemed ‘productive’ in the market, a category which is further associated with private, for-profit sector workers from the lowest to the highest levels of income and wealth. In neoliberal populism the people are constructed as enacting their politics primarily through conventional vehicles of representative democracy, including voting, public opinion polls and direct, individualized contacts with elected leaders. Indeed, these two elements of neoliberal-populist discourse are nearly tautological: Promoting the ‘free market’ is, by definition, following the popular will, but in order for that will to be authentically popular, it must constitute identities, affinities and behaviors consistent with market individualism.

As such, neoliberal populism constitutes an instance of ‘interdiscursivity’ (Fairclough, 2015, p. 38), where discourses with largely independent and sometimes antagonistic sources combine in novel ways to create a culturally resonant and ideologically potent fusion. Just as neoliberal discourse itself was produced by trans-coding semantic components of eighteenth-/nineteenth-century liberalism with other elements (Hall, 2011, p. 711), neoliberal-populist discourse is a trans-coding of neoliberal and populist elements, each with distinctive roots in political culture. Thus, neoliberal-populist discourse is a particular reflection of neoliberalism’s remarkable ‘intersections with extant cultures and political traditions, and … convergences with and uptakes of other discourses and developments.’ (Brown, 2015, p. 21).

Indeed, discursive fragments open to assimilation by neoliberal-populist discourse are evident in US political culture stretching back two centuries or more. Both eighteenth-/ nineteenth-century classical liberalism (Hartz, 1955), on the one hand, and the populist appeals of Jeffersonian and Jacksonian democracy, and the late nineteenth-/early twentieth-century People’s Party (Kazin, 1995, pp. 17–46), on the other, contribute discursive material that was later reformulated to support the neoliberal political-economic project. However, it was in the late 1970s and early 1980s that neoliberal populism cohered as a distinctive US political discourse. It was largely through neoliberal-populist discourse that neoliberal policies and their underlying power relations found a means of ideological legitimation that could forge the measure of public political consent necessary to support themselves. While neoliberal populism has been stronger on the right side of the political spectrum, it is also a major element in the language and imagery of the elites who have led the Democratic Party in recent decades. This is seen, for example, in President Bill Clinton’s (1996) triumphal claim that ‘the era of big government is over,’ and President Barack Obama’s (2012) skepticism of the state and defense of his education and health care policies emphasizing ‘competition’ and the ‘private market.’ Thus, neoliberal populism has constituted a discursive currency broadly deployed across the US elite.

Previous work on connections between neoliberalism and populism has primarily focused on non-US settings, and has not conceptualized neoliberal populism as a distinctive public political discourse (Bozkurt, 2013; Weyland, 2003). The little work that has analysed neoliberal populism in US political culture has been highly abstract (Konings, 2012). In contrast, I understand neoliberal populism in the United States as a materially embedded discourse that works at the micro level to mediate and construct ways of seeing the world that support political-economic power relations. Hall (1985b) identified ‘authoritarian populism’ as an ideologically laden discourse that has played an important role in the neoliberal political project (see also Hall, 2011, pp. 714–715). Similarly, political economists have focused on broad contradictions and tensions between the neoliberal regime’s ideological discourse of ‘freedom’ and its authoritarian governance mechanisms (Bruff, 2014; Harvey, 2005, pp. 66–67, 79–80). I build on this work to conceive neoliberal populism as a particular public discourse in itself that has associated neoliberal policies with images of democracy. This discourse provides a key to the historical roots of the current political-economic conjuncture, as it has been an important means through which the material implications of the neoliberal project in the USA are obscured**.**

Neoliberal-populist discourse: concepts, method, texts

Neo-Gramscian concepts provide a flexible and nuanced framework through which to understand the interaction of discourse and power in the neoliberal political-economic project. The discursive dimension of hegemony comprises the production and circulation of cultural material that facilitates (though never guarantees) public consent by constructing power relations as natural, normal, inevitable and/or universally beneficial. The specific elements of any ideologically and politically effective hegemonic discourse, however, must be connected (or articulated) with each other, and to concrete political projects, as well as circulated widely in cultural forms that resonate with central elements of prevailing belief, or popular common sense (Gramsci, [1973] 2005; Hall, 1988). Hegemony encourages popular consent for political projects through which power and resources accrue to a minority of elites. These elites, however, lead coalitions whose lesser members receive real (if limited, vulnerable and often short-term) benefits to secure their active or passive acceptance of conditions that obstruct more equal and humane social relations. Because it recognizes these tensions and unevenness in relations of domination, a neo-Gramscian analysis avoids simplistically defining the concept of neoliberalism as ‘loose shorthand for a prevailing dystopian zeitgeist’ (Venugopal, 2015, p. 168), an ‘all-purpose denunciatory category’ (Flew, 2014, p. 51), or a ‘synonym for “evil.”’ (Ferguson, 2010, p. 174) While the benefits and harms of neoliberal policies are unequally parceled among fractions of its hegemonic coalition, the neoliberal-populist discourse that supports them shrouds those complexities by depicting such policies as in the best interest of all.

Because hegemonic processes are contingent and open-ended, they must be grasped through ‘concrete practical analysis of ideological formations within cultures.’ (Turner, 2003, p. 181; see also Gramsci, 1985, pp. 388–389) My concrete practical analysis of neoliberal-populist discourse relies on the method of critical semiotics, which defines discourse as a system of signs whose connotations emerge in reference to cultural fragments of common sense that take on historical associations with social power relations (Barthes, 1957/1972). Hegemonic meanings emerge through signification. Signification produces signs by connecting signifiers (e.g. concrete words) to signifieds, or concepts drawn from common sense. Because there is no logically or historically fixed, one-to-one correspondence between signifier and signified, signification is linguistically, culturally and politically produced. Signs are cognitively and affectively linked with each other, and with particular materially embedded social groups and political projects, through articulation (Hall, 1985a). Signification and articulation are hegemonic when these processes support power relations that maintain or intensify inequality and exploitation, which often (though not always) occurs through political discourse produced by dominant groups. Thus, critical semiotics entails explicating how: (1) particular signifiers in discourse connotatively connect with particular signifieds in common sense, (2) the signs thereby produced are articulated with each other, and (3) such signs are further articulated with particular political actions/power relations in particular socio-historical contexts. My textual analysis focuses on how those connections between specific fragments of abstract cultural meaning and the concrete policies of early Reaganism have been ideologically forged.

In neo-Gramscian semiotic analysis, the identification of relations between discourse and unequal or undemocratic power relations is central to empirical description and explanation: Normative evaluation occurs through an analytic process grounded in reason and evidence, while that process by definition focuses on critiquing power dynamics that impede emancipatory social relations. Consequently, in mapping neoliberal-populist signifying processes at their emergence, I seek to inform contemporary discursive struggles against the neoliberal project. While counter-hegemonic efforts must be embedded in contemporary political-economic, social and cultural conditions, clarifying neoliberal populism’s initial semiotic architecture can provide a foundation for understanding how it might be undermined today. Analytical critique is a necessary – though not a sufficient – move in the broader processes by which dominant discourses can be politically contested. Explaining how new discourses might effectively undermine neoliberal-populist ideological claims is outside the scope of this article. However, producing any alternative discourse that can advance an effective politics in support of greater equality and democracy requires critical understanding of the historical-ideological contours of the discourse it seeks to challenge.

**Bank collapse is unique---triggers the cessation of modern life and total economic collapse---no possibility for an ’08 recovery**

**Partnoy 20** – Law professor at UC Berkeley, international research fellow at Oxford University, member of the Financial Economists Roundtable

Frank Partnoy, "Will the Banks Collapse?," The Atlantic, July/August 2020, https://www.theatlantic.com/magazine/archive/2020/07/coronavirus-banks-collapse/612247/

You can perhaps guess much of the rest: At some point, rumors will circulate that one major bank is near collapse. Overnight lending, which keeps the American economy running, will **seize up**. The Federal Reserve will try to arrange a bank bailout. All of that happened last time, too.

But this time, the bailout proposal will likely face **stiffer opposition**, from both parties. Since 2008, populists on the left and the right in American politics have grown suspicious of handouts to the big banks. Already irate that banks were inadequately punished for their malfeasance leading up to the last crash, critics will be outraged to learn that they so egregiously flouted the spirit of the post-2008 reforms. Some members of Congress will question whether the Federal Reserve has the authority to buy risky investments to prop up the financial sector, as it did in 2008. (Dodd-Frank limited the Fed’s ability to target specific companies, and precluded loans to failing or insolvent institutions.) Government officials will hold frantic meetings, but to no avail. The faltering bank **will fail, with others lined up behind it.**

And then, sometime in the next year, we will all stare into the **financial abyss**. At that point, we will be **well beyond the scope** of the previous recession, and we will have either **exhausted the remedies** that spared the system last time or found that they **won’t work this time** around. What then?

Until recently, at least, the U.S. was rightly focused on finding ways to emerge from the coronavirus pandemic that prioritize the health of American citizens. And economic health cannot be restored until people feel safe going about their daily business. But health risks and economic risks must be considered together. In calculating the risks of reopening the economy, we must understand the true costs of remaining closed. At some point, they will become more than the country can bear.

The financial sector isn’t like other sectors. If it fails, **fundamental aspects of modern life** could fail with it. We could lose the ability to get loans to buy a house or a car, or to pay for college. Without reliable credit, many Americans might struggle to pay for their daily needs. This is why, in 2008, then–Treasury Secretary Henry Paulson went so far as to get down on one knee to beg Nancy Pelosi for her help sparing the system. He understood the alternative.

#### Neolib can’t solve climate change – market manipulation and regulations have failed to make any progress

**Bigger and Dempsey 18** – lecturer in the critical geographies group at Lancaster University [Patrick Bigger]

ASSOCIATE PROFESSOR | ASSOCIATE HEAD OF UNDERGRADUATE PROGRAM at the University of British Columbia [Jessica Dempsey]

Patrick Bigger and Jessica Dempsey, “Reflecting on neoliberal natures: An exchange,” Environment and Planning E: Nature and Space, 2018, https://journals.sagepub.com/doi/10.1177/2514848618776864

The lack of action on climate change in this decade is one of the most illustrative and deeply troubling trends. In the past decade, we have witnessed a series of failed, or close to failed United Nations Framework Convention on Climate Change (UNFCCC) negotiations – with the most spectacular being Conference of Parties (COP) 15 in Copenhagen, which crushed many climate activists’ hopes. Along with disappointing supranational agreements, in this decade, we decisively moved from climate change models to climate change impacts. Heat waves (Christidis et al., 2015), forest fires (Abatzoglou and Williams, 2016), aquatic mass die-offs (Hughes et al., 2017): all of it is happening. The decade saw a slew of socio-natural catastrophes, particularly super storms that impact the poor and racialized more than anyone else, from Houston to the Philippines, which experienced 5 of its 10 most deadly typhoons since 2006. Such superstorms can now, at least in part, be attributed to anthropogenic greenhouse gas (GHG) emissions (Harvey, 2018). One of the bright spots in the last decade has been the concerted effort to mainstream climate change as a moral, ethical and/or justice issue, demonstrated perhaps best by the divestment movement’s tagline: if it is wrong to wreck the climate, it is wrong to profit from it.

But even if climate change is increasingly understood in term of injustices along raced and classed lines, the outrageous, take-your-breath-away fact is that world oil production between 2006 and 2016 increased by 11%, and even more tellingly, world proven oil reserves grew by a third over the same time period (BP, 2017). Governments have been loath to impose meaningful restrictions on production, despite knowing that the vast majority of this newly exploitable oil must be kept in the ground. Instead, most states have preferred to dabble with regulations on the consumption side through mechanisms like automobile fuel efficiency standards, while trusting capital markets to regulate hydrocarbon producers through stock valuation. These valuations, according to (neo)liberal orthodoxy, should govern future capacities to extract those fuels, but stable share prices suggest capital markets foresee no impending slowdown in extraction. As Christophers (2017) demonstrates, this is emblematic of neoliberal governance strategies that rely on data disclosure and rational financial actors to achieve desired outcomes; the same logic that defines financial (self)regulation drives hydrocarbon (self)regulation. Yet when it comes to huge and necessary GHG emissions reductions, such strategies have yet to deliver, a point made over and over by critics of mechanisms ranging from disclosure to emissions markets (Carton, 2014; Kama, 2014; Klein, 2015). Zombie climate neoliberalism lurches along, with little sign of the necessary brain-crushing blow to the head (Lane and Stefan, 2014). The gap between an emphasis on disclosure of climate risks in capital markets and the felt effects of climate change on the bodies of poor people of color is appalling.

In many ways, the decade of inaction reflects the sine qua non of neoliberal natures – the shift from government to governance, or the re-placing of critical regulatory functions from the state to non/quasi-state actors, driven by policy failures (a la Copenhagen) and also by ideologies that privilege the efficiency and rationality of markets often coupled with a mistrust or outright disdain for direct state regulations. Yet, the deadlock in the governmental sphere is also yielding innovations through the typical power structures of the state, namely the courts. There are a spate of climate justice-like cases that look to make fossil fuel firms and governments accountable for knowingly causing harm from New York to India,3 reflecting the discursive shift to understanding climate change in the terms of uneven costs and benefits that can be tried in court. However, such cases flow against the grain, as governance strategies for actual mitigation of environmental issues tend not only toward self-regulation, but also by actively facilitating new financial incursions into non- human natures.

**That causes extinction**

Schultz 16

Robert A. Schultz, retired Professor and Chair of Computer Information Systems at Woodbury University, 2016, “Modern Technology and Human Extinction,” <http://proceedings.informingscience.org/InSITE2016/InSITE16p131-145Schultz2307.pdf>

There is **consensus** that there is a relatively **short window** to reduce carbon emissions **before drastic effects occur**. **Recent credible projections** of the result of **lack** of rapid drastic action is an average temperature increase of about **10o F by 2050**. This change alone will be **incredibly disruptive to all life**, but will also cause great weather and climate change. For comparison purposes, a 10 degree (Fahrenheit) decrease was enough to cause an ice layer 4000 feet thick over Wisconsin (Co2gether, 2012). Recently relevant information has surfaced about a massive previous extinction. This is the Permian extinction, which happened 252 million years ago, during which 95% of all species on earth, both terrestrial and aquatic, vanished. The ocean temperature after almost all life had disappeared was 15 degrees (Fahrenheit) above current ocean temperatures. Recent information about the **Permian extinction** indicates it was caused by a rapid increase in land and ocean temperatures, caused by the sudden appearance of stupendous amounts of carbon in the form of greenhouse gases (Kolbert, 2014, pp. 102-144). The origin of the carbon in these enormous quantities is not yet known, but one possibility is the **sudden release** of methane gases stored in permafrost. This is also a possibility in our current situation. If so, **extinction would be a natural side effect of human processes**. There is also a real but smaller possibility of what is called “**runaway greenhouse**,” in which the earth’s temperature becomes like Venus’ surface temperature of **800 degrees**. The threat of **extinction** here is not entirely sudden. The threat is, if anything, worse. Changes in the atmosphere--mainly increases in the concentration of greenhouse gases in the atmosphere-- can **start processes that can’t be reversed** but which take long periods of time to **manifest**. “Runaway greenhouse” may be the worst. Once again, suggestions of **technological solutions** to this situation should be treated with some skepticism. These proposals are often made by technophiles ignoring all the evidence that technology is very much subject to unanticipated side effects and **unanticipated failures**. What has happened concerning the depletion of the ozone layer should be a clear warning against the facile uses of technology through geoengineering to alter the makeup of the entire planet and its atmosphere. The complicating factor in assessing extinction likelihood from climate change is corporations, especially American fossil fuel corporations such as Exxon-Mobil and Shell. Through their contributions, they have been able to **delay legislation ameliorating** global warming and **climate change**. As mentioned before, recently released papers from Exxon-Mobil show that the corporation did accept the scientific findings about global warming and climate change. But they concluded that maintaining their profits was more important than acting to ameliorate climate change. Since it is not a matter of getting corporations to appreciate scientific facts, **the** **chances of extinction from climate change are good**. To ameliorate climate change, it is important to leave a high percentage of fossil fuel reserves in the ground. But this is exactly what a profit-seeking fossil fuel corporation **cannot do**. One can still hope that because fossil fuel corporations are made up of individuals, increasingly bad consequences of global warming and climate change will change their minds about profits. But because of the lag in effects, this mind change will probably be too late. So I conclude we will probably see something like the effects of the Permian extinction perhaps some time **around 2050**. (The Permian extinction was 95% extinction of all species.) This assumes the release of methane from the arctic will take place around then.

#### Private markets fail at developing AI---government action like the alt is key

Arnold 20 – Zachary Arnold is a research fellow at Georgetown University’s [Center for Security and Emerging Technology.](https://cset.georgetown.edu/)Zachary Arnold, September 29 2020, “[What investment trends reveal about the global AI landscape](https://www.brookings.edu/techstream/what-investment-trends-reveal-about-the-global-ai-landscape/),” Brookings, https://www.brookings.edu/techstream/what-investment-trends-reveal-about-the-global-ai-landscape/

When it comes to specific applications, we found that most AI companies are focused on transportation, business services, or general-purpose applications. There are some differences across borders: Compared to the rest of the world, investment into Chinese AI companies is concentrated in transportation, security and biometric**s** (including facial recognition), and arts and leisure, while in the United States and other countries, companies focused on business uses, general-purpose applications, and medicine and life sciences attract more capital.

Across all countries, though, relatively few private-market investments seem to be flowing to companies that focus squarely on military and government AI applications. Even the related category of security and biometrics is relatively small, though materially larger in China. Governments can and do adapt commercial AI tools for their own purposes, but for the time being, relatively few AI startups seem to be working and raising funds with public-sector clients in mind, especially outside China.

#### A strong administrative state spurs innovative solutions to global issues

**Mazzucato 21** – Professor in the Economics of Innovation and Public Value at University College London (UCL), where she is Founding Director of the UCL Institute for Innovation & Public Purpose (IIPP)

Mariana Mazzucato, “MISSION ECONOMY: A Moonshot Guide to Changing Capitalism,” Penguin Publisher, 1/28/21, https://www.penguin.co.uk/books/315/315191/mission-economy/9780241419731.html

This book encourages us to apply the same level of boldness and experimentation to the biggest problems of our time – from health challenges such as pandemics, to environmental challenges such as global warming, to educational challenges such as the divide in opportunity and achievement between students partly caused by unequal access to digital technology. These ‘wicked’ problems require not just technological, but also social, organizational and political innovations. They are huge, complex and resistant to simple solutions. We must solve them – not merely accommodate them – by focusing policymaking on outcomes. And this means getting the public and private sectors to truly collaborate on investing in solutions, having a long-run view, and governing the process to make sure it is done in the public interest.

The moon landing was a massive exercise in problem- solving, with the public sector in the driving seat and working closely with companies – small, medium and large – on hundreds of individual problems. It required collaboration between government and many different sectors, from computing and electrical equipment to nutrition and materials. Government used its purchasing power to develop procurement contracts that were short, clear and massively ambitious. When the private sector sometimes failed to deliver, NASA threw back the challenge and did not pay until the solution was right. If successful, companies could grow through serving the new markets that government purchases opened up and scale up through a purpose-driven strategy.

What integrated all these efforts and gave them direction was that they were part of a mission – a mission led by government and achieved by many. Today, a ‘mission- oriented’ approach - partnerships between the public and private sectors aimed at solving key societal problems – is

desperately needed. Imagine, for example, using public- sector procurement policy to stimulate as much innovation as possible – social, organizational and technological – to solve problems as diverse as knife crime in cities or loneliness of the elderly at home.

Of course, lessons from the moon landing cannot just be cut and pasted onto any challenge. But they do highlight the need to resurrect ambition and vision in our everyday policymaking. This cannot just be about bold statements. We have to believe in the public sector and invest in its core capabilities, including the ability to interact with other value creators in society, and design contracts that work in the public interest. We must create more effective interfaces with innovations across the whole of society; rethink how policies are designed; change how intellectual property regimes are governed; and use R&D to distribute intelligence across academia, government, business and civil society. This means restoring public purpose in policies so that they are aimed at creating tangible benefits for citizens and setting goals that matter to people – driven by public-interest considerations rather than profit.5 It also means placing purpose at the core of corporate governance and considering the needs of all stakeholders, including workers and community institutions, as opposed to just shareholders (owners of stock in a company).

In this context, ‘moonshot’ thinking is about setting targets that are ambitious but also inspirational, able to catalyse innovation across multiple sectors and actors in the economy. It is about imagining a better future and organizing public and private investments to achieve that future. This, in the end, is what got a man on the moon and back.

But there is a catch.

Conventional wisdom continues to portray government as a clunky bureaucratic machine that cannot innovate: at best, its role is to fix, regulate, redistribute; it corrects markets when they go wrong. According to this view, civil servants are not as creative and risk-taking as the entrepreneurs of Silicon Valley, and government should simply level the playing field and then get out of the way – so the risk-takers in private business can play the game.

This book’s thesis is that we cannot move on from the key problems facing our economies until we abandon this narrow view. Mission thinking of the kind I outline here can help us restructure contemporary capitalism. The scale of the reinvention calls for a new narrative and new vocabulary for our political economy, using the idea of public purpose to guide policy and business activity.6 This requires ambition – making sure that the contracts, relationships and messaging result in a more sustainable and just society. And it requires a process that is as inclusive as possible, involving many value creators. Public purpose must lie at the centre of how wealth is created collectively to bring stronger alignment between value creation and value distribution. And the latter should not only be about redistribution (ex post) but also predistribution ex ante: a more symbiotic way for economic actors to relate, collaborate and share.

It is essential to link the micro properties of the system – such as how organizations are governed – to the macro patterns of the type of growth desired. By rethinking how the relationships between the public sector and private sector can be better governed around public purpose, we can create growth that is better balanced and resilient, with new capabilities and opportunities spread across the economy. But this means, at the start, replacing the fashionable, bland terminology of ‘partnership’ with clearer metrics as to what a symbiotic and mutualistic ecosystem looks like; that is, one in which risks and rewards are more equally shared. In our era, unfortunately, the relationship is often parasitic: public-health funding is structured so that publicly financed drugs are too expensive for citizens to buy.

I call this different way of doing things a mission-oriented approach. It means choosing directions for the economy and then putting the problems that need solving to get there at the centre of how we design our economic system. It means designing policies that catalyse investment, innovation and collaboration across a wide variety of actors in the economy, engaging both business and citizens. It means asking what kind of markets we want, rather than what problem in the market needs to be fixed. It means using instruments such as loans, grants and procurement to drive the most innovative solutions to tackle specific problems, whether those be getting plastic out of the ocean or narrowing the digital divide. The wrong question is: how much money is there and what can we do with it? The right question is: what needs doing and how can we structure budgets to meet those goals?

#### Market competition lowers incentives for innovation – dooms productivity growth

Klenow, Li and Naff 19 – Peter J. Klenow is a professor of economics at Stanford University and a visiting scholar in the Economic Research Department of the Federal Reserve Bank of San Francisco. [Huiyu Li](https://www.frbsf.org/economic-research/economists/huiyu-li/) is a senior economist in the Economic Research Department of the Federal Reserve Bank of San Francisco. Theodore Naff is a research specialist at the National Bureau of Economic Research.

Peter J. Klenow, Huizu Li, and Theodore Naff, November 4 2019, “Is Rising Concentration Hampering Productivity Growth?” Federal Reserve Bank of San Francisco, https://www.frbsf.org/economic-research/publications/economic-letter/2019/november/is-rising-concentration-hampering-productivity-growth/?

If the initial rise in concentration benefited productivity growth, why did productivity growth eventually slow down? Aghion et al. (2019) link IT expansion to the current low pace of growth in two steps: first, IT expansion increased competition, and second, increased competition eventually deterred innovation.

For the first link, Aghion et al. (2019) argue that firms choose to innovate and introduce new products when the potential profit exceeds the cost of innovation. As a result, the costs of maintaining an additional product or market affect the degree of competition because such costs are akin to innovation costs. High costs discourage firms from innovating to enter new markets and shield existing businesses from competition. When the IT revolution first hit, it reduced the costs of adding new products and encouraged firms to innovate. As large firms expanded, however, they became more and more likely to compete with each other. For example, as Walmart and Target added new locations, they eventually became closer neighbors and competed more directly with each other. Similarly, as Amazon, Apple, and Netflix expanded innovations in video streaming, they began to compete with each other.

This idea that rising concentration in the U.S. economy occurred together with increasing competition is consistent with the findings of Rossi-Hansberg, Sarte, and Trachter (2019). They found that, while large companies have gained shares of national sales, concentration within local markets has actually declined. To the extent that markets are local and firms primarily compete with neighboring firms, concentration measured at the local industry level may be a better proxy for competition than concentration at the national industry level.

However, why does more competition reduce long-run growth? The second leg of the Aghion et al. (2019) hypothesis is that an increase in competition among efficient firms may have lowered how much profit could be gained from further innovation. This, in turn, may have resulted in a slowdown of innovation activities and productivity growth. Indeed, using firm-level data from the Census Bureau, Autor et al. (2019) find the rise in concentration was accompanied by decreasing profit margins within firms.

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#### There’s a marked difference between prohibition, which requires ending something fully, and regulation, which allows activities to continue within the bounds of certain prescribed rules.

Hadley 1909 – Judge

Hiram E. Hadley, McPherson v. State, 174 Ind. 60, Supreme Court of Indiana, December 1909, LexisNexis

In the majority opinion it is conceded "that there is a marked difference" between unqualified prohibition of the sale of intoxicating liquors and the regulation of such sale. It is said in the opinion that "to regulate, restrict and control the sale implies that the sale shall go on within the bounds of certain prescribed rules, restrictions or limitations." Citing Sweet v. City of Wabash (1872), 41 Ind. 7; Duckwall v. City of New Albany (1865), 25 Ind. 283; Loeb v. City of Attica (1882), 82 Ind. 175, 42 Am. Rep. 494.

"Prohibition," states the majority opinion, "as applied to the liquor traffic, implies putting a stop to its sale as a beverage; to end it fully, completely and indefinitely. So, if the purpose of the act in question is to authorize the exercise of unqualified prohibitory power, as usually understood by the term, the act is void because its subject is not expressed in the title." The court might properly have further said [\*\*\*45] that if the act under its provisions is not one to regulate the sale of intoxicating liquors it is void, for the reason that it does not meet or respond to the subject as expressed in its title.

#### A prohibition implies the entire destruction of the subject-matter in question---that’s distinct from regulation that allow for continuance.

Ellison 1905 – Judge, Missouri Supreme Court

George Robb Ellison, State ex rel. Sheffel v. McCammon, 111 Mo. App. 626, Court of Appeals of Missouri, Kansas City, April 1905, LexisNexis

Under power conferred on cities of the fourth class "to regulate and to license" dramshops, there is no authority to wholly prohibit or suppress. Where [\*\*\*10] there is mere power in a municipality to regulate in a State with a general policy of conducting licensed saloons, authority to prohibit is excluded. "The difference between regulation and prohibition is clear and well marked. The former contemplates the continuance of the subject-matter in existence or in activity; the latter implies its entire destruction or cessation." Black on Intox. Liq., section 227; 17 Amer. & Eng. Ency. Law (2 Ed.), pp. 285, 286; 1 Dillon on Munic. Corp. (3 Ed.), section 357, note 2, section 363 and notes; Berry v. Cramer, 58 N.J.L. 278, 33 A. 201; Steffy v. Monroe City, 135 Ind. 466, 35 N.E. 121; Champer v. Greencastle, 138 Ind. 339, 35 N.E. 14; Ex parte Hinkle, 104 Mo. App. 104, 78 S.W. 317.

#### Affirmatives that allow the conduct they affect to continue to a certain extent or which subject that conduct to certain conditions are imposing restrictions, not prohibitions.

Groves 97 – Solicitor with Pritchard Englefield, the City law firm, specialising in intellectual property law

Peter Groves, Sourcebook on Intellectual Property Law, Google Books

Then I come to the word ‘restrict’. A person though not prohibited is restricted from using something if he is permitted to use it to a certain extent or subject to certain conditions but otherwise obliged not to use it, but I do not think that a person is properly said to be restricted from using something by a condition the effect of which is to offer him some inducement not to use it, or in some other way to influence his choice. To my mind, the more natural meaning here is restriction of the licensee’s right to use the article and I am fortified in that opinion by two considerations.

#### The term “prohibitions” is unambiguously applicable to bans.

Espa 17 – Senior Assistant Professor of International Economic Law at the Università della Svizzera italiana (USI), Senior Research Fellow at the World Trade Institute (WTI), Adjunct Professor at the Law Faculty of the Università Cattolica del Sacro Cuore

Ilaria Espa, “Climate, energy and trade in EU–China relations: synergy or conflict?,” China-EU Law Journal, Vol. 6, June 2017, https://link.springer.com/article/10.1007/s12689-017-0076-0

7 The term ‘prohibitions’ unambiguously applies to measures that impede exports outright (i.e. export bans). Hence, it has not created interpretative problems. Ibid., p. 170.

#### “Prohibitions” means restrictions on practices.

Emerson 90 – Assistant Professor of Business Law and Legal Studies, Graduate School of Business, University of Florida

Robert W. Emerson, “Franchising and the Collective Rights of Franchisees,” Vanderbilt Law Review & En Banc, Vol. 43, October 1990, LexisNexis

\*P The term "prohibitions" includes restrictions on practices. For explanations and examples of prohibitions or restrictions, see supra notes 27-28 and accompanying text.

#### “Prohibition” suggests specific actions disallowed by a formal governing authority.

Stevens 92 – United States Supreme Court Justice

John Paul Stevens, Cipollone v. Liggett Group, 505 U.S. 504, Supreme Court of the United States, June 1992, LexisNexis

Although the plurality flatly states that the phrase "no requirement or prohibition" "sweeps broadly" and "easily encompasses obligations that take the form of common-law rules," ante, 505 U.S. at 521, those words are in reality far from unambiguous and cannot be said clearly to evidence a congressional mandate to pre-empt state common-law damages actions. The dictionary definitions of these terms suggest, if anything, specific actions mandated or disallowed by a formal governing authority. See, e. g., Webster's Third New International Dictionary 1929 (1981) (defining "require" as "to ask for authoritatively or imperatively: claim by right and authority" and "to demand as necessary or essential (as on general principles or in order to comply with or satisfy some regulation)"); Black's Law Dictionary 1212 (6th ed. 1990) (defining "prohibition" as an "act or law prohibiting something"; an "interdiction").

## Adv 1

#### Adaptation makes agriculture resilient

* plants are being modified to be successful in droughts
* ocean and island crops are resilient to rising sea levels and salinity
* livestock resistant to diseases
* livestock prepared for droughts

FAOUN 19 [FAO COMMISSION ON GENETIC RESOURCES FOR FOOD AND AGRICULTURE @ UN, “THE STATE OF THE WORLD’s BIODIVERSITY FOR FOOD AND AGRICULTURE”, https://www.courthousenews.com/wp-content/uploads/2019/02/fao-report.pdf]

Maintaining, using and developing adapted genetic resources A number of countries note the significance of well-adapted species, varieties or breeds in terms of enhancing resilience to climate change. Several specific examples of how such components of BFA have been utilized in adaptation efforts are provided. For example, Papua New Guinea mentions the distribution to farmers of crop accessions identified in ex situ collections as being tolerant to salinity (taro and cassava varieties), drought (cassava, banana and aibika13 varieties) and flooding (taro and banana varieties). It notes that this activity proved very useful in sustaining food security during the drought that struck the country in 2015 and 2016,14 when 40 percent of the population was seriously affected. Panama reports that its criollo livestock breeds have a combination of characteristics that are not found in any introduced breeds, including high fertility rates, longevity, resistance to parasites and diseases and good grazing abilities, including the ability to make use of poor-quality pastures. It notes, in particular, the potential of two locally adapted cattle breeds, the Guaymi and the Guabal^, in climate change adaptation. It also mentions, among its climate change adaptation measures, the development of maize varieties and hybrids that are tolerant of drought and diplodia rot (a fungal disease) and that grow well in soils with low nitrogen levels. With regard to choices at species level, Sudan reports that some of its livestock keepers have replaced cattle and sheep with dromedaries and goats, as the latter species are better suited to a climate change-affected environment that is more prone to droughts.

Some countries note the significance of participatory breeding programmes in the context of climate change. For example, Oman mentions that local wheat and barley landraces have been improved through such programmes to obtain varieties that have shorter growing seasons and can be managed more flexibly, especially during years with prolonged periods of extreme heat and limited water availability. Ensuring farmers have access to the adapted germplasm they need is another issue highlighted. Nepal, for example, mentions the role of community-based seed banks in providing farmers with immediate access to locally adapted germplasm that can be used in efforts to cope with climate change.

## Adv 2

#### Their authors conflate threats

Clark, MA candidate – Intelligence Studies @ American Military University, senior analyst – Chenega Federal Systems, 4/28/’12 (Paul, “The Risk of Disruption or Destruction of Critical U.S. Infrastructure by an Offensive Cyber Attack,” American Military University)

This increased focus on cyber-security has led to concern that the perceived risk is greater than the actual risk, a situation that has resulted in an imbalance between security and privacy and civil liberties (American Civil Liberties Union 2012). In 1993 a Rand Corporation paper predicted that “cyberwar is coming” and twenty years later the prediction is the same and critics argue that cyber-war is “more hype than hazard” (Rid 2012). A review of high profile cyberattacks shows that, with the exception of Stuxnet and the limited Israeli disruption of Syrian air defense networks, most cyber-attacks are categorized as information theft, network compromise, or website defacement (Lewis 2012). Even the high profile threat of an “Electronic Pearl Harbor” (Bronk 2009), despite being repeated by senior government officials like U.S. Defense Secretary Leon Panetta (Rid 2012) , has been found to be only a slight possibility (Wilson 2005). There is no doubt that cyber-security is important. Businesses recognize this importance and spent more than $80 billion on computer network security in 2011 (Johnson 2012) and the federal government is expected to be spending $10.5 billion per year by 2015 (Brito and Watkins 2012). This response is appropriate when data shows that the vast majority of cyber-attacks are focused on espionage and the theft of intellectual property. It is not clear why senior government officials and corporate executives focus on high-impact low-probability events and engage in “alarmist rhetoric” (Brito and Watkins 2011) that skews the public perception of risk and creates an atmosphere of fear. The danger of an inappropriate response in reaction to an inflated threat and prevalence of misinformation is exemplified by the politicized intelligence that led to the invasion of Iraq in 2003 (Brito and Watkins 2011). Understanding how information on the risk posed by cyber-attacks is poorly communicated and the public reaction to an increased perception of risk – fear – is important in identifying when the perceived risk is greater than the actual risk; when risk is more hype than threat. Critics of current cyber-security policy believe that threats are being conflated; this results in a threat appearing larger than it is (Brito and Watkins 2012). In essence, a wide variety of cyber-activity – political and social activity, criminal activity for profit, espionage, and offensive cyber-attack – are treated as presenting the same level of threat. There is a wide divide between easily mounted and easily defended denial of service attacks on public websites and high-potential cyber-weapons capable of severely disrupting or destroying critical infrastructure (Rid and McBurney 2012). The rise of automated tools that allow for low-level cyber-attacks to be easily mounted has caused a significant increase in the number of cyber-attacks, a statistic often cited as proof of increased risk, but qualified cyber-security organizations have discarded the number of cyber-attacks as a metric and consider it to be meaningless as a method of assessing the scope and effects of cyber-attacks (Wilson 2005). Without differentiating between generic malicious software and highly specialized and targeted offensive cyber-attacks, the risk of cyber-attacks on critical infrastructure systems like the electrical grid cannot be properly assessed.